

**DECISION**  
**MINOR VARIANCE / PERMISSION**  
Section 45 of the *Planning Act*

**Date of Decision:** February 24, 2023  
**File No(s):** D08-02-22/A-00207  
**Owner(s):** Sandra Didomete  
**Location:** 19A & 19B Garland Street  
**Ward:** 15 – Kitchissippi  
**Legal Description:** Part of Lot 9, Registered Plan 53  
**Zoning:** R4UB  
**Zoning By-law:** 2008-250  
**Hearing Date:** February 15, 2023

**PURPOSE OF THE APPLICATION**

- [1] At its hearing on September 7, 2022, the Committee adjourned the application to allow the Owner time to revise their plans.
- [2] The Owner has filed Consent Applications (D08-01-22/B-00222 & D08-01-22/B-00251) which, if approved, will have the effect of creating two separate parcels of land. The existing long semi-detached dwelling will remain, with one unit on each of the newly created parcels. The proposed parking configuration for each parcel and lot will not be in conformity with the requirements of the Zoning By-law.

**RELIEF REQUIRED**

- [3] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- [4] 19A Garland, Parts 2, and 3, front unit of the existing long semi-detached dwelling
- a) To permit a reduced parking space length of 4.6 metres, whereas the By-law requires a minimum parking space length of 5.2 metres.

- [5] 19B Garland, Parts 1, 4 and 5, rear unit of the existing long semi-detached dwelling
- b) To permit a reduced parking space length of 4.6 metres, whereas the By-law requires a minimum parking space length 5.2 metres.
  - c) To permit a reduced pole width of 1.65 m, whereas the By-law requires a minimum pole width of 1.7 metres. **(new)**
- [6] The application indicates that the Property is the subject of the above-noted Consent Applications under the *Planning Act*.

### **PUBLIC HEARING**

- [7] At the Hearing on February 1, 2023, the Panel Chair administered an oath to Chris Davis, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Mr. Davis appeared along with Adam Paquette, also representing the Owner.
- [8] After some discussion, the Committee suggested an adjournment to allow time for the Agents to provide further evidence demonstrating the functionality of the parking arrangement, particularly how a car would navigate the shared driveway and turn into the attached garages.
- [9] With Mr. Davis in agreement, the application was adjourned to the Hearing scheduled for February 15, 2023.
- [10] At the renewed Hearing, Mr. Davis provided the Committee with the turning radius diagram demonstrating how a compact car might access the parking spaces within the attached garages.
- [11] City Planner Margot Linker was also present.

### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED IN PART**

- [12] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [13] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.
- [14] Based on the evidence, the Committee is satisfied that variance (c) meets all four requirements under subsection 45(1) of the *Planning Act*.

- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [16] The Committee also notes that no evidence was presented that the variance (c) would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, that variance (c) is, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [18] The Committee also finds that variance (c) maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [19] In addition, the Committee finds that the variance (c) maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the neighbourhood.
- [20] Moreover, the Committee finds that variance (c), is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [21] Conversely, based on the evidence, the Committee is not satisfied that parking space length variances (a) and (b) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [22] Specifically, the Committee finds insufficient turning radius evidence was presented that these variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. Failing one of the four statutory requirements, the Committee is unable to authorize the reduced parking space length.
- [23] THE COMMITTEE OF ADJUSTMENT therefore authorizes variance (c).
- [24] THE COMMITTEE OF ADJUSTMENT does not authorize variances (a) and (b).

*"John Blatherwick"*  
JOHN BLATHERWICK  
VICE-CHAIR

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HEATHER MACLEAN  
MEMBER

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BONNIE OAKES CHARRON  
MEMBER

*"Michael Wildman"*  
MICHAEL WILDMAN  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 24, 2023**.



Michel Bellemare  
Secretary-Treasurer

#### **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **March 16, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

*Ce document est également offert en français.*

**Committee of Adjustment**  
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