

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	April 14, 2023
<b>File No(s):</b>	D08-02-23/A-00053 & D08-02-23/A-00055
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	2606394 Ontario Inc.
<b>Property Address:</b>	422 & 424 Hartleigh Avenue
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Part of Lot 90, Registered Plan 305
<b>Zoning:</b>	R2F
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 5, 2023

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] At its hearing on July 6, 2022, the Committee granted Consent and Minor Variance applications for the construction of semi-detached dwelling featuring a cantilevered carport design.
- [2] The Owner has revised their plans and now wants to construct a two-storey semi-detached dwelling with a front-facing attached garage on each half of the dwelling, as shown on plans filed with the Committee. The existing dwelling is to be demolished.

**REQUESTED VARIANCES**

- [3] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

D08-02-23/A-00053: 422 Hartleigh Avenue, Part 1, proposed semi-detached dwelling

- a) To permit a front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.

D08-02-23/A-00055: 424 Hartleigh Avenue, Part 2, proposed semi-detached dwelling

- b) To permit a front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.
- [4] The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [5] The Panel Chair administered an oath to Paul Cooper, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

**Oral Submissions Summary**

- [6] Mr. Cooper provided an overview of the application and responded to questions from the Committee.
- [7] City Planner Siobhan Kelly raised some concerns with the applications, noting that front-facing attached garages are not the dominant streetscape character along Hartleigh Avenue. However, Ms. Kelly acknowledged that the change in design would facilitate the retention of a mature tree, which would follow the Official Plan policy direction that development shall maintain the urban forest canopy

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

**Applications Must Satisfy Statutory Four-Part Test**

- [8] 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.

**Evidence**

- [9] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:
- Application and supporting documents, including a planning rationale, Streetscape Character Analysis, plans, and tree information
  - City Planning Report, received March 31, 2023, with some concerns

- Rideau Valley Conservation Authority, dated March 24, 2023, with no objections
- Hydro Ottawa, dated March 29, 2023, with no concerns
- Penny and Karlo Zivcec, email dated April 3, 2023, with comments
- Ministry of Transportation, dated March 23, 2023, with no comments

### **Effect of Submissions on Decision**

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "some concerns" regarding the applications, indicating that, "the dominant streetscape character for Hartleigh Avenue is no front-facing attached garages". However, the Planning Report also highlights that: "the proposed development includes built form and design elements that reduce some of the impacts associated with front-facing attached garages. The proposed garages are set back 1.41 metres from the front edge of the landings and 0.61 metres from the principal entrances. Further, the materiality of the garage doors reduces their visual impact and helps to emphasize the dwelling's pedestrian entrances."
- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested 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.
- [15] The Committee also finds that, because the proposal respects the character of the neighbourhood and preserves an existing mature tree, the requested variances maintain the general intent and purpose of the Official Plan.
- [16] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [17] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in

accordance with the plans filed, Committee of Adjustment date stamped March 13, 2023.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"Kathleen Willis"*  
KATHLEEN WILLIS  
MEMBER

*"Scott Hindle"*  
SCOTT HINDLE  
MEMBER

*"Colin White"*  
COLIN WHITE  
MEMBER

*"Julia Markovich"*  
JULIA MARKOVICH  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 14, 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 **May 4, 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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