

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

<b>Date of Decision:</b>	April 28, 2023
<b>File No(s):</b>	D08-02-23/A-00030
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Kelly Spence and Elizabeth Thompson
<b>Property Address:</b>	460 Athlone Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Plan of Lot 106, Registered Plan 272
<b>Zoning:</b>	R3R [2687] H (8.5)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 19, 2023

**APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)**

- [1] The Owners want to construct a two-storey addition with an attached garage on the south side of the existing dwelling, as shown on the plans filed with the Committee.

**REQUESTED VARIANCE(S)**

- [2] The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of the Streetscape Character Analysis.

**PUBLIC HEARING**

- [3] The Panel Chair administered an oath to Elizabeth Thompson, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Kelly Spence, the other Owner of the property, was also present.

**Oral Submissions Summary**

- [4] Ms. Thompson provided a brief history of the property and referred to photographs of the subject property, indicating that the dwelling was constructed in 1911 and the garage was constructed in the 1940s. She highlighted that the new attached garage would be in keeping with the existing structure and the character of the streetscape.

- [5] Paolo Marinelli, Agent for the Owners, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. He provided an overview of the application and responded to questions from the Committee, confirming that the new proposed attached garage would be constructed in the same location as the existing garage.
- [6] The Committee also heard oral submissions from Tim Gray, 190 West Village Private, who highlighted concerns with the 46-year-old survey plan submitted, stating it does not reflect the location of the existing garage. In response, Mr. Marinelli advised that the submitted survey plan does indeed reflect the existing footprint of the structures on the property.
- [7] City Planner Basma Alkhatib responded to the Committee's questions, confirming that she had no issues with the survey plan submitted with the application.

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

### **Application 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 all 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 cover letter, plans, streetscape character analysis and tree information
  - City Planning Report received April 14, 2023, with no concerns
  - Rideau Valley Conservation Authority email dated April 17, 2023, with no objections
  - Hydro Ottawa email dated April 11, 2023, with comments
  - Tim Gray, 190 West Village Private, email dated April 17, 2023, with 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 application.
- [11] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "the proposed unification of the detached garage to the existing dwelling will not change the appearance from the public realm. Furthermore, the proposed attached garage is not reducing the softscaping, which is maintaining more than the required percentage by the Zoning By-law."
- [13] The Committee also notes that no cogent evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposal integrates well with the existing streetscape, the requested variance 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.
- [15] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood and will increase the soft landscaping.
- [16] In addition, the Committee finds that the requested variance 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
- [17] Moreover, the Committee finds that the requested variance is minor because it 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 February 3, 2023, as they relate to the requested variance.

*"John Blatherwick"*  
JOHN BLATHERWICK  
VICE-CHAIR

*"Stan Wilder"*  
STAN WILDER  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
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 **April 28, 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 18, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436