

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

<b>Date of Decision:</b>	July 14, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00105 & D08-02-23/A-00130
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Edward and Tessa Linde
<b>Property Address:</b>	248 & 250 Bayswater Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part Lots 67 & 68, West Bayswater Ave, Registered Plan 171960
<b>Zoning:</b>	R2R
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	July 5, 2023, in person and by videoconference

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

- [1] The Owners want to construct a two-storey rear addition as well as a covered front porch across both halves of the semi-detached dwelling known as 248 and 250 Bayswater Avenue.

**REQUESTED VARIANCES**

- [2] The Owners/Applicants require the Committee's authorization for minor ariances from the Zoning By-law as follows:

A-00105: 248 Bayswater Avenue

- a) To permit a reduced rear yard setback of 6.5 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.
- b) To permit a reduced interior side yard setback of 1 metre, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.
- c) To permit a parking space to be located in the front yard, whereas the By-law does not permit parking in a required and provided front yard.

A-00130: 250 Bayswater Avenue

- d) To permit a reduced rear yard setback of 6.5 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Edward Linde, one of the Owners of the property, explained that the proposal was to renovate the existing semi-detached dwelling and to establish an independent parking space for the property at 248 Bayswater Avenue. Residents of both semi-detached dwellings currently park along a shared laneway at the side and rear of 250 Bayswater Avenue.
- [4] The Committee referred Mr. Linde to a photo included in his submission showing an existing parking space in front of the dwelling at 250 Bayswater Avenue. He explained that this parking space would be removed and replaced with soft landscaping.
- [5] City Planner Basma Alkhatib confirmed that no parking is required for a semi-detached dwelling in the R2R subzone and summarized the concerns raised in her Planning Report regarding the proposed front yard parking space. She highlighted that City staff had conducted a Streetscape Character Analysis to verify information provided by the Applicants, excluding any driveway or parking space that was established illegally, and concluded that front yard parking is not the dominant character.
- [6] City Planner Jean-Charles Renaud confirmed that the existing parking area in front of the dwelling at 250 Bayswater Avenue is an illegal parking space. He also advised that parking within a driveway is permitted where it leads to a legal parking space.
- [7] Following the public hearing, the Committee reserved its decision.

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

**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 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 a cover letter and plans, with revisions, tree information, a streetscape character analysis, a photo of the posted sign and a sign posting declaration.
  - City Planning Report received June 29, 2023, with some concerns
  - Rideau Valley Conservation Authority email dated June 30, 2023, with no objections
  - Hydro Ottawa email dated June 28, 2023, with comments

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

- [10] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications in part.
- [11] Based on the evidence, the Committee is satisfied that requested variances (a), (b), and (d), relating to rear yard and interior side yard setback, meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns with minor variances (a), (b) and (d)," highlighting that, "the deck and the two-storey addition are aligned with the existing one storey rear part of the semi-detached which is an existing situation, and the addition of a second storey has minimal impact." The report also acknowledges that "the interior side yard is an existing condition." Regarding variance (c), however, the report raises "some concerns," highlighting that, "the proposed parking space is totally contained in the front yard, contrary to the intent of the Zoning By-law."
- [13] The Committee also notes that no evidence was presented that the requested variances (a), (b), and (d), would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposed additions fit well in the area, requested variances (a), (b), and (d) 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 the requested variances (a), (b), and (d) maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [16] In addition, the Committee finds that the requested variances (a), (b), and (d) maintain the general intent and purpose of the Zoning By-law because the proposal represent orderly development on the property that is compatible with the surrounding area.
- [17] Moreover, the Committee finds that the requested variances (a), (b), and (d), both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] Conversely, based on the evidence, the Committee is not satisfied that requested variance (c) maintains the general intent and purpose of the Zoning By-law, which prohibits front yard parking. The Committee finds that the location of the proposed parking space does not represent orderly development and would be incompatible with the neighbourhood, based on the conclusions of the City's Streetscape Character Analysis. The Committee also finds that no evidence was presented that alternate parking solutions were duly considered. Failing one of the four statutory requirements, the Committee is unable to authorize requested variance (c).
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes requested variances (a), (b), and (d), **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped June 26, 2023, as they relate to the requested variances.
- [20] THE COMMITTEE OF ADJUSTMENT does not authorize requested variance (c).

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

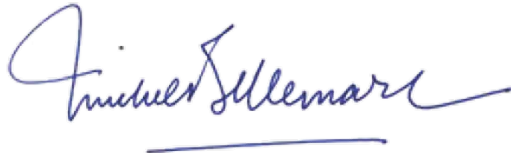
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIA  
MEMBER

*Absent*  
SHARON LECUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 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 **August 3, 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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