

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

**Date of Decision:**

<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00136 & D08-02-23/A-00137
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	2423984 Ontario Inc.
<b>Property Address:</b>	612 Tweedsmuir Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Lot 9, Registered Plan 356
<b>Zoning:</b>	R4UA [2686] H(8.5)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	July 19, 2023, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Owner wants to subdivide its property into two separate parcels of land to create two new lots for the construction of a two-storey semi-detached dwelling, each with an additional dwelling unit. The existing detached dwelling will be demolished.
- [2] At the scheduled hearing on July 5, 2023, the Committee agreed to adjourn the application, at the request of the Applicant, to allow time for the applicant to consult with City and the Westboro Community Association regarding tree retention on site.

**REQUESTED VARIANCES**

- [3] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00136: 253, (253 B) Duncairn Avenue, Part 1 on 4R-Plan, proposed semi-detached dwelling:

- a) To permit a reduced front yard setback of ~~3.2~~ **3.8** metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.
- b) To permit a reduced interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

- c) To permit a front-facing garage, whereas the Zoning By-Law does not permit a front facing-garage based on the conclusions of a Streetscape Character Analysis.
- d) To permit a doorway entrance leading to a secondary dwelling unit to be added to the front wall, whereas the By-law states that the creation of a secondary dwelling unit must not result in any new doorway entrance added to the front wall of the dwelling.

A-00137: 612 (612 B) Tweedsmuir Avenue, Part 2 on 4R-Plan, semi-detached dwelling:

- e) To permit a reduced corner side yard setback of 3.2 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 metres.
- f) To permit a reduced interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- g) To permit a front-facing garage, whereas the Zoning By-Law does not permit a front facing-garage based on the conclusions of a Streetscape Character Analysis.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] The Committee noted a request from the Applicant to amend variance a) based on a revised site plan, as follows:
  - a) To permit a reduced front yard setback of ~~3.2~~ **3.8** metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.
- [5] The application was amended accordingly.
- [6] Simran Soor, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] City Planner Basma Alkhatib summarized her concerns regarding requested variances a), c), e) and g), as they relate to the proposed front-facing garages and related impacts to the front and corner side yards. She submitted that these variances do not comply with the general intent and purpose of the Zoning By-law, because front-facing garages are not a feature of the dominant character of the streetscape.
- [8] Murray Chown, also acting as Agent for the Applicant, stated that a Streetscape Character Analysis would permit a front facing garage for the unit fronting on

Tweedsmuir when construction of an approved semi-detached dwelling on the neighbouring lot to the north was completed, noting that a minor variance for a front-facing garage had been approved for that development.

[9] The Committee also heard oral submissions from the following individuals:

- T. Gray, Westboro Community Association, who expressed his support for the applications due to the tree conservation efforts of the Applicant and the number and size of the proposed units.
- J. Di Francesco, neighbour, who noted concerns regarding the existing conditions and maintenance of the property.

[10] Following the public hearing, the Committee reserved its decision.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED,  
AS AMENDED**

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

[11] 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**

[12] 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 cover letter, plans, a parcel register, a tree information report, a tree planting plan, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received June 30, 2023, with some concerns; received July 13 with some concerns.
- Revised City Planning Report received July 19, 2023, with some concerns.
- Rideau Valley Conservation Authority email dated July 4, 2023, with no objections; dated July 11, 2023, with no objections.
- Hydro Ottawa email dated June 20, 2023, with comments.

- Hydro One email dated July 11, 2023, with no comments.
- K McCourt, resident, email dated June 26, 2023, with concerns.

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

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the majority of the Committee (Member J. Blatherwick and Member A. Keklikian dissenting on requested variance d), for reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises some concerns regarding the application, highlighting that: "the reduction of the front yard setback is in favour of the proposed attached front facing garage which is not required by the Zoning By-law and not the dominant character of the street. Moreover, these reductions to the front yard and corner yard setbacks affect the ability to retain trees within the frontage and are not supported." However, the Committee takes note of the efforts of the Applicant to retain an existing mature tree on site, as well as the contextual evidence demonstrating that there are numerous examples of front-facing attached garages in the neighbourhood.
- [16] The majority of the Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the majority of 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.
- [18] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [19] In addition, the majority of the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law, because the proposal represents orderly development on the property that is compatible with the surrounding area.
- [20] Moreover, the majority of 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.

[21] 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 and Committee of Adjustment date stamped July 17, 2023, as they relate to the requested variances.

[22] *Member J. Blatherwick and Member A. Keklikian dissent on variance d), finding that an entrance leading to a secondary dwelling unit on the front wall does not maintain the intent and purpose of the Zoning By-law.*

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

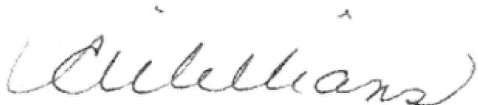
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 28, 2023**



Cheryl Williams  
Acting 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 17, 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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