

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	July 18, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00149 & D08-02-23/A-00150
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Faik Ayvaz
Property Address:	469 Edgeworth Avenue
Ward:	7 – Bay
Legal Description:	Lot 87, Registered Plan 324
Zoning:	R2F
Zoning By-law:	2008-250
Hearing Date:	July 18, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide the property into two separate parcels of land to create two new lots for the construction of a two-storey semi-detached dwelling. The existing detached dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Owner requires the Committee’s authorization for the minor variances from the Zoning By-law as follows:
- [3] A-00149: 469 Edgeworth, Part 1 on 4R Plan, proposed semi-detached dwelling:
- a. To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
 - b. To permit a reduced lot area of 231.9 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
 - c. To permit a front-facing attached garage, whereas the By-law states that a front-facing garage is not permitted as per the outcome of the Streetscape Character Analysis.

[4] A-00149: 469 Edgeworth, Part 1 on 4R Plan, proposed semi-detached dwelling:

- d. To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
- e. To permit a reduced lot area of 231.9 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- f. To permit a front-facing attached garage, whereas the By-law states that a front-facing garage is not permitted as per the outcome of the Streetscape Character Analysis.

PUBLIC HEARING

Oral Submissions Summary

- [5] Michael Segreto provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [6] City Planner Samantha Gatchene who raised concerns, noted that the Streetscape Character Analysis concluded that attached garages or carports are not the dominant characteristic of the street.
- [7] Following the public hearing, the Committee reserved its decision and advised that a written one with reasons would be issued within ten days.

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 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 cover letter, plans, tree information, Streetscape Character Analysis, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 13, 2023, with comments.

- Rideau Valley Authority email dated July 11, 2023, with no objections.
- Hydro Ottawa email dated July 13, 2023, with comments.
- Ministry of Transportation email dated July 6, 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 application in part.
- [11] Based on the evidence, the Committee is satisfied that variances (a), (b), (d), and (e), 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" regarding variances (a), (b), (d), and (e) and "some concerns" regarding variances (c) and (f), highlighting that: "The intent of Section 140 [of the Zoning By-law] is to ensure new development is consistent with the dominant streetscape character. The dominant character for this portion of Edgeworth Avenue is no front facing attached garages. Of the 21 properties surveyed, 12 properties did not feature front-facing attached garages."
- [13] The Committee also notes that no evidence was presented that the variances (a), (b), (d), and (e) 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, variances (a), (b), (d), and (e) 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 variances (a), (b), (d), and (e) 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 variances (a), (b), (d), and (e) 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 neighbourhood.
- [17] Moreover, the Committee finds that variances (a), (b), (d), and (e) 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 variances (c) and (f), to permit front-facing garages, meets all four requirements under subsection 45(1) of the *Planning Act*.

[19] Specifically, the Committee finds insufficient evidence that presented these variances (c) and (f) are, from a planning a 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 proposed front-facing garages.

[20] THE COMMITTEE OF ADJUSTMENT therefore authorizes variances (a), (b), (d), and (e).

[21] THE COMMITTEE OF ADJUSTMENT does not authorize variances (c) and (f).

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
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 and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th 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.

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.

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