

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

<b>Date of Decision:</b>	September 15, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00183
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Nilestone Group Ltd.
<b>Property Address:</b>	531 & 533 Broadhead Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Lot 55, Registered Plan 364
<b>Zoning:</b>	R3R
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	September 6, 2023, in person and by videoconference

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

- [1] The Owner wants to construct a new semi-detached dwelling with secondary units and front-facing attached garages. The existing building will be demolished.

**REQUESTED VARIANCE**

- [2] The Owner/Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit front-facing attached garages, whereas the By-law does not permit front-facing garages based on the conclusions of a Streetscape Character Analysis.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Hazem Abdelnaiem, 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. He indicated that the mature tree at the rear of the property would be retained and highlighted that the proposed garages would be recessed beneath front-facing balconies that would provide desirable engagement with the street. He also referred the Committee to the letters of support on file from area residents.

- [4] City Planner Margot Linker stated that the Official Plan prioritizes engagement with the public realm and that the Zoning By-law's intent is to encourage development to maintain the character of existing homes on the street.
- [5] City Forester Nancy Young confirmed that, after further consultation with the Applicant and revisions to the plans, her concerns related to the retention of the tree at the rear of the property had been alleviated.
- [6] The Committee also heard oral submissions from the following individuals:
- M. Cody, neighbour, expressed concerns regarding the scale and height of the proposed construction, its compatibility with the streetscape on Broadhead Avenue, and the lack of soft landscaping.
  - D. Keough, neighbour, highlighted concerns regarding possible impacts to the tree at the rear of the property, privacy, and the proposal's compatibility with the character of the street.
- [7] Following the public hearing, the Committee reserved its decision.

## **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 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 tree information report, a streetscape character analysis, letters of support from neighbours and a sign posting declaration.
  - City Planning Report received August 31, 2023, with concerns.
  - Rideau Valley Conservation Authority email dated August 31, 2023, with no objections.
  - Hydro Ottawa email dated September 1, 2023, with comments.

- Ottawa International Airport Authority email dated August 22, 2023, with no comments.
- Letters of support or no concerns signed by 13 area residents, submitted by the Applicant, received July 26, 2023.
- M. Cody, neighbour, email dated September 5, 2023, opposed.

### **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 majority of the Committee (Chair Ann M. Tremblay dissenting for reasons noted below) 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 "concerns" regarding the application, highlighting that "the dominant character of the street is no attached front-facing garage, single-wide driveway, and main entrance facing the street." However, the Committee also notes of the Applicant's evidence of a similar development constructed on the neighbouring property that includes front-facing attached garages and prominent front-facing balconies to engage with the street.
- [13] The majority of the Committee notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the area, 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 majority of 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.
- [16] In addition, the majority of 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 surrounding area.
- [17] Moreover, the majority of the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impacts on abutting properties or the neighbourhood in general.

[18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance plans filed, Committee of Adjustment date stamped September 2, 2023, as they relate to the requested variance.

[19] *Chair A. M. Tremblay dissents, finding that the proposal does not fit well in the neighbourhood and on Broadhead Avenue in particular, and therefore is not desirable for the appropriate development or use of the land. Chair Tremblay also finds that the requested variance fails to maintain the general intent and purpose of the Official Plan because the attached garages push the livable floor area up and away from the street, negatively impacting streetscape continuity.*

*Dissent*  
ANN M. TREMBLAY  
CHAIR

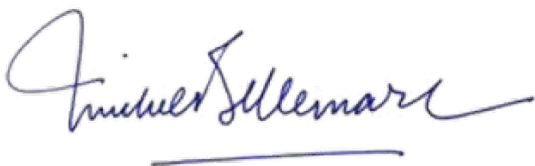
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Absent*  
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 **September 15, 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 **October 5, 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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