

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

<b>Date of Decision:</b>	February 16, 2024
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-2023/A-00318
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Amanda and Connor McGarry
<b>Property Address:</b>	30 Beckwith Road
<b>Ward:</b>	17 – Capital
<b>Legal Description:</b>	Lot 139, Plan M45
<b>Zoning:</b>	R1
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 7, 2024, in person and by videoconference

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

- [1] The Owners want to construct an addition at the side of their existing dwelling on their property, as shown on plans filed with the Committee.

**REQUESTED VARIANCE**

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced parking space length of 4.32 metres, whereas the By-law requires a minimum parking space length of 5.2 metres.
  - b) To permit a reduced parking space width of 2.45 metres, whereas the By-law requires a minimum parking space width of 2.6 metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

## PUBLIC HEARING

### Oral Submissions Summary

- [4] Amanda and Connor McGarry, Owners of the Property, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Amanda McGarry explained that the proposed reduction in both the length and width of the parking space was required to accommodate the addition extending into the side yard.
- [5] City Planner Margot Linker, responded to questions from the Committee, explaining that the reduced parking space length aimed to eliminate a front-yard parking scenario by providing a space entirely within the side yard that is limited in length due to the proposed addition. Ms. Linker expressed concerns that the proposal could create an opportunity for inappropriate use if a vehicle does not fit within the reduced space. A vehicle extending beyond the dwelling's front wall is considered front yard parking not permitted under the Zoning By-law. Ms. Linker also noted that the reduced parking space width might not be functional enough to accommodate an open vehicle door and potentially result in an encroachment onto the neighbouring property.
- [6] The Committee also heard oral submissions from the following individuals:
- J. Bolduc, a professional land use planner, suggested that front-yard parking could be made compliant by extending the dwelling farther into the front yard or by closing the existing porch.
- [7] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

### 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 cover letter, plans, application appendix, photo of the posted sign, and a sign posting declaration.
- Hydro Ottawa email received January 30, 2024, with no comments.
- G. Péron, resident, email received January 29, 2024, with concerns; email received January 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received January 31, 2024, with no objections.
- City Planning Report received February 1, 2024, with concerns.
- Ministry of Transportation email received February 2, 2024, with no comments.
- J. and G. Stephens, residents, email received February 7, 2024, in support.

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

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [11] Based on the evidence, the Committee is not satisfied that the requested variances meet 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, because the "proposed parking space is situated between the wall of the house and the side lot line," staff are concerned "that the house will obstruct the door swing on the east side of the parking space, and on the west side the door swing will encroach onto 26 Beckwith." The report also highlights that "only providing 4.32m behind the front wall of the house for vehicular parking will result in the vehicle being partially located in the front yard, which would result in front yard parking."
- [13] Considering the circumstances, the Committee finds that, because insufficient evidence was provided demonstrating that the proposed undersized parking space would be both functional and fit well in the neighbourhood, the requested variances are, from a planning and public interest point of view, not desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [14] The Committee also finds that, because the proposal would likely result in a situation of non-compliance with the zoning requirements, the requested variances do not maintain the general intent and purpose of the Zoning By-Law.

[15] Failing two of the four statutory requirements, the Committee is unable to grant the application.

[16] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

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

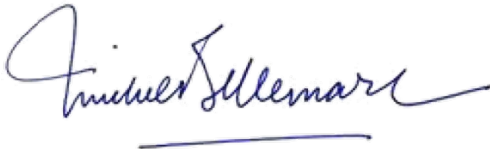
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

Absent  
SIMON COAKELEY  
MEMBER

Absent  
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 **February 16, 2024**.



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 **March 7, 2024**, 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



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