

DECISION
MINOR VARIANCE / PERMISSION

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| Date of Decision: | March 15, 2024 |
| Panel: | 1 - Urban |
| File Nos.: | D08-02-24/A-00002 and D08-02-24/A-00005 |
| Applications: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owners/Applicants: | Li Kuang and Xiang Zhu Chen |
| Property Address: | 295 & 297 Dovercourt Avenue |
| Ward: | 15 - Kitchissippi |
| Legal Description: | Lot 14 and Part of Lot 13, Registered Plan 310 |
| Zoning: | R3R [2687] H (8.5) |
| Zoning By-law: | 2008-250 |
| Hearing Date: | March 6, 2024, in person and by videoconference |

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners want to subdivide their property into two separate parcels of land for the construction of a semi-detached dwelling. The existing dwelling will be demolished.

REQUESTED VARIANCES

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

A-00002: 295 Dovercourt Avenue, Part 2 on 4R- Plan, proposed one half of semi-detached dwelling:

- a) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.

A-00005: 297 Dovercourt Avenue, Part 1 on 4R- Plan, proposed one half of semi-detached dwelling:

- b) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.

PUBLIC HEARING

Oral Submissions Summary

- [3] Saba Al Mathno, 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.
- [4] In response to questions from the Committee, City Planner Margot Linker confirmed that the Streetscape Character Analysis was based on 21 lots and any properties beyond those lots were not considered to be in the immediate vicinity of the subject property. She further advised that front facing attached garages pushed the living space to the rear of the dwelling and were not permitted to be the dominant characteristic along the street.
- [5] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

Applications Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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:
- Applications and supporting documents, including cover letter, plans, parcel register, tree information report, letter of support, streetscape character analysis, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 29, 2024, with concerns, revised report received February 29, 2024, with concerns.

- Rideau Valley Conservation Authority email received March 1, 2024, with no concerns.
- Hydro Ottawa email received February 27, 2024, with no concerns.
- Hydro One email received February 26, 2024, with no concerns.
- Ministry of Transportation email received March 1, 2024, with no comments.
- Bell Canada email received March 1, 2024, with comments.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the applications in making its decision and refused the applications.
- [9] 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.
- [10] The Committee notes that the City's Planning Report raises "concerns" regarding the applications, highlighting that that the proposed front facing garages would "enhance the dominance of the automobile on the streetscape and render the principal entranceway less important than the car's storage."
- [11] Considering the circumstances, the Committee finds that, because the proposal does not fit well in the area, 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.
- [12] In addition, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal maximizes the visual dominance of the automobile on the streetscape, does not emphasize the principal entranceway, and is not compatible with the surrounding area.
- [13] The Committee also finds that the requested variances do not maintain the general intent and purpose of the Official plan because the proposal does not respect the character of the neighbourhood.
- [14] Moreover, the Committee finds that the requested variances are not minor and would create an unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [15] THE COMMITTEE OF ADJUSTMENT therefore refuses the requested variances.

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

Absent
ANN M. TREMBLAY
CHAIR

Absent
SIMON COAKELEY
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 15, 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 **April 4, 2024**, 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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