

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 13, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00215
Application:	Minor Variance Permission under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Rocco Manfredi, Karen Manfredi, John D'ettore, Elizabeth Barney
Property Address:	37 Kenora Street
Ward:	15 – Kitchissippi
Legal Description:	Lot 2159 Registered Plan 4M-48
Zoning:	R3I
Zoning By-law:	2008-250
Hearing Date:	October 4, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a semi-detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a. To permit a front-facing garage (East unit), whereas the Zoning By-Law does not permit a front facing-garage based on the conclusions of a Streetscape Character Analysis.
 - b. To permit a front-facing garage (West unit), 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

- [3] Chris Jalkotzy, 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] City Planner Basma Alkhatib raised some concerns with the application, noting that front-facing attached garages are not the dominant streetscape character along Kenora Avenue.
- [5] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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:
 - Application and supporting documents, including cover letter, revised site plans, a parcel registry, planning rationale, streetscape character analysis, tree information report, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received September 28, 2023, with concerns.
 - Rideau Valley Conservation Authority email dated September 29, 2023, with no objections.
 - Ministry of Transportation email dated October 3, 2023, with no concerns.
 - H. Blount and M. André, residents, letter of support dated July 22, 2023.
 - A. Frescura, resident, letter of support dated August 19, 2023.

- S. Block-Neville, resident, letter of support September 25, 2023.
- M. Bastianelli, resident, letter of support dated July 30, 2023.
- L. Waddell, resident, letter of support dated September 25, 2023.
- A. Morrissey, resident, email dated August 7, 2023, in support.
- J. Pandeya, resident, email dated August 7, 2023, in support.
- L. Lemmo, resident, email dated October 4, 2023, in support.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is 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 "some concern" regarding the application, indicating that "The Streetscape Character Analysis goal is to capture older neighbourhoods' distinctive character and ensure a continuation of the "look along the street" as these properties redevelop and intensify over time."
- [11] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] Considering the circumstances, 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.
- [13] 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.
- [14] In addition, 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.
- [15] Moreover, 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.

[16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped October 5, 2023, as they relate to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
ACTING CHAIR

Absent
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIA
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
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 **October 13, 2023**.



Mathew Garnett
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 **November 2, 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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