

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

<b>Date of Decision:</b>	December 22, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00264 and D08-02-23/A-00265
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	14899237 Canada Inc.
<b>Property Address:</b>	505 Dawson Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 9, Registered Plan 448
<b>Zoning:</b>	R2G
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	December 13, 2023, in person and by videoconference

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

- [1] The Owner wants to construct a two-storey semi-detached dwelling on their property. The existing dwelling will be demolished.

**REQUESTED VARIANCES**

- [2] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

**A-00264: 505 Dawson Avenue, part 1 on the draft 4R-plan**

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

**A-00265: 507 Dawson Avenue, part 2 on the draft 4R-plan**

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

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] The Committee noted that the zoning of the property is **R2G**.
- [4] Michael Segreto, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee, highlighting that different options regarding parking were considered and, in his opinion, the proposal represents the best option for tree and streetscape character preservation.
- [5] City Planner Margot Linker confirmed that front-facing garages are permitted as of right on Kirkwood Avenue based on the results of the Streetscape Character Analysis, but the Official Plan discourages private approaches on Arterial Streets.
- [6] City Forester Nancy Young noted that, if one or both driveways were proposed facing Iona Street, the existing mature tree on that street frontage may be negatively affected.
- [7] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **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:
  - Applications and supporting documents, including a cover letter, plans, a parcel register, a tree information report, a streetscape character analysis, a photo of the posted sign, and a sign posting declaration.
  - City Planning Report received December 7, 2023, with some concerns.
  - Rideau Valley Conservation Authority email dated December 7, 2023, with no objections.

- Hydro Ottawa email dated December 6, 2023, with comments.
- J. Ricci, neighbour, email dated December 11, 2023, with comments.
- T. Gray, resident, email dated December 11, 2023, with comments.

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

- [10] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [11] Based on the evidence, the majority of the Committee (Member S. Coakley dissenting) is 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 "some concerns" regarding the applications, highlighting that front-facing garages do not reflect the dominant character of the area based on the 21 lots surveyed in the Streetscape Character Analysis. However, the report also highlights that, "the immediate context surrounding the subject site does feature garages as a dominant characteristic, as five of the six neighbouring properties contain front-facing garages."
- [13] The majority of the Committee also notes that no evidence was presented that the variances 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 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.
- [15] The majority of 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 while minimizing impacts on existing mature trees.
- [16] In addition, the majority of 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 Dawson Avenue streetscape.
- [17] Moreover, the majority of 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.

[18] 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 site plan filed, Committee of Adjustment date stamped December 4, 2023, and the elevations filed, Committee of Adjustment date stamped October 26, 2023, as they relate to the requested variances.

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

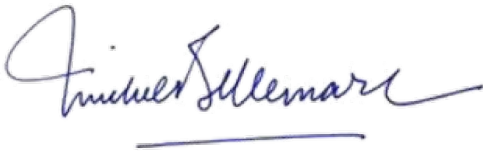
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Dissent*  
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 **December 22, 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 **January 11, 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**  
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