

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

<b>Date of Decision:</b>	May 10, 2024
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-24/A-00012
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Wei Wei
<b>Property Address:</b>	193 Sunnyside Avenue
<b>Ward:</b>	17 – Capital
<b>Legal Description:</b>	Part of Lots 23 & 24, Registered Plan 116
<b>Zoning:</b>	R3P [487]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	May 10, 2024, in person and by videoconference

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

- [1] The Owner/Applicant wants to construct a two-storey detached dwelling with a front-facing attached garage. The existing dwelling will be demolished.
- [2] At the hearing on February 21, 2024, the Committee adjourned the application to allow the applicant time to provide heritage notice of intent of demolition. The Applicant has since provided notice and wants to proceed.

**REQUESTED VARIANCE**

- [3] The Owner/Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a front-facing attached garage, whereas the By-law states that a front-facing attached garage is not permitted as per the outcome of a Streetscape Character Analysis.
- [4] The applications indicates that the Property is not the subject of any other current application under the *Planning Act*.

## PUBLIC HEARING

### Oral Submissions Summary

- [5] Christine McCuaig, 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. Ms. McCuaig explained that alternative design options had been considered, including a cantilevered carport, which would have been permitted under the Zoning By-law. However, in her opinion, this option would result in a vehicle being more visible from the street. Ms. McCuaig also provided an analysis demonstrating some examples of properties in the neighbourhood featuring front-facing attached garages. In response to questions from the Committee, Ms. McCuaig highlighted that the proposed curved driveway was to protect a tree.
- [6] In response to questions from the Committee, City Planner Margot Linker, who confirmed that there are no on-site parking requirements in this zone.
- [7] The Committee also heard oral submissions from the following individual:
- P. Wigen, resident, highlighted concerns over the changing streetscape, heritage considerations, and the design and materials for the proposed dwelling not being in keeping with the character of the neighbourhood.
- [8] In response to the concerns, Ms. McCuaig highlighted that the subject property was found to have no heritage value and was removed from the City's Heritage Registry.
- [9] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

### Application Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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, tree information report, photo of the posted sign and a sign posting declaration.
- City Planning Report received April 24, 2024, with some concerns; received April 30, 2024, with some concerns; received February 16, 2024, requesting an adjournment.
- Rideau Valley Conservation Authority email received April 29, 2024, with no objections; received February 14, 2024, with no objections.
- Hydro Ottawa email received April 23, 2024, with comments; received February 14, 2024, with comments.
- Ontario Ministry of Transportation email received February 14, 2024, with no comments.

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

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [13] Based on the evidence, the majority of the Committee (Member Heather MacLean dissenting) is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that "[w]hile staff appreciate that the proposed garage is set back over 2 metres, it still renders the principal entrance of less importance and may contribute to the dominance of the automobile within this neighbourhood."
- [15] Considering the circumstances, the majority of the Committee finds that, because insufficient evidence was provided demonstrating that the proposed front facing garage would fit well in the neighbourhood, the requested variance is, 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.
- [16] The majority of the Committee also finds that, because the proposal maximizes visual dominance of the automobile on the streetscape and is not compatible with the surrounding area, the requested variance does not maintain the general intent and purpose of the Zoning By-Law.
- [17] Moreover, the Committee finds that the impact of the requested variance is not minor and would create an unacceptable adverse impact on the neighbourhood.
- [18] Failing three of the four statutory requirements, the Committee is unable to grant the application.

[19] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variance.

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

*Absent*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

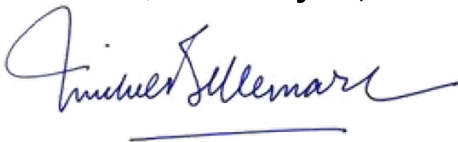
*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*Absent*  
SHARON LÉCUYER  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

*Dissenting*  
HEATHER MACLEAN  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 10, 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 **May 30, 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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