

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 30, 2023
Panel:	1 - Urban
File No(s):	D08-02-21/A-00369
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Meghan Myles and David Smith
Property Address:	125 Clarendon Avenue
Ward:	15 - Kitchissippi
Legal Description:	Part of Lot 2380, Registered Plan 4M-48
Zoning:	R3I
Zoning By-law:	2008-250
Hearing Date:	June 21, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a two-storey addition at the rear of the existing one storey detached dwelling with an attached front-facing garage, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicants require the Committee's authorization for the minor variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 26.7% of the lot depth (6.92 metres), whereas the By-law requires a minimum rear yard setback of 30% of the lot depth (7.77 metres).
 - b) To permit a front-facing garage, whereas the Zoning By-Law does not permit a front facing-garage based on the conclusions of a Streetscape Character Analysis.
 - c) To permit a reduced interior side yard setback of 0.8 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.
 - d) To permit the garage to be located 1.3 metres closer to the front lot line abutting a street than the principal entrance to the dwelling, whereas the Bylaw requires the garage may not be more than 0.6m closer to the front lot

line or side lot line abutting a street than the principal entrance to the dwelling.

PUBLIC HEARING

Oral Submissions Summary

- [3] David Smith, one of the Owners of the property, provided a slide presentation that included photographs, plans, and 3D renderings, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Smith asserted that the proposal is in keeping with the streetscape.
- [4] In response to questions from the Committee, Mr. Smith confirmed efforts to consult area residents were made and no issues were raised.
- [5] William Downey, Agent for the Owners, was also present and responded to questions from the Committee, confirming the overall size of the proposed garage being 13' (4.14 metres) wide by 22' (3.706 metres) deep. He highlighted that the proposal will be in keeping with the character of the neighbourhood.
- [6] City Planner Basma Alkhatib highlighted concerns that the Streetscape Character Analysis concluded that attached garages or carports are not the dominant character of the street and that there are 16 lots that do not include front facing attached garages. Ms. Alkhatib also highlighted that the property has a permitted parking space in the interior side yard. She believed the proposal does not maintain the general intent and purpose of the Zoning By-law.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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 all 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, photographs, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received June 16, 2023, with some concerns
- Rideau Valley Conservation Authority, email dated June 15, 2023, with no objections
- Hydro Ottawa, email dated June 13, 2023, with no comments
- Ministry of Transportation, email dated June 13, 2023, with no concerns

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee 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 "no concerns" regarding variance (a) and "some concerns" regarding variances (b), (c), and (d), highlighting that: "[t]he dominant character for the subject site is ABA, which means no permitted attached parking or carport that faces the street."
- [13] The Committee also notes that no compelling evidence was presented that the requested variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [14] 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.
- [15] 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.
- [16] 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 neighbourhood.
- [17] 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.

[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 site plan filed, Committee of Adjustment date stamped April 3, 2023, and the elevations filed, Committee of Adjustment date stamped May 30, 2023.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

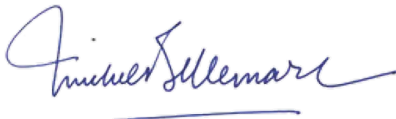
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JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
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 **June 30, 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 **July 20, 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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