

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 29, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00193
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Heather and Allan Godding
Property Address:	626 Tweedsmuir Avenue
Ward:	15 - Kitchissippi
Legal Description:	Lot 8 Registered Plan 451
Zoning:	R3R [2687] H(8.5)
Zoning By-law:	2008-250
Hearing Date:	September 20, 2023, in person and by videoconference

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a two-and-a-half-storey detached dwelling, with a front facing attached garage, single driveway and attached walkway, as shown on the plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a front facing garage, whereas the By-law states no front facing garage is permitted based on the conclusions of a Streetscape Character Analysis.
 - b) To permit an increased driveway width of 3.972 metres, whereas the By-law permits a maximum driveway width of 3.0 metres.
 - c) To permit a reduced landscape buffer between a driveway and a walkway of 0 metres, whereas the By-law requires a minimum landscape buffer between a driveway and a walkway of 0.6 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] At the scheduled hearing on September 6, 2023, the Committee considered a written request from Christine McCuaig, Agent for the Applicant, to adjourn the hearing due to a scheduling conflict. The Committee heard from Dayna Edwards, also acting as Agent for the Applicant, who presented the request. With the concurrence of all parties, the hearing of the application was adjourned to September 20, 2023.
- [4] On September 20, 2023, Ms. McCuaig provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [5] Ms. McCuaig stated that the proposed combined driveway and walkway would improve accessibility to the site and increase efficiency and reduced costs for heating both surfaces. She also submitted that the proposal would maintain a pattern of single driveways in the area, referred the Committee to photographs of existing front facing garages, and noted that eliminating the landscape buffer between the driveway and walkway would increase the amount of consolidated soft landscaping available to support a tree in the front yard.
- [6] Ms. McCuaig also submitted that the walkway space would not be used for parking and any parking violations can be addressed through by-law enforcement, and that the attached walkway should not be refused on that basis.
- [7] City Planner Margot Linker stated that a landscape buffer between the driveway and walkway ensures that the walkway will not be used for vehicle parking. She also highlighted the requested variances' potential negative cumulative impact on the streetscape.
- [8] The Committee also heard oral submissions from T. Gray, representing the Westboro Community Association, who noted concerns regarding the combined walkway and driveway, which would allow cars to park over the walkway, and the incompatibility of the proposal with the existing streetscape.
- [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 a planning rationale, plans, a tree information report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 31, 2023, with concerns; received September 14, 2023, with concerns.
- Rideau Valley Conservation Authority email dated August 31, 2023, with no objections; received September 14, 2023, with no objections.
- Hydro Ottawa email dated September 1, 2023, with comments; dated September 20, 2023, with comments.
- Ottawa International Airport Authority email dated August 22, 2023, with no comments.
- T. Gray, Westboro Community Association, email dated September 5, 2023, with concerns.
- D. Korycan and C. Elliott, neighbours, email dated September 5, 2023, with concerns.
- K. Hughes and S. Cluthe, neighbours, email dated September 12, 2023, in support.

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 Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[14] The Committee notes that the City's Planning Report raises "concerns" regarding the application, highlighting that the proposed front facing garage would "enhance the dominance of the automobile on the streetscape and render the principal entranceway less important than the car's storage." Moreover, the report notes that

the widened driveway and attached walkway would further “accommodate the autocentric-focused design and be used as an extension of the driveway.”

- [15] Considering the circumstances, the Committee finds that, because the proposal does not fit well in the area, the requested variances are not, 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.
- [16] 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 hard surfaces and the visual dominance of the automobile on the streetscape, and is not compatible with the surrounding area.
- [17] Moreover, the Committee finds that the cumulative impact of the requested variances is not minor and would create an unacceptable adverse impact on the neighbourhood.
- [18] Failing three of the four statutory requirements, the application is refused.
- [19] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

“Ann M. Tremblay”
ANN M. TREMBLAY
CHAIR

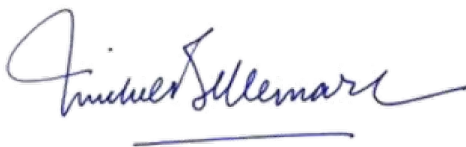
Absent
JOHN BLATHERWICK
MEMBER

“Arto Keklikian”
ARTO KEKLIKIAN
MEMBER

“Simon Coakeley”
SIMON COAKELEY
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 **September 29, 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 **October 19, 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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