

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	July 12, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00131
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Revelstoke Custom Homes and Renovations Inc.
Property Address:	48 McNaughton Avenue
Ward:	17 - Capital
Legal Description:	Lot 55, Registered Plan 242262
Zoning:	R1TT
Zoning By-law:	2008-250
Heard:	July 3, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a detached dwelling with an attached front facing garage, as shown on the plans filed with the application.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law 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.

PUBLIC HEARING

Oral Submissions Summary

- [3] Claudio Falsetto, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [4] City Planners Margot Linker and Elizabeth King were present.
- [5] City Planner Linker responded to questions from the Committee regarding the completed Streetscape Character Analysis, highlighting that, based on a survey of

21 surrounding properties, the overwhelming majority did not feature a front facing attached garage.

[6] The Committee also heard oral submissions from the following individuals:

- T. Gray, resident, noted concerns with the adequacy of the evidence provided in support of the application, the impact of the proposal on the existing streetscape which predominantly features no front facing attached garages, and the absence of any mitigating benefit from the proposed development, such as increased housing.
- G. Young, resident, noted that some residents on McNaughton Avenue would not oppose a front facing garage in principle, but raised concerns with the extent and impact of proposed projections into the front yard.

[7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

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 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, photos, and a sign posting declaration.
- City Planning Report received June 26, 2024, with concerns.
- Rideau Valley Conservation Authority email received June 28, 2024, with no objections.
- Hydro Ottawa email received June 28, 2024, with comments.
- T. Wallace, resident, email received June 19, 2024, opposed.
- P. Lyttle, resident, email received June 25, 2024, opposed.

- T. Gray, resident, email received June 26, 2024, opposed.
- Old Ottawa East Community Association email received June 27, 2024, opposed.
- D. Wood, resident, email received July 1, 2024, opposed.
- G. Young, resident, email received July 2, 2024, opposed.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [11] Based on the evidence, the Committee is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "concerns" regarding the application, highlighting that: "In this transect, the Official Plan prioritizes the built-form relationship with the public realm through emphasis on front entrance and windows. It directs parking to be hidden from the public realm, to reduce the dominance of the automobile on the streetscape." The Committee also notes the submission of the City Planner that the overwhelming majority of existing dwellings on McNaughton Avenue do not feature front facing garages.
- [13] Considering the circumstances, the Committee finds that insufficient evidence was presented demonstrating that the proposal is desirable from a planning and public interest point of view and relative to neighbouring lands. In particular, the Committee notes that the limited evidence presented was irrelevant to the McNaughton Avenue streetscape.
- [14] The Committee also finds that the requested variance does not maintain the general intent and purpose of the Official Plan, which encourages the animation of the streetscape by prioritizing front entrances and windows over garages, and because the proposal does not respect the character of the neighbourhood.
- [15] In addition, the Committee finds that the requested variance does not maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development that is compatible with the surrounding area.
- [16] Moreover, the Committee finds that the requested variance is not minor because it will create an unacceptable adverse impact on abutting properties and the neighbourhood in general.
- [17] THE COMMITTEE OF ADJUSTMENT therefore refuses the requested variance.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
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 **July 12, 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 **August 1, 2024**, 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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