

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 25, 2024
Panel:	1 - Urban
File Nos.:	D08-02-23/A-00269-270, D08-02-23/A-00273-274
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Prestwick Building Corp.
Property Address:	290 Holmwood Avenue
Ward:	17 - Capital
Legal Description:	Lots 89 & 90, Registered Plan 108654
Zoning:	R3P[1474]
Zoning By-law:	2008-250
Heard:	October 16, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their property to create two new parcels of land for the construction of a three-storey, semi-detached dwelling. The existing dwelling will be demolished.
- [2] On December 13, 2023, the Committee adjourned the hearing of these applications to allow time for the Applicant to receive permission for the removal of the jointly owned tree by the adjacent property owner, or to revise their plans. The Applicant subsequently revised its plans.

REQUESTED VARIANCES

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

A-00269: 292B Holmwood Avenue, Part 1 on draft 4R-Plan:

- a) To permit a reduced rear yard setback of 6.9 metres (25% of lot depth), whereas the By-law requires a minimum rear yard setback of 8.24 metres (30% of lot depth).
- b) To permit a landing and steps to project 0.25 metres from the front lot line, whereas the By-law permits landings and steps to project no closer than 0.6 metres from the front lot line.

- c) To permit a front-facing garage, whereas the By-law states that no front-facing garage is permitted, based on the conclusions of a Streetscape Character Analysis.

A-00270: 292A Holmwood Avenue, Part 2 on draft 4R-Plan:

- d) To permit a reduced rear yard setback of 6.9 metres (25% of lot depth), whereas the By-law requires a minimum rear yard setback of 8.24 metres (30% of lot depth).
- e) To permit a landing and steps to project 0.25 metres from the front lot line, whereas the By-law permits landings and steps to project no closer than 0.6 metres from the front lot line.
- f) To permit a front-facing garage, whereas the By-law states that no front-facing garage is permitted, based on the conclusions of a Streetscape Character Analysis.

PUBLIC HEARING

- [4] On October 2, 2024, the Committee adjourned the scheduled hearing of the applications to allow the Applicant more time to consult with residents and for City Staff to provide an updated Planning Report based on revised tree information provided by the Applicant.

Oral Submissions Summary

- [5] Jennifer Adams and Todd Duckworth, Agents 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. In his presentation, Mr. Duckworth addressed his discussions with the City and immediate neighbours regarding trees, and indicated that the neighbour to the east did not agree to the removal of their shared boundary tree. Mr. Duckworth also highlighted that the footprint of the proposed semi-detached dwelling could be located in compliance with the Zoning By-law but was sited at the maximum permitted front yard setback to better align with the streetscape. He stated that there was no plan to develop the retained lot to the east, but it could be developed in the future without disruption to the boundary tree, and six trees surrounding the boundary tree would also be protected.
- [6] Responding to the Committee's questions, Mr. Duckworth confirmed that the proposed rear yard setback exceeds that of the existing building by 1.3 metres and noted that the requested variances did not directly necessitate the removal of trees.
- [7] City Infill Forester Nancy Young responded to the Committee's questions and confirmed that, when the vacant retained lot is developed in the future, tree removal permits would be issued for any tree requiring removal to accommodate any development that complies with the Zoning By-law, except for the boundary

tree which would require the neighbour's permission to be removed. She noted that other trees close to the boundary tree, which share a common critical root zone, would therefore also be protected.

- [8] City Planner Margot Linker confirmed she had no concerns with the proposed attached front facing garage or the landing and step projections, and some concerns with the proposed rear yard.
- [9] A. Bauman, resident, highlighted concerns with the removal of four large Colorado spruce trees and safety concerns related to the proposed front facing garages, noting that the proposed development fronts on the intersection of Holmwood Avenue and Gordon Street, as well as concerns with snow removal.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [11] 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

- [12] 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 cover letter, plans, parcel abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received October 11, 2024, with some concerns; received September 26, 2024, requesting an adjournment.
 - Rideau Valley Conservation Authority email received October 9, 2024, with no comments; received September 25, 2024, with no comments.
 - Hydro Ottawa email received October 11, 2024, with comments; received September 27, 2024, with comments.
 - Hydro One email received October 9, 2024, with no comments; received September 25, 2024, with no comments.

- K. Ferguson, resident, email received October 11, 2024, with comments; received September 25, 2024, with comments; received email October 1, 2024.
- A. Bauman, resident, email received October 11, 2024, with comments; received September 18, 2024, with comments.
- B. Sutton, resident, email received October 15, 2024, with comments.
- M. Tobin, resident, email received September 19, 2024, with comments.
- D. Gragg and T. Reilly, residents, email received September 23, 2024, with comments.
- B. and G. Greenwood, residents, email received September 25, 2024.
- G. Slack and R. Ewing, residents, email received September 30, 2024, with comments.
- S. Keating, resident, email received October 1, 2024, with comments.
- T. Reilly, resident, email received October 1, 2024, with comments.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns regarding the minor variances for the proposed attached front facing garage or the landing and step projections," highlighting that, " the proposal includes front facing balconies and living spaces which cantilever over the driveway and garage entry, which are oriented to allow the living spaces to interact with the public realm and reduce the visual impact of the front-facing attached garages." The report also indicates that the City has "some concerns" with the proposed rear yard setback on the basis that it "would not be in line with the general massing pattern on this Street," however, the Committee notes that the proposed rear yard is greater than that of the existing building on the lot.
- [16] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] 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.

- [18] 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.
- [19] 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 that is compatible with the surrounding area.
- [20] 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.
- [21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped August 14, 2024, as they relate to the requested variances.

"Simon Coakeley"
SIMON COAKELEY
ACTING PANEL CHAIR

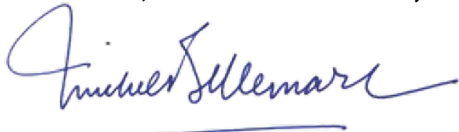
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"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 **October 25, 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 **November 14, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436