

**DECISION
MINOR VARIANCE**

Date of Decision:	September 13, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00168
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Patrick Szlanta
Property Address:	167 Powell Avenue
Ward:	17 – Capital
Legal Description:	Lot 71, Part of Lot 70 and Part of the Rear Passage (Lying between Percy Street and Lyon Street), Registered Plan 4M-19
Zoning:	R3P
Zoning By-law:	2008-250
Heard:	September 4, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a below grade garage beneath the existing house with a reverse grade driveway, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit an increased driveway gradient of 14.2%, whereas the By-law requires a driveway gradient not exceed an average of 8%.
 - b) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing attached garage based on the conclusions of a Streetscape Character Analysis.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The schedule hearing of the application was adjourned on August 7, 2024, to allow the Applicant time to provide evidence of the driveway slope's functionality.

Oral Submissions Summary

- [5] Patrick V. Szlanta, Agent for the Applicant, provided an overview of the application and confirmed that he worked with the City engineer to adjust the driveway slope and integrated transition zones
- [6] City Planner Penelope Horn was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [7] 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

- [8] 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, streetscape character analysis, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 29, 2024, with no concerns; received August 1, 2024, with some concerns.
 - Rideau Valley Conservation Authority email received August 29, 2024, with no objections; received August 2, 2024, with no objections.
 - Hydro Ottawa email received September 3, 2024, with comments; received August 2, 2024, with comments.
 - Ontario Ministry of Transportation email received August 6, 2024, with comments.

- C. and B. Macdonald, neighbours, email received August 27, 2024, with comments.
- G. Ostroff, neighbour, email received August 29, 2024, in support.
- J. Stuewe, neighbour, email received August 29, 2024, in support.
- C. Miller, neighbour, email received September 3, 2024, with comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the introduction of a front-facing garage will have limited impacts on the streetscape". The report also highlights that "since the adjournment, the applicant has provided a transition of 7 percent at the bottom and the top of the driveway".
- [12] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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.
- [15] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [16] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [17] 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 July

31, 2024, and the elevations filed, Committee of Adjustment date stamped June 25, 2024, as they relate to the requested variances.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
JOHN BLATHERWICK
MEMBER

Absent
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 **September 13, 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 **October 3, 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