

**DECISION
MINOR VARIANCE**

Date of Decision:	November 29, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00256
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Chantal de Laplante and Anton Bezglasnyy
Property Address:	433 Evered Avenue
Ward:	15 - Kitchissippi
Legal Description:	Lot 53, Registered Plan 269
Zoning:	R4UA [2686] H(8.5)
Zoning By-law:	2008-250
Hearing Date:	November 20, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants' want to demolish the existing detached dwelling and construct a new detached dwelling with an additional dwelling unit in the basement, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a parking space to be located in the front yard, whereas the By-law does not permit parking in a required and provided front yard.
 - b) To permit a covered porch to project 0.81 metres into the corner sight triangle (at the corner of Wesley Avenue and Evered Avenue), whereas the By-law prohibits any structures higher than 0.75 metres within the corner sight triangle.

PUBLIC HEARING

- [3] On November 6, 2024, the Committee adjourned the scheduled hearing of the application to allow the Applicants' agent time to consult with the Westboro Community Association and the City's Planning Services.

Oral Submissions Summary

- [4] In response to questions from the Committee, Rosaline Hill, agent for the Applicant, explained that she had met with members of the Westboro Community Association to discuss zoning-compliant parking options that would preserve the distinctive tree on site. Ms. Hill expressed that the proposed front yard parking was the least impactful option.
- [5] The Committee also heard oral submissions from the following individual:
- T. Gray, Westboro Community Association, highlighted support for the application and the location of the proposed parking pad.
- [6] City Planner Elizabeth Hill was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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 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, revised plans, tree information report, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received November 14, 2024, with concerns; received October 31, 2024, with concerns.

- Rideau Valley Conservation Authority email dated November 15, 2024, with no objections; received November 1, 2024, with no objections.
- S. Ait-Ouali, resident, email received November 6, 2024, in support.
- M. Kinateder and L. Malone, residents, email received November 6, 2024, in support.
- B. Doucett, resident, email received November 6, 2024, in support.
- A. Alvarenga, resident, email received November 7, 2024, in support.
- J. Boyer, resident, email received November 7, 2024, in support.
- S. Murphy, resident, email received November 12, 2024, in support.
- M. Willis, resident, email received November 12, 2024, in support.
- T. Gray, Westboro Community Association, email received November 18, 2024, with comments; received November 1, 2024, in opposition; received November 1, 2024, requesting adjournment.
- Hydro Ottawa email dated November 1, 2024, with comments
- Ontario Ministry of Transportation email received October 18, 2024, with no comments.
- C. Démoré and J. Ciavarella, residents, email received October 10, 2024, in support.
- M. and P. Chin, residents, email received October 10, 2024, in support.
- J. Shaw, resident, email received October 22, 2024, in support.
- E. and S. Davies, residents, email received October 29, 2024, in support.

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 variance meets 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 variance (b), however raises "concerns" regarding variance (a),

highlighting that “Section 139 of the Zoning By-Law and Section 4 Urban Design Guidelines for Low-rise Infill Housing would suggest that parking should be located in the interior side yard or rear yard to provide more soft landscaping and maintain the neighbourhood character.”

- [12] The Committee also notes that no compelling evidence was presented that the variance 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 variance is, 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 variance maintains 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 variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [16] 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.
- [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 plans filed, Committee of Adjustment date stamped November 18, 2024, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

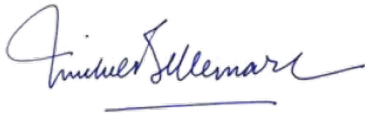
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"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 **November 29, 2024**



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than 3:00 p.m. on December 19, 2024.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to cofa@ottawa.ca. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 Centrepointe Drive, 4th floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

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