

**DECISION
MINOR VARIANCE**

Date of Decision: June 13, 2025
Panel: 1 - Urban
File No.: D08-02-25/A-00116
Application: Minor Variance under section 45 of the *Planning Act*
Applicants: C. Saab and J. Huws-Oussoren
Property Address: 15 Clarendon Avenue
Ward: 15 - Kitchissippi
Legal Description: Lot 2818, Registered Plan M-47
Zoning: R3K
Zoning By-law: 2008-250
Heard: June 4, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct two additions onto the existing detached dwelling. One of the additions will enclose a portion of the existing deck in the rear yard and the other addition, located on the southern side of the existing dwelling will contain a front-facing attached garage and a mud room, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicants seek the Committee's authorization to permit a front-facing attached garage, whereas the By-law states no front-facing attached garage is permitted based on the conclusions of a Streetscape Character Analysis.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING**Oral Submissions Summary**

- [4] Amy Cada, agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. In response to the Committee's questions, Ms. Cada confirmed there was no existing garage on the subject property and highlighted two examples of properties on Clarendon Avenue that had acquired a minor variance to permit similar front-facing attached garages. Ms. Cada noted a revised site plan, filed with the Committee and explained that the property currently had an illegal front yard parking space and confirmed that this hardscaping would be removed, and soft landscaping would be reinstated in its place, as per the revised plan.
- [5] City Planner Dylan Geldart had concerns regarding the application, noting that the subject property is located within an evolving neighbourhood overlay which seeks to transition area properties into an urban form, and excludes the creation of front-facing attached garages.
- [6] Responding to the Committee's questions, J. Huws-Oussoren, one of the Applicants, noted the intent of the one-storey, flat roof design for the proposed garage was to ensure it would not dominate the property's frontage from the street. It was also noted that the garage was setback from the front wall of the dwelling to further mitigate the visual impact of the garage from the street. Mr. Huws-Oussoren believed enlarging the front porch would add front yard activity and enhance the character of the street.
- [7] Mr. Geldart highlighted that the City's Planning Services would prefer locating a detached garage in the rear yard. He also highlighted the results of the streetscape character analysis indicate that fourteen out of twenty-one surveyed properties do not have attached garages.
- [8] City Planner Erin O'Connell was also present.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**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 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, streetscape character analysis, revised plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 29, 2025, with concerns.
- Rideau Valley Conservation Authority email dated May 29, 2025, with no objections.
- Hydro Ottawa email dated May 26, 2025, with comments.
- D. and C. Badiere, resident, email dated June 2, 2025, in support.
- S. McGraw, resident, email dated June 2, 2025, in support.
- E. Carty, resident, email dated June 2, 2025, in support.
- A. Elmahrouk, resident, email dated June 2, 2025, in support.
- L. Watson, resident, email dated June 3, 2025, in support.
- D. and L. Lauzon, residents, email dated June 2, 2025, in support.
- K. Ruff, resident, email dated June 3, 2025, 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 granted the application.

[13] Based on the evidence, the Committee is satisfied that the requested variance meets 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, "[t]he results of the [Streetscape Character Analysis] indicate that 14 of the surveyed properties do not have attached garages, while 7 properties do. As a result, the subject property falls within Character Group A, which prohibits front-facing garages." The report also highlights that, "[s]taff are of the opinion the requested variance undermines the policy and zoning direction by permitting a built-form that limits the long-term evolution of the site to a fully urban design."

- [15] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [20] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variance to the Zoning By-law is authorized, **subject to** the location and size of the proposed construction being in accordance with the elevations drawing filed, Committee of Adjustment date stamped April 29, 2025, and the revised site plan filed, Committee of Adjustment date stamped June 3, 2025, as they relate to the requested variance.

"Ann M. Tremblay"
ANN M. TREMBLAY
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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 **June 13, 2025**

"Michel Bellemare"
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 July 3, 2025**.

- **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](#)

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