

DECISION MINOR VARIANCE

Date of Decision:	March 28, 2025
Panel:	2 - Suburban
File No.:	D08-02-25/A-00026
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Raman Kshnikatkin
Property Address:	613 Blanchard Crescent
Ward:	16 - River
Legal Description:	Lot 586, Registered Plan 776
Zoning:	R1O
Zoning By-law:	2008-250
Heard:	March 18, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct an attached garage at the front of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a reduced front yard setback of 1.4 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
 - b) To permit an entrance to a garage to project 8.29 metres closer to the front lot line than the principal entrance to the dwelling, whereas the By-law requires an entrance to a garage to be set back at least 0.6 metres further from the front lot line than the principal entrance to the dwelling.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Jasmine Paoloni and Yasmine Bahadouri, 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. Ms. Paoloni highlighted that the storm sewer in this area is regularly blocked and not maintained, causing stormwater to drain toward the existing garage. She explained that the proposal was to eliminate the existing reverse slope driveway and construct a new attached garage at grade, while maintaining the habitable space within the dwelling.
- [5] Responding to the Panel's questions, Ms. Paoloni confirmed that a temporary parking space was created in the front yard and within the City right of way, which would be removed. She also explained that the depth of the proposed garage was necessary to accommodate a vehicle, the width of a side entranceway to the garage, and a stairway access to the basement within the garage. Regarding the option of locating a new garage elsewhere on the lot, she submitted that it would not be feasible to locate a garage elsewhere due to the lot constraints.
- [6] City Planner Luke Teeft indicated that he had no further comments beyond the concerns outlined in his Planning Report. In response to a question from the Panel, he noted that an alternate proposal that would locate the garage elsewhere on the lot would be preferable to the City.
- [7] The Committee also heard from Raman Kshnikatkin, the Applicant, who elaborated on the recurring drainage and flooding issues affecting the property, as well as the need for a garage.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application(s) Must Satisfy Statutory Four-Part Test

- [9] The Committee has the power to authorize minor variances 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 variances are minor, are 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

- [10] 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, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 12, 2025, recommending refusal.
- Rideau Valley Conservation Authority email received March 17, 2025, with no objections.
- Hydro Ottawa email received March 6, 2025, with comments.
- Ontario Ministry of Transportation email received March 12, 2025, with no comments.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [12] The Committee notes that the City's Planning Report recommends refusal of the application, highlighting that, "the projecting garage is out of character with the surrounding neighbourhood." The report also indicates that: "the Zoning By-law and Official Plan discourage garages and automobile parking which project in front of the main façade and dominate the streetscape. This type of design results in a loss of a quality environment in the neighbourhood."
- [13] Based on the evidence, the majority of the Committee (Vice-Chair Fabian Poulin dissenting) is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] Based on the circumstances, the majority of the Committee is not satisfied that sufficient evidence was presented to demonstrate that, from a planning and public interest point of view, the requested variances are desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. The majority of the Committee also finds that alternate solutions are available to resolve existing drainage issues that would represent a better fit within the neighbourhood.
- [15] The majority of the Committee also finds that the proposal does not respect the character of the area because it would introduce a garage that dominates the streetscape, and therefore the requested variances do not maintain the general intent and purpose of the Official Plan.

- [16] In addition, the majority of the Committee finds that the proposal does not represent orderly development, and therefore the requested variances do not maintain the general intent and purpose of the Zoning By-law.
- [17] Moreover, the Committee finds that the requested variances are not minor because they would create an unacceptable adverse impact on abutting properties and the neighbourhood in general.
- [18] Failing all four statutory tests, the Committee is unable to grant the application.
- [19] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is refused, and the variances are not authorized.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 28, 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 April 17, 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 Centrepoin 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.

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