

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	June 13, 2025
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-25/A-00073
<b>Application:</b>	Minor Variances under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	P. Nguyen, B. Le Truong
<b>Property Address:</b>	324 Tucana Way
<b>Ward:</b>	3 - Barrhaven West
<b>Legal Description:</b>	Lot 45, Plan 4M-1389
<b>Zoning:</b>	R3Z
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	June 3, 2025, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicants want to convert the existing attached garage into living space and introduce a front yard parking space, as shown on the plans filed with the application.

**REQUESTED VARIANCES**

- [2] The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a driveway between the front wall of the residential building and the street, whereas the By-law states no part of the driveway may be located between the front wall of a residential building and the street.
  - b) To permit a parking space in the front yard of the dwelling, whereas the By-law states no parking space may be established in a front yard.
  - c) To permit a reduced parking space length of 4.47 metres, whereas the By-law requires a minimum parking space length of 5.2 metres.

- [3] The property is not the subject of any other current application under the Planning Act.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] Charisse Nguyen, 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.
- [5] Responding to Panel's questions, Ms. Nguyen confirmed that the footprint of the dwelling and garage would not change and renovations to the interior of the existing garage would result in the loss of a designated parking space.
- [6] City Planner Nivethini Jekku Einkaran explained that, before the renovation, the legal parking space would be located inside the attached garage. She further clarified that, when the new Zoning By law comes into effect, front yard parking would be permitted for one parking space.
- [7] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application(s) Must Satisfy Statutory Four-Part Test**

- [8] 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**

- [9] 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 May 26, 2025, with concerns.

- Rideau Valley Conservation Authority email received May 29, 2025, with no objections.

### Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "concerns" regarding the application, highlighting that "[s]taff have concerns with a variance to reduce the parking space length as the resulting parking space would not be sufficient to park a car entirely within the private property". The report also highlights concerns "with the creation of front yard parking and parking along the front wall of the property as it is prohibited by the Zoning By-law".
- [13] The Committee (Member Wright dissenting on variance (c)) also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [15] 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.
- [16] 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.
- [17] 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.
- [18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variances to the Zoning By-law are authorized, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped March 24, 2025, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*Absent*  
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 **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](mailto: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, 4<sup>th</sup> 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**  
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