

DECISION
MINOR VARIANCE

Date of Decision:	February 27, 2026
Panel:	1 - Urban
File:	D08-02-25/A-00281
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	M. Baroud
Property Address:	246 Westhaven Crescent
Ward:	15 - Kitchissippi
Legal Description:	Part of Lots H and I, Registered Plan 253 and Lot 30, Registered Plan 308
Zoning:	R4-UC [2980]
Zoning By-law:	2008-250
Heard:	February 18, 2026, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to establish an additional front yard parking space, increase the driveway width and reduce the soft landscaping in the front yard of the existing six-unit, low rise apartment building, as shown on the plans filed with the Committee. The existing parking space will remain.

REQUESTED VARIANCES

- [2] The Applicant requests that the Committee authorize minor variances from the Zoning By-law:
- a) To permit a reduced minimum aggregated soft landscape area of 32% (17.75 square metres) in the front yard, whereas the Zoning By-law requires a minimum aggregated soft landscaped area of 35% (19.1 square metres) in the front yard;

- b) To permit a parking space to be located in the front yard, whereas the Zoning By-law prohibits the establishment of parking spaces in the required and provided front yard;
 - c) To permit an increased driveway width of 5.76 metres (double-wide driveway), whereas the Zoning By-law permits only a single width or shared driveway.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Susan Smith and Thanh Do, 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. Smith highlighted that several residents in the area had paved over and expanded parking in their front yards, reducing the availability of on-street parking. She submitted that, while the proposal may not comply with the City's objective of reducing parking in general, the requested variances are justified due to the unique conditions on this street. Ms. Smith also noted that she discussed the application with neighbours and distributed a flyer, and they supported the application.
- [5] Responding to the Panel's questions, Ms. Smith confirmed that a three-unit building with two parking spaces was built in 2014. Then, through a Zoning By-law Amendment application in 2024, the City approved its conversion to a six-unit apartment building but required that one parking space be removed, which was replaced by a garbage enclosure. Asked what has changed since 2024, Ms. Smith explained that the Applicant agreed to remove one parking space to obtain approval for a rezoning and intended to sell the property but has instead retained ownership and now wants to provide additional parking for tenants. She also indicated she had not surveyed the number of available on-street parking spaces in the area or their occupancy throughout the day.
- [6] City Planner Dylan Geldart responded to questions and confirmed that the proposal would require an exemption from the City's Private Approach By-law, but that Right of Way Management staff recommended that the requested variances be refused. He also noted that Planning Forestry staff recommended soft landscaping in the front yard be maintained to provide enough space for tree growth. Regarding the pattern of front yard parking in the area, Mr. Geldart explained that a streetscape character analysis determined that legal front yard parking was not the dominant pattern and was therefore not permitted, noting that many front yard parking spaces in use on adjacent lots were not legally

established. He also explained the City's process for issuing notices of violation on a complaint basis.

[7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application Must Satisfy Statutory Four-Part Test

[8] 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 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, tree information report, street character analysis, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 11, 2026, with concerns.
- Rideau Valley Conservation Authority email received February 10, 2026, with no objections.
- Hydro Ottawa email received February 13, 2026, with comments.
- J. McCloskey, resident, email received February 9, 2026, in support.
- S. Russell, resident, email received February 11, 2026, in support.
- M. Clancy, resident, email received February 11, 2026, in support.
- T. Gray, resident, email received February 12, 2026, opposed.

Effect of Submissions on Decision

[10] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.

- [11] Based on the evidence, the Committee is not 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" with the application, highlighting that: "The proposal to legalize the front yard parking space through a minor variance contradicts [...] Official Plan policies intended to prioritize a high-quality pedestrian environment that were relied upon in support of the Zoning By-law Amendment. In addition, the site is an undersized lot where parking is not required under the Zoning By-law. The originally approved one vehicular parking space and six bicycle spaces were considered sufficient at the time of the approval and remain appropriate as the principal use of the site has not changed."
- [13] Based on the circumstances and the evidence presented, the Committee is not satisfied 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 neighbouring lands and the surrounding area.
- [14] The Committee also finds that the requested variances do not maintain the general intent and purpose of the Official Plan because the proposal prioritizes additional parking over the pedestrian environment and soft landscaping to support tree growth.
- [15] Also, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development of the property.
- [16] Additionally, the Committee finds that the requested variances are not minor because they would create an unacceptable adverse impact on neighbouring properties, exacerbating an existing problem highlighted by the Applicant related to excessive paving and parking in front yards along this street.
- [17] Failing all four of the statutory tests, the Committee is unable to grant the application.
- [18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is refused and the variances to the Zoning By-law are not authorized.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Colin Haskin"
COLIN HASKIN
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 **February 27, 2026**.

"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 March 19, 2026**.

- **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.

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