



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.:	D08-02-22/A-00061
Owner(s):	Linden Holmes
Location:	21 Gordon Street
Ward:	17-Capital
Legal Description:	North Half of Lot 7, (East Gordon Street) Reg. Plan 33446
Zoning:	R3P
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **July 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to cover the existing front deck and construct a new carport on the south side of her existing dwelling, as shown on plans on file with the Committee.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit the construction of a front-facing carport whereas the By-law does not permit a front-facing carport **where it is not determined to be a dominant character** as it does not reflect the dominant character as determined by the streetscape character analysis.
- b) To permit a reduced southerly side yard setback for the proposed carport of 0.58 metres whereas the By-law requires a minimum total interior side yard setback of 1.8 metres ~~with 1.2 metres on one side and 0.6 metres on the other side.~~
- c) ~~To permit the eaves of the proposed carport to project to 0.22 metres from the property line, whereas the By-law requires a maximum projection of the eaves of 0.30 metres.~~

- d) To permit an increased projection for the proposed roof over the existing deck of 2.10 metres ~~to the front property line~~ **into the required front yard and to be located within 0.8 metres of a lot line**, whereas the By-Law permits a maximum projection of 2 metres ~~from any lot line~~ **into a required yard but no closer than 1m from any lot line.**

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING:

The Committee heard from Linden Holmes, Owner of the property, who provided a brief overview of the application. Ms. Holmes also provided the Committee with a summary of the proposed construction and of her consultation efforts, highlighting that her immediate neighbours to the north and south, who may be most affected by the proposal, registered no concerns with the application. It was her submission that the proposal would integrate well into the existing streetscape, as well providing additional outdoor amenity area and shelter from snow and ice in the winter months. She also referred the Committee to her correspondence on file, which responded in detail to the concerns raised by neighbours.

When asked by the Committee, Ms. Holmes confirmed that, after consultation with the City Planner and based on proposed amendments to the plan filed, variance (c) could be removed from the application and the wording of variances (a), (b) and (d) should be amended as follows:

- a) To permit the construction of a front-facing carport whereas the By-law does not permit a front-facing carport **where it is not determined to be a dominant character** as it does not reflect the dominant character as determined by the streetscape character analysis.
- b) To permit a reduced southerly side yard setback for the proposed carport of 0.58 metres whereas the By-law requires a minimum total interior side yard setback of 1.8 metres ~~with 1.2 metres on one side and 0.6 metres on the other side.~~
- d) To permit an increased projection for the proposed roof over the existing deck of 2.10 metres ~~to the front property line~~ **into the required front yard and to be located within 0.8 metres of a lot line**, whereas the By-Law permits a maximum projection of 2 metres ~~from any lot line~~ **into a required yard but no closer than 1m from any lot line.**

With all parties in agreement, the application was amended accordingly.

Craig Hamilton of the City's Planning, Real Estate and Economic Development Department was also in attendance. Mr. Hamilton summarized the concerns outlined in

his written report on file, noting that the dominant characteristic along Gordon Street was determined to be residential dwellings without front-facing garages or carports and therefore, in his view, the proposal did not conform to the general intent of the Zoning By-law.

The Committee also heard presentations in opposition to the application from Sally Juden of 14 Gordon Street and Camille Lewis of 17 Gordon Street, who referred the Committee to photographs of Gordon Street and nearby development. The concerns raised included the legibility of the plans filed, the incompatibility of the proposed carport with the dominant pattern on the street, the potential for the covered deck to disrupt the existing streetscape, which predominantly features open porches with generous setbacks, and the incremental expansion of the building amounting to overdevelopment.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

The Committee considered any written and oral submissions relating to the application in making its Decision.

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.

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*.

The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that: "the dominant characteristic along Gordon Street is dwellings, containing single driveways leading to parking within the interior yard or rear yard, [and] the proposed carport deviates from the character of the neighbourhood."

Considering the circumstances, the Committee finds that the requested variances are not desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands, because the proposed covered porch and carport would deviate from and disrupt the dominant pattern of development along Gordon Street. The Committee also finds that insufficient evidence was presented to demonstrate that the variances maintain the general intent and purpose of the Official Plan, and that the proposal appears to amount to overdevelopment of the site and does not reflect the character of the neighbourhood. In addition, the Committee finds that the variances requested and the incremental expansion of the building into required yards does not represent orderly development, and therefore does not maintain the general intent and purpose of the Zoning By-law. In this case, the Committee finds that some evidence was presented that the proposal would negatively impact the existing streetscape, and finds that, individually and cumulatively, the variances are not minor

because they would create an unacceptable adverse impact on the neighbourhood in general.

The Committee therefore does not authorize the requested variances.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **August 4, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION****File No. / Dossier n°:** D08-02-22/A-00061**Owner(s) / Propriétaire(s):** Linden Holmes**Location / Emplacement:** 21 Gordon Street

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

Absent / Absent

**JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT**

"Stan Wilder"

**STAN WILDER
MEMBER / MEMBRE**

"Heather MacLean"

**HEATHER MACLEAN
MEMBER / MEMBRE**

"Bonnie Oakes Charron"

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

"Michael Wildman"

**MICHAEL WILDMAN
ACTING VICE-CHAIR / VICE-PRÉSIDENT
INTÉRIMAIRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.



***Date of Decision / Date de la décision*
July 15, 2022 / 15 juillet 2022**

**Matthew Garnett
Acting Secretary-Treasurer /
Secrétaire-trésorier intérimaire**