



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

<b>File Nos.:</b>	D08-02-022/A-00160 & D08-02-22/A-00161
<b>Owner(s):</b>	Michael Beynon and Chelsea Nesbitt
<b>Location:</b>	432 Avondale Avenue
<b>Ward:</b>	15-Kitchissippi
<b>Legal Description:</b>	Part of Lot 30, Concession 1 (Ottawa Front), Geographic Township of Nepean
<b>Zoning:</b>	R4UA[2686] H(8.5)
<b>Zoning By-law:</b>	2008-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

#### PURPOSE OF THE APPLICATIONS:

At its hearing on May 4, 2022, the Committee granted Minor Variance Applications (D08-02-22/A-00090 and D08-02-22/A-00091) in part, for the creation of two separate parcels. The Owners have since revised their plans and are now re-applying to construct two detached dwellings.

#### RELIEF REQUIRED:

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

#### A-00160 - 432 Avondale Avenue, Parts 1 & 2 (proposed single-detached dwelling):

- a) To permit a reduced easterly and westerly interior side yard setbacks of 1.20 metres, whereas the By-law requires a minimum interior side yard of 1.50 metres.
- b) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing garage as it does not reflect the dominant character as determined by a Streetscape Character Analysis.

A-00161 - 430 Avondale Avenue, Parts 3 & 4 (proposed single-detached dwelling):

- c) To permit a reduced easterly and westerly interior side yard setbacks of 1.20 metres, whereas the By-law requires a minimum interior side yard of 1.50 metres.
- d) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing garage as it does not reflect the dominant character as determined by a Streetscape Character Analysis.

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

**PUBLIC HEARING:**

The Panel Chair administered an oath to Jessica D'Aoust, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Ms. D'Aoust, who appeared along with Justin Sequin, project designer, provided the Committee with a full presentation which included photographs of the immediate context along Avondale Avenue. Ms. D'Aoust also explained the changes to the design which had occurred since the May 4, 2022, hearing. The changes included increasing the proposed side yard setback to 1.2 metres, which in her opinion was more in keeping with the surrounding context.

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 Avondale Avenue was determined to be residential dwellings without front-facing garages and therefore, in his view, the proposed did not conform to the intent of the Zoning By-law.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

The Committee considered any written and oral submissions relating to the applications in making its Decision, including the letter of support filed by the Westboro Community Association.

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 satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report opposes the application, highlighting that "introduction of an attached, front-facing garage where the Zoning By-law does not allow attached front-facing garages or carports according to the Streetscape Character Analysis (SCA). The submitted SCA has found that the dominant character of the street consists of residential dwellings lacking front-facing garages and legal front yard parking spaces."

The Committee also notes that no cogent evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposal integrates well with the existing streetscape and represents a significant change from the previous proposal, the requested variances are, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan. 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 on the property that is compatible with the neighbourhood. Moreover, the Committee finds that the requested variances are minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped June 3, 2022.

#### **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 18, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

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 <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](mailto: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°:** D08-02-022/A-00160 & D08-02-22/A-00161  
**Owner(s) / Propriétaire(s):** Michael Beynon and Chelsea Nesbitt  
**Location / Emplacement:** 432 Avondale Avenue

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.

***“John Blatherwick”***

**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**

**Absent / Absent**

**MICHAEL WILDMAN  
MEMBER / MEMBRE**

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 29, 2022 / 29 juillet 2022**

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