



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File Nos.: D08-02-22/A-00177 & D08-02-22/A-00181
Owner(s): Navstar Homes
Location: 457 Dawson Avenue
Ward: 15-Kitchissippi
Legal Description: Lot 52, Registered Plan 443
Zoning: R2G
Zoning By-law: 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:

The Owner has filed an Application for Consent (D08-01-22/B-00196) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing dwelling and to construct a semi-detached dwelling, with one dwelling unit on each of the newly created parcels. The proposed parcels and dwelling will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

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

A-00177 - 457 Dawson Avenue, Part 1, (one half of the proposed semi-detached dwelling):

- a) To permit a reduced lot area of 218.4 m². whereas the By-law requires a minimum lot area of 225 m².
- b) ~~To permit a reduced rear yard area of 21.7% (47.4 m²) whereas the By-law requires a minimum rear yard area of 25% of the total lot area (54.6 m²)~~
- c) To permit a front-facing attached garage, whereas the By-law, based upon the Streetscape Character Analysis, does not permit a front-facing attached garage.

A-00181 - 459 Dawson Avenue, Part 2, (other half of the proposed semi-detached dwelling):

- d) To permit a reduced lot area of 218.4m², whereas the By-Law requires a minimum lot area of 225 m².
- ~~e) To permit a reduced rear yard area of 21.8% (47.6 m²) whereas the By-law requires a minimum rear yard area of 25% of the total lot area (54.6m²)~~
- f) 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 indicates that the Property is the subject of the above noted Consent Application under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Arjan Soor, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Soor, who appeared along with Christine McCuaig, also representing the Owner, provided the Committee with a full presentation.

Margot Linker, of the City's Planning, Real Estate and Economic Development Department, summarized the concerns outlined in her 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 her view, the proposal did not conform to the intent of the Zoning By-law.

The Committee noted that as per the City's planning report on file, variances (b) and (e) could be deleted from the applications.

With all parties in agreement, the applications were amended accordingly.

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

The Committee considered any written and oral submissions relating to the applications 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 satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that while the City's Planning Report opposes the applications, highlighting that "the intent of Section 140 of the Zoning By-law and the Streetscape Character Analysis is that development should be consistent with the streetscape's dominant characteristics. Attached front-facing garages on Dawson Avenue are not the dominant pattern", providing access to the dwellings off Dawson Avenue is more desirable.

The Committee also notes that no cogent evidence was presented that the requested variances 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, 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 14, 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 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-00177 & D08-02--22/A-00181
Owner(s) / Propriétaire(s): Navstar Homes
Location / Emplacement: 457 Dawson 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**