



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-22/A-00029
Owner(s): Jeffrey Gordon and Anne-Raphaelle Audoin
Location: 121 Evelyn Avenue
Ward: 17 - Capital
Legal Description: Lot 62, Reg. Plan No. 97162
Zoning: R3P
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **April 6 and September 7, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its hearing on April 6, 2022, the Committee adjourned this application *sine die* to allow the Owners time to revise their application.

The Owners want to renovate the existing single detached dwelling. It is proposed to add a two-storey addition, renovate the existing side entry and add a new attached garage, as shown on plans filed with the Committee.

RELIEF REQUIRED:

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

- a) To permit a reduced corner side yard setback of 1.67 metres whereas the By-law requires a minimum corner side yard setback of 2.45 metres.
- b) To permit a reduced interior side yard setback of 0.6 metres, whereas the By-law requires a minimum total side yard setback of 1.8 metres with no yard less than 1.2 metres.
- c) To permit the attached garage addition to project 1.4 metres closer to the lot line than the required setback from the principal entrance, whereas the By-law

requires than a garage may not be more than 0.6 metres closer to the lot line than the principal entrance.

- d) To permit a total driveway width of 8.19 metres (the total of the westerly 2.6 metre driveway and easterly 5.59 metre driveway), whereas the By-law permits a total driveway width of 3.0 metres.

It should be noted that, for By-law purposes, the frontage on Simcoe Street is deemed to be the front lot line for this property.

The application indicates 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 Jacques Hamel, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Mr. Hamel and Lucas Tardioli, both representing the Owners, provided the Committee with a presentation, with reference to photographs, architectural renderings, an aerial image showing the property within its context, and a site and a lot fabric plan. Mr. Hamel referred to a corner lot reference map (11 corner lots) and emphasized that this contextual evidence demonstrated that many properties with similar proposed driveway width can be found on Evelyn Avenue.

In response to questions from the Committee, Mr. Hamel confirmed that the Owners intend to keep the existing single driveway on the westerly side of the subject property for additional parking space for visitors and personal use. It was noted that future tenants for the secondary dwelling unit, which will be located within the basement of the existing structure, will not have parking space available. Mr. Hamel also confirmed that the shortest side from the corner of the new proposed garage (right side) to the edge of the sidewalk is 12 feet (3.66 metres) and the longer side of the new driveway (left side) is 15 feet (4.57 metres). He further stated that the average length of a vehicle is 16 feet and therefore would not be possible to park a standard size vehicle within the parking space. It was also noted that the driveway pad will remain clear of obstruction from vehicles.

The Committee also heard from Jeffrey Gordon and Anne-Raphaelle Audoin, Owners of the property, who confirmed their efforts to reach out to homeowners within the immediate area on their proposal prior to applying to the Committee of Adjustment.

The Committee also heard presentations in opposition from:

- John Dance of Old Ottawa East Community Association
- Tim Peters of 20 Simcoe Street

- Edward Jun of 147 Concord Street
- Susan Irvine of 143 Concord Street

The objections and concerns of the area residents were numerous and outlined in detail in written correspondence on file. In summary, these objections and concerns relate to the scale and setbacks of the proposed development, especially the total driveway width proposed. It was the submission of these residents that the proposed development would be out of character with the streetscape, negatively obstruct sight lines at the intersection of Simcoe Street and Evelyn Avenue, impact vehicle and pedestrian safety, and set a negative precedent.

Also in attendance was Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department (PRED). Mr. Hamilton summarized the concerns outlined in his written report on file, noting the department's concerns with the proposed driveways on the subject site. He further confirmed that a double-width garage is not common within the immediate neighbourhood.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered all 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.

The majority of the Committee (Chair J. Blatherwick and Member S. Wilder dissenting on the approval of variance (d) for reasons noted below) is 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 "concerns" with the application, concluding that the variances "would result in undue adverse impacts to the pedestrian realm.", highlighting "the prominence of the garage particularly given that it is close to the abutting intersection". The report also highlights that "there is already an existing driveway on site and that on-site parking is not required for this use". The report states that City staff "do not see (sic) rationale for permitting an additional double driveway on a lot that is not wide enough to accommodate such features as-of-right."

In considering variance (d), the majority of the Committee finds that, because the proposed design fits well on the irregular shaped lot, the requested variance is, 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. The majority of the Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood. In addition, the majority of the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the surrounding area. Moreover, the majority of the Committee finds that requested variance (d) is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

In considering variances (a), (b), and (c), the Committee finds that, because the proposed addition fits well in the neighbourhood, 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. 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 of the subject property that is compatible with the surrounding area. 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.

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 8, 2022, as they relate to the requested variances.

Panel Chair J. Blatherwick and Member S. Wilder dissent on variance (d). In their view, authorizing this variance results in a development that does not fit well in the neighbourhood and is therefore not desirable. They also find that insufficient evidence was presented that variance (d) is minor and would not result in an unacceptable adverse impact on the neighbourhood in general. Additionally, they find that variance (d) does not meet the general intent and purpose of both the Official Plan and Zoning By-law because the resulting development does not adhere to the dominant streetscape characteristics of the neighbourhood, and alternative parking should be pursued instead.

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 **October 6, 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-00029
Owner(s) / Propriétaire(s): Jeffrey Gordon and Anne-Raphaelle Audoin
Location / Emplacement: 121 Evelyn 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”
With noted dissent / Dissidence indiquée

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

“Stan Wilder”
With noted dissent / Dissidence indiquée

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

“Bonnie Oakes Charron”

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“Michael Wildman”

**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
September 16, 2022 / 16 septembre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier