



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

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

File No.: D08-02-22/A-00246
Owner(s): Andrew Blocka and Brigitte Leblanc Lapointe
Location: 153 Mulvihill Avenue
Ward: 15 - Kitchissippi
Legal Description: Lot 27, Registered Plan 440
Zoning: R1S
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 21, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners are proposing to construct a detached dwelling with an attached front-facing garage. The existing dwelling and detached garage will be demolished.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a front-facing attached garage whereas the By-law does not permit a front-facing attached garage as it does not reflect the dominant character as determined by a Streetscape Character Analysis.

PUBLIC HEARING:

The Panel Chair administered an oath to Zuzana Keslerova, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. She provided the Committee with an overview of the application, referring to photographs, architectural renderings, elevations, site plan and a street parking study of the immediate area.

In response to questions from the Committee, Ms. Keslerova confirmed that mitigation measures will protect the City-owned tree during construction.

The Committee also heard from Andrew Blocka, one of the Owners of the property, who stated that an alternate option would result in a significant loss of greenspace in the rear yard, including a mature tree. Also in attendance was Brigitte Leblanc Lapointe, the other Owner of the property.

Nancy Young, the City's Infill Forester, was also in attendance. In response to questions from the Committee, she confirmed that the location of the existing driveway is preferred, however there are other options to mitigate damage to the City tree.

Margot Linker, of the City's Planning, Real Estate and Economic Development Department, was also in attendance. Ms. Linker summarized the concerns outlined in her written report on file, noting that the variance requested from the Streetscape Character provisions would deviate from the intent of the Zoning By-law and the Official Plan, which is to preserve the dominant character of existing neighbourhoods.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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 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 because the proposed front-facing garage is inconsistent with the dominant streetscape character.

The Committee also notes that no cogent evidence was presented that the requested 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, 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 Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan. In addition, 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 neighbourhood.

Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped August 17, 2022, as they relate to the requested variance.

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 20, 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-00246
Owner(s) / Propriétaire(s): Andrew Blocka and Brigitte Leblanc Lapointe
Location / Emplacement: 153 Mulvihill 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**

Absent / Absente

**HEATHER MACLEAN
MEMBER / MEMBRE**

Absent / Absente

**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 29, 2022 / 29 septembre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier