



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

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

File No.: D08-02-22/A-00247
Owner(s): Devin and Stephanie Marhue
Location: 681 Tweedsmuir Avenue
Ward: 15 - Kitchissippi
Legal Description: Part of Lot 200, Registered Plan 359
Zoning: R3R
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:

At a hearing on May 4, 2022, the Committee of Adjustment refused Minor Variance Application D08-02-22/A-00101 for the construction of a two-storey coach house at the rear of the property. The Owners have submitted a revised application to construct a two-storey coach house at the rear of their property, 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 an increased building height of 5.81 metres, whereas the By-law permits a maximum building height for a coach house of 3.6 metres.
- b) To permit an increased rear yard setback of 2.0 metres, whereas the By-law permits a maximum rear yard setback for a coach house of 1.0 metres.

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 Nadia De Santi, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Ms. De Santi and Bryan Sim, both representing the Owners, provided the Committee with a detailed presentation, with reference to photographs, architectural renderings, and a site plan demonstrating the redesign of the proposal on the subject lot.

In response to questions from the Committee, Mr. Sim advised that the coach house will be slab-on-grade and the gross floor area including the garage is 940 square feet or 102 square metres. The Committee notes that 940 square feet corresponds instead to 87.3 square metres. Mr. Sim also advised that the building footprint of the proposed coach house is 80 square metres and that the garage is 18 square metres, which complies with the criteria for coach houses under the Zoning By-law.

In response to questions from the Committee, Ms. De Santi confirmed that the new garage will be used by the Applicant's parents who will live in the coach house, and that the existing driveway to the north will be extended to the garage. She also confirmed that the subject property contains two driveways, one on the north side and one on the south side of the property, which is currently accessed by the Applicant's family. It was also confirmed that the front yard parking space represents an existing condition.

Also in attendance was Stephanie Marhue, one of the Owners of the property. In response to questions from the Committee Ms. Marhue confirmed that the existing structure on the subject property is a single detached dwelling.

City Planner Craig Hamilton was also in attendance. In response to questions from the Committee, he confirmed that the two existing driveways are permitted and are considered to be legally non-conforming. With regards to the extended driveway, he confirmed that the extension of the parking space is indeed an illegal front yard parking space.

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 variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the revisions to the proposed coach house have relocated the footprint of the dwelling to an improved location within the rear yard." The report also highlights that, "the majority of the building is located behind the principal dwelling and cannot be seen in its entirety from Tweedsmuir Avenue" and that "the proposed garage is concealed from the view of the public realm and located entirely within the rear yard." The report adds that the "interior side yard and rear yard walls of the coach house continue to provide no windows, minimizing the impacts of overlooking from the increased height."

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

Considering the circumstances, the Committee finds that, because the proposal 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 on the 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 August 8, 2022, as they relate to 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 **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-00247
Owner(s) / Propriétaire(s): Devin and Stephanie Marhue
Location / Emplacement: 681 Tweedsmuir 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**

Absent / Absente

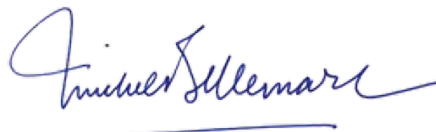
**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“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