



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

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

**File Nos.:** D08-02-22/A-00237 & D08-02-22/A-00238  
**Owner(s):** Sherbrooke Urban Developments Ltd.  
**Location:** 424 (426) Avondale Avenue  
**Ward:** 15 - Kitchissippi  
**Legal Description:** Part of Cole Avenue (closed by the Judge's order Inst. No. NP64454) Registered Plan 257  
**Zoning:** R4UA[2686] H(8.5)  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **September 7 and September 21, 2022**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATIONS:**

The Owner has filed a Consent Application (D08-01-22/B-00247) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing detached dwelling and garage and to construct two new detached dwellings, with one on each of the newly created parcels. The proposed parcels and dwellings will not be in conformity with the requirements of the Zoning By-law.

**RELIEF REQUIRED:**

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

A-00237: 426 Avondale Avenue, Part 1, proposed single-detached dwelling

- a) To permit a reduced lot width of ~~8.5~~ **8.85** metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced easterly and westerly interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard of 1.50 metres.

- c) To permit an increased building height of 9.04 metres, whereas the By-law permits a maximum building height of 8.5 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.

A-00238: 424 Avondale Avenue, Part 2, proposed single-detached dwelling

- e) To permit a reduced lot width of ~~8.5~~ **8.85** metres, whereas the By-law requires a minimum lot width of 10 metres.
- f) To permit a reduced easterly and westerly interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard of 1.50 metres.
- g) To permit an increased building height of 9.04 metres, whereas the By-law permits a maximum building height of 8.5 metres.
- h) 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 the subject of the above noted Consent Application under the *Planning Act*.

**PUBLIC HEARING:**

Prior to the Hearing on September 7, 2022, the Committee received an adjournment request from Jessica D'Aoust, Agent for the Applicant, for additional time to consult with Bell Canada regarding the requested easement. At the Hearing, the Committee heard from Ms. D'Aoust, who reiterated her request for the adjournment. With the concurrence of all parties the application was adjourned to the Hearing scheduled for September 21, 2022.

At the renewed Hearing on September 21, 2022, the Panel Chair administered an oath to Ms. D'Aoust, who confirmed that the statutory notice posting requirements were satisfied.

The Committee confirmed that the requested variances (a) and (e) for reduced lot width should be amended to read as follows: ~~8.5~~ **8.85** metres. It was also noted that the zoning description should also be amended to read as follows: R4UA[**2686**] **H(8.5)**.

With the concurrence of Ms. D'Aoust, the applications were amended accordingly.

Ms. D'Aoust provided the Committee with a full presentation which included a breakdown of the development, elevations, a lot fabric plan, and a streetscape rendering of the proposed addition to the neighbourhood. She advised that the existing grade of the subject property is currently below the average grade within the community and will be raised appropriately to level with the surrounding area. Once the grading is corrected and raised, the measurement from the new grade to the height of the dwelling will be 8.5 metres, which will comply with the Zoning By-law.

In response to questions from the Committee, Justin Seguin, also representing the Applicant, confirmed that the placement of the garage door complies with the zoning requirement that the front façade be recessed an additional 0.6 metres from the front setback line.

The Committee also heard from Heather Mitchell of the Westboro Community Association who acknowledged the consultation efforts of the Owners and Ms. D'Aoust, and highlighted support for the proposed development compatible with the neighbourhood.

Also in attendance was Nancy Young, the City's Infill Forester, and City Planner Craig Hamilton.

**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 the City's Planning Report states "some concerns" with the applications regarding the introduction of a front-facing attached garage because it does not reflect the dominant streetscape character.

The Committee also notes that no 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 and improves the property's grading and

drainage, 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 neighbourhood. 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 requested variances (a) and (e).

The Committee also authorizes variances (b), (c), (d), (f), (g), and (h), **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped July 19, 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](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°:** D08-02-22/A-00237 & D08-02-22/A-00238  
**Owner(s) / Propriétaire(s):** Sherbrooke Urban Developments Ltd.  
**Location / Emplacement:** 424 (426) 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**

***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**