



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

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

File No.: D08-02-21/A-00157
Owner(s): David Lindsay
Location: 819 Dunlevie Avenue
Ward: 7 - Bay
Legal Description: Lot 10, Reg. Plan 290559
Zoning: R1GG
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **November 3, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a carport on the east side of his existing one-storey dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED:

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

- a) To permit a reduced front yard setback of 4.56 metres (Killeen Avenue), whereas the Zoning By-law requires a minimum front yard setback of 6 metres.
- b) To permit a reduced interior side yard setback of 1.2 metres (east side), whereas the Zoning By-law requires a minimum interior side yard setback of 1.8 metres.
- c) To permit an increased driveway width of 11.32 metres, whereas the Zoning By-law permits a maximum driveway width of 6 metres.

It should be noted that, for By-law purposes, the frontage on Killeen Avenue 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 Chair administered an oath to Pawel Fielt, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. Fielt confirmed that the proposed carport would be constructed over an existing interlock hard surface area, which was installed in 2015. He also referred the Committee to similar lots within 300 metres of the subject site with comparable driveways and submitted that the proposal would not alter the streetscape character, noting that the existing vegetation would remain along the Killeen Avenue frontage.

Lucy Ramirez of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance and reiterated the concerns outlined in her written report on file, specifically with variance (c). Ms. Ramirez submitted that a triple-wide driveway is not permitted for development within the Greenbelt, and the intent of the Zoning By-law is to ensure that landscaping and pedestrian entrances are the dominant streetscape features for residential properties.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the application in making its Decision, including letters of support from area residents.

The Majority of the Committee ("the Majority", with Member Scott Hindle dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Majority notes that the PIEDD report raises "concerns" regarding the application, specifically in relation to the proposed triple-wide driveway, though it was acknowledged that, "the subject lot has approximately 24 metres of street frontage off Killeen Avenue." The report also noted that, "most of the dwellings [Killeen Avenue between Dunlevie Avenue] have attached front-facing double car garages. There is one attached front facing triple car garage at 860 Killeen Avenue." It was therefore the conclusion of the Majority, recognizing that the driveway and interlock parking pad are existing conditions, that the proposed triple-wide driveway would not disrupt the existing conditions. The Majority also notes that no evidence was presented that the variances would result in any specific adverse impacts on neighbouring properties.

Considering the circumstances, the Majority finds that, because the proposed carport will improve conditions for the residents without affecting the overall form and character of the existing building, 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 Majority also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposed development do not affect in any significant way the overall form

and character of the existing building. In addition, the Majority finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposed renovated building conforms to the dwelling type allowed in this zone and the proposed reliefs legitimize the existing status quo. Moreover, the Majority also finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the minor variances, **subject to** the variances applying to the existing building known municipally as 819 Dunlevie Avenue, and being restricted to the life of this building only.

The dissenting member of the Committee is Member S. Hindle. In his view the triple-wide driveway does not represent desirable, orderly development and does not maintain the general intent and purpose of the Zoning By-law.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **December 2, 2021**, delivered 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. 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.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-02-21/A-00157
Owner(s) / Propriétaire(s): David Lindsay
Location / Emplacement: 819 Dunlevie 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.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

Dissent / Dissident

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

Date of Decision / Date de la décision
November 12, 2021 / 12 novembre 2021



**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**