



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

<b>File No.:</b>	D08-02-22/A-00182
<b>Owner(s):</b>	Wesley Clover International Corporation
<b>Location:</b>	349 and 359 Terry Fox Drive; 525, 535 and 555 Legget Drive; 600 March Road
<b>Ward:</b>	4 - Kanata-North
<b>Legal Description:</b>	Part of Lot 8, Concession 4, Geographic Township of March
<b>Zoning:</b>	ip6
<b>Zoning By-law:</b>	2008-250

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

#### PURPOSE OF THE APPLICATION:

The Owner has filed Consent Applications (D08-01-22/B-00198 to D08-01-22/B-00202, and D08-01-22/B-00238 & D08-01-22/B-00239) which, if approved, will have the effect of creating a new parcel that will not be in conformity with the Zoning By-Law. It is proposed to subdivide the property at 359 Terry Fox Drive and 525 Legget Drive to create a new combined lot for a proposed 30-storey apartment building. The remaining parcel at 359 Terry Fox Drive contains a two-storey office building and warehouse. The remaining parcel at 525 Legget Drive contains the 18-storey Brookstreet Hotel, a stormwater management pond and a five-storey parking structure used by the hotel.

#### RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced lot width of 17.5 metres, whereas the By-law requires a minimum lot width of 45 metres.

The application indicates that the Property is the subject of the above noted Consent Applications as well as a current Official Plan Amendment Application (D01-01-22-0007), a current Zoning Plan Amendment Application (D02-02-21-0123) and a Site Plan Application (D07-12-21-0160) under the *Planning Act*.

**PUBLIC HEARING:**

The Chair administered an oath to James Ireland, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Ireland appeared along with Greg Winters, also representing the Owner, and provided the Committee with a brief presentation.

The Committee also heard from Siobhan Kelly of the City's Planning, Real Estate and Economic Development Department, who confirmed that the City had no concerns with the application.

**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 raises "no concerns" with the application, highlighting that: "the intent of the minimum lot width provision is to ensure that lots can accommodate onsite uses. Staff is of the opinion that the requested variance is minor and desirable as it will result in the creation of an adequately sized lot for the proposed 30-storey residential development."

Considering the circumstances, the Committee finds that, because the proposal fits well within its context, the requested variance is, 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 Committee also finds that, because the proposal respects the character of the area, 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 that is compatible with surrounding land uses. 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.

**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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepoin 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-00182  
**Owner(s) / Propriétaire(s):** Wesley Clover International Corporation  
**Location / Emplacement:** 349 and 359 Terry Fox Drive; 525, 535 and 555 Legget Drive; 600 March Road

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**

***“Scott Hindle”***

**SCOTT HINDLE  
MEMBER / MEMBRE**

***“Colin White”***

**COLIN WHITE  
MEMBER / MEMBRE**


***“Julia Markovich”***

**JULIA MARKOVICH  
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**