



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

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

File No.:	D08-02-22/A-00241
Owner(s):	Stolat Hotels GP Inc.
Location:	308 Moodie Drive
Ward:	8 - College
Legal Description:	Part of Lot 10, Concession 2 (Ottawa Front) Geographic Township of Nepean
Zoning:	IP
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 Owner wants to construct an awning over an existing commercial patio, as shown on the plans filed with the Committee.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit an awning to project a distance equal to 85% of the depth of the corner side yard (5 metres), whereas the Zoning By-law states that an awning may project a distance equal to half the depth of a front, rear or corner side yard, but not closer than 0.6 metres to a lot line.

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 Ryan Poulton, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Poulton appeared along with Murray Chown, also representing the Owner.

Siobhan Kelly of the City's Planning, Real Estate and Economic Development Department was also in attendance.

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 maximum projection provision is to provide landscaping in front, rear or corner side yards and to minimize potential impacts on adjacent properties. The existing commercial patio and soft landscape strip provide for appropriate landscaping between the commercial building and street. As the corner side lot line is adjacent to Moodie Drive, staff is of the opinion that the increased projection will not create adverse impacts."

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, 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 the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood. 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 and is compatible with the surrounding area. 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 site plan filed, Committee of Adjustment date stamped August 5, 2022.

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-00241
Owner(s) / Propriétaire(s): Stolat Hotels GP Inc.
Location / Emplacement: 308 Moodie Drive

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 29, 2022 / 29 septembre 2022**


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