



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

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

File No.: D08-02-22/A-00254
Owner(s): Grepault Developments Ltd.
Location: 439 Churchill Avenue North
Ward: 15-Kitchissippi
Legal Description: Lot 13, Registered Plan 269
Zoning: LC1 H(14.5)
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **October 5, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a third floor above the existing two-storey commercial building and a three-storey rear addition resulting in a mixed use building that will maintain the two existing commercial units and add four new residential units, 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 northerly interior side yard setback of 2.53 metres abutting a residential property, whereas the By-law requires a minimum side yard setback of 5 metres abutting a residential property.
- b) To permit a reduced landscaped area width abutting a residential zone of 0 metres, whereas the By-law requires a minimum landscaped area width abutting a residential zone of 3 metres.
- c) To permit a reduced driveway width of 2.53 metres, whereas the By-law requires a minimum driveway width of 3 metres for a single traffic lane.

- d) To permit the permeable surface requirement to only apply to the parking spaces, whereas the By-law requires any parking space located in within the rear yard as well as any driveway or aisle accessing a parking area be surfaced with a permeable or porous surface.

The application indicates that the Property is the subject of a current Site Plan Application (D07-12-21-0074) under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Tyler Yakichuk, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Mr. Yakichuk provided the Committee with a brief presentation and confirmed that the impermeable surface on the drive aisle is an existing condition.

Craig Hamilton 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 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 proposed side yard setback aligns with the existing northerly wall of the commercial units and provides a contiguous built form when viewed from the street and seeks to match the existing condition found on the property. The provided interior side yard setback maintains the driveway width currently existing on the property and a consistency in massing between the current and proposed buildings". Regarding the proposed driveway and parking spaces, the report further highlights that: "The remaining areas are to be softly landscaped. The proposed site plan improves the existing conditions on site and maintains continuity of an existing driveway."

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, 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 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. Moreover, the Committee finds that the requested variances are minor because it 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 25, 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 **November 3, 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-00254
Owner(s) / Propriétaire(s): Grepault Developments Ltd.
Location / Emplacement: 439 Churchill Avenue North

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**

Absent / Absent

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

“Michael Wildman”

**MICHAEL WILDMAN
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON
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
October 14, 2022 / 14 octobre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorie