



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

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

File No.: D08-02-22/A-00266
Owner(s): Cornerstone House for Women
Location: 44 Eccles Street
Ward: 14-Somerset
Legal Description: Lots 14 and 15 and Part of Lots 5 and 6, Reg. Plan No. 4908
Zoning: GM[65] F(1.5) H (13.5)
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:

At the Hearing on March 16, 2022, the Committee granted Minor Variance Application (D08-02-22/A-00026). It has since been discovered that an additional minor variance is required. The Owner has now filed an additional minor variance and wants to proceed with the application.

The Owner proposes to maintain the existing mixed-use four-storey building and add floor space on the southeast and southwest corners to accommodate communal laundry facilities and a new elevator. The proposed development includes 46 apartment units and an office on the basement level, as shown on 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 a canopy to project 2.4 metres into the required interior side yard, whereas the By-law permits a canopy to project into the required side yard a maximum of 1.8 metres but not be closer than 0.6 metres to the side lot line.

The application indicates that the Property is the subject of (File No. D07-12-22-0024) Site Plan Control Application under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Nadia De Santi, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Anthony Leaning, Project Architect.

Margot Linker 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 proposed location of the canopy has been appropriately located adjacent to multiple accessory structures of similar heights within the rear yards of lots fronting onto Booth Street. A wider canopy than permitted for projections allows for safe, year-round access to the structure with minimal impacts from massing and view from the street."

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 revised site plan filed, Committee of Adjustment date stamped September 8, 2022, and the elevation plans filed, Committee of Adjustment date stamped August 24, 2022, as they relate to 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 **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-00266
Owner(s) / Propriétaire(s): Cornerstone House for Women
Location / Emplacement: 44 Eccles Street

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-trésorier**