



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

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

Date of Decision: October 28, 2022
File No.: D08-02-22/A-00264
Owner: Hazelview Developments Inc.
Location: 2851 Baycrest Drive
Ward: 18 - Alta Vista
Legal Description: Block C, Registered Plan 796
Zoning: R5B H(18)
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **October 19, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner is proposing to build one six-storey building and two seven-storey buildings with a total of 305 residential units, as shown on the 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 an increased building height of 22.8 metres, whereas the By-law permits a maximum building height of 18 metres.
- b) To permit a reduced residential parking rate of 0.99 spaces per unit (304 parking spaces), whereas the By-law requires a minimum of 1.2 spaces per dwelling unit (366 parking spaces).
- c) ~~To permit a reduced side yard setback of 7.28 metres whereas the By-law requires a side yard setback of 1.5 metres for the first 21 metres from the street and 25 percent of the lot depth for the remainder, to a maximum of 7.5 metres.~~

The application indicates that the Property is the subject of a current Site Plan Application (D07-12-21-0238) under the *Planning Act*.

PUBLIC HEARING:

The Chair administered an oath to Scott Alain, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Mr. Alain confirmed that, as highlighted in the City's planning report, the application should be amended to delete variance (c) because it is not required:

- ~~c) — To permit a reduced side yard setback of 7.28 metres whereas the By-law requires a side yard setback of 1.5 metres for the first 21 metres from the street and 25 percent of the lot depth for the remainder, to a maximum of 7.5 metres.~~

With the concurrence of all parties, the application was amended accordingly.

Mr. Alain also confirmed that the seven-storey height applies only to the rear portion of the site.

Also in attendance was Chloe Valcin-Wright, representing the owner.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED
AS AMENDED**

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 "additional height can be appropriate in instances where developments incorporate step backs and architectural articulation". The report also highlights that "[t]he reduction in parking aligns with the policy direction in both Official Plans, which support active transportation and the development of 15-minute neighbourhoods."

The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

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 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 variances maintain 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 of the property that is compatible with the surrounding area. Moreover, the Committee 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 requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped September 21, 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 17, 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-00264
Owner / Propriétaire: Hazelview Developments Inc.
Location / Emplacement: 2851 Baycrest 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**


Absent / Absente

**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
October 28, 2022 / 28 octobre 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier