



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

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

**File No.:** D08-02-22/A-00280  
**Owner(s):** Ottawa Community Housing  
**Location:** 818 Gladstone Avenue  
**Ward:** 14 - Somerset  
**Legal Description:** Lots 1, 2, 6, 7, 8, 9, 274, 275, 277, Registered Plan 16, 27  
**Zoning:** TM15[2689]S432  
**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 wants to construct five new mixed use buildings, consisting of two nine-storey multi-unit buildings (referenced as Buildings A & B) on the north and west side of the site and three low-rise, three-storey stacked townhouse buildings (referenced as Buildings C, D & E) on the east of the site, 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 a zero meter setback after 6 storeys or 20 meters for Building A, whereas the By-law requires any part of a building adjacent to Gladstone Avenue exceeding 6 storeys or 20 metres to be stepped back a minimum of 3.5 meters.
- b) To permit a zero meter setback for Building A & Building B from the ground floor building face, whereas the By-law requires any part of the building exceeding 20 meters in height must be stepped back a minimum of 2 meters from the ground floor building face.

- c) To permit a 3.5 metres setback for the building walls of the ground floor of Building A (west wing) and Building B adjacent to the public right of way, whereas the By-law requires a maximum setback of 3 meters adjacent to a public right of way.
- d) To permit 10% transparent windows on the ground floor façade facing a public street for Buildings D and E, whereas the By-law states that a minimum of 50% of the ground floor façade facing a public street, measured from the average grade to a height of 4.5 meters, must comprise transparent windows.
- e) To allow the front door for the northern unit of Building D to front on public park expansion, whereas the By-law requires the front door to face the street.
- f) To permit ~~one two~~ double wide (6 metre) driveways whereas the By-law does not permit a double wide driveway or widths above 3 metres.

The application indicates that the Property is subject to a Site Plan Control Application (D07-12-21-0221) under the *Planning Act*.

#### **PUBLIC HEARING:**

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

The Committee also heard from Margot Linker of the City's Planning, Real Estate and Economic Development Department, who explained that, initially the City had some concerns with the proposed percentage of window glazing on the ground floor of the townhomes facing Booth Street. Through discussions with the applicant, it had been explained that this development was looking to achieve 'passive housing standards', therefore limiting the window to wall ratio. This rationale along with the confirmation that these buildings were residential in use, satisfied the City's concerns. Ms. Linker requested that if the variances are approved, that they generally be tied to plans to allow for any minor amendments through the Site Plan Control process.

The Committee noted that variance (f) should be amended to read as follows:

- f) To permit ~~one two~~ double wide (6 metre) driveways whereas the By-law does not permit a double wide driveway or widths above 3 metres.

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

Also in attendance was Christa Allevato, representing the Applicant.

**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 "some concerns" regarding the application. The report highlights that "If the proposed buildings were mixed use, more glazing would be required at-grade to contribute to public street animation, however, Buildings D and E are proposed as residential townhouse buildings. Based on the residential nature of the buildings, which include punched windows and individual entrances on Booth Street, Staff do not have significant concerns with the variance to reduce the percentage of glazing on Buildings D and E given that it is limited to the Booth Street frontage." Those concerns were alleviated through discussions with the Agent and confirmed at the hearing.

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 represents a modest form of intensification that 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 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 23, 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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE 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-00280  
**Owner(s) / Propriétaire(s):** Ottawa Community Housing  
**Location / Emplacement:** 818 Gladstone Avenue

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**

***“Stan Wilder”***

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON  
MEMBER / MEMBRE**


***“Michael Wildman”***

**MICHAEL WILDMAN  
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**