

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

**Date of Decision:** November 10, 2022  
**File No.:** D08-02-22A-00275  
**Owner(s):** Fred and Brent McKinlay  
**Location:** 1599 Star Top Road  
**Ward:** 11- Beacon Hill-Cyrville  
**Legal Description:** Part of Lot 24, Concession 2 (Ottawa Front),  
Geographic Township of Gloucester  
**Zoning:** IL2 F(0.7) H(14)  
**Zoning By-law:** 2008-250  
**Hearing Date:** November 2, 2022

**PURPOSE OF THE APPLICATION**

- [1] The Owners want to relocate and expand the existing Collision Centre/Automotive Repair Shop. It is proposed to relocate the **automobile body shop** ~~Body Repair/Paint Shop~~ through renovations to the building located in the northwest corner of the property, as shown on plans filed with the Committee.

**PERMISSION REQUIRED**

- [2] The subject property appears to have a legal non-conforming use of an **automobile body shop** ~~Body Repair and Paint Shop~~. The Owners have applied for Permission to expand the legal non-conforming use by expanding and relocating the **automobile body shop**. ~~Body Repair and Paint Shop~~.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] The Acting Chair administered an oath to Andy Ghadban, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

- [5] Cass Scлаuzero, of the City's Planning, Real Estate and Economic Development Department, was also in attendance. In response to questions from the Committee, she confirmed that upon further discussion with Mr. Ghadban it was determined that a Permission Application would be more appropriate rather than a Zoning By-law Amendment. Ms. Scлаuzero referred to Section 45(2) of the *Planning Act*, where a legal non-conforming use exists and the purpose of the use is similar or compatible with the existing legal non-conforming use, it therefore falls under a Permission Application.

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

- [6] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [7] The Committee has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.
- [8] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the relocation and expansion of the automobile body shop represents a minimal change to the function of the site and any subsequent impact on surrounding areas is likely to be negligible, if not reduced, as a result of retrofitting the existing building to comply with current Ontario Building Code standards." The report also highlights that the "property's location at the intersection of Innes Road and Highway 417, with a storage yard to the north and low-rise office building to the east, is ideal given that future development potential of adjacent sites is minimal." Additionally, the report states that "[r]elocating the auto body shop to a building at the rear of the site provides additional screening from Innes Road and the adjacent office building."
- [10] Considering the circumstances, the Committee finds that, because the proposal represents minimal change to the function of the site and fits well within the area, the requested permission is, from a planning and public interest point of view, desirable for the appropriate use of land, building or structure on the property, and relative to the neighbouring lands.
- [11] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [12] THE COMMITTEE OF ADJUSTMENT therefore permits the expansion and relocation, subject to the permission being in accordance with the plans filed and

Committee of Adjustment date-stamped September 28, 2022, as they relate to the requested permission.

*Absent*  
ANN M. TREMBLAY  
CHAIR

*"Kathleen Willis"*  
KATHLEEN WILLIS  
MEMBER

*"Scott Hindle"*  
SCOTT HINDLE  
ACTING CHAIR

*"Colin White"*  
COLIN WHITE  
MEMBER

*"Julia Markovich"*  
JULIA MARKOVICH  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 10, 2022**.



Michel Bellemare  
Secretary-Treasurer

## 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 **December 1, 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 Ontario Land Tribunal 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 Ontario Land Tribunal. 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.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

*Ce document est également offert en français.*

**Committee of Adjustment | Comité de dérogation**

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