

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

Date of Decision: January 20, 2023
File No(s): D08-01-22/A-00329
Owner(s): HL General Parner Inc.
Location: 1376 Carling Avenue
Ward: 16 - River
Legal Description: Blocks 6 and 7, Registered Plan 221; Geographic Township of Nepean
Zoning: AM10[2519] S389 and O1[2520]
Zoning By-law: 2008-250
Hearing Date: January 11, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct two mixed-used high-rise buildings on the property (Building A & Building B), as shown on plans filed with the Committee.

RELIEF REQUIRED

- [2] 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 for Building A of 63.75 metres (21 storeys), whereas By-law Schedule 389 permits a maximum building height of 63 metres (20 storeys).
 - b) To permit an increased building height for Building B of 69.1 metres (23 storeys), whereas By-law Schedule 389 permits a maximum building height of 69 metres (22 storeys).
- [3] The application indicates that the Property is the subject of a current Site Plan application (D07-12-21-0092) under the *Planning Act*.

PUBLIC HEARING

- [4] The Chair administered an oath to Eric Huot, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Huot explained that the subject site had undergone a Zoning By-law Amendment for the multi-phased development, which was approved in August of 2019.
- [5] The Chair noted that, as identified in the Planning Report filed by the City's Planning, Infrastructure and Economic Development Department, a portion of the property is subject to Parks and Open Space zoning. The zoning designation identified for the property was therefore amended to read: AM10[2519] S389 **and O1[2520]**.
- [6] With the agreement of Mr. Huot, the application was amended accordingly.
- [7] City Planner Siobhan Kelly was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [8] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [9] 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.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that: "The increase in building height is desirable for the redevelopment of the lands as it facilitates the addition of 20 new residential units, and yields building heights with marginal differences from the approved heights in metres."
- [12] 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.
- [13] 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 and contributes new development in the urban area, close to a range of community services and amenities.

- [14] 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.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT 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 December 2, 2022.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"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 **January 20, 2023**.



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 **February 9, 2023** 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 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.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

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.

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