

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

Date of Decision:	February 24, 2023
File No(s):	D08-02-23/A-00023
Owner(s):	Ottawa Community Housing
Location:	933 Gladstone Avenue
Ward:	14 - Somerset
Legal Description:	Lots 1, 2, 3, 4, 5 & Part of Lots 8, 9 & 10, Blocks B & C, Part of Oak Street, Part of Laurel Street, Part of Larch Street, Part of Walnut Street, Part of Champagne Avenue, Registered Plan 73
Zoning:	MC17 [2690] S433
Zoning By-law:	2008-250
Hearing Date:	February 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct an 18 storey mixed use high-rise building and nine-storey mixed use mid-rise building, joined by a three to five storey podium, as shown on plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced step back of 0 metres for part of the buildings whereas the By-law requires that any part of the building exceeding the lesser of 6 storeys or 20 metres in height must be stepped back a minimum of 2 metres from the ground floor building face.
- [3] The application indicates that the Property is subject of a Site Plan Control application (D07-12-21-0149) under the *Planning Act*.

PUBLIC HEARING

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

confirmed that the development was in the final stages of the Site Plan Control process.

- [5] City Planner Margot Linker was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [6] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [7] 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.
- [8] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "The proposed development aligns with the planned function of the site as described in the Secondary Plan, Schedule 433, and most of the requirements in Urban Exception 2690. The Department is of the opinion that the requested variance will accommodate appropriate development on the subject property."
- [10] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [12] 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 and contributes to appropriate infill development in the urban area.
- [13] In addition, the Committee finds that the requested variance maintains 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.
- [14] Moreover, the Committee finds that the requested variance, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped January 19, 2023, as they relate to the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

"Stan Wilder"
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 24, 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 **March 16, 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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