

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

Date of Decision: February 24, 2023
File No(s): D08-02-23/A-00001
Owner(s): Sam Falsetto
Location: 255 Metcalfe Street
Ward: 14 - Somerset
Legal Description: Lots 1 & 2, Registered Plan No. 15558
Zoning: R5B[479]H(19)
Zoning By-law: 2008-250
Hearing Date: February 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to add three basement dwelling units to an existing eight-storey 60-unit mid-rise apartment building 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 a reduced number of 22 parking spaces, whereas the By-law requires a minimum of 23 parking spaces.
 - b) To permit a reduced number of 0 visitor parking spaces, whereas the By-law requires a minimum of 5 visitor parking spaces.
 - c) To permit a reduced total amenity area of 226.7 square metres, whereas the By-law requires a minimum total amenity area of 378 square metres.
- [3] The application indicates that the Property is the subject of a Site Plan Application (D07-12-22-0143) under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Simran Soor, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Ms. Soor provided the Committee with a brief presentation. She confirmed that the total amenity area was located on the rooftop terrace.
- [5] In response to a question from the Committee regarding the appropriateness of providing no visitor parking spaces, Mr. Chown, also representing the Owner, confirmed that this is an existing condition. There is no visitor parking on site today, and in his opinion, the addition of three more dwelling units would not increase this demand.
- [6] The Committee heard a presentation from Brenda Knight of the Centretown Community Association, who raised concerns regarding the reduced number of parking spaces, particularly for visitors, snow removal and lack of at grade amenity area available for residents of the building.
- [7] City Planner Basma Alkhatib was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [8] The Committee considered all 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, highlighting that: "Staff have no concerns with the proposed reduction in parking spaces, particularly seeing as the subject property exceeds the Zoning By-law's bicycle parking requirement. This is in line with the intent of the Downtown Hub designation and supports prioritizing walking and cycling." Regarding the request for reduced amenity area, the report highlights that "the subject building contains a large rooftop terrace for communal use which provide[s] residences with access to space for passive and active recreation which is the intent of the amenity provision."
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the Committee finds that because the proposal fits well in the neighbourhood and maintains the streetscape, 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.

- [14] 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.
- [15] 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.
- [16] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

Absent
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 Centrepointhe 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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