

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

Date of Decision:	February 24, 2023
File No(s):	D08-02-22/A-00352
Owner(s):	8214603 Canada Inc.
Location:	3968 Russell Road
Ward:	10 – Gloucester-Southgate
Legal Description:	Part of Lot 3, Concession 6, Rideau Front, Geographic Township of Gloucester
Zoning:	IH
Zoning By-law:	2008-250
Hearing Date:	February 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to regularize the existing non-complying storage yard and accessory structures consisting of a maintenance and equipment shop, an office trailer (used for administration) and three hoop structures for material storage, 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 minimum interior side yard setback for storage yard use (three hoop structures) of 2.6 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres.
 - b) To permit a reduced minimum rear yard setback for a storage yard use (one hoop structure) of 3.08 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.
 - c) To permit a reduced minimum landscaping width of 0 metres, whereas the By-law requires a minimum width of 3.0 metres.

- d) To permit a reduced minimum interior side yard setback of 1.42 metres for an accessory building (office) located in a front or interior side yard, whereas the By-law requires a setback equal to the principal building, or 7.5 metres in this case.

- [3] The application indicates that the Property is the subject of a current Site Plan Application (D07-12-19-0068) under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Jessica D'Aoust, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Ms. D'Aoust confirmed that the requested variances would regularize the existing situation for the growing business. She further requested that the Committee tie the variances generally to the plans and landscape buffer so that minor changes could be made to the parking area through the Site Plan Control process.

- [5] City Planner Siobhan Kelly 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 variances meet 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 "staff is satisfied that the requested variances are minor as the reduced setbacks will not result in undue adverse impacts", and that, regarding the landscaping variance, "the requirement is met along the remaining Russell Road frontage".
- [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 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.

- [12] 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.
- [13] 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.
- [14] 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.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the storage yard, accessory structures and landscape buffer being in accordance with the revised site plan filed, Committee of Adjustment date stamped February 21, 2023, as they relate to the requested variances, and **subject to** the parking lot being generally in accordance with the plan.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"Colin White"
COLIN WHITE
MEMBER

Absent
JULIA MARKOVICH
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.

Committee of Adjustment
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