

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

Date of Decision:	March 10, 2023
File No(s):	D08-02-22/A-00277
Owner(s):	Asgard Investment Corporation
Location:	1300 Michael Street
Ward:	11 - Becon Hill-Cryville
Legal Description:	Part of Lot 17 & 18, Registered Plan 23
Zoning:	GM12 H(11)
Zoning By-law:	2008-250
Hearing Date:	March 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner has filed Applications for Consent (D08-01-22/B-00294 & D08-01-22/B-00330) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to construct an automobile dealership on one of the newly created commercial lots, and the existing automobile dealership is to remain on the other lot. The proposed automobile dealership will not be in conformity with the requirements of the Zoning By-law.

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 corner side yard setback of 1.68 metres, whereas the By-law requires a minimum corner side yard setback of 3.0 metres.
 - b) To permit a reduced landscaped buffer to 1.68 metres on the easterly lot line of the parking lot, whereas the By-law requires a minimum landscaped buffer width of 3.0 metres for a parking lot abutting a street.
- [3] The application indicates that the Property is subject to a Site Plan Application (D07-12-22-0012) under the *Planning Act*.

PUBLIC HEARING

- [4] Prior to the Hearing on December 7, 2022, the Committee received an adjournment request from Arjan Soor, Agent for the Applicant, to allow for additional time for consultation between the applicant and Planning regarding the conditions requested in the City's Planning report. At the Hearing, the Committee heard from Mr. Soor, who reiterated his request for adjournment. With the concurrence of all parties the application was adjourned to the Hearing scheduled for January 11, 2023.
- [5] Before the Hearing on January 11, 2023, the Committee received a further adjournment request from Mr. Soor, stating that additional time was needed to review the conditions outlined in the Planning Report. With the concurrence of all parties the application was further adjourned March 1, 2023.
- [6] At the Hearing on March 1, 2023, the Acting Panel Chair administered an oath to Mr. Soor, who confirmed that the statutory notice posting requirements were satisfied.
- [7] Christine McCuaig, also acting Agent for the Applicant, provided the Committee with an overview of the applications. She advised that a revised site plan had been submitted to reflect the dimensions set out in the draft reference plan.
- [8] Debbie Bellinger, solicitor for the Applicant, and City Planner Cass Sclauzero and Lucy Ramirez were also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [9] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [10] 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.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "The intent of the corner side yard setback and landscaped area provisions in the General Mixed-Use Zone are to provide sufficient space for soft landscaping. The site plan indicates that much of the area of the reduced corner side yard will be landscaped with soft landscaping. The provided front yard and landscaped area in this yard exceeds the minimum setback requirement and minimum landscaped area requirements."

- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposed development improves the streetscape along Michael Street and Parisien Street and improves the public realm with a well-designed building, sidewalks, and additional tree plantings, 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.
- [15] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal results in an expansion of the permitted auto dealership without precluding future higher density, mixed use and transit-supportive redevelopment of the site.
- [16] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposed development represents orderly development of the property that is compatible with the surrounding area.
- [17] 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed and Committee of Adjustment date stamped February 23, 2023, as it relates to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

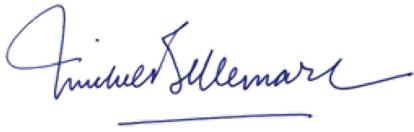
"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"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 **March 10, 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 30, 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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