

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

Date of Decision:	March 24, 2023
File No(s):	D08-02-23/A-00015
Owner(s):	345 Barber Street Ltd. & 347 Barber Street Ltd.
Location:	345 & 347 Barber Street
Ward:	12 – Rideau-Vanier
Legal Description:	Part of Lots 16, 17 & 18 (North Side Clarence Street), Registered Plan No. 43586
Zoning:	R5B[856] H(18)
Zoning By-law:	2008-250
Hearing Date:	March 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to retain and regularize the existing resident and visitor parking for their apartment buildings known municipally as 345 and 347 Barber Street.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit reduced parking of 21 resident and 0 visitor parking spaces, whereas the By-law requires a minimum of 40 resident and 14 visitor parking spaces.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Acting Chair administered an oath to Kosta Derbish, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Mr. Derbish provided a brief presentation, explaining that a variance was required due to the impending expiry of an agreement between the Owner and the City that permitted reduced parking. When the agreement expires, the current Zoning By-law requirement will apply to the property, rendering the existing parking non-

compliant. He explained that there is no space on the lot for additional parking and that no changes were proposed for the site.

- [6] Mr. Derbish agreed to a condition proposed by the Committee that any approval of the application would be tied to the life of the existing buildings, so that the requested variance would no longer apply if the site was redeveloped in the future.
- [7] City Planner Margot Linker 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 variance meets 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, "this parking arrangement is an existing condition for the existing 110 units and there are no additional dwelling units proposed to be added."
- [12] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the Committee finds that, from a planning and public interest point of view, the requested variance is desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands because the proposal fits well in the area and reflects the latter's characteristics of high-density, mixed uses and sustainable transportation orientation.
- [14] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal is within the Downtown Core Transect Policy Area that emphasizes the built-form relationship with the public realm, including no automobile parking or limited parking that is concealed from the street.
- [15] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal is an existing condition on the property that is (a) within one kilometre of the Rideau O-Train

Station; (b) within 350 metres of three transit priority corridors (along Rideau Street, King Edward Avenue, and St. Patrick Street); and (c) recognized to have high access to service and amenities within a 15-minute walk as one of the the City of Ottawa's 15-Minute Neighbourhoods.

[16] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the relief applying to the existing apartment buildings known municipally as 345 & 347 Barber Street and being restricted to the life of these buildings only.

Absent
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
ACTING CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 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 **April 13, 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.

Committee of Adjustment
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