

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 28, 2023
File No(s):	D08-02-23/A-00061
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	560 Rideau Inc.
Property Address:	560 Rideau Street
Ward:	12 - Rideau-Vanier
Legal Description:	Lots 43, 44, 45, 46, 47 (South Rideau Street) and Lot 44 (North Besserer Street), Registered Plan 6
Zoning:	TM6 [2273] F(4.25) S347-h
Zoning By-law:	2008-250
Hearing Date:	April 19, 2023

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)

- [1] The Owner wants to construct a 14-storey mixed use building, as shown on plans filed with the Committee.

REQUESTED VARIANCE(S)

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit one parking space (parking space 19 P3 level) with a width of 2.52 metres abutting a wall, whereas the By-Law requires a minimum width of 2.6 metres for a parking space that abuts a wall.
 - b) To permit one parking space (parking space 19 P2 level) with a width of 2.50 metres abutting a wall, whereas the By-Law requires a minimum width of 2.6 metres for a parking space that abuts a wall.
 - c) To permit two parking aisles (one aisle on level P2 and one on level P3) with a width of 5.95 metres, whereas the By-law requires a minimum width of 6 metres for a parking aisle.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

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

Oral Submissions Summary

- [1] Ms. Libman provided an overview of the application and responded to questions from the Committee, confirming that the 5.95 metres aisle width would provide sufficient space for a proper vehicle turning radius.
- [5] City Planner Margot Linker was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [6] 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.

Evidence

- [7] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, plans, and tree information
- City Planning Report received April 14, 2023, with revisions and no concerns; received April 14, 2023, with no concerns
- Rideau Valley Conservation Authority email received April 17, 2023, with no objections
- Hydro Ottawa email received April 11, 2023, with comments

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

- [10] The Committee notes that the City’s Planning Report raises “no concerns” with the application, highlighting that: “[s]taff do not anticipate functional or safety issues resulting from the reduced aisle width.”
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the approved mixed-use main street building respects the character of the area.
- [14] 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.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped March 13, 2023, as they relate to the requested variances.

“John Blatherwick”
JOHN BLATHERWICK
VICE-CHAIR

“Stan Wilder”
STAN WILDER
MEMBER

“Heather MacLean”
HEATHER MACLEAN
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 **April 28, 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 **May 18, 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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