

**DECISION**  
**MINOR VARIANCE / PERMISSION**

**Date of Decision:** May 12, 2023  
**File No(s):** D08-02-23/A-00063  
**Application:** Minor Variance under section 45 of the *Planning Act*  
**Owner(s)/Applicant(s):** Keegan Gomes  
**Property Address:** 630 & 632 Churchill Avenue North  
**Ward:** 15 - Kitchissippi  
**Legal Description:** Lot 41, Registered Plan 204  
**Zoning:** R4UD [268]-C  
**Zoning By-law:** 2008-250  
**Hearing Date:** May 3, 2023

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a low rise-apartment building, containing 13 residential units. The existing building will be demolished.

**REQUESTED VARIANCE**

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law to permit zero vehicular parking spaces, whereas the By Law requires one vehicular parking space.
- [3] The application indicates that the Property is subject of site plan control application (File No. D07-12-21-0178) application under the *Planning Act*.

**PUBLIC HEARING**

- [4] The Panel Chair administered an oath to Evan Saunders, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] City Planner Basma Alkhatib 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 any 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 a planning rationale, plans, and tree information.
  - City Planning Report, received April 28, 2023, with no concerns
  - Rideau Valley Conservation Authority, email dated April 27, 2023, with no objections
  - Hydro Ottawa, email dated April 27, 2023, with no concerns
  - Hydro One, email dated April 27, 2023, with no concerns

### **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 variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that: "[T]he elimination of the existing private approaches will have a positive impact on the Mainstreet by reducing traffic conflict with pedestrians. Moreover, this reduction supports prioritizing walking and cycling".
- [11] The Committee also notes that no evidence was presented that the variance 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 variance is, 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 variance maintains the general intent and purpose of the Official Plan because the approved mixed-use main street building respects the character of the area.
- [0] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development of the property that is compatible with the surrounding area.
- [1] 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.
- [2] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped March 15, 2023, as it relates to the requested variance.

Absent  
JOHN BLATHERWICK  
VICE-CHAIR


*"Stan Wilder"*  
STAN WILDER  
MEMBER

Absent  
HEATHER MACLEAN  
MEMBER

*"Steven Lewis"*  
STEVEN LEWIS  
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 **May 12, 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 **June 1, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> 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](mailto: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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