

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 26, 2023
File No(s):	D08-02-22/A-00164
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Ottawa Korean Community Church
Property Address:	3535 Borrisokane Road
Ward:	3 – Barrhaven West
Legal Description:	Part of Lot 11, Concession 3 (Rideau Front), Geographic Township of Nepean
Zoning:	IL [304]
Zoning By-law:	2008-250
Hearing Date:	May 17, 2023

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

- [1] The Owner wants to construct a single-story building which will contain a drive-through car wash on the currently vacant parcel of land, as shown on plans filed with the Committee.
- [2] At the hearing on July 20, 2022, the Committee adjourned the application *sine die* to allow time for the City to advance its review of the Site Plan Control application.

REQUESTED VARIANCE(S)

- [3] The Owner requires the Authority of the Committee for Minor Variance from the Zoning By-law to permit an increased maximum gross floor area of 476 square metres whereas the By-law permits a maximum gross floor area of 300 square metres.
- [4] The application indicates that the Property is the subject of a Site Plan Control application (D07-12-22-0085) under the *Planning Act*.

PUBLIC HEARING

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

Oral Submissions Summary

- [6] Mr. Bonn responded to questions from the Committee and confirmed there are similar car washes in other parts of the city.
- [7] Jordan Lupovici, representing Halo Car Wash (the developer), and City Planner Siobhan Kelly were also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION(S) GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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 planning rationale, plans and tree information, with revisions.
 - City Planning Report received May 11, 2023, with no concerns; dated July 18, 2022, with no concerns
 - Rideau Valley Conservation Authority email dated May 10, 2023, with no objections
 - Hydro Ottawa email dated May 10, 2023, with comments; dated July 13, 2022, with comments
 - Ministry of Transportation email dated May 9, 2023, with no objections
 - Building Code Services email dated July 5, 2022, with no comments

Effect of Submissions on Decision

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

- [12] The Committee notes that the City’s Planning Report raises “no concerns” with the application, highlighting that “the increased GFA is minor in nature as it will not result in negative impacts on adjacent uses.”
- [13] The Committee also notes that no evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [15] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the Employment Area that permits a mix of industrial, automotive, and retail uses.
- [16] 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 on the property that is compatible with the surrounding area.
- [17] 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped May 11, 2023, as it relates to the requested variance.

“Ann M. Tremblay”
ANN M. TREMBLAY
CHAIR

“Kathleen Willis”
KATHLEEN WILLIS
MEMBER

“Scott Hindle”
SCOTT HINDLE
MEMBER

“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 **May 26, 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 15, 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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436