

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

<b>Date of Decision:</b>	May 26, 2023
<b>File No(s):</b>	D08-02-23/A-00092
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Homestead Land Holdings Limited
<b>Property Address:</b>	1241 Kilborn Place
<b>Ward:</b>	18 – Alta Vista
<b>Legal Description:</b>	Part of Lot 18 (Junction Gore), Registered Plan 5R-4572, Former Township of Gloucester
<b>Zoning:</b>	R5C H (122) A.S. L
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	May 17, 2023

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

- [1] The Owner wants to enclose the existing parking garage ramp of the existing 17 storey apartment building.

**REQUESTED VARIANCE(S)**

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced interior side yard setback of 0.165 metres for the first 21 metres from the front lot line and for an additional four metres further than 21 metres from the front lot line. Whereas the By-law requires a minimum interior side yard setback of 1.5 metres for the first 21 metres from the front lot line, then an interior side yard setback of 6 metres after 21 metres.
- [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 Holly Crawford, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Tess Gilchrist, also representing the Applicant, and City Planner Justin Grift were also present.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION(S) GRANTED****Application(s) 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 planning justification, plans, and tree information.
- City Planning Report, received May 12, 2023, with no concerns
- Rideau Valley Conservation Authority email dated May 10, 2023, with no objections
- Hydro Ottawa email dated May 10, 2023, with no 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 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, highlighting that: "the footprint of the existing parking ramp is to remain unchanged and will not encroach into the required interior side yard further than what is existing today." The report also highlights that the proposal "will improve the functionality of the existing parking garage access, and will not have significant impacts on adjacent properties".
- [11] The Committee also notes that no evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.

- [12] Considering the circumstances, the Committee finds that, because the footprint of the ramp will remain unchanged and have no significant impact on adjacent properties, 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 proposal supports the continued high-rise apartment use of the subject property with safe access to underground parking.
- [14] 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 continued use on the property that is compatible with the surrounding area.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped March 24, 2023, as they relate 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](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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