

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

<b>Date of Decision:</b>	June 30, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-23/A-00120
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	1545A Merivale Inc.
<b>Property Address:</b>	1545A Merivale Road
<b>Ward:</b>	9 – Knoxdale-Merivale
<b>Legal Description:</b>	Part of Lot 16, Registered Plan 353 and Part of Lot 34, Concession A (Rideau Front) Geographic Township of Nepean
<b>Zoning:</b>	AM10
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	June 20, 2023, in person and by videoconference

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

- [1] The Owner wants to construct a one-storey commercial medical imaging facility. The existing building will be demolished.

**REQUESTED VARIANCE(S)**

- [2] The Owner requires the Committee's authorization for a Minor Variance from the Zoning By-law to permit 0% of the frontage along the front lot line to be occupied by building walls located within 3.0 metres of the frontage for a non-residential building, whereas the By-law requires at least 50 % of the frontage along the front lot line and corner side lot line to be occupied by building walls located within 3.0 metres of the frontage for Non-residential and mixed-use buildings.
- [3] The property is the subject of a Site Plan Control application (File No. D07-12-22-0190) under the *Planning Act*.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [4] Pamela Whyte, Agent for the Owner, and City Planner Samantha Gatchene were present.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

**Application Must Satisfy Statutory Four-Part Test**

- [5] 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**

- [6] 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 planning rationale, plans, tree information, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received June 15, 2023, with no concerns
  - Rideau Valley Conservation Authority email dated June 15, 2023, with no objections
  - Hydro Ottawa email dated June 13, 2023, with no comments

**Effect of Submissions on Decision**

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "it would be impossible for the proposed building to front along Merivale Road given the current lot shape", and also highlighting that, "the variance is minor as it will not negatively affect the streetscape or the ability of the abutting properties to redevelop in the future."

- [10] The Committee also notes that no evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] 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 area and will not preclude the abutting properties from redeveloping in the future with buildings sited close to the street edge.
- [13] 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.
- [14] 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.
- [15] 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 May 24, 2023, as they relate to the requested variance.

*Absent*  
FABIAN POULIN  
VICE-CHAIR

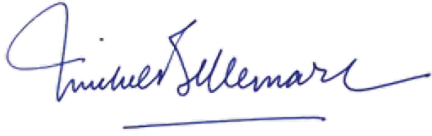
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JAY BALTZ  
ACTING PANEL CHAIR

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 30, 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 **July 20, 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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