

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	July 28, 2023
Panel:	2 – Suburban
File No(s):	D08-02-23/A-00131
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	The Ottawa Hospital
Property Address:	1919, 1967 Riverside Drive
Ward:	18 – Alta Vista
Legal Description:	Part of Lots 15 and 16, Concession Junction Gore and Part of Road Allowance between Lots 15 and 16 Concession Junction Gore (Closed by By-Law 174-88, Inst. N451929) Geographic Township of Gloucester
Zoning:	I2 F(1.0)
Zoning By-law:	2008-250
Hearing Date:	July 18, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a seniors' retirement community that will include an eight-storey long term care home and an adjoining fifteen storey retirement home, as shown on the plans filled with the committee.

REQUESTED VARIANCES

- [2] The Owner requires the Committee’s authorization for the minor variances from the Zoning By-law as follows:
- a) To permit a reduced front yard setback of 4.12 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres.
 - b) To permit a reduced width landscaped area of 2.7 metres along all of the lot lines, whereas the By-law requires a minimum width landscaped area of 3.0 metres along all lot lines.
 - c) To permit a reduced width landscaped buffer of 2.7 metres on the westerly lot line of the parking lot, whereas the By-law requires a minimum landscaped buffer width of 3.0 metres for a parking lot abutting a street.

- d) To permit a drive aisle with a reduced width of 6.0 metres, whereas the By-law states that in the case of a parking space for non-residential use, an aisle providing access to parking spaces must be at least 6.7 metres wide.
- e) To permit 65 parking spaces to have a reduced width of 2.4 metres, whereas the By-law requires a minimum parking space width of 2.6 metres.
- f) To permit 32 parking spaces to have a reduced length of 4.6 metres, whereas the By-law requires a minimum parking space length of 5.2 metres.
- g) To permit one vehicle loading space for a medical building, whereas the By-law requires a minimum of two loading spaces for a medical building with a gross floor area over 2000 square metres.
- h) To permit a drive aisle leading to a loading space to have a reduced width of 6 metres, whereas the By-law requires a minimum width of 9 metres for a drive aisle leading to a loading space.

[3] The property is the subject of a Site Plan Control application (D07-12-21-0170) under the *Planning Act*.

PUBLIC HEARING

[4] Prior to the hearing on July 4, 2023, the Committee received an adjournment request from the Faircrest Heights Community Association and multiple area residents, to allow for additional time to for the community to review the application and to prepare their written comments. At the hearing the Committee heard from area resident, S. Carr, who reiterated her request for adjournment. The Committee also heard from Thomas Freeman, Agent for the Applicant, who requested that the Committee proceed to hear the application as public consultation had been undertaken during the Site Plan Control application process. Having heard the concerns raised by Ms. Carr, the Panel Chair agreed that additional time would be beneficial for area residents to understand the proposal. With the concurrence of all parties, the application was adjourned to July 18, 2023.

Oral Submissions Summary

[5] At the hearing on July 18, 2023, the Committee heard from Brian Casagrande, Agent for the Applicant, who provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.

[6] Mr. Casagrande, who appeared along with Mr. Freeman, stated that one of the objectives of the development looked to maximize the parking layout for the site. This included providing more parking spaces than what the Zoning By-law would have required. Mr. Casagrande further stated that if the proposal reduced the parking by three spaces, that variances e) and f) would not be required. Similarly, the reduction in the drive aisle width, variance (h), could have moved closer to

conformity, if the proposal reduced the parking by two additional parking spaces. . Ms. Casagrade explained that variance (g) looked to regularize an existing non-complaint condition.

[7] City Planner Justin Grift stated that he had no concerns with the proposal. Mr. Grift confirmed that the applicant was proposing 100 more parking spaces on the site than is required by the Zoning By-law.

[8] The Committee also heard oral submissions from the following individuals:

- J. Johnston, resident, raised concerns regarding the amount of proposed parking spaces, no availability in this area for on-street parking and the overall functionality of the parking layout.
- J. Carr, resident, raised concern relating to the proposed height of the development impacting the enjoyment of his property, loss of privacy and a potential loss of sunlight.

[9] Richard Hammond, project architect was also present.

[10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test:

[11] 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

[12] 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, a tree conservation report, a picture of the posed sign and a sign posting declaration.
- City Planning Report, received June 29, 2023, with no concerns; received July 14, 2023 with no concerns.

- Rideau Valley Conservation Authority email, dated June 30, 2023, with no objections
- Hydro Ottawa email dated June 20, 2023, with comments
- S. Carr, resident, email dated July 4, 2023, opposed.
- J. Carr, resident, email dated July 4, 2023, requesting adjournment; email dated July 17, 2023, with concerns.
- J. Johnston, resident, email dated July 4, 2023, requesting adjournment; email dated July 14, 2023, with concerns; email dated July 18, 2023, with concerns.
- J. Korecky, Faircrest Heights Community Association, email dated July 4, 2023, requesting adjournment.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Majority of the Committee (Member MacLean dissenting on variance (h), as noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City’s Planning Report raises “no concerns” regarding the application, highlighting that: “The site is subject to the Evolving Overlay which supports intensification and encourages a gradual evolution of development towards an urban built form and density.”. Relating to the variances for reduced parking space size, the report further highlights that: “Considering there are a total of 311 new parking spaces being provided in the development and less than 120 will be ‘compact car’ spaces, Staff is of the opinion the intent of the Zoning By-law is being met and there are still adequate amounts of standard sized parking spaces available on site.
- [16] The Majority of the Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Majority of 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.
- [18] The Majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the

character of surrounding development, while contributing to a higher density of development and a greater degree of mixed uses located along a Mainstreet Corridor (Smyth Road) within the Outer Urban Transect.

[19] In addition, the Majority of 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.

[20] 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.

[21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being generally in accordance with the revised site plan filed, Committee of Adjustment date stamped July 17, 2023, and the elevations filed, Committee of Adjustment date stamped June 7, 2023, as they relate to the requested variances.

Member MacLean dissents on the approval of variance (h) noting that insufficient evidence was presented to support the functionality of the reduced drive aisle width.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

Declared Interest
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
with noted dissent
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 **July 28, 2023**.



Cheryl Williams
Acting 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 **August 17, 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