

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 11, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00166
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	8743169 Canada Ltd.
Property Address:	2663 Innes Road
Ward:	2 – Orléans West-Innes
Legal Description:	Part of Lot 13 Concession 2 (Ottawa Front) Geographic Township of Gloucester
Zoning:	AM11
Zoning By-law:	2008-250
Hearing Date:	August 1, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a four-storey mixed use development consisting of 18 residential units and three commercial units, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:
- a) To permit that 50% of the frontage occupied by building walls be located within 5.1 metres from the front lot line, whereas the By-law requires that at least 50% of the frontage along the front lot line and corner side lot line must be occupied by building walls located within 3.0 metres of the lot line.
 - b) To permit a reduced landscape buffer of 0.0 metres at the rear of the building, whereas the By-law requires a minimum landscape buffer of 1.5 metres.
 - c) To permit parking to be located in the front yard, whereas the By-law does not permit parking to be located in the front yard.

- d) To permit a reduced parking drive aisle width of 5.8 metres, whereas the By-law requires a minimum drive aisle width of 6.7 metres.

[3] **THE PROPERTY IS THE SUBJECT** of a Site Plan Control application (D07-12-22-0781).

PUBLIC HEARING

Oral Submissions Summary

- [4] Ryan Crowle, agent for the Applicant, was present.
- [5] City Planner Evode Rwagasore confirmed that he had no concerns with the application, further adding that the turning radius diagrams requested in the Planning Report had been submitted by Mr. Crowle.

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 cover letter, plans, turning diagrams, tree information, a picture of the posted sign and a sign posting declaration.
 - City Planning Report received July 28, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated July 27, 2023, with no objections.
 - Hydro Ottawa email dated July 28, 2023, with comments
 - Ministry of Transportation email dated August 1, 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 variances meet 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.
- [11] The Committee also notes that no evidence was presented that the variances 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 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.
- [13] 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 the neighbourhood.
- [14] In addition, 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 neighbourhood.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped June 30, 2023, as they relate to the requested variances.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

“Jay Baltz”
JAY BALTZ
MEMBER

“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 **August 11, 2023**



Matthew Garnett
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 31, 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