

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 15, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00179
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Exchange Madison Commercial Inc.
Property Address:	376 Madison Avenue
Ward:	15 - Kitchissippi
Legal Description:	Part of lot 16, Registered Plan 179
Zoning:	TM[1675] H(24)
Zoning By-law:	2008-250
Hearing Date:	September 6, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to establish "office" and "research and development centre" uses within the existing commercial building. The application indicates that a building permit has been issued for the construction of a 113.8 square metre addition on the west side of the building.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit office and research and development centre uses on the ground floor, within six metres of the front wall of the existing building and addition, whereas the By-law states in part that office and research and development centre uses must not be located within a depth of six metres of the front wall of a commercial or mixed use building abutting a street.

PUBLIC HEARING

Oral Submissions Summary

- [3] Rick Morris, representing the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. In response to a recommendation from the City Forester

to depave a portion of the frontage to plant a tree, he explained that tree planting would be difficult due to the amount of hard landscaping along Madison Avenue.

- [4] Evan Saunders, agent for the Applicant, and City Planner Margot Linker were also present.
- [5] Following the public hearing, the Committee reserved its decision.

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 planning rationale, plans, tree information, and a sign posting declaration.
 - City Planning Report received August 31, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated August 31, 2023, with no objections.
 - Hydro Ottawa email dated September 1, 2023, with comments.
 - Ottawa International Airport Authority email dated August 22, 2023, with no comments.
 - E. Conlon, neighbour, email dated September 5, 2023, with concerns.

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 site context does not require the site to activate its frontage and target for public congregation and animation."
- [11] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impacts on neighbouring properties.
- [12] 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.
- [13] 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 neighbourhood.
- [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 development 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.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

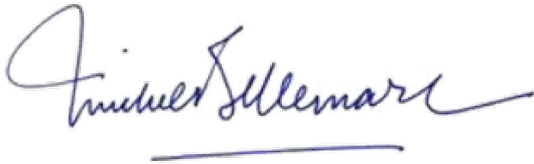
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 15, 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 **October 5, 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.

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