

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 13, 2023
Panel:	2 - Suburban
File Nos.:	D08-02-23/A-00201, D08-01-23/A-00217
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Ottawa Salus Corporation (Under Agreement to Purchase and Sale)
Property Address:	56 Capilano Drive
Ward:	9 – Knoxdale-Merivale
Legal Description:	Part of Lot 15 Registered Plan 353
Zoning:	R4Z[2840]-h
Zoning By-law:	2008-250
Hearing Date:	October 3, 2023, in person and by videoconference

APPLICANT PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their property into two separate parcels of land. It is proposed to construct a new **54-unit** low-rise apartment building on one parcel and a four-unit townhouse block on the other parcel, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00217: 56 Capilano Drive, Parts ~~2, 3 & 4~~ **1 & 5** on Draft 4R-Plan, townhouse block:

- a) To permit a reduced lot area for a portion of a lot occupied by one townhouse dwelling unit of 131 square metres, whereas the By-law requires a minimum lot area of 150 square metres to be applied to each portion of the lot on which an individual townhouse dwelling unit is located.
- b) To permit 3 walkways in the front yard, whereas the By-law permits a maximum of 1 walkway per yard.

- c) To permit increased widths for 2 walkways in the front yard of 1.5 metres and 3 metres, whereas the By-law permits a maximum walkway width of 1.2 metres.
- d) To permit a reduced length for one visitor parking space of 4.6 metres, whereas the By-law permits up to 50% of the parking spaces in a parking lot to be reduced to 4.6 metres in length, provided that any such space is not a visitor space.

A-00201: 58 Capilano Drive, Parts ~~1 & 5~~ **2, 3 & 4** on Draft 4R-Plan, apartment building:

- e) To permit a reduced lot width of 13 metres, whereas the By-law requires a minimum lot width of 18 metres.
- f) To permit a reduced interior side yard setback of 3 metres, whereas the By-law requires a minimum interior side yard setback of 6 metres.
- g) To permit 30% of the front yard to consist of soft landscaping, whereas the By-law requires a minimum of 40% of the front yard to consist of soft landscaping.
- h) To permit a parking space to be located in the front yard, whereas the By-law does not permit parking in a required and provided front yard.
- i) To permit a double-wide driveway, whereas the By-law does not permit a double driveway on lots less than 15 metres in width.
- j) To permit a reduced landscaped buffer of 0 metres between the driveway and the interior side lot line, whereas the By-law requires a minimum landscaped buffer between a driveway and interior side lot line of 0.15 metres.

The applications indicate that the property is the subject of a Site Plan Control Application under the *Planning Act* (D07-12-23-0028).

PUBLIC HEARING

Oral Submissions Summary

- [3] Bria Aird, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee. She confirmed that the Part numbers identified on the public notice of the minor variance applications were reversed. The application was amended accordingly.
- [4] Chris McIntosh of Ottawa Salus Corporation, Danna See-Har of the City's Affordable Housing Development Branch, Alex Sargent, the project architect, and Lindsay Blair, Cat Carkner and Alessandro Guarna, also acting as Agents for the Owner, were also in attendance.

- [5] Ms. Aird also provided an overview of the project financing and related time constraints.
- [6] City Planner Samantha Gatchene confirmed that the City had no concerns with the applications.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [7] 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

- [8] 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, revised plans, information regarding project financing, tree information, a photo of the posted sign and a sign posting declaration.
 - City Planning Report received September 28, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated September 27, 2023, with no objections.
 - Hydro One email dated September 28, 2023, with no comments or concerns.
 - Ministry of Transportation email dated September 21, 2023, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the Planning Act.

- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan.
- [15] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represent orderly development that is compatible with the surrounding area.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, subject to the location and size of the proposed construction being in accordance with the revised site plan filed and Committee of Adjustment date stamped September 29, 2023, and the elevation drawings filed and Committee of Adjustment date stamped August 15, 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 **OCTOBER 13, 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 **NOVEMBER 2, 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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