

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	September 29, 2023
Panel:	3 - Rural
File No.:	D08-02-23/A-00195
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Dustin Wilson
Property Address:	363 Entrepreneur Crescent
Ward:	Ward 20 - Osgoode
Legal Description:	Part of Block 3, Registered Plan 50M-136
Zoning:	RG2
Zoning By-law:	2008-250
Hearing Date:	September 19, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct an industrial warehouse, as shown on the plans filed with the Committee.

REQUESTED VARIANCE

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

- a) To permit a reduced rear yard setback of 6.8 metres, whereas the By-law requires a minimum rear yard setback of 15 metres.
- b) To permit a reduced westerly side yard setback of 1.5 metres, whereas the By-law requires a minimum side yard setback of 3 metres.

- [3] THE APPLICATION also indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Prior to the hearing, the Committee received the City's Planning Report suggesting that the Applicant may want to seek an adjournment to submit a revised

Environmental Impact Statement (EIS) and to apply for an additional variance for the reduced setback to the watercourse.

- [5] City Planner Jack Graham confirmed that the revised EIS had been submitted prior to the hearing and advised that the Applicant may want to revise their application to include an additional variance for the watercourse setback, as identified in the revised EIS.
- [6] The Committee also heard from Alice Mihailescu, Agent for the Applicant, who requested that the Committee proceed to hear the application. Ms. Mihailescu explained that Site Plan Control is required for this development and the reduced setback to the watercourse would be considered through that process. The Committee agreed to hear the application without delay.
- [7] The Panel Chair administered an oath to Kyle Herold, also acting as Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [8] Mr. Harold and Ms. Mihailescu provided an overview of the application and responded to questions from the Committee.
- [9] Dustin Wilson, Applicant and Anthony Francis, Agent for the Applicant were also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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 cover letter, plans, EIS report, MECP review.

- City Planning Report received September 15, 2023, with an adjournment request
- South Nation Conservation Authority email dated September 15, 2023, with no objections.
- City Forestry Services email dated September 8, 2023, with no comments.
- Hydro Ottawa email dated September 19, 2023, with no comments.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report requests an adjournment" of the application. The report also highlights that Planning Staff agree with the findings of the revised EIS.
- [15] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] 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.
- [18] 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 that is compatible with the surrounding area.
- [19] 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.
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped August 8, 2023, as it relates to the requested variances.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"Jocelyn Chandler"
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 29, 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 19, 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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