

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	December 22, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-22/A-00283
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Troms Holding Corp.
<b>Property Address:</b>	140 Lusk Street
<b>Ward:</b>	3 – Barrhaven West
<b>Legal Description:</b>	Block 3, Plan 4M-1634, Geographic Township of Nepean
<b>Zoning:</b>	IP [2265] H(12)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	December 12, 2023, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a four-storey, 88-unit hotel (“Holiday Inn Express”), 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) To permit 0 loading spaces for a development measuring 5,212 square metres in gross floor area, whereas the By-law requires 2 loading spaces for a development measuring between 5,000 and 9,999 square metres in gross floor area.
  - b) To permit a reduced parking aisle width of 6 metres along the west portion of the property whereas the by law requires a 6.7-metre parking aisle width.

**PUBLIC HEARING**

- [3] At the request of the Applicant and the City, the hearing of this application was adjourned on January 11, 2023, and September 5, 2023, to allow the Applicant

time to revise their proposal to conform with the Official Plan and to amend their application to apply for an additional minor variance.

### **Oral Submissions Summary**

[4] Rod Price, Agent for the Applicant, and City Planner Justin Grift were present.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Applications Must Satisfy Statutory Four-Part Test**

[5] 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**

[6] 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, revised plans, meeting notes, tree conservation report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received December 8, 2023, with no concerns; received August 31, 2023, requesting an adjournment; received January 6, 2023, requesting an adjournment.
- Rideau Valley Conservation Authority email received December 7, 2023, with no concerns; received September 1, 2023, with no concerns; received January 10, 2023, with no concerns.
- Hydro Ottawa email received December 6, 2023, with no concerns; received September 1, 2023, with no concerns; received January 9, 2023, with no concerns.
- Ottawa International Airport Authority received August 23, 2023, with no concerns; received December 28, 2022, with no concerns.

### **Effect of Submissions on Decision**

[7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

- [8] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the elimination of loading spaces on site, provide additional space for guest parking and soft landscaping. ". The report also highlights that "the 6.0 metre drive aisles provide access to compact vehicle parking spaces which are smaller in length and width than standard parking spaces".
- [10] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [12] 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.
- [13] 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 surrounding area.
- [14] 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.
- [15] 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 October 24, 2023, and the elevations filed, Committee of Adjustment date stamped October 24, 2023, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

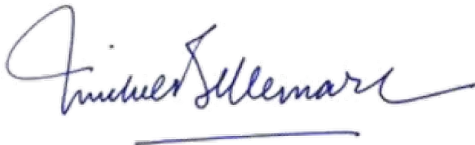
*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"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 **December 22, 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 **January 11 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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**  
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