

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	December 22, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00268
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Canadian Tire Corporation, Limited
Property Address:	2501 Greenbank Road
Ward:	24 – Barrhaven East
Legal Description:	Part of Lot 16, Concession 2 (Rideau Front), Geographic Township of Nepean and Part of Road Allowance between Lots 15 and 16, Concession 2 (Rideau Front), closed by Bylaw N610494, Geographic Township of Nepean
Zoning:	GM [184] H(18.5)
Zoning By-law:	2008-250
Hearing Date:	December 12, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to expand the existing commercial building located in the northeast corner of the property and enter into a long-term lease, for a period of 21 years.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a reduced number of parking spaces of 309 spaces, whereas the By-law requires the minimum number of 355 parking spaces over the entire parcel (Parts 1 to 8 on Deposited Reference Plan 4R-35680).

PUBLIC HEARING

Oral Submissions Summary

- [3] Rachel MacKnight, Agent for the Applicant, and City Planner Siobhan Kelly were present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [4] 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

- [5] 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, Joint Access Agreement, Lease Amending Agreement, transfer documents, original Lease Agreement, parcel registry, revised plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received December 7, 2023, with no concerns.
- Rideau Valley Conservation Authority email received December 7, 2023, with no concerns.
- Hydro Ottawa email received December 6, 2023, with no concerns.
- Hydro One email received December 5, 2023, with no concerns.

Effect of Submissions on Decision

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the minor variance is desirable as the reduction in parking aligns with the City's policy directions and will facilitate the redevelopment of a commercial site." The report also highlights that the "parking will not result in undue adverse impacts given that the site includes -ecommerce parking spaces, bicycling parking and is located near rapid transit."

- [9] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [10] Considering the circumstances, the Committee finds that because the proposal fits well in the neighbourhood, 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.
- [11] 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.
- [12] 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.
- [13] 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.
- [14] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location of the parking spaces being in accordance with the site plan filed, Committee of Adjustment date stamped December 11, 2023, as it relates to the requested variance.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

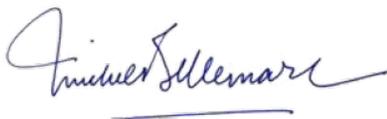
"Jay Baltz"
JAY BALTZ
MEMBER

"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 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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