

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	March 1, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00007
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	2856089 Ontario Ltd.
Property Address:	4200 Innes Road
Ward:	19 – Orléans South-Navan
Legal Description:	Block 1, Registered Plan 4M-1732
Zoning:	AM [2414] H(40)
Zoning By-law:	2008-250
Hearing Date:	February 20, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a mixed-use development comprising 293 residential units and a 340 square metre medical facility on their property, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law as follows:
- a) To permit a reduced parking rate of 0.96 parking spaces per unit for a mid-rise apartment dwelling, whereas the By-law requires 1.2 spaces per unit.

PUBLIC HEARING

Oral Submissions Summary

- [3] James Ireland, Agent for the Applicant, provided an overview of the application. He explained that the proposal is the subject of an active Site Plan Control Application (D07-12-23-0068) and requested that the variance be amended as recommended by the City’s Planning Department, as follows:

To permit a reduced parking rate of 0.96 parking spaces per unit for a mid-rise apartment dwelling, whereas the By-law requires a minimum 1.2 spaces per unit.

With all parties in agreement, the application was amended accordingly.

- [4] City Planner Cass Sclauzero explained that the by-law requires a parking rate for each use on the site and submitted that it would be appropriate to vary the rate for the mid-rise apartment use in this case, because the relief would continue to apply regardless of any changes proposed by the Applicant. She also advised that the legal description identified in the public notice should be corrected to read: ~~Part 4~~ Block 1 on Registered Plan 4M-1732.
- [5] Mr. Ireland clarified that, based on the number of mid-rise apartment dwelling units currently proposed, the requested variance would permit 204 spaces, whereas the By-law requires 254 spaces.
- [6] Greg Winters, also acting as Agent for the Applicant, indicated that the site plan was nearly finalized, but a variance to the required rate would allow flexibility to make necessary changes in response to technical requirements.
- [7] Following the public hearing, the Committee reserved its decision.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED,
AS AMENDED**

Application(s) Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 15, 2024, with no concerns.
 - Hydro Ottawa email received February 13, 2024, with no comments.

- Ministry of Transportation email received February 14, 2024, with no comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [13] The Committee also notes that, based on a total of 212 apartment units, the revised parking rate amounts to 204 parking spaces, a reduction of 50 from the required 254 spaces.
- [14] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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 neighborhood.
- [17] 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 that is compatible with the surrounding area.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes 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 **MARCH 1, 2024**.



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 **MARCH 21, 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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