

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	March 15, 2024
Panel:	2 - Suburban
File No.:	D08-02-23/A-00266
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	2473493 Ontario Inc.
Property Address:	1983 Carling Avenue
Ward:	7 - Bay
Legal Description:	Part of Block B, Plan 4M-98
Zoning:	AM10 H(20)
Zoning By-law:	2008-250
Hearing Date:	March 5, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide their property into two separate parcels of land to create one new lot for a proposed three storey low rise apartment building. The three existing low rise apartment buildings will remain on the other parcel.
- [2] At its hearing on January 16, 2024, the Committee adjourned the application to allow the Owner/Applicant time to apply for an additional variance.

REQUESTED VARIANCES

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

1989 Carling Avenue, Parts 2, 3, 5 to 12 on draft 4R-plan (proposed low-rise apartment building):

- a) To permit an increased building height of 11.98 metres, whereas the By- law permits a maximum building height of 11.0 metres.
- b) To permit a reduced amount of glazing along Bromley Avenue of 32% of the surface area, whereas the By-Law requires that 50% of the surface area of the ground floor façade be glazing (measured from the average grade up to a height of 4.5 metres along Bromley Road).

PUBLIC HEARING

Oral Submissions Summary

- [4] Jonah Bonn, Agent for the Applicant, provided a summary of the application.
- [5] City Planner Samantha Gatchene confirmed no concerns with the application.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) 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.
- [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 cover letter, plans, tree information Report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 29, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received March 1, 2024, with no objections.
 - Hydro Ottawa email received February 27, 2024, with no comments.
 - Hydro One email received February 26, 2024, with no comments.
 - Ministry of Transportation email received March 1, 2024, with no comments.
 - Ottawa Airport Authority email received February 16, 2024, with comments.
 - S. Sernoskie, resident, email received February 26, 2024, in support.

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 application.
- [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. Regarding the request for increased building height, the report highlights that "the requested variance is appropriate for the proposed development and is not foreseen to result in negative impacts on the abutting properties or the neighbourhood." The report also highlights that "[t]he reduced glazing percentage will also enable the residents occupying the lower levels of the apartment building more privacy. Furthermore, the minimum glazing requirement has been met along the Carling Avenue frontage, allowing the proposed development to contribute to the streetscape of the arterial road."
- [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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood while contributing to mild residential intensification along a Mainstreet Corridor within the Inner Urban Transect.
- [15] 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.
- [16] Moreover, the Committee finds that the requested variances are minor because the proposal 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 plans filed, Committee of Adjustment date stamped February 9, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

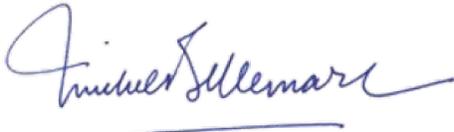
"Jay Baltz"
JAY BALTZ
MEMBER

"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 **March 15, 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 **April 4, 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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