

DECISION
MINOR VARIANCE / PERMISSION

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| Date of Decision: | October 13, 2023 |
| Panel: | 1 - Urban |
| File No(s): | D08-02-23/A-00221 |
| Application: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owner(s)/Applicant(s): | OTT A360 LAURIER PROPERTY LIMITED PARTNERSHIP, by its General Partner, "OTT A360 LAURIER PROPERTY GP INC." |
| Property Address: | 360 Laurier Avenue West |
| Ward: | 14 - Somerset |
| Legal Description: | Lots 28 & 29 Registered Plan 2996 |
| Zoning: | MD S25 |
| Zoning By-law: | 2008-250 |
| Hearing Date: | October 4, 2023, in person and by videoconference |

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to convert the existing office building into a mix of residential and commercial units, 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 15% of the ground floor of the building to be occupied by one or more commercial uses, whereas the By-law requires at least 50% of the ground floor of any building to be occupied by one or more of the listed commercial uses.
 - b. To permit a reduced driveway width providing access to a parking garage of 4.5 metres for a double traffic lane, whereas the By-law requires a driveway providing access to a parking garage to have a minimum width of 6.0 metres.

- c. To permit a reduced drive aisle width of 4.5 metres, whereas the By-law requires a minimum drive aisle width of 6.0 metres.
- d. To permit reduced parking space width of 2.4 metres, whereas the By-law requires a minimum parking space width of 2.6 meters.
- e. To permit a reduced parking space width of 2.4 metres when abutting a wall or column, whereas the By-law requires a minimum width of a parking space abutting a wall or column of 2.6 metres.
- f. To permit 65% of the parking spaces in a parking garage be reduced to 2.4 metres wide, whereas the By-law permits up to 50 % of the parking spaces in a parking lot or parking garage to be reduced to a minimum of 2.4 meters.
- g. To permit a reduced minimum vertical clearance in a parking garage of 1.88 metres, whereas the By-law requires a minimum vertical clearance of 2.1 metres.
- h. To permit no access aisle for bicycle parking spaces in a parking garage, whereas the Bylaw requires that all bicycle parking spaces located in front of a vehicle parking space to have access from an aisle having a minimum width of 1.5 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Josie Tavares, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee, noting that most of the requested variances reflected existing conditions within the building. Ms. Tavares stated that the ground floor will include a mix of retail and the amenity areas for the building's residents, resulting in 'animated' entrances along both frontages.
- [4] City Planner Margot Linker responded to the Committee's questions and confirmed that the municipality had no concerns with the application.
- [5] Following the public hearing, the Committee reserved its decision and advised that a written one with reasons would be issued within ten days.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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 a cover letter, plans, a study and plan identification list, a site plan application, photos of the posted sign, and a sign posting declaration.
 - City Planning Report received September 28, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated September 29, 2023, with no objections.
 - Ministry of Transportation email dated September 21, 2023.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that, "staff believe that the efforts made by the applicant to maintain an active frontage meets the intent of this zoning provision."
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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 highly mixed-use environment within the Downtown Core Transect policy area.

[14] 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.

[15] 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.

[16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to:**

- a. The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped September 6, 2023, as they relate to the requested variances.
- b. The relief applying to the existing building known municipally as 360 Laurier West Avenue and being restricted to the life of this building only.

Absent
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
ACTING CHAIR

Absent
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIA
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
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 **October 13, 2023**.



Matthew Garnett
Acting 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 **November 2, 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.

Committee of Adjustment
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