

DECISION

MINOR VARIANCE / PERMISSION

Date of Decision:	June 30, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00107
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Bayview Wateridge Inc.
Property Address:	1375 Hemlock Road
Ward:	13 – Rideau-Rockcliffe
Legal Description:	Part of Block 11, Registered Plan 4M-1651
Zoning:	GM31 H(30)
Zoning By-law:	2008-250
Hearing Date:	June 21, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a 9-storey mixed-use building with commercial space on the ground floor and 216 residential units above, shown as "Building 1" on plans filed with the Committee.
- [2] The Owner has also submitted Minor Variance Applications for a proposed 9-storey mixed-use building on the property at 1345 Hemlock Road (D08-02-23/A-00106, "Building 2") and a 6-storey residential building on the property at 375 Codd's Road (D08-02-23/A-00108, "Building 3").

REQUESTED VARIANCE

- [3] The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit a building to be set back an additional 2 metres at and above the fifth storey, whereas the By-law requires a building to be set back an additional 2 metres from the front and corner side lot lines at and above the fourth storey.
- [4] The property is the subject of a Site Plan Control application (D07-12-22-0127) under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [5] Prior to the hearing, the Committee received correspondence from the Wateridge Village Community Association suggesting that additional variances may be required.
- [6] The Panel Chair asked Rod Price, Agent for the Applicant, and City Planner Margot Linker if the application was premature and whether all variances had been identified. Ms. Linker advised the proposal may have further zoning deficiencies and requested that any approval not be tied strictly to plans to allow design changes under the Site Plan Control process. Mr. Price confirmed that the development was in the final stage of the Site Plan Control process and requested that the Committee proceed to hear the application. The Committee agreed to hear the application without delay.
- [7] Upon recall, Mr. Price provided an overview of the application and responded to questions from the Committee.
- [8] Ms. Linker, stated no concerns with the application, even if a further Minor Variance application became necessary.
- [9] The Committee also heard oral submissions from the following individual:
- J. Thompson, Wateridge Village Community Association, highlighted concerns that additional variances might be required, including height, entrances, amount of glazing, and number of parking spaces. She believed that having the setback start at the fifth storey is not sensitive to adjacent lower density development.
- [10] In response to the concerns raised by Ms. Thompson, Mr. Price stated that the proposal was designed to be consistent with other recent developments in the neighbourhood.
- [11] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [12] 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

- [13] 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 and sign posting declaration.
- City Planning Report received June 16, 2023, with no concerns.
- Rideau Valley Conservation Authority, email dated June 20, 2023, with no objections.
- Hydro Ottawa email dated June 14, 2023, with comments.
- Ministry of Transportation, email dated June 12, 2023, with no comments.
- J. Thompson, Wateridge Community Association, email dated June 15, 2023, in opposition and with comments.
- T. Wan, area resident, email dated June 20, 2023, in opposition.

Effect of Submissions on Decision

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [15] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [16] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that, "when considering the site context, there are many examples of four-storey bases emerging."
- [17] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [18] 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.
- [19] 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 and represents appropriate intensification in an area within the Urban Transect.

- [20] 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.
- [21] 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.
- [22] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped May 15, 2023, as they relate to the requested variance.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 30, 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 **July 20, 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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