

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 26, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00038
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	ML Westboro Inc.
Property Address:	398, 402, and 406 Roosevelt Avenue
Ward:	15 - Kitchissippi
Legal Description:	Lots 5, 6 and 8, Registered Plan 114
Zoning:	R5B [2472] H(21)
Zoning By-law:	2008-250
Hearing Date:	April 17, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a six-storey apartment building containing 62 dwelling units, 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 to permit reduced resident parking of 15 spaces, whereas the By-law requires a minimum of 25 parking spaces for 62 dwelling units.
- [3] The application indicates that the proposal is the subject of pre-application consultation for Site Plan Control. The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Tyler Yakichuck and Jacob Bolduc, Agents for the Applicant, responded to questions from the Panel Chair, confirming that the development meets the zoning requirement for visitor parking spaces and addressing its status in the concurrent Site Plan Control application process.
- [5] The Committee also heard oral submissions from the following individuals:

- T. Gray, Westboro Community Association, who noted that the Community Association supports the application and the proposal to limit the development to one level of underground parking, to minimize the impact of blasting on nearby residents. He also supported the proposal to restrict parking to the interior of the building and submitted that the requested reduction in parking is appropriate in this location due to the proximity to transit, and that it would not contribute significantly to parking congestion in the area.
- David Morgan, resident, who expressed his support for the proposal and the reduction of parking in general, but questioned whether additional parking spaces could be accommodated within the building, based on the floor plans filed with the application.

[6] In response to questions from the Panel Chair, Mr. Bolduc explained that a Traffic Impact Assessment had been completed for previous iterations of the proposed development, which would be updated through the Site Plan Control. He also referred the Committee to policy direction in the Official Plan that parking requirements may be reduced or eliminated for development close to rapid transit. Additionally, Mr. Bolduc highlighted that a decision was made, in consultation with the City, to maintain the required visitor parking spaces to minimize any impact on the availability of on-street parking in the area.

[7] City Planner Margot Linker was also present.

[8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application(s) Must Satisfy Statutory Four-Part Test

[9] 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

[10] 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 planning rationale, plans, tree information, photo of the posted sign, and a sign posting declaration.

- City Planning Report received April 11, 2024, with no concerns.
- Rideau Valley Conservation Authority email received April 11, 2024, with no objections.
- Hydro Ottawa email received April 10, 2024, with no comments.
- L. Whitestone, resident, email received April 4, 2024, in opposition.
- J. Anderson, resident, email received April 4, 2024, in opposition.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [12] Based on the evidence, the majority of the Committee (Vice-Chair William Hunter dissenting) is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [13] Based on the circumstances, the majority of the Committee is not satisfied that sufficient evidence was presented to conclude that, from a planning and public interest point of view, the requested variance is desirable for the appropriate development or use of the land, building or structure on the property, and relative to neighbouring lands.
- [14] Also, the majority of the Committee finds that the requested variance does not maintain the general intent and purpose of the Zoning By-law because insufficient technical evidence was presented demonstrating that the proposal represents orderly development that is compatible with the surrounding area.
- [15] Additionally, the Committee finds that the requested variance is not minor because no substantial evidence in the form of a traffic impact assessment or parking demand study was presented demonstrating that the proposal would not create an unacceptable adverse impact on the neighbourhood.
- [16] Failing three of the four statutory tests, the Committee is unable to grant the application.
- [17] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variance.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Absent"
SIMON COAKELEY
MEMBER

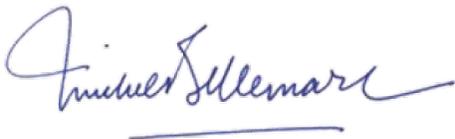
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Absent"
SHARON LÉCUYER
MEMBER

Dissent
WILLIAN HUNTER
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 26, 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 **May 16, 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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