

April 15, 2024

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Committee of Adjustment  
City of Ottawa  
101 Centrepointe Drive  
Ottawa, ON  
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**Committee of Adjustment**

Received | Reçu le

**2024-04-17**

City of Ottawa | Ville d'Ottawa

**Comité de dérogation**

**Attention: Michel Bellemare, Secretary - Treasurer**

**Reference: 1485 Upper Canada Street  
Application for Minor Variance  
Our File No.: 123137**

Novatech has been retained by the owner of the property municipally known as 1485 Upper Canada Street (the "Subject Site") to prepare and file an application for Minor Variance. The application for minor variance has been filed to facilitate modifications to the maximum permitted display and sales area for the proposed warehouse building on the Subject Site.

This letter describes the existing conditions of the site, the proposed development, and the rationale in support of the applications.

### Existing Conditions

The Subject Site is located in Ward 4 – Kanata North within the City of Ottawa. Specifically, the Subject Site is located within the Kanata West Business Park on the south side of Upper Canada Street, to the north of Campeau Drive, east of Nipissing Court and west of Palladium Drive (See Figure 1). The Subject Site has a total lot area of approximately 1.84 hectares and a frontage of approximately 141 metres along the Upper Canada Street, 103 metres along Nipissing Court and 63.5 metres along Campeau Drive.

The Subject Site is legally known as Block 1, Registered Plan 4M-1649, in the City of Ottawa. The Subject Site is designated "Mixed Industrial" in the Suburban (West) Transect on Schedule B5 of the City of Ottawa Official Plan. The Subject Site is zoned Business Park Industrial, Subzone 13 (IP13) under the City of Ottawa Zoning By-law 2008-250.

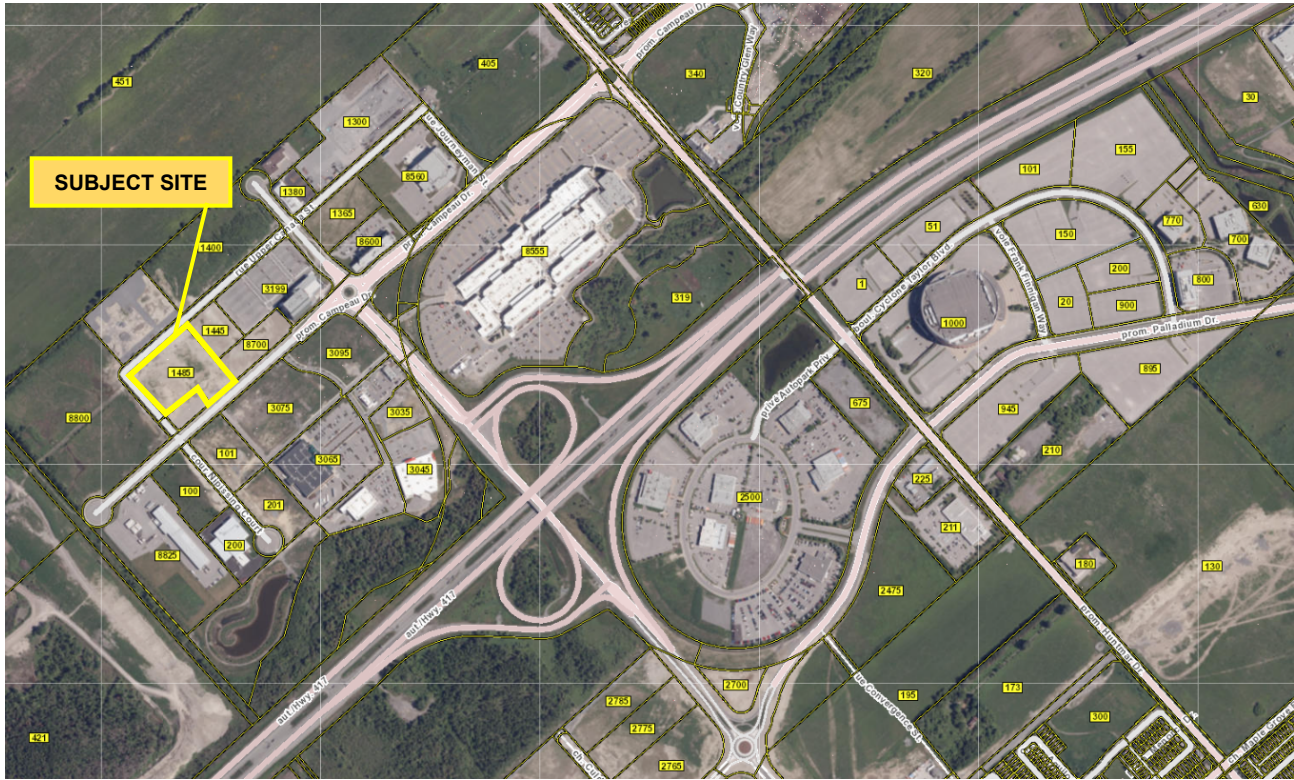


Figure 1. Site Location

## Background

A Site Plan application to permit the development of a one-storey warehouse building was submitted to the City of Ottawa on May 2, 2023. Through coordination during the Site Plan review process, an analysis of the interior layout and proposed sizing of accessory display and sales area for each proposed unit was performed (see Figure 2). Relief from provisions of the IP13 zone is required to increase the total permitted gross floor area used for accessory display and sales within the proposed building.

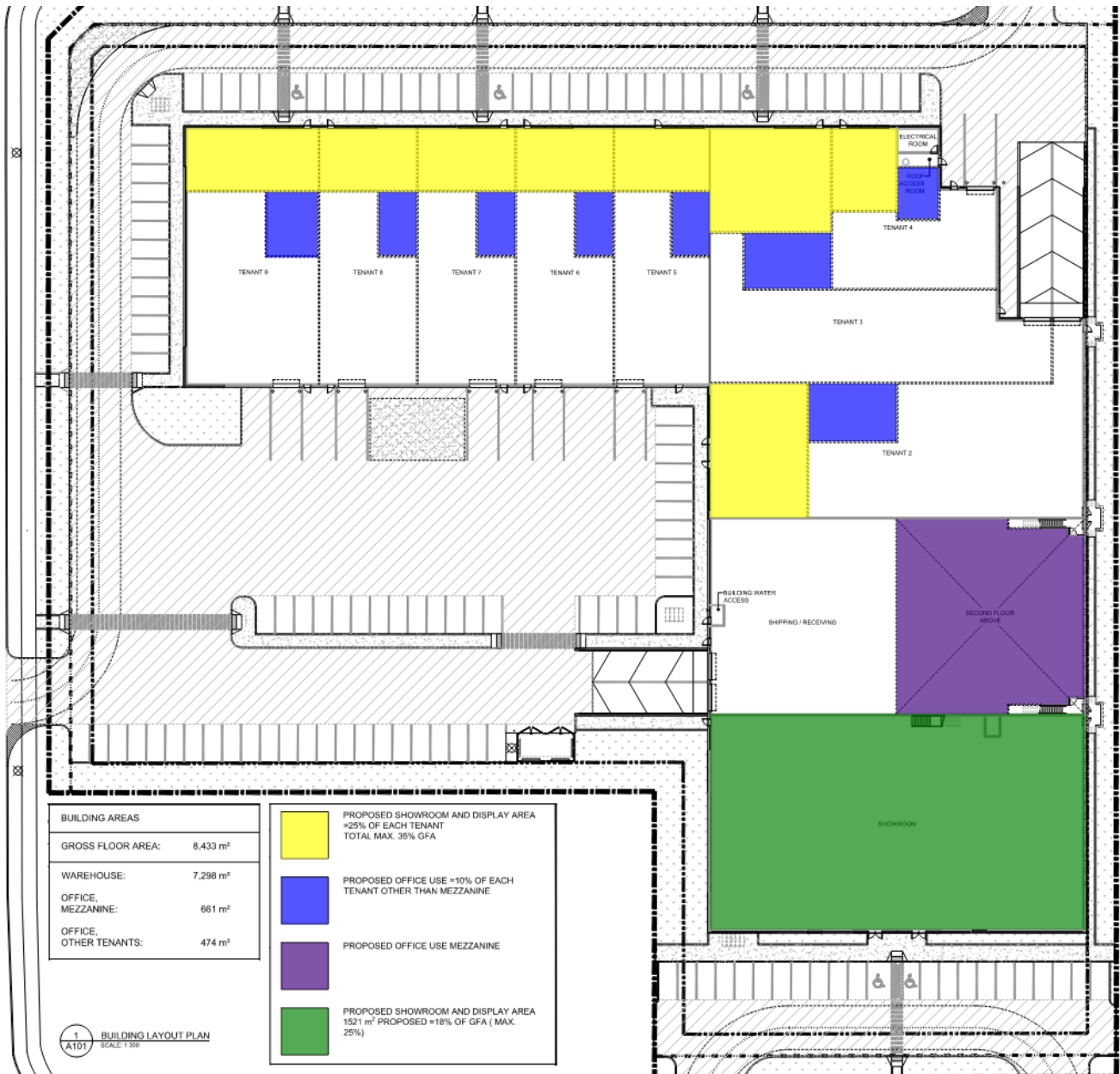


Figure 2. Ground Floor Plan

**Minor Variance Application**

The following minor variance is requested to modify the provisions of the IP13 zone:

- a) To permit an increase in the maximum percentage of accessory display and sales area within the building to 35% of the total gross floor area; whereas the By-law permits a maximum percentage of accessory display and sales area within the building of 25% of the total gross floor area under Section 205(4) of the Zoning By-law.

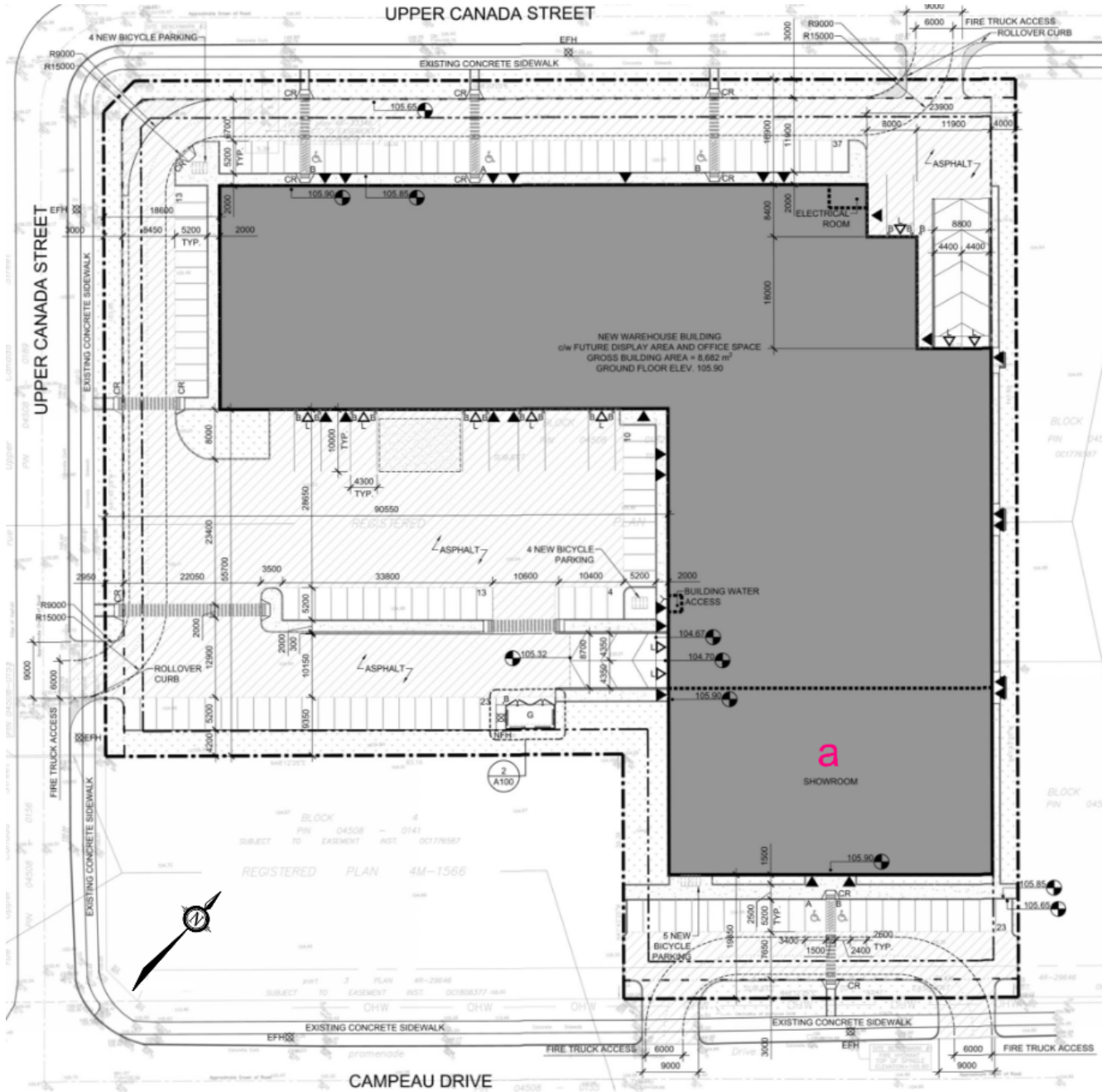


Figure 3. Minor Variance Sketch

## **Rationale (Minor Variance Application)**

The minor variance listed above meets the four tests for minor variance under Section 45(1) of the Planning Act.

### *Provincial Policy Statement (2020)*

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

The proposed development of a warehouse building with accessory office, display and sales uses on the Subject Site supports an employment use to meet the long-term needs of the community. The proposal also promotes cost-effective development patterns by building on lands within the urban boundary, minimizing land consumption and municipal servicing costs.

The proposed development is consistent with policies of the PPS (2020).

### **City of Ottawa Official Plan**

Section 3.5 of the Official Plan set out where employment uses are intended to occur within the urban area. Policy 3 of Section 3.2 of the Official Plan states that: *“Employment that cannot typically compete with rents of other uses in Hubs, Corridors or Neighbourhoods designations, have potential adverse impacts on adjacent sensitive uses, and require clustering of similar uses are located within Industrial and Logistics areas. These uses tend to be manufacturing, construction, storage and logistics related. Business parks that have a mix of industrial and non-industrial uses such as small-scale office and other service-oriented uses are located within Mixed Industrial areas”*

The proposed development on the Subject Site is an example of appropriate industrial and non-industrial uses within the Suburban Transect and Mixed Industrial designation. The proposed development supports the creation of new employment opportunities with limited accessory office, display and sales uses on the Subject Site. The proposed development will contribute to providing a diverse range of employment uses including office, warehouse and commercial in a suitable location.

The Subject Site is designated Mixed Industrial in the Suburban Transect on Schedule B5 of the Official Plan. Policy 5 of Section 6.5.1 of the Official Plan states that:

*“Accessory sample and showroom uses are permitted if all the following conditions are met:*

- a) They occupy part of a building where, and are operating only in association with, a warehouse or other permitted use in the same building;*

- b) Are primarily used for the display of samples, patterns or other goods and wherein orders are taken for merchandise which is stored in bulk in a warehouse in part of the same building for future delivery to its customers; and
- c) Where the proportion of the gross leasable area of a building devoted to sample and showroom use is limited in the Zoning By-law so that sample and showroom space is secondary and subordinate to the primary use of the building for warehouse storage.”

The principal land use of the proposed development is warehouse. The proposed building will also include accessory office space and sample and showroom spaces. Individual tenants will have the option to provide a portion of the gross leasable area for accessory sample and showroom space within the proposed building while continuing to ensure that the primary use of the building remains employment related.

The requested minor variance maintains the general intent and purpose of the City of Ottawa Official Plan.

**The second test for minor variance is that the general intent and purpose of the Zoning By-law is maintained.**

The Subject Site is zoned Business Park Industrial, Subzone 13 (IP13) under the City of Ottawa Zoning By-law 2008-250. The purpose of the IP13 Zone is to:

- (1) *accommodate mixed office, office-type uses and low impact, light industrial uses in a business park setting, in accordance with the Enterprise Area designations of the Official Plan or, the Employment Area or the General Urban Area designation where applicable;*
- (2) *allow in certain Enterprise or General Urban Areas, a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites as individual occupancies or in groupings as part of a small plaza, to serve the employees of the Enterprise, Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic;*
- (3) *prohibit retail uses in areas designated as Enterprise Area but allow limited sample and showroom space that is secondary and subordinate to the primary use of buildings for the manufacturing or warehousing of the product;*
- (4) *prohibit uses which are likely to generate noise, fumes, odours, or other similar obnoxious impacts, or are hazardous; and*
- (5) *provide development standards that would ensure compatibility between uses and would minimize the negative impact of the uses on adjacent non-industrial areas.*

The requested minor variance is to permit modifications to the total permitted gross floor area used for accessory display and sales within the proposed building under the IP13 zoning.

The proposed development is designed to be compatible with the land use pattern and existing character of the surrounding Kanata West Business Park. The proposed development meets performance standards of the IP13 zoning for building height, landscaped area, front yard setback,

corner side yard setback, rear yard setback and required parking. The requested minor variance will have no impact on the functionality of the site. The proposed increase in allowable sample and showroom space remains secondary and subordinate to the primary function of the building, which remains employment.

The requested minor variance maintains the general intent and purpose of the City of Ottawa Zoning By-law 2008-250.

**The third test for minor variance is that the minor variance is considered desirable for the use of land.**

Variance a) requests to permit an increase in the maximum percentage of accessory display and sales area within the building to 35% of the total gross floor area; whereas the By-law permits a maximum percentage of accessory display and sales area within the building of 25% of the total gross floor area under Section 205(4) of the Zoning By-law.

An increase to the percentage of accessory display and sales area for the proposed building is required to provide flexibility for building tenants. The requested variance does not modify the proposed building design, which has been subject to a separate Site Plan approval process.

The requested variance is intended to implement design enhancements to the function of the building identified through the site plan review process and is compatible with the context of the surrounding business park. The proposed variance is appropriate.

The requested minor variance will facilitate the development of an appropriate warehouse building, providing opportunities for a mix of accessory office, commercial, display and sales uses that are compatible with the surrounding business park. The minor variance is considered desirable for the use of land.

**The fourth test for minor variance is that the variance is considered minor in nature.**

Variance a) is to permit an increase to the maximum permitted accessory display and sales area within the proposed fully conforming building envelope.

The proposed development meets the performance standards of the IP13 zone for building height, landscaped area, front yard setback, corner side yard setback and rear yard setback. The requested variances do not modify the proposed building design. An increase to the permitted accessory display and sales area for the entire building by 10% does not impact the functionality of the proposed building and the general intent to establish employment uses in the new building.

The requested variance is intended to implement design enhancements to the function of the building identified through the site plan review process and are compatible with the context of the surrounding Kanata West Business Park. The proposed variance is considered minor in nature.

The proposed development at 1485 Upper Canada Street maintains the general intent and purpose of the City of Ottawa Official Plan and Zoning By-law 2008-250. The requested variance is considered desirable for the use of the land and is minor in nature. The proposed development represents good land use planning.

In support of the application for minor variance, please find enclosed:

- One copy of this cover letter;
- A Minor Variance Application Form (one original copy)
- A Minor Variance Sketch (one copy of 11x17 and one 8 ½x11)
- A Plan of Survey (one copy of 11x17 and one 8 ½x11)
- A Site Plan (one copy of 11x17 and one 8 ½x11)
- A Landscape Plan and Tree Conservation Report (one copy of 11x17 and one 8 ½x11)

The proposed development has been submitted under a separate Site Plan Control application. A Tree Conservation Report has been filed. A Tree Information Report is not required as part of this application.

Should you have any questions regarding this application, please do not hesitate to contact the undersigned.

Yours truly,

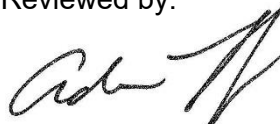
**NOVATECH**

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