

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	October 13, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00211
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	SAAISH Inc.
Property Address:	89 Richmond Road
Ward:	15 - Kitchissippi
Legal Description:	Lot 83, Registered Plan 400
Zoning:	TM [2601] H(20)
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 construct a 6 storey, 19-unit, mixed-use building, 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 0 residential parking spaces, whereas the By-law requires 0.5 residential parking spaces per dwelling unit, after the first 14 units, for a total of 3 residential parking spaces.
 - b. To permit 0 visitor parking spaces, whereas the By-law requires 0.1 visitor parking spaces per dwelling unit, after the first 12 units, for a total of 1 visitor parking space.

PUBLIC HEARING

Oral Submissions Summary

- [3] Jillian Simpson, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [4] In response to questions from the Committee, regarding the reduction in provided parking spaces, Tim Beed, also acting as Agent for the Applicant, confirmed that the proposal had previously been subject to Site Plan Control, Zoning By-law Amendment, and Official Plan Amendment applications, all of which approved the development of the site without on-site vehicle parking being provided.
- [5] The Committee also heard oral submissions from the following individuals:
- I. Bouvier, resident, raised concerns regarding stormwater runoff, drainage and the shared retaining wall between her property and the subject property.
- [6] In response to concerns raised by Ms. Bouvier, Mr. Beed confirmed that a stormwater management plan for the proposed development had been included in the approved Site Plan Control application. Mr. Beed stated that he would share that information with Ms. Bouvier.
- [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 GRANTED

Application 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 cover letter, plans, a photo 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, with no comments.
- Building Code Services email dated September 22, 2023, regarding Outstanding Orders to Comply dated January 14, 2020.
- D. Messier, resident, email dated October 3, 2023, in opposition.
- Ottawa-Carleton Standard Condominium Corporation (OCSCC) 963 Board of Directors email dated October 3, 2023, 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 granted the application.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that, "the requested variances would not result in negative impacts for neighbouring properties and would not impact the functionality or servicing of the proposal."
- [14] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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 mild intensification along a designated Mainstreet Corridor.

[17] 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.

[18] 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.

[19] 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 August 24, 2023, as they relate to the requested variances.

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.

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