

**DECISION
MINOR VARIANCE**

Date of Decision:	July 26, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00153
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	2140 Baseline Ltd.
Property Address:	2140 Baseline Road
Ward:	8 – College
Legal Description:	Part of Block 41, Registered Plan 4M-623 and Part of Lot 35, Concession 2 (Rideau Front) Geographic Township of Nepean
Zoning:	MC [2588] F(4.4) H(45)
Zoning By-law:	2008-250
Heard:	July 16, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to convey a portion of their property to the abutting property to the west, known municipally as 1 Centrepointhe Drive. The new fourteen-storey building will remain.

REQUESTED VARIANCE

- [2] The Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a refuse collection area located 3 metres from a public street, whereas the By-law requires a minimum distance of 9 metres from a public street.
- [3] The subject property is the subject of a Site Plan Control Revision Application (D07-12- 22-0164).

PUBLIC HEARING

Oral Submissions Summary

- [4] Evan Saunders, Agent for the Applicant, and City Planner Penelope Horn were present.

- [5] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

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 cover letter, plans, tree information report, property index map, parcel register abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 11, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received July 10, 2024, with no objections.
 - Hydro One email received July 9, 2024, with no comments.
 - Hydro Ottawa email received July 10, 2024, with no comments.
 - Ontario Ministry of Transportation email received July 11, 2024, with no comments.

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 variance meets 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, highlighting that, "[t]he refuse staging area will be screened by a masonry wall and landscaping along Gemini Way." The report also

highlights that the “garbage and recycling bins are proposed to be kept in the underground parking garage, except on days where the refuse is collected” and that this “will mitigate the visual impacts of the reduced setback.”

- [11] The Committee also notes that no evidence was presented that the variance 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 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.
- [13] 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.
- [14] 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 on the property that is compatible with the surrounding area.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped July 10, 2024, as they relate to the requested variance.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

Absent
JAY BALTZ
MEMBER

George Barrett
GEORGE BARRETT
MEMBER

Heather MacLean
HEATHER MACLEAN
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 **July 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 **August 15, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436