

**DECISION
MINOR VARIANCE**

Date of Decision:	August 30, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00195
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Granite Private Equity Limited Partnership
Property Address:	314, 318 Athlone Avenue, 2006, 2020 and 2026 Scott Street
Ward:	15 – Kitchissippi
Legal Description:	Part of Lot 60, Lots 61 and 62, Registered Plan 263 and Part of Lot 31, Concession 1 (Ottawa Front), Geographic Township of Nepean
Zoning:	TM [2829] S465-h
Zoning By-law:	2008-250
Heard:	August 21, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct two 40-storey mixed-use residential towers that will be connected by a pedestrian walkway and will contain a total of 856 residential units.

REQUESTED VARIANCE

- [2] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit a one-storey pedestrian bridge feature incorporated into the second storey connecting the two proposed buildings, whereas the By-law requires a four-storey feature incorporated into the building above the second storey.
- [3] The property is the subject of a Site Plan Control application (File No. D07-12-23-0019).

PUBLIC HEARING

Oral Submissions Summary

- [4] L. Clark, 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 15, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received August 19, 2024, with no objections.
 - Hydro Ottawa email received August 19, 2024, with comments.
 - Ontario Ministry of Transportation email received August 13, 2024, with no comments.
 - T. Gray, President of the Westboro Community Association, email received August 14, 2024, in support.

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 Zoning By-law provision which limited the pedestrian connection to above the second storey was intended to

provide limited massing and impact for what was originally a multi-storey feature. The now proposed one-storey connection limited to the second storey will respect this intent.”

- [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 it represents orderly development 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 19, 2024, as they relate to the requested variances.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
JOHN BLATHERWICK
MEMBER

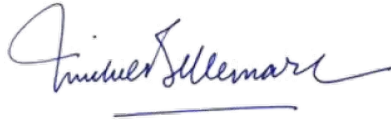
Simon Coakeley
SIMON COAKELEY
MEMBER

Arto Keklikian
ARTO KEKLIKIAN
MEMBER

Absent
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 **August 30, 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 **September 19, 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