

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	September 13, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00186
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	McDonald's Restaurants of Canada Limited
<b>Property Address:</b>	388 Richmond Road
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Pt Lot 10, Plan 204
<b>Zoning:</b>	TM
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	September 4, 2024, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicant wants to renovate the existing building to contain a new restaurant, as shown on the plans filed with the Committee.

**REQUESTED VARIANCE**

- [2] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit 0 parking spaces for a restaurant, whereas the Zoning By-law requires 18 parking spaces for a restaurant.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Rachida Feghoul, Agent for the Applicant, stated that, due to the small mezzanine located on the second floor of the building that increased the square footage of the restaurant, a minor variance was required for parking. She provided locations for other McDonald's restaurants operating without on-site parking. Ms. Feghoul highlighted that the location of the proposed restaurant is in an urban area, where public transportation and bicycling are encouraged.
- [4] In response to questions from the Committee, Ms. Feghoul advised that the food delivery component to their service model is about the operation of the business

and outside her expertise, but in her experience it is approximately 15% and the two off-site parking spaces that are being rented on a neighbouring lot would be reserved for food delivery drivers. She also confirmed that a garbage room was being provided inside the building envelope.

- [5] City Planner Margot Linker highlighted that a restaurant is a permitted use on the subject property. She confirmed that the loading zones for the restaurant are located off-site and that a revised site plan control application was not required.
- [6] The Committee also heard oral submissions from the following individual:
- G. Haynal, resident, noted concerns with the high number of fast-food takeout restaurants and their impact on traffic and garbage.
- [7] 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**

- [8] 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**

- [9] 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, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received August 28, 2024, with no concerns.
  - Rideau Valley Conservation Authority email received August 29, 2024, with no objections.
  - Hydro Ottawa email received September 3, 2024, with no objections.
  - Westboro Community Association, email received August 30, 2024, in support.

- R. Morris, neighbouring business manager, email received August 27, 2024, in support.
- Senior Discovery Tours, email received September 3, 2024, with concerns.

### **Effect of Submissions on Decision**

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [11] Based on the evidence, the Majority of the Committee (Member S. Lécuyer dissenting) is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning report raises "no concerns" regarding the application, highlighting that "a restaurant use with a GFA of 350sqm or less to have no off-street motor vehicle parking requirements. However, since the proposed restaurant is 366sqm, it is subject to the full parking rate (5 spaces/100sqm GFA)". The Majority of the Committee also notes that a lack of planning evidence was provided to indicate how the site could function and deal with issues such as garbage, the pick-up up food for deliveries and the delivery of supplies.
- [13] Considering the circumstances, the Majority of the Committee is not satisfied by the evidence 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 the neighbouring lands, finding, in particular, that insufficient evidence was presented to demonstrate that the lack of parking would be compatible with the site.
- [14] In addition, the Majority of the Committee finds that the requested variance is not minor because it will create unacceptable adverse impacts on abutting properties and the neighbourhood in general.
- [15] Failing two of the four statutory tests, the Committee is unable to grant the application.
- [16] 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

*Dissent*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 13, 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 **October 3, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436