

**DECISION
PERMISSION**

Date of Decision:	August 30, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00160
Application:	Permission under section 45 of the <i>Planning Act</i>
Applicant:	Reservoir Properties Ltd.
Property Address:	1542 Chatelain Avenue
Ward:	16 - River
Legal Description:	Lots 95 to 116, 191 to 212, Registered Plan 346
Zoning:	R4UC & R5B [1195] H(18)
Zoning By-law:	2008-250
Heard:	August 20, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to lease a portion of the existing industrial/commercial building to an automobile service station.

REQUESTED PERMISSION

- [2] The Applicant requires the Permission of the Committee. The existing industrial/commercial building would appear to be legal non-conforming in the R4UC & R5B [1195] H(18) zones and therefore permission is requested to permit an automotive service station to occupy 264 square metres of the existing building. No exterior alterations are proposed.

PUBLIC HEARING

- [3] The application was previously adjourned on July 16, 2024 at the request of City Planning staff, to allow the applicant time to provide evidence of legal non-conforming rights.

Oral Submissions Summary

- [4] Thomas Freeman, 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. Mr. Freeman highlighted that the existing legal non-conforming building contains warehouse, printing plant and office uses. He stated

that the proposed automobile service station is appropriate since a public garage was previously permitted on the site and the property to the north permits industrial uses, and is similar to the current warehouse use in terms of its impact and intensity.

- [5] Mr. Freeman responded to the Committee's questions regarding the history of the property, explaining that it was the subject of a site-specific rezoning for residential development, which was then abandoned, resulting in the current legal non-conformity. He also addressed a letter of concern submitted by an area resident, which raised concerns regarding impacts on traffic, and highlighted that the automobile service station would be limited to one garage bay. He also stated that it would make use of existing parking spaces on the property.
- [6] City Planner Penelope Horn was present and expressed no concerns with the application. Ms. Horn highlighted that the By-law requirement for parking space rates for automobile service stations is the greater of 0.5 spaces per 100 square metres of gross floor area or 1 per service bay, for a minimum of 1.5 spaces in this instance.
- [7] City Planner Erin O'Connell explained that Zoning By-law 2008-250 consolidated the by-laws of former municipalities and carried forward their zoning designations, and did not examine the appropriateness of each zoning designation on a case-by-case basis.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application Must Satisfy Two-Part Test

- [9] The Committee has the power to permit the use of any land, building or structure for a purpose that is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law, under subsection 45(2) of the *Planning Act*, based upon both the desirability for development of the property in question and the impact on the surrounding area.

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 a planning rationale, a record of prior land uses, plans, site photos, photo of the posted sign, and a sign posting declaration.

- City Planning Report received August 15, 2024, with no concerns; received July 11, 2024, requesting adjournment.
- Rideau Valley Conservation Authority email received August 19, 2024, with no objections; received July 10, 2024, with no objections.
- Hydro Ottawa email received August 19, 2024, with no concerns; received July 12, 2024, with no comments.
- Ontario Ministry of Transportation email received August 13, 2024, with no comments; received July 11, 2024, with no comments.
- K. Dooher, resident, email received July 15, 2024, opposed.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [12] Based on the evidence, the Committee is not satisfied that the requested permission meets the two-fold test relating to desirability and impact.
- [13] Considering the circumstances, the Committee finds that, because the proposal does not fit well in the area, the requested permission is, from a planning and public interest point of view, not desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands, including nearby residential land uses.
- [14] The Committee also finds that it was not established by the evidence that the proposed automobile service station is similar to the existing warehouse use in terms of its impact on abutting properties or the neighbourhood in general, particularly as it relates to traffic and parking.
- [15] THE COMMITTEE OF ADJUSTMENT therefore does not permit the requested use.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

Jay Baltz
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 **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