

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	January 24, 2025
<b>Panel:</b>	3 - Rural
<b>File No.:</b>	D08-02-24/A-00303
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	2856091 Ontario Ltd.
<b>Property Address:</b>	425 Culdaff Road
<b>Ward:</b>	6 - Stittsville
<b>Legal Description:</b>	Part of Block 242, Registered Plan 4M-1687
<b>Zoning:</b>	GM [2654]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	January 14, 2025, in person and by videoconference

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

- [1] The Applicant wants to construct a six-storey, 177-unit apartment building with a reduced number of resident parking spaces, as shown on the plans filed with the application.

**REQUESTED VARIANCE**

- [2] The Applicant seeks the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced parking space rate for resident parking of 1.0 spaces per dwelling unit, for a total of 177 resident parking spaces, whereas the By-law requires a parking space rate of 1.2 spaces per dwelling unit, for a total of 212 resident parking spaces for this development.
- [3] The property is the subject of a Site Plan Control application (File No. D07-12-24-0140).

## PUBLIC HEARING

### Oral Submissions Summary

- [4] James Ireland, agent for the Applicant, provided an overview of the application and responded to questions from the Committee. Mr. Ireland highlighted that the proposal complies with the minimum visitor parking space requirement and submitted that the provision of 1 resident parking space per dwelling unit is sufficient to meet demand. He also noted that public transit is available nearby.
- [5] City Planner Luke Teeft highlighted no concerns with the application, noting that it meets the intent of the Zoning By-law and that there is adequate bicycle parking and access to transit.
- [6] In response to questions from the Committee, Mr. Teeft confirmed that an apartment building is a permitted use in the General Mixed-Use Zone.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

### Application Must Satisfy Statutory Four-Part Test

- [7] 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

- [8] Evidence considered by the Committee included all 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 January 9, 2025, with no concerns.
  - Mississippi Valley Conservation Authority email dated January 10, 2025, with no objections.
  - Hydro Ottawa email dated January 13, 2025, with no comments.

- Ontario Ministry of Transportation email dated December 24, 2024, with no comments.
- E. Chan, resident, email received January 6, 2025, in opposition.
- X. Yan, resident, email received January 13, 2025, in opposition.
- J. Du, resident, email received January 13, 2025, in opposition; email received January 14, 2025, with comments.
- T. Sommers et al. owners/occupants of 31 area properties , email received January 13, 2025, in opposition.
- L. Gao, resident, email received January 14, 2025, in opposition.

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

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City’s Planning Report raises “no concerns” regarding the applications, highlighting that the “parking reduction is minor and is in line with the Official Plan guidance for encouraging more sustainable modes of transportation.”
- [12] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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.
- [15] 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 that is compatible with the surrounding area.
- [16] 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.

[17] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variance to the Zoning By-law is authorized.

*"Terence Otto"*  
TERENCE OTTO  
VICE-CHAIR

*Absent*  
GARY DUNCAN  
MEMBER

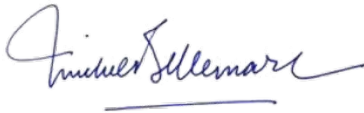
*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
MEMBER

*Absent*  
JOCELYN CHANDLER  
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 **January 24, 2025**



Michel Bellemare  
Secretary-Treasurer

#### **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on February 13, 2025**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to [cofa@ottawa.ca](mailto:cofa@ottawa.ca). The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.

- **IN PERSON** – Appeal packages can be delivered to the 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 [Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

*Ce document est également offert en français.*

**Committee of Adjustment**  
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