

DECISION MINOR VARIANCE

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| Date of Decision: | May 16, 2025 |
| Panel: | 2 - Suburban |
| File No.: | D08-02-25/A-00074 |
| Application: | Minor Variances under section 45 of the <i>Planning Act</i> |
| Applicant: | Harnois Énergies inc. |
| Property Address: | 1660 Merivale Road |
| Ward: | 8 - College |
| Legal Description: | Part of Lot 30, Concession 1 (Rideau Front) Geographic Township of Nepean |
| Zoning: | AM10 |
| Zoning By-law: | 2008-250 |
| Heard: | May 6, 2025, in person and by videoconference |

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a new commercial building with a convenience store, and relocate the existing gas pump island, as shown on plans filed with the Committee. The existing convenience store and storage shed will be demolished.

REQUESTED VARIANCES

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit an increased front yard setback of 42.3 metres, whereas the By-law permits a maximum front yard setback of 3 metres.
 - b) To permit a reduced minimum glazing requirement of 0% for building wall facing Glenmanor Drive, whereas the By-law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and active customer or resident entrance access doors

- c) To permit a reduced minimum glazing requirement of 0% for building wall facing Viewmount Drive, whereas the By-law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and active customer or resident entrance access doors.

[3] The property is the subject of a Site Plan Control application (D07-12-25-0019).

PUBLIC HEARING

Oral Submissions Summary

- [4] Ivan Ho, 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. Pamela White, also agent for the Applicant, was present.
- [5] Responding to questions from the Committee, Mr. Ho advised that there will be trees along Glenmanor Road to screen the side of the building. Ms. White advised that there would be a mix of existing mature trees, with additional trees proposed.
- [6] City Planner Shoma Murshid confirmed no concerns with the application and that advised the property was currently being reviewed under the site plan control process.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [8] The Committee has the power to authorize minor variances 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 variances are minor, are 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 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, tree information, photos of the posted sign, and a sign posting declaration.
- City Planning Report received May 1, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated April 30, 2025, with no objections.
- Hydro Ottawa email dated April 16, 2025, with no objections.
- Ontario Ministry of Transportation email dated April 15, 2025, with no comments.
- J. Ghattas, resident, email dated April 21, 2025, opposed.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet 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.
- [13] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, 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.
- [15] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [16] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [17] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

- [18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variances to the Zoning By-law are authorized, **subject to** the following conditions: the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped March 21, 2025, and March 27, 2025, as they relate to the requested variances.

"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 **May 16, 2025**

"Michel Bellemare"
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 June 5, 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. 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, 4th 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
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