



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.:	D08-02-22/A-00190
Owner(s):	Derek Nicholson
Location:	91-93 Holland Avenue
Ward:	15 - Kitchissippi
Legal Description:	Lot 1539 and Part of Lot 1537, Registered Plan 157
Zoning:	MC16 H(20)
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **August 3, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a six-storey mixed use building containing 32 residential dwelling units and a commercial unit on the ground floor, with parking below grade. The proposed building will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

The Owner require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced step back of 0 metres, whereas the By-law requires a minimum step back above the third storey of 2 metres from the wall facing the front lot line.
- b) To permit reduced rear yard setback of 7 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres for storeys 4 to 8 of a building.
- c) To permit an increased building height of 24 metres, including a rooftop amenity area, whereas the By-law permits a maximum building height of 20 metres.

The application indicates that the Property is the subject of a current Site Plan Control Application (D07-12-21-0180) under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Joe Tallis, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Craig Gillier, also representing the Applicant, provided the Committee with a presentation and confirmed that four parking spaces were being provided, in accordance with the provisions of the Zoning By-law, as well as bicycle parking. He further confirmed that the proposed universal washroom and elevator lobby space to facilitate the outdoor amenity space necessitate the need for the variance for increased building height.

Also in attendance was Craig Hamilton, from the City's Planning, Real Estate and Economic Development Department (PRED).

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the application in making its Decision.

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.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's planning report raises "no concerns" regarding the application, highlighting that "the proposed massing is similar to adjacent multi-unit development along Holland Avenue" and "the proposed structure remains adequately distanced from the neighbourhood to the rear and terraces provide buffering in massing from nearby low-density residential uses."

The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

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. The Committee also finds that, because the proposal respects the character of the area, the requested variances maintain the general intent and purpose of the Official Plan. 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 of the property that is compatible with the surrounding area. 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.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped June 28, 2022, as they relate to the requested variances.

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 1, 2022**, 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 OLT 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 individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-02-22/A-00190
Owner(s) / Propriétaire(s): Derek Nicholson
Location / Emplacement: 91-93 Holland Avenue

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

“John Blatherwick”

**JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT**

“Stan Wilder”

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

“Bonnie Oakes Charron”

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“Michael Wildman”

**MICHAEL WILDMAN
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

Date of Decision / Date de la décision
August 12, 2022 / 12 août 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier