



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.:	D08-02-22/A-00084
Owner(s):	M. J. Pulickal Holdings Inc.
Location:	1994 St. Joseph Boulevard
Ward:	2 - Innes
Legal Description:	Part of Lot 6, Concession 1 and Part of Road Allowance between Concessions 1 and 2
Zoning:	AM3
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **July 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a new two-storey commercial building on the currently vacant parcel, as shown on plans filed with the Committee.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced landscape buffer of 0 metres along the east and west property lines, whereas the By-law requires a minimum landscape buffer of 1.5 metres for a lot containing between 10 and 100 parking spaces abutting a street.

The Application indicates that the Property is the subject of a current Site Plan Application (D07-12-21-0021) under the *Planning Act*.

PUBLIC HEARING:

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

In response to questions from the Committee, Mr. Tolot confirmed that the Site Plan Control has passed technical circulations and site plan review. He further confirmed that

the Minor Variance application before the Committee is required to obtain site plan approval.

Also in attendance was Cass Schlauzero, of the City's Planning, Real Estate and Economic Development Department (PRED), who advised that the Applicant was informed that the 1.5 metres landscape buffer is required and that in order to proceed with site plan control approval, relief from the Zoning By-law provision would be required by way of a Minor Variance application. Ms. Schlauzero advised that Shoma Murshid, City Planner, reviewed four drafts of the proposed site plan and the final draft submitted to the Committee of Adjustment had the least concerns regarding turning radius and functionality of the parking lot.

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 variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning report raises "no concerns" with the application.

The Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties, and that the 7.34 metre setback from the front lot line to the beginning of the parking lot is sufficient enough to provide the required screening. Additionally, the applicant is providing 10% more landscaped area in the parking lot than is required by the By-law, with the majority of the landscaped area being a large soft landscaped area at the rear of the lot.

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. 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. 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 on the

property and is compatible with the surrounding area. 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.

The Committee therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped June 1, 2022.

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 **August 4, 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-00084
Owner(s) / Propriétaire(s): M. J. Pulickal Holdings Inc.
Location / Emplacement: 1994 St. Joseph Boulevard

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.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
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
July 15, 2022 / 15 juillet 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier