



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-22/A-00150
Owner(s): 42 Northside Ltd.
Location: 42 Northside Road
Ward: 8-College
Legal Description: Lot 376 and 377, Registered Plan 403318
Zoning: GM9 H(18.5)
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners want to demolish the existing one-storey building and to construct a new five-storey 51-unit rental apartment building, as shown on plans filed with the Committee.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for the following Minor Variances from the Zoning By-law:

- a) To permit a reduced number of residential parking spaces of 49 spaces, whereas the Zoning By-law requires a total of 55 residential parking spaces.
- b) To permit a reduced corner side yard setback of 2 metres (along Northside Road), whereas the Zoning By-law requires a corner side yard setback of 3 metres.
- c) To permit a reduced rear yard setback of 1.5 metres, whereas the Zoning By-law requires a rear yard setback of 7.5 metres.
- d) To permit a reduced landscape width, abutting a street (Northside Road), of 1.64 metres, whereas the Zoning By-law requires a minimum landscape width abutting a street of 3 metres.

- e) To permit a reduced landscape width, abutting a residential or institutional zone (east side of the property), of 1.5 metres, whereas the Zoning By-law requires a minimum a landscape width abutting a residential or institutional zone to be 3 metres.
- f) To permit a Floor Space Index (FSI) of 2.62, whereas the Zoning By-law requires a maximum Floor Space Index (FSI) of 2.
- g) To allow a communal amenity area of ~~29~~ **29.37** square metres to be included as part the required landscaped buffer, whereas the Zoning By-law outlines that the minimum required communal amenity areas may only be included as part of the required landscaped buffer where it is aggregated into areas of 54 square meters or more.

The application indicates that the Property is ~~not the subject of any other current application~~ **the subject of a Site Plan Control Application (D07-12-22-00115)** under the *Planning Act*.

PUBLIC HEARING:

The Chair administered an oath to Paul Robinson, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

Mr. Robinson also confirmed that the wording of variance (g) should be amended as follows:

- g) To allow a communal amenity area of ~~29~~ **29.37** square metres to be included as part the required landscaped buffer, whereas the Zoning By-law outlines that the minimum required communal amenity areas may only be included as part of the required landscaped buffer where it is aggregated into areas of 54 square meters or more.

With all parties in agreement, the application was amended accordingly.

In response to a question from the Committee, Mr. Robinson summarized the history of the property and the design differences between this proposal and a previously proposed development for which similar variances had been authorized in 2014.

Also in attendace was Siobhan Kelly of the City's Planning Real Estate and Economic Development Department.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

The Committee considered any written and oral submissions relating to the application in making its Decision, including a letter of concern from owner of the neighbouring property at 4 Thorncliffe Place.

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" 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.

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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal provides targeted intensification within the urban area and at the edge of an established 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 that is compatible with and complements surrounding uses. Moreover, the Committee finds that the requested variances 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 May 31, 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 18, 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-00150**Owner(s) / Propriétaire(s):** 42 Northside Ltd.**Location / Emplacement:** 42 Northside Road

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****Absent / Absente****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 29, 2022 / 29 juillet 2022**

**Matthew Garnett
Secretary-Treasurer /
Secrétaire-trésorier intérimaire**