



**COMMITTEE OF ADJUSTMENT
FOR THE CITY OF OTTAWA**

**COMITÉ DE DÉROGATION
POUR LA VILLE D'OTTAWA**

**DECISION/DÉCISION
MINOR VARIANCE/PERMISSION
DEMANDE DE DÉROGATIONS MINEURES/PERMISSION**
(Section 45 of the *Planning Act*)
(Article 45 de la *Loi sur l'aménagement du territoire*)

File No./Dossier n°: D08-02-19/A-00129
Owner(s)/Propriétaire(s): OPB Realty Inc.
Location/Emplacement: 2165 Carling Avenue
Ward/Quartier: 7 - Bay
**Legal Description/
Description officielle:** Part Block A, Reg. Plan 316039; Reg. Plan 5R-6430,
Part 1
Zoning/Zonage: GM24 [90]-h S125 and AM10
**Zoning By-law/
Règlement:** 2008-250

Notice was given and a Public Hearing was held on June 19, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The owner of the Carlingwood Shopping Centre wants to replace the former Sears department store with a two-storey Canadian Tire retail store, as shown on plans filed with the Committee.

RELIEF REQUIRED/DISPENSE REQUISE:

The Committee considered the applicant's request for the following minor variances from the Zoning By-law:

In order to proceed, the owner requires the authority of the Committee for minor variances from the Zoning By-law as follows:

- a) To permit a building height of 14 metres for a portion of the building in Area A of Schedule 125, whereas a maximum building height of 6 metres is permitted in area A.

- b) To permit a building height of 14 metres for a portion of the building within the 'Required yards and landscaped area' of Schedule 125, whereas no building is permitted in this location
- c) To permit a building height of 18 metres for a portion of the building in Area B of Schedule 125, whereas a maximum building height of 16 metres is permitted in Area B.
- d) To permit a 10 metre setback adjacent to Woodroffe Avenue, whereas the setback is required to match Schedule 125 of the By-law which requires a varied setback of between 3 and 20 metres.
- e) To permit a 3 metre landscape area along Woodroffe Avenue, whereas urban exception 90 requires a landscape area to be in accordance with Schedule 125 which requires a yard and landscape area of between 3 and 20 metres.
- f) To permit a minimum 46,000 square metres of gross leasable floor area, whereas the By-law requires a minimum gross leasable floor area of 50,000 square metres.
- g) To permit an addition to an existing retail building that is located in the GM24 zone to be expanded into the AM10 zone, and to provide an increased setback of a minimum 81.0 metres from Carling Avenue, and a minimum 10.0 metres from Woodroffe Avenue, whereas at least 50% of the building façade is required to be a maximum of 3 metres setback from the front and corner lot lines within the AM zone portion of the property.
- h) To permit a retail building to provide no glazing or active entrances along the Woodroffe Avenue façade for the portion of the building that extends into the AM zone (~14m frontage), whereas the By-law requires 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 be comprised of transparent glazing and active customer entrance access doors within the AM portion of the property.

It should be noted that, for By-law purposes, the frontage on Carling Avenue is deemed to be the front lot line for this property.

The application indicates that the property is the subject of another current application (Site Plan Control - D07-12-19-0016) under the *Planning Act*.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard a presentation from Ms. N. Meloshe, the agent for the owner and from Ms. P. White, the professional land use planner representing the owner. Ms. K. Freeman from Canadian Tire was also in attendance, as well as Ms. M. Atfield from the City's Planning, Infrastructure and Economic Development Department (PIEDD).

Ms. White explained that the subject property, the Carlingwood Shopping Centre, is split between the AM10 and the original GM24 zone. Ms. White identified the zoning lines on the plans which were delineated through the drive aisles and explained that given the introduction of the new AM10 zoning designation, it made planning the proposal difficult to accommodate both zones on the site.

Mr. G. Neville of 908 Iroquois Road and Mr. N. Babic of 2-306 Woodroffe Avenue were present to articulate their concerns. Mr. Neville expressed concern that the proposal before the Committee had changed since the Site Plan Meeting. Mr. Neville questioned the purpose of the 14 foot tower and raised concern with respect to access and delivery trucks. Mr. Neville stated that in his view the proposal was excessive and unnecessary. Mr. Babic questioned what the proposal would look like from Woodroffe Avenue and his concern that should there be a large wall, that it will be filled with graffiti.

Ms. White responded to these concerns, explaining that the tower is an atrium entrance feature and that its purpose is to act as a finding element for customers. Ms. Freeman added that this design feature is new to the Canadian Tire store locations and specific so far to this location only. Ms. White also addressed the concern with respect to delivery trucks and explained how and where they will drive through the site. Ms. Meloshe added that the proposal as presented provides a safer entrance. Ms. White explained that the section along Woodroffe Avenue is proposed to be the Canadian Tire Service Centre and that there is no pedestrian access located here. She stated that pedestrians are directed to the main entrances.

The Committee appreciated the explanations made by the applicants and noted that the concerns raised by these residents related mainly to the Site Plan Control process. The Committee suggested that Mr. Neville and Mr. Babic discuss any further concerns with the applicants outside of the Hearing.

In response to a question posed by the Committee, Ms. Meloshe confirmed that there is pedestrian link located on the site.

Ms. Meloshe requested that should the application be approved that the wording be that the application is approved generally in accordance with the plans filed in order to allow flexibility as they are going through the Site Plan Control process.

The Committee noted that the variances should be amended to read as follows and that the amendments do not change the substance of the relief sought.

- a) To permit ~~an increase in a building height to~~ **of 14 metres** for a portion of the building **in Area A of Schedule 125**, whereas ~~Schedule 125 of the By-law permits~~ a maximum building height of 6 metres **is permitted** in area A.

- b) To permit ~~a an increase in building height to~~ **building height of 14 metres** for a portion of the building **within the 'Required yards and landscaped area' of Schedule 125**, whereas ~~no building is permitted in this location~~ **Schedule 125** of the By-law shows a required yard and landscape area.
- c) To permit ~~an increase in building height to~~ **a building height of 18 metres** for a portion of the building **in Area B of Schedule 125**, whereas ~~schedule 125 of the By-law permits a maximum building height of 44~~ **16 metres is permitted** in Area B.
- d) To permit ~~a required yard to be a minimum of 10 metres~~ **10 metre setback** adjacent to Woodroffe Avenue, whereas ~~the setback is required to match Schedule 125 of the By-law shows a required yard and landscape area that varies in depth along Woodroffe Avenue between 3 metres and 20 metres~~ **which requires a varied setback of between 3 and 20 metres.**
- e) To permit ~~a minimum landscape area of 3 metre~~ **landscape area** along Woodroffe Avenue, whereas urban exception 90 requires a landscape area **to be in accordance with Schedule 125** ~~landscape to be provided in accordance with Schedule 125 of the By-law that shows a required yard and landscape area that varies in depth along Woodroffe Avenue between 3 metres and 20 metres.~~ **which requires a yard and landscape area of between 3 and 20 metres.**
- f) To permit ~~a reduced amount of gross leasable floor area to~~ **a minimum 46,000 square metres of gross leasable floor area**, whereas the By-law requires a minimum gross leasable floor area of 50,000 square metres.
- g) To permit ~~an addition to an existing retail building that is located in the GM24 zone to be expanded into the AM10 zone, and to provide an increased setback of a minimum 81.0 metres from Carling Avenue, and a minimum 10.0 metres from Woodroffe Avenue, whereas at least 50% of the building façade is required to be a maximum of 3 metres setback from the front and corner lot lines within the AM zone portion of the property.~~

~~Within the AM10 zone on the property, to permit a building existing on the property located within the GM24 zone to be expanded without having to comply with clause 186, subsection 10 (b) which requires the minimum front and corner side yard setback for all buildings is 0 metres, and at least 50% of the frontage along the front lot line or corner side lot line must be occupied by building walls located within 3 metres for Non-residential or Mixed-Use buildings, whereas the By-law states that in the AM10 Zone: a building existing as of the day of the passing of the By-law may be expanded without having to comply with clause (b) above, provided the following: (i) the addition does not exceed the greater of 600 square metres or 20% of the gross floor area of the existing building, (ii) subsequent additions are~~

~~not permitted within 12 months of an issued building permit for the expansion of the same building.~~

- h) **To permit a retail building to provide no glazing or active entrances along the Woodroffe Avenue façade for the portion of the building that extends into the AM zone (~14m frontage), whereas the by-law requires 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 be comprised of transparent glazing and active customer entrance access doors within the AM portion of the property.**

~~Within the AM10 zone on the property, to permit a façade facing Woodroffe Avenue to not require a minimum 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 be comprised of transparent glazing and active customer entrance access doors, whereas the By-law requires that both the Woodroffe Avenue and Carling Avenue façades meet this requirement.~~

The application was amended accordingly.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED
AS AMENDED
DÉCISION ET MOTIFS DU COMITÉ: DEMANDE ACCORDÉE
TELE QUE MODIFIÉE**

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, notes that the proposal is an addition to an existing commercial building located on a lot subject to two zoning designations.

The Committee is of the view that the proposal moves the existing building into further compliance with the AM zone designation and finds that the relief requested will cause no undue adverse impact. The Committee also notes that no concerns were raised by the City's PIEDD or by any technical agencies circulated notice of the application.

Based on the foregoing, the Committee is satisfied, in all the circumstances and in this instance, that the variances sought, as amended, are minor, that they are desirable for the appropriate development or use of the land and that the general intent and purpose of the Zoning By-law and the general intent and purpose of the Official Plan are maintained. This application is granted subject to the location and size of the proposed construction being generally in accordance with the plans filed and Committee of Adjustment date stamped May 29, 2019, as they relate to the variances sought.

NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Local Planning Appeal Tribunal, an Appeal Form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **July 18, 2019**, delivered 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 Tribunal's website at www.elto.gov.on.ca. The Tribunal has established a filing fee of \$300.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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.

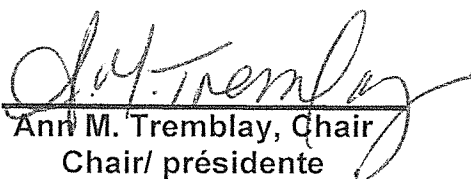
Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who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

DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION

File No./Dossier n°: D08-02-19/A-00129
Owner(s)/Propriétaire(s): OPB Realty Inc.
Location/Emplacement: 2165 Carling Avenue

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

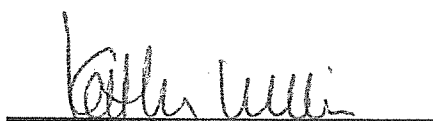
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

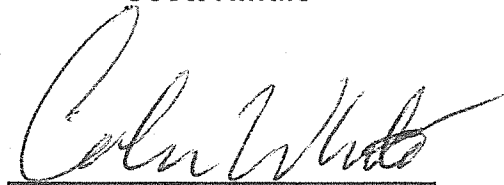

Ann M. Tremblay, Chair
Chair/ présidente

ABSENT


Nadine Tischhauser


Scott Hindle


Kathleen Willis



Colin White

I, Krista Libman, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussignée, Krista Libman, secrétaire-trésorière du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

June 28, 2019

Date of Decision
Date de la décision


for Warna Brenning
A/ Secretary-Treasurer/ A/ Secrétaire-trésorière