



**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-00218  
**Owner(s)/Propriétaire(s):** 11304534 Canada Inc.  
**Location/Emplacement:** 2728 Howe Street  
**Ward/Quartier:** 7 - Bay  
**Legal Description/  
Description officielle:** Part Lots 7 and 8, Reg. Plan No. 229  
**Zoning/Zonage:** LC [772]  
**Zoning By-law/  
Règlement:** 2008-250

Notice was given and a Public Hearing was held on August 21, 2019, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:**

The existing mixed-use building on this property contains a commercial space on the ground floor with a second-storey apartment above, and another apartment within a one-storey addition at the rear. As part of proposed renovations to the building, the Owner wants to demolish the existing rear addition and construct a new, two-storey addition containing two apartments, with one on each floor. It is also proposed to divide the existing ground floor commercial space into two retail units, all as shown on the plans filed with the Committee.

**RELIEF REQUIRED/DISPENSE REQUISE:**

The Committee considered the Owner's request for the following Minor Variances from the Zoning By-law:

- a) To permit a reduced landscape buffer width of 2.16 metres for a parking lot containing 10 or fewer spaces, ~~not abutting a street~~, whereas the By-law requires

a minimum landscape buffer width of 3 metres **when it abuts a residential zone.**

- b) To permit a reduced corner side yard setback of 0 metres, whereas the By-law requires a minimum corner side yard setback of 3 metres.

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING/AUDIENCE PUBLIQUE:**

The Committee heard a presentation from Mr. D. Kane, agent for the applicant. Also in attendance was Mr. D. McAlea, owner of the property.

The Committee confirmed that the wording of variance (a) should be changed to read:

- a) To permit a reduced landscape buffer width of 2.16 metres, for a parking lot containing 10 or fewer spaces whereas the By-law requires a minimum landscape buffer width of 3 metres when it abuts a residential zone.

With the concurrence of Mr. Kane, , the application was amended accordingly.

Mr. Kane, in his presentation, advised that the proposal was to rehabilitate an existing two storey building that has been in existence for about 100 years and is part of the landscape of the neighbourhood. He added that the ground floor retail space will have new store fronts with the windows reinstated to appear like the original windows. He further confirmed to the Committee that the proposed renovations to the existing building did not require a Site Plan Control application.

Mr. K. Walker of the City's Planning, Infrastructure and Economic Development Department (PIEDD) advised the Committee that the perceived encroachments of the entrances on Britannia Road were deemed non-complying.

Mr. K. Murphy of 280 Britannia Road advised the Committee that while he was initially opposed to the application, his concerns had been addressed through the applicant's presentation. He did have an overall concern with additional cars parking on the roads in the neighbourhood.

<b>DECISION AND REASONS OF THE COMMITTEE:</b>	<b>APPLICATION GRANTED AS AMENDED</b>
<b>DÉCISION ET MOTIFS DU COMITÉ:</b>	<b>DEMANDE ACCORDÉE TELLE QUE MODIFIÉE</b>

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file, is mindful of the directions given in the Provincial Policy Statement and the City's Official Plan, which encourage infill and intensification in urban

areas. The Committee is also cognizant of the “four tests” set out in the *Planning Act*, each of which must be satisfied in order to rationalize and justify the relief requested.

Having considered the evidence presented and having reviewed the plans and correspondence on file, the Committee notes that the variances requested are generated as a result of ensuring that the required number of parking spaces can be accommodated on site for the anticipated uses and further for the addition that is to be constructed above and in line with an existing non-complying ground floor which is currently at 0 metres from Britannia Road.

As no concerns have been raised by the City’s PIEDD, the Committee is satisfied that the approval of the relief requested, as amended, will not result in an adverse impact on the adjacent properties or the surrounding neighbourhood and finds this proposal to be a good example of responsible intensification within an existing urban area.

Therefore, the Committee is agreed, 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 in accordance with the site plan filed, Committee of Adjustment date stamped August 14, 2019 and the elevations filed, Committee of Adjustment date stamped July 17, 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 **September 19, 2019**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the Tribunal’s website at [www.elto.gov.on.ca](http://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](mailto: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.

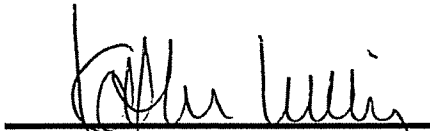
**DECISION SIGNATURE PAGE  
PAGE DE SIGNATURE DE LA DÉCISION**

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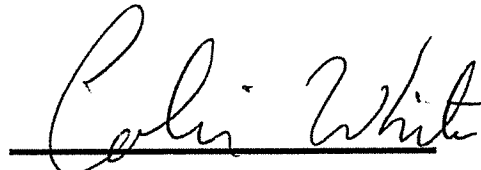
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

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

  
Ann M. Tremblay  
Chair/ présidente

  
Kathleen Willis

  
Scott Hindle

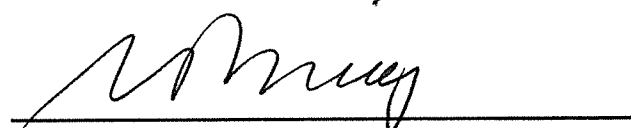
  
Colin White

I, Warna Brenning, A/ 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, Warna Brenning, a/ 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.

**August 30, 2019**

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**Date of Decision**  
**Date de la décision**

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