



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

**DECISION
MINOR VARIANCE
PERMISSION**

(Section 45 of the *Planning Act*)

File No.: D08-02-21/A-00440
Owner(s): NLG 2011 Inc.
Location: 20 Cedarow Court
Ward: 6-Stittsville
Legal Description: Part of Lot 27, Concession 12
Zoning: AM9 (474) GUA
Zoning By-law: 2008-250

Notice was given and a public hearing was held on **February 2, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a mixed-use development, which will include an apartment building for seniors. The site is located on the north side of Hazeldean Road, between Huntmar Drive to the east and Cedarow Court to the west. Phase 1 of the project is almost at full capacity therefore the Owner now wants to construct Phase 2 which will facilitate the additional need for a seniors independent living residence.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance to permit an increased maximum building height of 21.15 metres, whereas the By-law permits a maximum building height of 15 metres.

The application indicates that the Property is the subject of a Site Plan Control Application (D07-12-19-0189) under the *Planning Act*.

PUBLIC HEARING:

The Chair administered an oath to Ms. A. Mariani, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Also in attendance was Mr. S. Harrigan, of the City's Planning, Real Estate and Economic Development Department (PRED) and Ms. E. Ogden, of the Mississippi Valley Conservation Authority, who both stated no concerns with the application.

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, highlighting that "due to more accurate grading and elevation mapping, the proposed building cannot adhere to the previously approved Minor Variance for increased height despite the fact that the building design has not changed". The report also highlights that "there will be no change in the potential impact on the surrounding community".

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 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 neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan. In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that 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 variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped December 21, 2021.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), 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 **March 3, 2022**, 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 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. 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.

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

File No. / Dossier n°: D08-02-21/A-00440

Owner(s) / Propriétaire(s): NLG 2011 Inc.

Location / Emplacement: 20 Cedarow Court

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.

“Fabian Poulin”

**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

“Terence Otto”

**TERENCE OTTO
MEMBER / MEMBRE**

“Steven Lewis”

**STEVEN LEWIS
MEMBER / MEMBRE**

“Martin Vervoort”

**MARTIN VERVOORT
MEMBER / MEMBRE**

“Jocelyn Chandler”

**JOCELYN CHANDLER
MEMBER / MEMBRE**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

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
February 11, 2022 / février 11 2022**



**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**