



**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°:** D08-02-16/A-00364  
**Owner(s)/Propriétaire(s):** 2516971 Ontario Inc.  
**Location/Emplacement:** 3368 Carling Avenue (1 Bedale Drive)  
**Ward/Quartier:** 7 - Bay  
**Legal Description/  
Description officielle:** Part of Lot 5, Registered Plan 503  
**Zoning/Zonage:** LC [2127]  
**Zoning By-law/  
Règlement:** 2008-250

Notice was given and Public Hearings were held on January 18, 2017 and January 16, 2019, as required by the *Planning Act*.

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

At its Hearing on January 18, 2017, the Committee of Adjustment adjourned this Minor Variance application in order to allow the Owner time to resolve servicing issues. As a result, the servicing issues have been resolved and the Owner wishes to proceed with the development proposal for the construction of a three-storey, 15 unit low rise condominium apartment building with one level of underground parking, as shown on plans filed with the Committee.

**RELIEF REQUIRED/DISPENSE REQUISE:**

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 to have a corner side yard setback of 0.2 metres whereas the By-law requires a corner side yard setback of 3 metres.

- b) To permit a reduced parking space rate of 1 parking space per unit, in this case 15 parking spaces, whereas the By-law requires a minimum parking space rate of 1.2 spaces per dwelling unit or 18 parking spaces.
- c) To permit a reduced rear yard setback of 4.4 metres whereas the By-law requires a minimum rear yard setback of 7.5 metres.
- d) To permit a reduced landscaped buffer width of 1.3 metres abutting a residential zone to the south whereas the By-law requires a minimum landscaped buffer width of 3.0 metres abutting a residential zone.
- e) To permit a reduced driveway width for double lane traffic of 3.6 metres whereas the By-law requires a driveway width of 6 metres for double lane traffic.
- f) To permit a reduced access aisle to a bicycle parking space of 0 metres whereas the By-law requires an access aisle of 1.5 metres to a bicycle parking space.
- ~~g) To permit a proposed planter to project to within 0 metres of the westerly lot line whereas the By-law permits a maximum projection of 0.6 metres into a required yard but no closer than 0.6 metres to a lot line.~~
- h) To permit the proposed staircase to project to within 0 metres of the westerly lot line whereas the By-law permits open stairways, stoop, landing, steps and ramps to project 0.6 metres into a required yard but no closer than 0.6 metres to any lot line.

Ther application indicates that the Property is the subject of a related current Site Plan Control Application (D07-12-16-0016) and a Draft Plan of Condominium Application (D07-04-16-0002) under the *Planning Act*.

#### **PUBLIC HEARING/AUDIENCE PUBLIQUE:**

At the outset of the Hearing, the Committee addressed the written request for adjournment filed by Ms. M. Brodie, the solicitor for the owners of 3364 Carling Avenue. Ms. Brodie indicated that she was no longer requesting an adjournment. In noting that an adjournment was no longer sought or required, the Committee stepped the application down to be heard later in the Public Hearing.

Upon recall, the Committee heard a presentation from Ms. L. Dalla Rosa, the Agent for the Owner, and from Ms. R. Hill, the project architect. Also in attendance was Mr. S. Deiaco of the City's Planning, Infrastructure and Economic Development Department (PIEDD).

Ms. Dalla Rosa referred the Committee to the site plan and elevation drawings for the proposed development, identifying each of the variances requested, and Ms. Hill explained the siting of the building relative to the sidewalks, and its relationship to Carling Avenue and Bedale Drive generally.

Mr. Deiacio summarized the position of the PIEDD, as outlined in its written report on file, and provided additional detail regarding the outcome of the discussions between the proponents and the City regarding servicing infrastructure.

Presentations were also made in opposition to the application by several area property owners, including:

- Mr. K. Brewer of 49 Ullswater Drive and the Crystal Beach Lakeview Community Association
- Ms. J. Armstrong and Mr. S. Ferguson of 3364 Carling Avenue and 4 Whitburn Crescent
- Mr. R. Nelson of 8 Maki Place
- Ms. P. McGillivray of the Crystal Beach Lakeview Community Association
- Mr. H. Dzung of 5 Bedale Drive
- Mr. C. Montor of 17 Stillwater Drive
- Ms. A. Benoit of 15 Stillwater Drive
- Ms. M. Legere of 17 Stillwater Drive

The area property owners in attendance raised numerous and varied concerns, including but not limited to:

- The number and extent of variances requested
- The overall scale of the proposed construction, which they submitted would amount to the overdevelopment of the lot
- Their frustrations with the amount of community consultation undertaken, and with the conduct of the proponents throughout the application process
- The impact of the development on safety and traffic at the intersection of Carling and Bedale, including for pedestrians, as well as on spillover parking into the surrounding neighbourhood
- The impact of the proposed construction on existing trees and neighbouring structures
- The impact of the development on the privacy of the abutting property owner on Bedale Drive
- The impact of the development, particularly in terms of exhaust, on the patients of the abutting medical clinic on Carling Avenue

The area property owners also discussed the resolution to the servicing issues first identified in 2017, and questioned whether a servicing easement existed across the subject property. In response, the Committee explained that matters related to the status of servicing easements were not before it, and were beyond its jurisdiction to consider in the context of this Minor Variance Application. The Committee also acknowledged that, while it expects all applicants to consult with affected property owners in an open and cooperative way, it cannot mandate that consultation, nor can it allow such considerations to impact its evaluation of the merits of the relief requested.

The Committee noted that, in accordance with the written report filed by the PIEDD, the application should be amended as follows:

- g) ~~To permit a proposed planter to project to within 0 metres of the westerly lot line whereas the By-law permits a maximum projection of 0.6 metres into a required yard but no closer than 0.6 metres to a lot line.~~

The application was amended accordingly.

**DECISION AND REASONS OF THE COMMITTEE:  
DÉCISION ET MOTIFS DU COMITÉ:**

**APPLICATION REFUSED  
DEMANDE REFUSÉE**

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.

In deliberating on this application, the Majority of the Committee is of the opinion that the number and extent of the variances request would result in the overdevelopment of the lot. While these Members were especially concerned with the reduced rear yard in particular, they were not convinced that the proposal would integrate well within its context, and find that the cumulative adverse impact of all the variances sought would be significant. The Majority is of the opinion that it would be possible to develop this site in a manner that is more in keeping with the intent of the Zoning By-law, and more sensitive to its surrounding context, while still achieving the infill and intensification of objectives of the City's Official Plan.

The Majority therefore finds that the variances sought are not minor, that they are not desirable for the appropriate development or use of the land and that they do not meet the general intent and purpose of the Zoning By-law. For these reasons the application is refused.

The dissenting Member of the Committee is Ms. A. Tremblay, who is of the opinion that the proposal represents an appropriate form of intensification and would create a desirable street edge condition along Carling Avenue. Ms. Tremblay found that the relief requested satisfies the criteria under the *Planning Act*, but notes that more meaningful consultation with the community may have allowed the proponents to address or mitigate some of their concerns.

**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 the **14<sup>th</sup> day of February, 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 for an appeal with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please refer to the Local Planning Appeal Support Centre's website at [www.lpasc.ca](http://www.lpasc.ca), the Tribunal's website, or 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

File No./Dossier n°: D08-02-16/A-00364  
Owner(s)/Propriétaire(s): 2516971 Ontario Inc.  
Location/Emplacement: 3368 Carling Avenue (1 Bedale Drive)

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

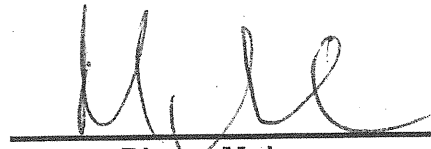
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

  
Ann M. Tremblay, Chair  
Vice-Chair/ vice-présidente

  
Nadine Tischhauser

  
Guillaume Vincent

  
Gino Nicolini


  
Pierre Maheu

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.

January 25, 2019

Date of Decision  
Date de la décision

  
For Krista Libman  
Secretary-Treasurer/Secrétaire-trésorière