

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

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

**File No.:** D08-02-07/A-00447  
**Owner:** Cassone Construction Limited  
**Agent:** Lloyd Phillips  
**Property Address:** 300 Richmond Road  
**Legal Description:** Part Lots 92 & 93, Reg. Plan 277  
**Zoning:** CN2 [507] H(24) F(2.0)  
**By-Law:** 1998  
**Ward:** 15 - Kitchissippi  
**Former Municipality:** Ottawa

Notice was given and a Public Hearing was held on Wednesday, November 21<sup>st</sup>, 2007, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

The Owner wants to demolish the existing dwelling located on the property in order to construct a 5-storey mixed use with 2 levels of underground parking. It is proposed to provide commercial space on the ground floor level with 20 residential units located on the remaining floors above, as shown on plans filed with the Committee.

**RELIEF REQUIRED:**

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 an increase in the floor space index (F.S.I.) to 3.7 (gross floor area (g.f.a.) of 2,306 sq. metres), whereas the By-law permits a floor space of 2.0 (g.f.a.) of 1,246.6 sq. metres).
- b) To permit a reduction in number of required loading spaces to 0, whereas the By-law requires 1 loading space.
- c) To permit a reduced driveway width of 3.6 metres for the first 9 metres from the street, whereas the By-law requires a minimum driveway width of 6.7 metres for the first 9 metres from the street.

**THE APPLICATION** indicates that the Property is not the subject of any other current Application under the *Planning Act*.

**DECISION AND REASONS OF THE COMMITTEE:**

**APPLICATION REFUSED**

Having considered the evidence presented and reviewed the plans and the correspondence on file, and having taken into consideration the concerns raised by the Community Association representative with respect to the impact of the reduced distance between the proposed building and the abutting residential neighbourhood to the rear, a majority of the Committee is of the opinion that the proposal represents overdevelopment of the site in terms of building mass and fails to provide adequate buffering to minimize negative impacts on the abutting residential properties, aggravated by an apparent capitalization on an anomaly in the current Zoning By-law which in this instance has permitted the minimum required distance between the commercially-zoned subject property and the abutting residential properties to be reduced to 0 metres. The majority of the Committee finds that the suggested use of the established lane at the rear of the property for loading and unloading purposes, in lieu of providing the loading space required under the current zoning, will have a further undue adverse impact on the neighbouring residential properties.

While the evidence presented indicated that a building of greater stature could be constructed within the 24.0 metre height restriction, it was noted that the By-law further regulates density on this property through a maximum floor space index of 2.0, and that if this proposal were to move forward, it would contemplate an increase of almost twice the allowable limits under the current Zoning By-law. The Majority finds that this increase is not minor and that it will not be consistent with the built form contemplated by the current planning policies.

The Majority noted evidence presented by the Community Association indicating that elements of the proposed project are not in keeping with a Community Design Plan that has received Council approval, but has not yet been adopted as an amendment to the Official Plan. Evidence was also presented by the Agent for the Owner and by the Community Association which indicated that portions of the current proposal comply with some elements of the Draft Comprehensive Zoning By-law, but in other respects, clearly contravene the Draft Zoning By-law. The Majority concur that it is premature to properly consider and evaluate this Application on the basis of documents that are under development and lacking official status, but that the Committee must be mindful of their existence and exercise caution in the meantime.

For the reasons stated above, it is the view of the Majority that the variances sought are not minor, nor are they desirable for the appropriate development or use of the land, and they do not meet the general intent of the Zoning By-law or the Official Plan, and this Application is, therefore, refused.

The dissenting Member of the Committee is Mr. B. Reid.