**CIVIC HOSPITAL NEIGHBOURHOOD ASSOCIATION**

**INPUT TO**

**COMMITTEE OF ADJUSTMENT (CoA) APPLICATIONS**

**D08-02-16/A-00356**

The Civic Hospital Neighbourhood Association (CHNA) is registering its objection to the Minor Variance Application File # D08-02-16/A-00356. The site in question is at the eastern boundary of CHNA’s community.

The Background to this Minor Variance Application has been well covered in the Letter provided to the Committee of Adjustment by Rise Segall and Murray Soicher, so we will not repeat many of those details in this submission. However, the Committee should note that a Notice of Zoning Violation was issued to the owner by the Property Standards Branch, City of Ottawa in mid-July.

The Purpose statement for this Application states that “The Owner sould like to add outdoor storage as a temporary permitted use…” The Relief Required section indicates that this application is a Minor Variance “To permit outdoor storage..”.

CHNA is of the opinion that this proposed application is not in the public interest, for a number of reasons:

Zoning amendment, not minor variance

It is CHNA’s opinion that the request does not constitute a minor variance but a temporary zoning amendment, and that this application is not within the jurisdiction of the Committee of Adjustment.

To illustrate this point, CHNA is today supporting an application to the Committee of Adjustment for minor variances for an infill at 235 Breezehill. The Breezehill application is, in our opinion, minor.

This application to allow outdoor storage at 115 Champagne is neither minor nor a variance but requires a temporary zoning by-law amendment.

The site is zoned R5B [1777] S260. As specified by this zoning, additional land uses permitted on this property are as varied as an artist studio, a post office and a small batch brewery. However, storage is not listed as a permitted use.

In addition, looking at the provisions listed in zoning documents, the zoning clearly states that the “minimum required number of parking spaces for non-residential uses: 0 spaces.”

“Outdoor storage” is too vague

While the site is currently used as storage for new vehicles for Otto’s BMW Sales Centre, should this application be approved, it appears there are no restrictions on what can be stored on the site. Therefore, approval of this application creates uncertainty within the community as to what might be stored on this site in the future.

Alarming precedent

Should this application be granted, it has the potential to encourage others to disguise zoning amendments as minor variances - not only in the Preston-Carling district, but also throughout the City of Ottawa. The danger is that important land use decisions are not taken with due process.

Policy Direction in the Preston-Carling Secondary Plan

According to the Preston-Carling Secondary Plan, the key to the transformation of the Preston-Carling district is “a generous and high quality public realm that supports and attracts pedestrian movement and activities.” Local streets are to be designed to “enhance the pedestrian experience, ensure safety, calm traffic and create a more enjoyable and welcoming public realm.” Outdoor storage detracts from, rather than enhances, the streetscape.

The Preston-Carling Secondary Plan explicitly states that the success of the Preston-Carling District “depends on effective implementation.” The Plan further notes that “The achievement of the public realm over time is a function of establishing the City’s objectives for its evolution and development, and *working with the private sector who bears a large responsibility for delivering it.*”

The Preston-Carling Secondary Plan also specifically states that *“zoning and site plan approval” are crucial to achieving the “quality of place” and “quality of life” fundamental to the success of an “urbanized community*”.

In light of the Policy Direction in the Preston-Carling Secondary Plan, CHNA is convinced that this application requires approval via a temporary zoning application, not a minor variance.

“No undue adverse impacts…?”

CHNA takes exception to the applicant’s assertion that this proposed temporary use “will have no undue adverse impacts on the surrounding neighbourhood”. The site in question has been the subject of considerable communication from neighbourhood residents to city officials and Councillor Leiper’s office opposing the current unauthorized use of the site for vehicle storage. This fact belies the applicant’s claim. It is apparent that many residents clearly feel that outdoor storage is not a desirable land use in this neighbourhood.

One indicator that the use is not desirable for the community is that the applicant intends to screen the proposed outdoor storage with “landscaping”. If there are no adverse impacts from this use, why does the applicant intend to hide it?

How temporary is temporary?

It is clear that the applicant has no intention of developing 115 Champagne in the near future. Richcraft, the owner of the site (845 Carling Avenue) where Otto’s BMW Sales Centre is currently situated indicated at Planning Committee in February 2015 that it has no immediate plans to develop that site. This uncertainty raises many questions about the temporary nature of this application.

Should the market for condominiums remain soft for 10 years, approving this application would, in essence, allow this temporary storage of unknown materials to continue for 10 years. As it is, the current use of this site for temporary storage is a zoning violation.

**Comments on the Planning Rationale**

CHNA has reviewed the Planning Rationale provided by the applicant and has the following comments on the four (4) tests:

*TEST 1: Variance maintains the general intent of the official plan*

CHNA does not believe this application is consistent with the official plan.

The vision of the Preston-Carling Secondary Plan is that the “buildings will collectively present an image that is important not only to the city but also to the entire country.” The Preston-Carling district is being designed specifically to make “pedestrian first” and safe “cycling” a reality.

* CHNA questions whether outdoor vehicle storage on this site reflects the important “pedestrian first” image the city would like to project. This site is at an important gateway point into the Civic Hospital neighbourhood at the Hickory Street pedestrian and cycling bridge. Hundreds of residents (pedestrians and cyclists) use this gateway/bridge every day. Passing by an outdoor vehicle storage site seems ironic in that it is the antithesis of the vision for intensification that the city has presented for the district.
* The Preston-Carling district is in transition and decisions at this stage during the evolution of the district might have a long-term, adverse impact on the development of the district.
* This application requires careful consideration – not only with respect to the immediate negative impact on the neighbourhood but also on the long-term image of the district. We believe that the potential impact of this application requires considerable study and discussion before any decision is taken.

The applicant has noted that “landscaping will help to screen the storage use”.

* CHNA is puzzled by the inconsistent messages in this application. If the outdoor storage use “maintains the general intent of the official plan”, as the Application states, why does the applicant intend to hide it behind landscaping? By indicating that it intends to “screen” the use, the owner is, in effect, demonstrating that this is not a desirable addition to the community.

The applicant states that the “site will continue to either sit vacant or be used for temporary outdoor storage”.

* CHNA does not agree with this depiction of the options. Should the outdoor storage be refused, the applicant is required to landscape the site in question. This will benefit the city by enhancing the image of the district and could provide a temporary green space for the neighbourhood. This is the kind of land use that will improve the public realm to the benefit of the residents of the neighbourhood.

*TEST 2: Variance maintains the general intent of the zoning by-law*

Once again, the applicant states that the outdoor storage will have “little negative impact on the surrounding neighbourhood”.

* As stated earlier in this submission, CHNA takes exception to the applicant’s assertion that this proposed temporary use “will have no undue adverse impacts on the surrounding neighbourhood”. The proposed outdoor storage is to be screened by “landscaping”. If there are no adverse impacts from this use, why does the applicant intend to hide it?

The applicant claims that the outdoor storage use “is in character with the general neighbourhood context” and that because there is parking available for the sales centre, “the outdoor storage use is not introducing an entirely new use on the site”.

* CHNA questions this analogy. Short-term parking for a sales centre or in support of any other retail establishment cannot be equated with outdoor vehicle storage. The site in question is zoned to accommodate a high-rise condominium building, not a parking lot. Introducing outdoor vehicle storage is a new use, not permitted by the zoning.
* In fact, this argument by the applicant reiterates residents’ views that the outdoor storage does not belong on this site, and that it is more appropriate to store these vehicles in an existing parking lot in the district.

It is CHNA’s opinion that should this temporary zoning by-law amendment be adjudicated as a minor variance, the City of Ottawa will be setting a precedent that risks opening up minor variance applications throughout the city for inappropriate land uses not permitted by the city’s zoning by-laws.

TEST 3: Variance is desirable and appropriate for the development of the lands

This land use requires a temporary zoning amendment, not a variance.

CHNA does not agree that outdoor storage is either desirable or appropriate for the site in question.

* CHNA questions why residents of the neighbourhood were not consulted in advance of the site being illegally used for outdoor vehicle storage. If the applicant felt there were no adverse impacts, why not consult the community in advance for support for the idea.
* CHNA would like to know if city officials were apprised, before the fact, that vehicles would be illegally stored on this site.

TEST 4: Variance is minor in nature

CHNA does not agree with this assertion.

* If residents of the neighbourhood and the community association agreed that the variance is minor, we would not be here today opposing this application.
* To illustrate this point, as mentioned above, CHNA is today supporting an application to the Committee of Adjustment for minor variances for an infill at 235 Breezehill. The Breezehill application is, in our opinion, minor.
* It is clear from the Zoning By-law that this application to allow outdoor storage at 115 Champagne is outside the permitted land uses for this site and that a temporary zoning by-law amendment, not a minor variance is required.

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