



**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^o:	D08-02-12/A-00227 & D08-02-12/A-00228
Owner/ Propriétaire: Agent/ Représentant:	Robert & Anna Sieloff and Mike Drolet Nooreen Haider
Legal Description//Description officielle: Property Address/Adresse de la propriété:	Lot 114, Reg. Plan 110574 151 Concord Street South & (110) Evelyn Avenue
Zoning/Zonage: By-Law/Règlement:	R3P 2008-250 as amended by By-law 2012-147
Ward/ Quartier: Former Municipality/Ancienne municipalité:	17 - Capital Ottawa

Notice was given and a Public Hearing was held on April 17, 2013, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

At its September 19, 2012 Hearing this Committee adjourned these Minor Variance applications and accompanying Consent application "Sine Die" in order to allow the Owners time to make revisions to their plans and Minor Variance applications.

The Owners have filed a Consent Application (File No. D08-01-12/B-00229) which, if approved, will have the effect of creating two separate parcels of land, and one of the parcels of land, as well as the proposed development and existing dwelling, will not be in conformity with the requirements of the Zoning By-law. One parcel will contain the existing 2½-storey detached dwelling, and it is proposed to construct a new 3-storey detached dwelling, with a roof top terrace and an exterior side stairway, on the other parcel which will be connected to the existing dwelling by a proposed garage, creating a new semi-detached dwelling, as shown on plans filed with the Committee. In order to do so, the addition and deck located at the rear of the existing dwelling are both to be demolished.

RELIEF REQUIRED/DISPENSE REQUISE:

In order to proceed, the Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00227: 110 Evelyn Ave., Part 1 on Draft 4R-Plan, proposed semi-detached dwelling

Under Zoning By-law 2008-250

- a) To permit a reduced front yard setback of 1.5 metres whereas the By-law requires a minimum front yard setback of 3.0 metres.
- b) To permit a reduced lot area of 135 square metres whereas the By-law requires a minimum lot area of 165 square metres.

NEW c) To permit the exterior side stairway to project to within 0.1 metres of the easterly property line whereas the By-law permits a maximum projection of 1.5 metres, but not closer than 1.0 metre from a property line.

Under Zoning By-law Amendment 2012-147 (New Infill Development Regulations)

NEW d) To permit an increased area for the roof top terrace of 14 square metres whereas the By-law permits a maximum area of 11 square metres for a roof top terrace.

NEW e) To permit a reduced setback of 0 metres for the roof top terrace whereas the By-law requires that a rooftop terrace be set back a minimum of 1.0 metre.

NEW f) To permit a front step and balcony to project 0.5 metres into the front yard whereas the By-law states that the maximum permitted projection into a front yard is an amount equal to the average extent of the existing projection of the same type, facing the same street, and located on the existing buildings on abutting lots. In this case there are no projections of the same type, facing the same street on abutting lots therefore the average is 0 metres.

A-00228: 151 Concord Street South, Part 2 on said Plan, existing detached dwelling

Under Zoning By-law 2008-250

- g) To permit a reduced rear yard setback of 0 metres whereas the By-law requires a minimum rear yard setback of 4.0 metres.

It should be noted that Concord Street South is deemed to be the frontage for the property containing the existing dwelling.

The Applications indicate that the Property is the subject of the above mentioned Consent application under the *Planning Act*.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

Ms. N. Haider, Agent for the Owner, along Mr. R. Sieloff one of the Owners of the property, explained changes that had been made to the proposed development resulting from their dialogue with the neighbours.

Ms. J. Lynch of 153 Concorst Street South, requested that a fence be constructed between the two properties. The Chair explained that fences are not part of the Committee's jurisdiction and encouraged Ms. Lynch to discuss the matter directly with her neighbour.

Mr. A. Dan, of 32 Simcoe Street explained how he had recently purchased his property and as such had not been involved in the discussions regarding the proposed semi-detached dwelling. He explained that he had concerns with the height of the proposed dwelling. Ms. Haider stated that they were not seeking a variance for height and indicated that the new dwelling unit was well below the allowable building height.

<u>DECISION AND REASONS OF THE COMMITTEE:</u>	<u>APPLICATIONS GRANTED</u>
<u>DÉCISION ET MOTIFS DU COMITÉ:</u>	<u>DEMANDES ACCORDÉES</u>

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, is mindful of the Provincial Policy Statement and the City's Official Plan which encourage infill and intensification in urban areas provided that the proposed development is compatible with the existing neighbourhood. The Committee notes that the City's Planning and Growth Management Department has no concerns with the proposed development or issues with its adherence to the Urban Infill Design Guidelines.

Furthermore, the Committee is of the opinion that the creation of the proposed lot will generally be in character with the neighbourhood, and that the proposed semi-dwelling will have no adverse impact on adjacent properties.

Therefore, the Committee is satisfied, that, in all the circumstances and in this instance the variances sought, are minor, that they are desirable for the appropriate development or use of the land and that the general intent of the Zoning By-law and the Official Plan is maintained. This application is granted subject to the location and size of the proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped March 8, 2013.

NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Ontario Municipal Board, a letter, outlining the reasons for appeal, must be filed with the Secretary-Treasurer of the Committee of Adjustment by the **16th day of May, 2013**. The OMB has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. A cheque payable to the Ontario Minister of Finance must accompany the Notice of Appeal. If you have any questions about the appeal process, please contact the Committee of Adjustment office.

Only individuals, corporations and public bodies who have an interest in this matter may appeal this Decision to the Ontario Municipal Board. 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.