



**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°:	D08-02-13/A-00148
Owner/ Propriétaire: Agent/ Représentant:	David D'Angelo Riccardo D'Angelo
Legal Description//Description officielle: Property Address/Adresse de la propriété:	Lot 159, Reg. Plan 110574 35 Chestnut Street
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 June 5, 2013, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owner wants to demolish the existing dwelling and construct a three-storey triplex dwelling, 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:

Under Zoning By-law 2008-250

- a) To permit a reduced lot width of 10.67 metres whereas the By-law requires a minimum lot width of 12 metres.
- b) To permit a reduced lot area of 309.5 square metres whereas the By-law requires a minimum lot area of 360 square metres.

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

- c) To permit a covered porch and stairs to project 1.83 metres into the front yard whereas the By-law permits projections into the front yard to be the average extent of the same projections into the front yards on the abutting lots. In this case there are no abutting projections so the average projection is 0 metres.

The Application indicates that the Property is not the subject of any other current application under the Planning Act.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from the Owners, Messrs. R. and D. D'Angelo. A presentation was also made by Ms. K. Dandy of the City's Planning and Growth Management Department. Ms. C. Honsl of 39 Chestnut was in attendance in opposition to the application.

In response to Ms. Honsl's concerns, Mr. D'Angelo agreed to install a privacy fence and frosted windows in an effort to address the concerns expressed.

DECISION AND REASONS OF THE COMMITTEE:
DÉCISION ET MOTIFS DU COMITÉ:**APPLICATION GRANTED**
DEMANDE ACCORDÉE

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file and while appreciating the concerns of the abutting neighbour, takes particular note of the policies that are in place in the City's Official Plan which encourage residential intensification within the urban area through infill. In encouraging infill development, the Plan's policies state that infill development should be compatible with the existing neighbourhood and that compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and co-exists with existing development without causing undue adverse impact on surrounding properties. The Committee is of the opinion that the proposed triplex dwelling meets this test.

The Committee further notes that the R3P zone allows for this type of dwelling, that there are there are similar uses in the neighbourhood and that the height of the proposed building falls within the Zoning By-law requirements. Furthermore, no concerns were raised by the Planning and Growth Management Department with respect to the City's Urban Design Guidelines for Low-Rise Infill Housing by the Planning and Growth Management Department. The Committee takes note of the fact

that the Owners have indicated that their willingness to work with the abutting neighbour in an attempt to mitigate her concerns regarding overlooking and loss of privacy by installing a privacy fence and frosted windows in an effort to address the concerns expressed.

The Committee, therefore, 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 proposed construction being in accordance with the plans filed, and Committee of Adjustment date-stamped May 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 **4th day of July, 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.