



**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°:	D08-02-12/A-00410
Owner/ Propriétaire:	Concord Triangle Holdings Inc. (Under Agreement of Purchase & Sale)
Agent/ Représentant :	Bill Ritcey
Legal Description//Description officielle:	Lot 7, Reg. Plan 48
Property Address/Adresse de la propriété :	44 & 46 Concord Street North
Zoning/Zonage:	R4T
By-Law/Règlement:	2008-250
Ward/ Quartier:	17 - Capital
Former Municipality/Ancienne municipalité:	Ottawa

Notice was given and a Public Hearing was held on December 5, 2012, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owner wants to demolish the two existing dwellings and construct a new Planned Unit Development on this triangular shaped property bound by Greenfield Avenue, Montcalm Avenue and Concord Street North which will consist of three blocks of townhomes, containing a total of ten units, 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 reduced corner side yard setback of 1.3 metres (Greenfield Avenue) whereas the By-law requires a minimum corner side yard setback of 3.0 metres.
- b) To permit a reduced corner side yard setback of 0 metres (Montcalm Avenue) whereas the By-law requires a minimum corner side yard setback of 3.0 metres.
- c) To permit a reduced front yard setback of 0 metres (Concord Street North) whereas the By-law requires a minimum front yard setback of 3.0 metres.
- d) To permit an increased building height of 11.5 metres whereas the By-law permits a maximum building height of 11.0 metres.
- e) To permit a reduced driveway width of 3.60 metres whereas the By-law requires a minimum driveway width of 6.0 metres.
- f) To permit a reduced distance of 1.03 metres from the driveway to a residential building face whereas the By-law requires a minimum distance of 1.8 metres from the driveway to a residential building face.
- g) To permit a reduced distance of 3.80 metres from the garage to the driveway whereas the By-law requires a minimum distance of 5.20 metres from the garage to the driveway.

It should be noted that for Zoning By-law purposes Concord Street North is deemed to be the frontage for this property.

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

PUBLIC HEARING/AUDIENCE PUBLIQUE:

At the Hearing, Mr. W. Ritcey appeared as Agent for the Owner along with Mr. J. Kardish of the Regional Group of Companies, acting as managers for Concord Triangle Holdings Inc.

In accordance with the written report from the City's Planning and Growth Management Department the Committee indicated that the requested variances would be amended as follows:

- e) To permit a reduced **private way** width of 3.60 metres whereas the By-law requires a minimum **private way** width of 6.0 metres.
- f) To permit a reduced **setback** of 1.03 metres from **a private way** to a **wall of a residential building** whereas the By-law requires a minimum distance of 1.8 metres **from a private way to a wall of a residential use building**.
- g) To permit a reduced **setback** of 3.80 metres from the garage to **a private way** whereas the By-law requires a minimum **setback** of 5.20 metres from the garage to **a private way**.

With concurrence from Owner, the application was amended accordingly.

In responses to questions from the Committee as to why the Minor Variance process was chosen over a rezoning of the property, Mr. W. Ritcey explained that after consulting with Planning Staff, Forestry Services and Infrastructure Services, this seemed like the most appropriate and practical course of action.

Mr. Kardish also explained that the reason that they did not apply for a rezoning was due to time and financial constraints, and that they felt the proposal was consistent with Official Plan policies and Zoning By-law and that all of the relief being requested was minor in nature with the exception of the corner side yard setback reductions which he re-iterated were due to the unique shape of the property.

Mr. Kardish, in response to questions from the Committee, described the extent of the development that could occur on the property, as-of-right and explained that the proposed development could have included a small apartment or condominium building containing well in excess of the 10 units, currently being proposed. He confirmed that a previous proposal to construct an apartment building which was not favourable with the neighbours and was therefore of the opinion that the current proposal was a much more palatable and logical development for the property.

Ms. K. Dandy of the City's Planning and Growth Management Department stated that it was the Department's opinion that the relief requested for the proposed development was most appropriately addressed through the minor variance process. She also stated out that any impact on the abutting neighbours would be negligible and minor, while acknowledging the unique shape of the property, makes complying with all the required setbacks extremely challenging.

In response to concerns raised by the Committee regarding portions of the proposed development encroaching onto City-owned property, Mr. Ritcey stated that he would be prepared to file a revised plan demonstrating that these encroaching elements had been removed.

DECISION AND REASONS OF THE COMMITTEE:

DÉCISION ET MOTIFS DU COMITÉ:

**APPLICATION GRANTED
AS AMENDED
DEMANDE ACCORDÉE,
TELLE QUE MODIFIÉE**

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, is mindful that the proposed development has been vetted with both the community and the Ward Councillor and notes that the City's Planning and Growth Management Department endorses the relief being requested through the Minor Variance process.

Therefore, the Committee recognizing the design challenges presented by the property's unique shape and the Owners undertaking to submit a revised plans demonstrating that those portions of the proposed development encroaching onto the City-owned lands have been removed, is satisfied that, in all the circumstances and in this instance, the variances sought, as amended, 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, as they relate to the variances sought.

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 3rd day of January, 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.

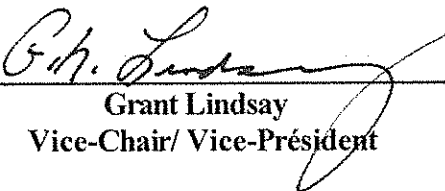
**DECISION SIGNATURE PAGE :
PAGE DE SIGNATURE DE LA DÉCISION :**

File No./Dossier n° : D08-02-12/A-00410

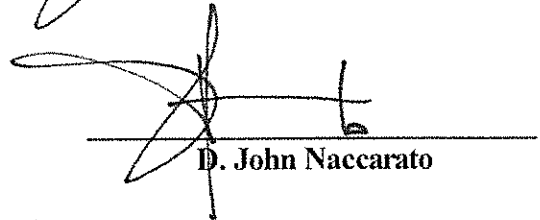
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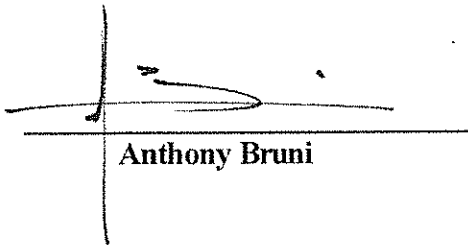
Property Address/Adresse de la propriété : 44 & 46 Concord Street North

**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 :**


Grant Lindsay
Vice-Chair/ Vice-Président


Ann M. Tremblay


D. John Naccarato

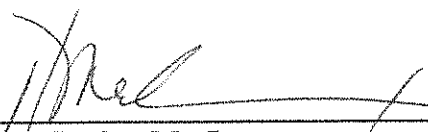

Anthony Bruni


John Blatherwick

**I, Heather Maclean, 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, Heather MacLean, 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.**

December 14/12
Date of Decision:
Date de la décision :


Heather MacLean
Secretary-Treasurer/Secrétaire-trésorière