

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

**COMITÉ DE DÉROGATION  
POUR LA VILLE D'OTTAWA**

**DECISION/DÉCISION**  
CONSENT/AUTORISATION  
(Section 53 of the *Planning Act*)  
(Article 53 de la *Loi sur l'aménagement du territoire*)

<b>File No./Dossier n°:</b>	D08-01-13/B-00137
<b>Owner/ Propriétaire: Agent/ Représentant:</b>	Alexander Makhoul & Linda Walsh Thomas Wallis
<b>Legal Description//Description officielle: Property Address/Adresse de la propriété:</b>	Lot 6, Reg. Plan 102 87 & 89 Clegg Street
<b>Zoning/Zonage: By-Law/Règlement:</b>	R3P 2008-250
<b>Ward/ Quartier: Former Municipality/Ancienne municipalité:</b>	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 Owners want to subdivide their property into two separate parcels of land in order to establish separate ownerships for each of the existing semi-detached dwelling units.

**CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUISE:**

In order to proceed, the Owners require the Consent of the Committee for a Conveyance. The severed land, shown as Part 1 on the Draft 4R-Plan filed with the application will have a frontage of 11.40 metres on Clegg Street, to a depth of 22.77 metres (irregular) and will contain a lot area of 264.5 square metres. This parcel will contain one half of the existing semi-detached dwelling, known municipally as 87 Clegg Street.

The retained land, shown as Part 2 on said plan will have a frontage of 19.08 metres on Clegg Street, to a depth of 22.77 metres (irregular) and will contain a lot area of 406.5 square metres. This parcel will contain the other half of the existing semi-detached dwelling, which is known municipally as 89 Clegg Street.

Approval of this application will have the effect of creating two parcels of land, and the existing dwelling will not be in conformity with the requirements of the Zoning By-law and therefore Applications for Minor Variances (File Nos. D08-02-13/A-00138 & A-00139) have been filed and will be heard concurrently with this application.

**PUBLIC HEARING/AUDIENCE PUBLIQUE:**

The Committee heard from Mr. T. Wallis agent for the Owners, Ms. L. Walsh and Mr. A. Makhoul, who were also in attendance.

In addressing the concerns raised in the City's Planning and Growth Management Department report, Mr. Makhoul agreed that the shed could be removed or relocated to allow the parking space for 87 Clegg Street to be located in the side yard rather than the front yard. Ms. Dandy of the City's Planning and Growth Management Department indicated that with the removal/relocation of the shed, variance (c) in Application D08-02-13/A-00138 would no longer be required.

This application was amended accordingly.

In response to a question from the Committee regarding the eaves on the rear addition of 87 Clegg Street which extended over the proposed severance line, Mr. Makhoul agreed to remove the eaves and install new gutters to contain any runoff within the property limits of 87 Clegg Street.

**DECISION AND REASONS OF THE COMMITTEE:**

**APPLICATION GRANTED**

**DÉCISION ET MOTIFS DU COMITÉ:**

**DEMANDE ACCORDÉE**

The Committee, having reviewed the plans and correspondence on file and having had regard to the matters set out in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended, is satisfied that, in this instance, a plan of subdivision is not necessary or desirable for the proper and orderly development of the Municipality. The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a one-year period from the date of this Decision:**

- 1) That the Owners provide evidence that the accompanying Minor Variance Application (D08-02-13/A-00138, D08-02-13/A-00139), have been approved, with all levels of appeal exhausted.
- 2) That the Owners provide proof, to the satisfaction of the Development Review – Urban Services Branch that each parcel has its own independent storm (if applicable), sanitary and water services connected directly to City infrastructure. These services should not cross the proposed severed property. If they do cross or are not independent then the Owners will be required to relocate or construct new services from the City sewers/watermain, at his/her cost.
- 3) That the Owners provide evidence that the detached vinyl shed located in the front yard of 87 Clegg Street has been relocated or removed to the satisfaction of the City’s Planning and Growth Management Department.
- 4) That the Owners file an updated Reference Plan or written confirmation from an Ontario Land Surveyor that the easterly eaves on the rear addition at 87 Clegg Street have been reduced in size and fall within the proposed severance line and that there is sufficient area for the installation of eavestroughing.
- 5) That the Owners satisfy the City’s Building Services Branch with respect to the fire separation (demising wall) between the units, pursuant to the Ontario Building Code.
- 6) That the Owners satisfy the City’s Building Services that the exterior wall of the existing building at 87 Clegg Street and its relationship to the proposed severance line complies with the requirements of the Ontario Building Code.
- 7) That the Owners grant to Bell Canada, without cost, such easements as may be required, the consent to the registration of which is hereby granted.
- 8) That the Owners file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Reference Plan must conform substantially to the sketch filed with the Application for Consent.
- 9) That upon completion of the above conditions, **and within the one-year period outlined above,** the Owners file with the Committee, the “electronic registration in preparation documents” for the Conveyance for which the Consent is required.

**The Consent lapses one year from the date of this Decision.**

*Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.*

**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 **4<sup>th</sup> 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.

Any person or public body 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.