



**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-00138 & D08-02-13/A-00139

Owner/ Propriétaire: Alexander Makhoul & Linda Walsh
Agent/ Représentant: Thomas Wallis

Legal Description//Description officielle: Lot 6, Reg. Plan 102
Property Address/Adresse de la propriété: 87 & 89 Clegg Street

Zoning/Zonage: R3P
By-Law/Règlement: 2008-250

Ward/ Quartier: 17 - Capital
Former Municipality/Ancienne municipalité: 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 have filed a Consent Application (D08-01-13/B-00137) which, if approved, will have the effect of creating two separate parcels of land. The existing semi-detached dwelling units will not be in conformity with the requirements of the Zoning By-law.

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-00138: 87 Clegg St., Part 1 on Draft 4R-Plan, one existing semi-detached dwelling unit

- a) To permit a reduced rear yard setback of 11.1% of the lot depth or 2.05 metres whereas the By-law requires a minimum rear yard setback of 25% of the lot depth or 5.7 metres, in this case.
- b) To permit a reduced rear yard lot area of 8.65% of the lot area or 22.88 square metres whereas the By-law requires a minimum rear yard lot area of 25% of the lot area or 66.1 square metres, in this case.
- c) To permit parking of a motor vehicle in a required and provided front yard whereas the By-law does not permit parking of a motor vehicle in a required and provided front yard.

A-00139: 89 Clegg St., Part 2 on Draft 4R-Plan, other existing semi-detached dwelling unit

- d) To permit parking of a motor vehicle in a required and provided corner side yard whereas the By-law does not permit parking of a motor vehicle in a required and provided corner side yard.

It should be noted, for Zoning By-law purposes, that Clegg Street is deemed to be the frontage for the property known municipally as 89 Clegg Street.

The Applications indicate that the Property is the subject of the above-noted Consent Application under the *Planning Act*.

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:	APPLICATIONS GRANTED AS AMENDED
DÉCISION ET MOTIFS DU COMITÉ:	DEMANDES ACCORDÉES, TELLES QUE MODIFIÉES

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, 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. These variances apply to the existing semi-detached dwelling known as 87 and 89 Clegg Street and are restricted to the life of these dwellings only.

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.