



**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)

**File No./Dossier n°:** D08-01-13/B-00456 to D08-01-13/B-00458

**Owner(s):** Tyse Ltd. **Zoning:** R4T  
**Propriétaire(s)** **Zonage**

**Location:** 99, (99A & 99B) Concord **Zoning By-law:** 2008-250 as  
**Emplacement** Street North **Règlement** amended by  
By-law 2012-147

**Ward/Quartier:** 17 - Capital

**Legal Description:** Part Lot 1, Reg. Plan 48  
**Description officielle**

Notice was given and a Public Hearing was held on January 15<sup>th</sup>, 2014, as required by the Planning Act.

**PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:**

The Owner wants to subdivide its property into three separate parcels of land. One parcel will contain the existing detached dwelling, and it is proposed to construct a three-storey, back-to-front semi-detached dwelling on the other parcels. The front dwelling will have parking in the front yard, the rear dwelling unit will not have any parking and the parking space for the existing dwelling will be relocated to the south side of the dwelling.

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

In order to proceed, the Owner requires the Consent of the Committee for Conveyances and a Grant of Easement/Right-of-Way. The property is shown as Parts 1 to 4 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

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Application No.	Part Nos.	Frontage	Depth	Area	Municipal Address
B-00456	2 & 3*	5.79 m	13.48 m	77.9 sq. m	99B Concord St. N. (one half of the proposed semi-detached dwelling)
B-00457	1	12.85 m	30.25 m (irreg.)	277.4 sq. m	99 Concord St. N. (existing detached dwelling)
B-00458	4	1.52 m	30.24 m	143 sq. m	99A Concord St. N. (other half of the proposed semi-detached dwelling)

\* It is proposed to create an Easement over Part 3 to address servicing requirements for the benefit of the Owner of Part 4.

The creation of two of these separate parcels of land, as well as the location of the proposed semi-detached dwellings, will not be in conformity with the requirements of the Zoning By-law and therefore, Applications for Minor Variances (D08-02-13/A-00379 & D08-02-13/A-00380) have been filed and will be heard concurrently with these applications.

#### **PUBLIC HEARING/AUDIENCE PUBLIQUE:**

The Committee heard from Mr. B. Casagrande, Agent for the Owner, along with Mr. J. Colizza, the Project Architect. Ms. K. Dandy of the City's Planning and Growth Management Department was also in attendance. In addressing the conditions outlined in the report from the City's Planning and Growth Management Department, Mr. Colizza advised that rather than enter into an Encroachment Agreement with the City for the stairs at the front of the existing dwelling, they propose to move the stairs so that an encroachment would no longer exist.

#### **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED DÉCISION ET MOTIFS DU COMITÉ: DEMANDES ACCORDÉES**

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 encourages intensification and infill development in urban areas provided the proposal is compatible.

The Committee takes note of the fact that the majority and magnitude of the variances being requested are mainly due to the fact that the present Zoning By-law does not recognize this unique "front-to-back" form of development for a semi-detached dwelling.

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The Committee also notes that the R4T zone allows for a wide mix of development, including low-rise apartment buildings. Evidence was presented that because of the location of this site, which abuts a major highway on two sides, has only one neighbour to the north and is at the edge of the neighbourhood, the proposed 3-storey, front-to-back semi-detached dwelling would be an appropriate development on this property.

In addressing the main concern of the City's Planning and Growth Management Department concerning the elevated ground floor level of the dwelling which was raised to provide a parking space which would then become a dominant focus of the design and add additional hard surface area, it was pointed out that the design of the dwelling with its proposed parking arrangement would not be out of character with the wide diversity of existing forms of development on this part of Concord Street.

The Committee, 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 Owner provide evidence that the accompanying Minor Variance Applications have been approved, with all levels of appeal exhausted.
2. That the Owner satisfy the City's Building Services that the exterior wall of the existing building and its relationship to the proposed severance line complies with the requirements of the Ontario Building Code.
3. That the Owner provide evidence, satisfactory to City's Planning and Growth Management Department, that the front steps for the existing dwelling have been relocated to remove the present encroachment onto City property.
4. That the Owner 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 Owner will be required to relocate or construct new services from the City sewers/watermain, at his/her cost.
5. That the Owner provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor, or a certified Civil Engineering Technologist certified in the Province of Ontario, has been approved by the City of Ottawa Manager, Development Review - Urban Services Branch, or his delegate. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties and shall include additional existing grades outside the properties to identify surrounding drainage characteristics. This will include existing grades

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within the road right-of-way to clearly delineate road drainage characteristics and patterns. The grading and drainage plan may include the provision for a rear yard catchbasin and corresponding connection to a storm sewer on City property, in which case, the Owner shall establish an agreement for construction, maintenance and joint use or grant an easement for the rear yard catchbasin and connection pipe over all the severed properties and retained properties, to be registered on title of all the properties, as a condition to be fulfilled prior to the stamping of the deed(s). This agreement shall be submitted to and approved by the General Manager, Development Review – Urban Services Branch or his delegate. The Owner is put on notice that depressed driveways are discouraged but if necessary, must be connected to a Municipal Storm Sewer system with a 1:100 year Hydraulic Gradeline below the footing elevations. Excessive proposed grade changes around the building(s) to meet Zoning By-law height restrictions will not be permitted.

6. That the Owner provide evidence that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended.
7. That the Owner 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.
8. That upon completion of the above conditions, **and within the one-year period outlined above**, the Owner file with the Committee, the “electronic registration in preparation documents” for the Conveyances and a Grant of Easement/Right-of-Way 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 13<sup>th</sup> day of February, 2014. 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 may appeal Decisions in respect of applications for Consent 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.