



**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*)**

<b>File No./Dossier n°:</b>	D08-02-12/A-00220
<b>Owner/ Propriétaire: Agent/ Représentant:</b>	Dean Hanisch & Antonio Spadaccini Michael Segreto
<b>Legal Description/Description officielle: Property Address/Adresse de la propriété:</b>	Part Lots 79 & 80, Reg. Plan 97162 11 Chestnut Street
<b>Zoning/Zonage: By-Law/Règlement:</b>	R3P Zoning By-law 2008-250 as amended by By-law 2012-147
<b>Ward/ Quartier: Former Municipality/Ancienne municipalité:</b>	17 - Capital Ottawa

Notice was given and a Public Hearing was held on June 20, September 19 and October 3, 2012, as required by the *Planning Act*.

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

On June 20<sup>th</sup>, 2012 the Committee adjourned this application sine die in order to allow the Owners to review their proposal in terms of the New Infill Development Guidelines, new Zoning By-law Amendment 2012-147. The Owners have revised their plans which include the demolition of their existing dwelling and detached shed and the construction of a 3-storey triplex dwelling, as shown on plans with the Committee.

**RELIEF REQUIRED/DISPENSE REQUIRE:**

In order to proceed, the Owners require 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 10.975 metres whereas the By-law requires a minimum lot width of 12 metres.
- b) To permit a reduced lot area of 318.27 square metres whereas the By-law requires a minimum lot area of 360 square metres
- c) To permit a reduced rear yard setback of 5.80 metres whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, in this case 7.25 metres.
- d) To permit a reduced rear yard lot area of 20% of the lot area or 63.65 square metres whereas the By-law requires a minimum rear yard lot area of 25% of the lot area, in this case 79.56 square metres.

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

- e) To permit an increased porch projection of 0.91 metres into the front yard whereas the By-law requires an amount equal to the average extent of the existing projections of the same type, facing the same street and located on the existing buildings on the abutting lots, in this instance there are no porches so the average is 0.

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

At the previous hearing of the application it was adjourned to allow the Owner time to revise their plans.

At the renewed hearing, the Committee noted that the applicant had submitted revised plans dated stamped October 2, 2012, which demonstrated that the proposal complied with the rear yard setback and rear yard lot area requirements of the R3P Zone. In that regard, it was noted in accordance with the staff report from Ms. K. Dandy of the City's Planning and Growth Management Department that variances c) and d) were no longer necessary. The amendments to the minor variances were as follows:

- a) No change
- b) No change
- c) Deleted
- d) Deleted
- e) **“To permit a covered porch to project 0.91m into the front yd., whereas the By-law permits a maximum permitted projection into the front yd. to be an amt. equal to the avg. extent of existing projections of the same type, facing the same street, & located on existing bldgs. on the abutting lots. In this case, there are no porches on abutting lots, so the avg. is 0m”.**

- f) To permit stairs to project 1.62m beyond the covered porch, whereas the By-law permits a maximum permitted projection into the front yd. to be an amt. equal to the avg. extent of existing projections of the same type, facing the same street, & located on existing bldgs. on the abutting lots. In this case, there are no stairs projecting into the front yd. on the abutting lot to the north & stairs that project 0.65m into the front yd. on the abutting lot to the south, so the avg. is 0.325m.”

In this connection, the application was amended accordingly.

**DECISION AND REASONS OF THE COMMITTEE:**

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

**DÉCISION ET MOTIFS DU COMITÉ:**

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 variance sought is minor, that it is 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 variance 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 1<sup>st</sup> day of November, 2012. 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 who has 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-00220

Owner/Propriétaire : Dean Hanisch & Antonio Spadaccini

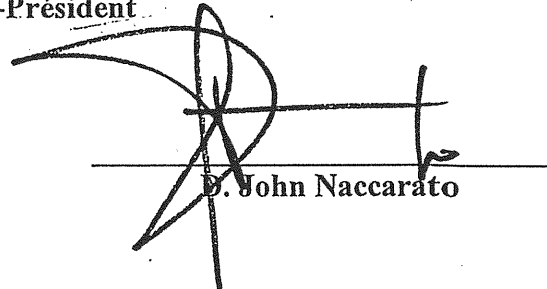
Property Address/Adresse de la propriété : 11 Chestnut Street

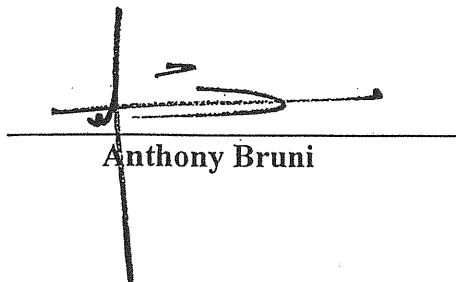
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment./  
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le  
Comité de dérogation :

(Declared interest)

\_\_\_\_\_  
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.

OCTOBER 12, 2012  
Date of Decision:  
Date de la décision :

  
\_\_\_\_\_  
Heather MacLean  
Secretary-Treasurer/Secrétaire-trésorière