



**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°:	D08-02-06/A-00417
Owner/ Propriétaire:	Nicolas Ibrahim
Agent/ Représentant:	Pawel J. Fielt
Legal Description//Description officielle:	Part Lot 1 and Lot G, Concession. C, Reg. Plan 102
Property Address/Adresse de la propriété:	164 Main Street
Zoning/Zonage:	TM [1411] H (14)
By-Law/Règlement:	2008-250
Ward/ Quartier:	17 - Capital
Former Municipality/Ancienne municipalité:	Ottawa

Notice was given and a Public Hearing was held on Wednesday, May 16, 2012, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

In 2006, an Application for a Minor Variance for a proposal on this site was adjourned Sine Die. The Owner has now revised his proposal and wants to construct a 4-storey, mixed-use building that will include commercial space on the ground floor and 5 residential units above, 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 southerly side yard setback of 0.3 metres whereas the By-law requires a minimum side yard setback of 0.8 metres.
- b) To permit a reduced rear yard setback of 6.89 metres whereas the By-law requires a minimum rear yard setback of 7.5 metres.

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

At the Hearing, the Committee heard from Mr. P. Fielt on behalf of Mr. N. Ibrahim, the Owner of the Property, who was also in attendance.

Mr. Fielt requested that the applications be amended to include two additional variances, in accordance with the written report filed by Ms. K. Dandy of the City's Planning and Growth Management Department, as follows:

- c) **To permit an open stairwell/ fire escape to project 2.43 metres into a required rear yard whereas the By-law permits an open stairwell/ fire escape above the first floor to project 1.5 metres into a required yard, but no closer than 1.0 metre from any lot line.**
- d) **To permit an open stairwell/ fire escape to be situated 0.3 metres from the southerly interior side lot line, whereas the By-law permits an open stairwell/ fire escape above the first floor to project 1.5 metres into a required yard, but no closer than 1.0 metre from any lot line.**

The Committee also heard from Ms. Dandy, who confirmed that revised plans would be required to amend the previously approved Site Plan Control application.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED,
AS AMENDED**
**DÉCISION ET MOTIFS DU COMITÉ: DEMANDE ACCORDÉE,
TELLES QUE MODIFIÉES**

In deliberating on this application, the Committee notes the submission of the proponent that, since 2006, extensive consultation has taken place between the Owner of the property, City staff, and the local community association, and that the proposed development for this site was the subject of a Zoning By-law Amendment. Having considered the evidence presented and having reviewed the plans and correspondence on file, the Committee 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 size and location of the proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped April 10, 2012.

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 **14th day of June, 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.

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.


DECISION SIGNATURE PAGE :
PAGE DE SIGNATURE DE LA DÉCISION :

File No./Dossier n° : D08-02-06/A-00417

Owner/Propriétaire : Nicolas Ibrahim

Property Address/Adresse de la propriété : 164 Main Street

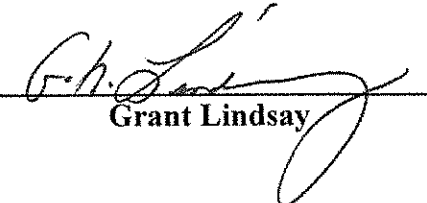
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment./
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le
Comité de dérogation :



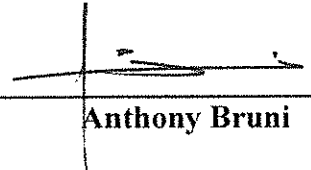
D. John Naccarato
Vice-Chair/ Vice-Président



Ann M. Tremblay



Grant Lindsay



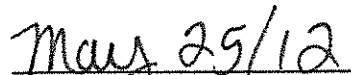
Anthony Bruni




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.



Date of Decision:
Date de la décision :



Heather MacLean
Secretary-Treasurer/Secrétaire-trésorière