



**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-00266
<b>Owner/ Propriétaire: Agent/ Représentant:</b>	Elizabeth Herweyer Jacques Hamel
<b>Legal Description//Description officielle: Property Address/Adresse de la propriété:</b>	Part Lots 2 & 3, Reg. Plan 242262 225 McGillivray Street
<b>Zoning/Zonage:</b>	R1TT under Zoning By-law 2008-250, as amended by By-law 2012-147
<b>By-Law/Règlement:</b>	R1
<b>Ward/ Quartier: Former Municipality/Ancienne municipalité:</b>	17 - Capital Ottawa

Notice was given and a Public Hearing was held on August 15, 2012, as required by the *Planning Act*.

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

The Owner wants to demolish the existing dwelling and detached garage and construct a new, 245 square metre, 3-storey detached dwelling with a rooftop terrace to be located on the west side of the third floor, as well as a new detached garage, all 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 Zoning By-law 2012-147 (New Infill Development Regulations) as follows:

- a) To permit a reduced front yard setback of 3.0 metres whereas the By-law requires the average of the existing front yard setbacks of the abutting lots on which the buildings front the same street, in this case 3.86 metres.
- b) To permit a porch to project 1.85 metres into the front yard whereas the By-law allows a permitted projection to project 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 on which the buildings front the same street, in this case 1.44 metres.
- c) To permit a second floor balcony to project 1.85 metres into the front yard whereas the By-law allows a permitted projection to project 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 on which the buildings front the same street. In this instance there are no second floor porch projections on the abutting lots.

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. J. Hamel, Agent for the Owner, who indicated that, for By-law purposes, the front yard had been determined to be the small, angular lot line at the southwest corner of the property, abutting Mutchmor Road, and as such requested that the application be amended so as to recognize the proposed lot lines in relation to the zoning-defined lot lines, as follows:

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

- a) To permit a reduced front yard setback of 1.34 metres whereas the By-law requires the average of the existing front yard setbacks of the abutting lots on which the buildings front the same street. In this instance the average setback is 3.1 metres.
- b) To permit a ground floor and a second floor canopy to project 0.17 metres from a lot line 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 no projections of this type exist and therefore a maximum projection of 0 metres is permitted.

**Under Zoning By-law 2008-250:**

- c) To permit a reduced front yard setback of 1.34 metres whereas the By-law requires a minimum front yard setback of 3 metres.
- d) To permit a canopy to project 1.8 metres into a required yard and 0.17 metres from a lot line whereas the By-law permits a maximum projection into a required yard of 1.8 metres, but no closer than 0.6 metres to a lot line.
- e) To permit a reduced interior side setback of 0.35 metres and a reduced rear yard setback of 0.43 metres for an accessory building, whereas the By-law requires a minimum side and rear yard setback of 0.6 metres.

The application was amended accordingly.

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

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, is mindful of the policies of the Provincial Policy Statement and the City's Official Plan, which encourage infill and intensification in urban areas.

In deliberating on this application, the Committee takes particular note of the evidence presented that the variances are generally technical in nature, and result from the unique determination of the front yard for this property. With respect to variance e), pertaining to the proposed detached garage, the Committee further notes that the proposed setbacks are identical to that of the existing accessory building in this location.

Based on the foregoing, the Committee is satisfied, in all the circumstances and in this instance, that 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 proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped July 13, 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 **13<sup>th</sup> day of September, 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.