

**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*)

<b>File No./Dossier n°:</b>	D08-01-12/B-00294 & D08-01-12/B-00295
<b>Owner/ Propriétaire: Agent/ Représentant :</b>	Andrew Kealy & Laura Baker Andrew Healey
<b>Legal Description//Description officielle: Property Address/Adresse de la propriété :</b>	Lot 135, Reg. Plan 110574 (131, 133) 135 Springhurst Avenue
<b>Zoning/Zonage: By-Law/Règlement:</b>	R3P Zoning By-Law 2008-250 as amended by Zoning 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 August 15, 2012, as required by the *Planning Act*.

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

The Owners want to demolish their existing dwelling and subdivide their property into 2 separate parcels of land in order to establish separate ownerships for each half of the proposed 3-storey semi-detached dwelling.

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

In order to proceed, the Owners require the Consent of the Committee for Conveyances and a Maintenance/Joint-Use Agreement. The Property is shown as Parts 1 & 2 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No./Dossier n<sup>o</sup>: D08-01-12/B-00294 & D08-01-12/B-00295

Application No.	Part No.	Frontage	Depth	Area	Municipal Address
B-00294	1	13.39 m (Springhurst)	11.69 m	155.5 m <sup>2</sup>	133 Springhurst Avenue
B-00295	2	8.79 m (Simcoe)	15.81 m	154.8 m <sup>2</sup>	131 Springhurst Avenue

Applications for Minor Variances (D08-02-12/A-00269 & D08-02-12/A-00270) related to the proposed development and the creation of the new lots have been filed and will be heard concurrently with these applications.

At the Hearing, the Committee heard from Ms. T. Hillier, who appeared as Agent for the Owners along with Ms. L. Baker, one of the Owners of the property.

Ms. Hillier identified some discrepancies in the Committee's Notice of Public Hearing related to both the Consent and Minor Variance Applications. In this connection, the Committee indicated that the applications should be amended as follows:

Application No.	Part No.	Frontage	Depth	Area	Municipal Address
B-00294	1	<b>8.79 m</b> <b>(Simcoe St.)</b>	<b>15.81 m</b>	<b>154.8 m<sup>2</sup></b>	133 Springhurst Avenue
B-00295	2	<b>13.39 m</b> <b>(SpringhurstAve.)</b>	<b>11.69 m</b>	<b>155.5 m<sup>2</sup></b>	131 Springhurst Avenue

A-00269: 133 **Springhurst Avenue**, Part 1 on the Draft 4R-Plan, one half of the proposed semi-detached dwelling.

The applications were amended accordingly.

In reference to revised plans filed at the Hearing, Ms. Hillier explained that screening has been introduced along the west side of the proposed 3<sup>rd</sup> floor outdoor patio to help mitigate the privacy concerns of the abutting neighbours. In response to questions from the Committee regarding the necessity for a 2<sup>nd</sup> floor balcony, Ms. Baker indicated that the balcony provides additional outdoor amenity space and are not uncommon in this neighbourhood.

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

In deliberating on these applications, the Committee took particular note of the presentation made by Ms. Hillier, particularly as it was identified that there is similar development in the immediate area and that there was additional screening on the 3<sup>rd</sup> floor patio in order to respect the abutting neighbours privacy. The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file and 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 Owners 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(s) will be required to relocate or construct new services from the City sewers/watermain, at his/her cost.
- 2) That the Owners 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.
- 3) That the Owners 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 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(s) 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.

- 4) That the Owner convey a 3 m x 3 m daylighting triangle at the corner of Springhurst Avenue and Simcoe Street, to the City of Ottawa, to the satisfaction of the City's Infrastructure Services and Community Sustainability Department. All costs to be borne by the Owners. This area will be free of all structures, plantings etc. and allow a proper sighting distance when performing turning movements within the intersection.
- 5) That the Owners provide evidence that the existing dwelling straddling the proposed severance line has been demolished in accordance with City of Ottawa regulations.
- 6) That the Owners provide evidence that the accompanying Minor Variance Applications have been approved, with all levels of appeal exhausted.
- 7) That the Owners 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 Owners file with the Committee, the "electronic registration in preparation documents" for the Conveyances and a Maintenance/Joint-Use Agreement 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 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.