



**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°:	D08-02-12/A-00269 & D08-02-12/A-00270
Owner/ Propriétaire: Agent/ Représentant :	Andrew Healy & Laura Baker Andrew Healy
Legal Description//Description officielle: Property Address/Adresse de la propriété :	Lot 135, Reg. Plan 110574 (131, 133) 135 Springhurst Avenue
Zoning/Zonage:	R3P under Zoning By-law 2008-250 as amended by Zoning By-law 2012-147
Ward/ Quartier: Former Municipality/Ancienne municipalité:	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 have filed Consent Applications (D08-01-12/B-00294 & D08-01-12/B-00295) which, if approved will have the effect of creating 2 separate parcels of land both of which as well as the proposed development will not be in conformity with the requirements of the Zoning By-law. The Owners propose to construct a 3-storey semi-detached dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED/DISPENSE REQUISE:

In order to proceed, the Owners require the Authority of the Committee for Minor Variances from the Zoning By-laws as follows:

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

Under Zoning By-law 2008-250:

- a) To permit a reduced lot area of 154.8 square metres whereas the By-law requires a minimum lot area of 165 square metres.
- b) To permit a reduce rear yard setback of 0 metres and a reduced rear yard lot area of 0 square metres whereas the By-law requires a minimum rear yard setback of 4.0 metres and a minimum rear yard lot area of 25% of the lot area (in this case 38.7 square metres).

For By-law purposes Simcoe Street is deemed to be frontage for this property.

A-00270: 131 Springhurst Avenue, Part 2 on said plan, the other half of the proposed semi-detached dwelling

Under Zoning By-law 2008-250:

- c) To permit a reduced lot area of 155.5 square metres whereas the By-law requires a minimum lot area of 165 square metres.
- d) To permit a reduced rear yard setback of 2.13 metres and a reduced rear yard lot area of 18% (28.3 square metres) whereas the By-law requires a minimum rear yard setback of 4.0 metres and a minimum rear yard lot area of 25% of the lot area (in this case 38.9 square metres).

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

- e) To permit the covered porch to project 1.37 metres into the front yard whereas the By-law allows a permitted projection to project an amount equal to the extent of the existing projections of the same type, facing the same street and located on existing buildings on abutting lots, (in this case there are no covered porch projections on the abutting lots).
- f) To permit the front entry canopy to project 1.50 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 existing buildings on abutting lots, (in this case there are no canopy projections on the abutting lots).
- g) To permit the second floor balcony to project 0.98 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 existing buildings on abutting lots, (in this case there are no balcony projections on the abutting lots).

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	8.79 m (Simcoe St.)	15.81 m	154.8 m²	133 Springhurst Avenue
B-00295	2	13.39 m (SpringhurstAve.)	11.69 m	155.5 m²	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 3rd 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 2nd 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:

APPLICATIONS GRANTED

AS AMENDED

DEMANDES ACCORDÉES

TELLES QUE MODIFIÉES

The Committee takes particular note of the thorough presentation made by Ms. Hillier, in particular in identifying similar developments in the immediate area and making the necessary changes to the plans in order to address concerns raised. Therefore, 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 location and size of the proposed construction being in accordance with the revised plans filed at the Hearing and Committee of Adjustment date stamped August 15, 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 **13th 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 who have an interest in this matter 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.