



**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°: D08-02-18/A-00445 and D08-02-18/A-00446
Owner(s)/Propriétaire(s): 10947342 Canada Inc.
Location/Emplacement: 121, (123 A) & (123 B) Carruthers Avenue
Ward/Quartier: 15 - Kitchissippi
Legal Description/ Lot 16, Reg. Plan 35
Description officielle:
Zoning/Zonage: R4S
Zoning By-law/ 2008-250
Règlement:

Notice was given and a Public Hearing was held on February 6, 2019 and March 6, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

At the Hearing on February 6, 2019, the Committee of Adjustment adjourned these applications in order to allow the Owner time to amend the requested Minor Variances. The applications have been revised to include lot area variances for a proposed three-storey, long semi-detached dwelling. The existing two-storey duplex dwelling will remain.

The Owner has filed Consent Applications (D08-01-18/B-00461 and D08-01-18/B-00462), which if approved, will have the effect of creating two separate parcels of land. The proposed parcels and dwellings, both existing and proposed, will not be in conformity with the requirements of the Zoning By-law, as shown on plans filed with the Committee.

File No./Dossier n° : D08-02-18/A-00445 and D08-02-18/A-00446

RELIEF REQUIRED/DISPENSE REQUIRE:

In order to proceed, the Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

Application (D08-02-18/A-00445) 121 Carruthers Avenue (existing dwelling)

- a) To permit a reduced lot width of 8.15 metres, whereas the By-law requires a minimum lot width of 9.0 metres.
- b) To permit a reduced lot area of 245.8 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- c) To permit a reduced southerly interior side yard setback of 0.4 metres, whereas the By-law requires an interior side yard setback of 1.2 metres.
- d) To permit a projection (canopy) to project 0.07 metres from the southerly interior side yard lot line whereas the By-law states that canopies may not be closer than 0.6 metres from the interior side yard lot line.

- e) To permit the existing south eave projection to be 0.0 metres from the southerly interior side yard lot line, whereas the By-law requires an eave projection no closer than 0.3 metres to a lot line.

Application (D08-02-18/A-00446) 123 and 125 Carruthers Avenue (proposed 3-storey long semi-detached dwelling)

Unit 1:

- f) To permit a reduced lot width of 7.14 metres, whereas the By-law requires a minimum lot width of 10.0 metres.

NEW

- ff) **To permit a reduced lot area of 213.6 square metres for Units 1 and 2, whereas the By-law requires a minimum lot area of 270 square metres.**

- g) To permit a reduced front yard setback of 1.95 metres, whereas the By-law requires a minimum front yard setback of 2.35 metres.

~~h) To permit a reduced northerly interior side yard setback of 0.84 metres, whereas the By-law requires an interior side yard setback of 1.2 metres.~~

- i) To permit a reduced southerly interior side yard setback of 0.65 metres for a portion of the south wall, whereas the By-law requires an interior side yard setback of 1.2 metres.

File No./Dossier n° : D08-02-18/A-00445 and D08-02-18/A-00446

j) To permit an increased building height of 10.3 metres whereas the By-law permits a maximum building height of 10 metres.

Unit 2:

k) To permit a reduced lot width of 7.14 metres, whereas the By-law requires a minimum lot width of 10.0 metres.

l) To permit a reduced rear yard setback of 7.82 metres, whereas the By-law requires a minimum front yard setback of 8.2 metres.

m) To permit a reduced northerly interior side yard setback of 0.84 metres, whereas the By-law requires an interior side yard setback of 1.2 metres.

~~n) To permit a reduced southerly interior side yard setback of 0.65 metres for a portion of the south wall, whereas the By-law requires an interior side yard setback of 1.2 metres.~~

o) To permit a non-accessory use for a proposed parking space to be located on Part 6 for the benefit of Part 3, whereas the By-law requires that an accessory use is permitted in any zone only when it is on the same lot as the principal use to which it is accessory and exists to aid the principal use.

p) To permit an increased building height of 10.3 metres whereas the By-law permits a maximum building height of 10 metres.

New q) **To permit a reduced lot area of 213.6 square metres for Units 1 and 2, whereas the By-law requires a minimum lot area of 270 square metres.**

The Applications indicate that the Property is the subject of the above-noted Consent Applications under the *Planning Act*.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

Prior to the February 6, 2019, Hearing, it was brought to Committee's attention that the Notice of Public Hearing had been circulated in error, and that additional variances were now required to be added to the applications, requiring a re-circulation of the Public Notice. The Committee received correspondence from Mr. A. Bruni, Agent for the Owner, who was in agreement with the required re-circulation, and requested the applications be adjourned *Sine Die*.

File No./Dossier n° : D08-02-18/A-00445 and D08-02-18/A-00446

At the Hearing, the Committee called the applications forward. Mr. Bruni was not in attendance. With the Committee in agreement, the applications were adjourned *Sine Die*.

At the renewed Hearing on March 6, 2019, the Committee heard from Mr. Bruni, who appeared along with Mr. H. Lacoste, Owner of the property. The Committee referred to the report submitted by Ms. V. Bissonnette of the City's Planning, Infrastructure and Economic Development Department (PIEDD), who was also in attendance. The report noted that variances h) and n) were not required, and therefore, could be removed from the applications.

With Mr. Bruni in agreement, the applications were amended accordingly.

Also in attendance was Ms. Bissonnette, of the City's PIEDD.

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

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, is mindful of the objectives of the Provincial Policy Statement and the City's Official Plan which encourage infill and intensification in urban areas provided the proposed development is compatible within the existing neighborhood context.

In this regard, the Committee notes that a 3 storey semi-detached dwelling is a permitted use within the R4S Zone, and that the proposed dwellings will be consistent with the existing streetscape character along Carruthers Avenue. Therefore, the Committee is of the opinion that there will be no negative impacts from the proposed development on the abutting landowners or any area residents. The Committee also notes that there were no concerns raised by the PIEDD regarding the relief being requested.

In conclusion, the Committee is satisfied, in all the circumstances and in this instance, that the variances sought, as amended, are minor, that they desirable for the appropriate development or use of the land and that the general intent and purpose of the Zoning By-law and the general intent and purpose of the Official Plan are maintained. These applications are granted subject to the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped December 10, 2018, as they relate to the variances sought.

File No./Dossier n° : D08-02-18/A-00445 and D08-02-18/A-00446

NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Local Planning Appeal Tribunal, an Appeal Form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by the 4th day of April, 2019, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the Tribunal's website at www.eltc.gov.on.ca. The Tribunal has established a filing fee of \$300.00 per type of application with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the Local Planning Appeal Tribunal. 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


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Owner(s)/Propriétaire(s): 10947342 Canada Inc.
Location/Emplacement: 121, (123 A) & (123 B) Carruthers Avenue

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.


Helena Prockiw
Chair/ Présidente


Dennis Carr


John Blatherwick




Stan Wilder

ABSENT
Grant Lindsay

I, Krista Libman, 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, Krista Libman, 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.

March 15, 2019

Date of Decision:  Krista Libman
Date de la décision:  Krista Libman
Secretary-Treasurer/
Secrétaire-trésorière