



**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°: D08-02-19/A-00119
Owner(s)/Propriétaire(s): Simon Saab
Location/Emplacement: 1487 Caton Street (under Agreement of Purchase and Sale)
Ward/Quartier: 18 - Alta Vista
**Legal Description/
Description officielle:** Part of Lot 18, Junction Gore
Zoning/Zonage: R1K
**Zoning By-law/
Règlement:** 2008-250

Notice was given and Public Hearings were held on June 5, 2019 and July 3, 2019 as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The owner wants to build a 9.4 m x 17.5 m two-storey detached dwelling on this vacant parcel, 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 lot width of 13 metres, whereas the By-law requires a minimum lot width of 18 metres.
- b) To permit a reduced lot area of 470.5 square metres, whereas the By-law requires a minimum lot area of 500 square metres.

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

PUBLIC HEARING/AUDIENCE PUBLIQUE:

At its hearing on June 5, 2019, the Committee heard from Ms. Z. Keslerova, the architect representing the owners, who agreed with the adjournment requested by the City's Planning, Infrastructure and Economic Development Department (PIEDD) and by a number of area residents. Mr. P. DeLottinville of 1484 Caton Street was present to speak on behalf of the area residents. He stated that they were in agreement with the the adjournment request. The Committee also heard from Ms. M. Atfield from the City's PIEDD who suggested that the application be adjourned to July 3, 2019 in order to allow time for the applicant to submit a landscape plan. With the concurrence of the applicant, the application was adjourned to July 3, 2019.

At the renewed Hearing, the Committee heard a presentation from Ms. Z. Keslerova and from Mr. S. Saab, the applicant. Also in attendance was Mr. K. Walker from the City's PIEDD. Mr. DeLottinville and Ms. T. Scaramozzino of 846 Giant Cedars Crescent were present to support the application and to request that any approval be tied to the plans that were filed, including the landscape plan.

Ms. Keslerova summarized the history of the site and explained that she had met with the neighbours to address their concerns. She explained that the main concerns related to landscaping and the mature tree located on the property. She stated that they consulted with a landscape architect and obtained a tree conservation report. They have proposed to plant new trees at the rear of the property given that they will not be able to retain two pine trees located on the side of the property. She stated that the mature tree is to be retained.

In discussing the request made by Mr. DeLottinville and Ms. Scaramozzino, the Committee explained that tying plans to building materials is beyond its purview. The Committee agreed that should the application be approved, that it would be approved generally in accordance with the plans filed.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED
DÉCISION ET MOTIFS DU COMITÉ: DEMANDE ACCORDÉE

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, appreciates the efforts made by the applicant to address the concerns raised by area residents. The Committee notes that the subject lot was created through the approval of an Ontario Municipal Board (OMB) decision in 2005. The Committee acknowledges that while the elevations filed differ slightly from that which were approved by the OMB, the proposal is in keeping with the existing development in the area.

The Committee acknowledges the landscape plan filed by the applicant which seeks to retain both of the existing mature trees on the property and that there will be three new trees proposed to be planted at the rear of the property. The Committee appreciates that the applicant is in agreement that any future development on the property will mainly be in accordance with the landscape plan and every effort will be made to protect the mature trees. The Committee notes that with the exception of the relief sought for reduced lot width and reduced lot area, all the other performance standards of the Zoning By-law are being met.

Mindful of the foregoing, the Committee is satisfied, in all the circumstances and in this instance, that the variances sought are minor, that they are 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. This application is granted subject to the size and location of the proposed construction being generally in accordance with the revised plans filed and Committee of Adjustment date stamped June 28, 2019, and the landscape plan filed and Committee of Adjustment date stamped July 2, 2019.

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 **August 1, 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.elto.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

File No./Dossier n°: D08-02-19/A-00119
Owner(s)/Propriétaire(s): Simon Saab
Location/Emplacement: 1487 Caton Street (under Agreement of Purchase and Sale)

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.


Aish M. Tremblay, Chair
Chair/ présidente

ABSENT


Nadine Tischhauser


Scott Hindle



Kathleen Willis

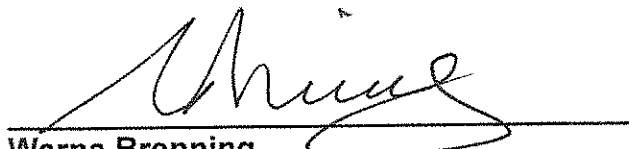

Colin White

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.

July 12, 2019


Date of Decision
Date de la décision


Warnia Brenning
A/ Secretary-Treasurer/ A/ Secrétaire-trésorière