



**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 Nos.: D08-02-19/A-00009 & D08-02-19/A-00010
Owner(s): LF6JF8PA2DL7 Ltd.
Location: 2216 Deschenes Street and (71) Pooler Street
Ward: 7 - Bay
Legal Description: Lot 41, Reg. Plan 278
Zoning: R2F
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on May 15, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

At its Hearing on April 17, 2019, the Committee adjourned Minor Variance Applications (D08-01-19/A-00009 and D08-02-19/A-00010) pertaining to the redevelopment of this property to allow the Owner time to file additional Minor Variances. The Owner now wants to proceed with the applications.

The Owner has concurrently filed Consent Applications (D08-01-19/B-00014 & D08-01-19/B-00015), which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing detached dwelling and construct a two-storey semi-detached dwelling with roof top terraces, as shown on plans filed with the Committee. The proposed dwellings will not be in conformity with the requirements of the Zoning By-law.

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-00009: 2216 Deschenes St., Part 1 on the Draft 4R-Plan, one half of a proposed semi-detached dwelling

- a) To permit a reduced northerly corner side yard setback of 2.6 metres (along Deschenes Street), whereas the By-law states that the minimum required **corner side yard setback** is the **existing front yard setback** of each **abutting** residential lot whose **principal** entranceway is located along the corresponding street **frontage** of the affected lot, which in this case, is 6.07 metres.
- b) To permit a reduced setback of 0 metres for the terrace on the roof top deck, whereas the By-law states that terraces must be located a minimum of 1.5 metres in from any exterior wall of the building.
- c) To permit two open stairways to project to 0 metres from the corner side yard lot line (along Deschenes Street), whereas the By-law states that open stairways may project no closer than 0.6 metres to a lot line.
- d) To permit an increase in the building height to 8.5 metres, whereas the By-law permits a maximum building height of 8 metres.
- e) To permit an increase in the **total** area of the rooftop access to ~~16.5~~ **13.5** square metres, whereas the By-law permits a maximum rooftop access area of 10.5 square metres.
- f) ~~To permit the garage to be in line with the façade of the dwelling, whereas the By-law states that the garage must be set back further from the lot line than the wall of the associated principal dwelling.~~
- g) To permit an increase in the driveway width to 6 metres for a single traffic lane, whereas the By-law permits a maximum driveway width of 3 metres for a single traffic lane.

It should be noted that, for By-law purposes, the frontage on Pooler Avenue is deemed to be the front lot line for the property at 2216 Deschenes Street (Part 1).

A-00010: 71 Pooler Ave., Part 2 on the Draft 4R-Plan, other half of a proposed semi-detached dwelling

- h) To permit a reduced setback of 0 metres for the terrace on the roof top deck, (west side) whereas the By-law states that terraces must be located a minimum of 1.5 metres in from any exterior wall of the building.

- i) To permit an increase in the building height to 8.5 metres, whereas the By-law permits a maximum building height of 8 metres.
- j) To permit an increase in the total area of the rooftop access to ~~46.5~~ **13.5** square metres, whereas the By-law permits a maximum rooftop access area of 10.5 square metres.
- k) To permit a reduced lot area of 263 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- l) ~~To permit an increase in the driveway width to 4.1 metres for a single traffic lane, whereas the By-law permits a maximum driveway width of 3 metres for a single traffic lane.~~

The applications indicate that the Property is the subject of related current Consent Applications as noted above under the *Planning Act*.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. J-F. Jacques, Agent for the Owner, who provided the Committee with a full presentation including the plans and a three-dimensional rendering for the proposed semi-detached dwellings. Mr. Jacques elaborated on the rationale of this design, which includes well articulated façades facing Pooler Avenue and Deschenes Street and ensures privacy for adjacent property owners. He further noted that if both semi-detached dwellings were oriented towards Pooler Avenue, a larger building footprint could be established within the provisions of the Zoning By-law.

Mr. Jacques noted that, prior to the Hearing, revised plans had been filed with the Committee with changes to the proposed garage and roof top terrace entrances. These revisions resulted in the following amendments to the applications:

- e) To permit an increase in the **total** area of the rooftop access to ~~46.5~~ **13.5** square metres, whereas the By-law permits a maximum rooftop access area of 10.5 square metres.
- f) DELETE.
- j) To permit an increase in the total area of the rooftop access to ~~46.5~~ **13.5** square metres, whereas the By-law permits a maximum rooftop access area of 10.5 square metres.
- l) DELETE.

The applications were amended accordingly.

The Committee also heard from Mr. D. Black, of 2211 Deschenes Street and Mr. G. Grosvenor, of 75 Pooler Avenue, both of whom spoke in support of the applications.

Also in attendance was Ms. M. Atfield, of the City's Planning, Infrastructure and Economic Development Department (PIEDD). As noted in her written report on file, Ms. Atfield confirmed that the Department had no concerns with this proposal.

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

The Committee, having considered the evidence presented and reviewed the revised 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 neighbourhood context. In this regard, the Committee, while noting that the City's PIEDD had no concerns with the proposed development, and considering the favourable comments made by the adjacent property Owners at the Hearing, finds that the development proposed is appropriate and compatible with the fabric of the surrounding neighbourhood. The Committee agrees that the proposal will not have an unacceptable adverse impact on the adjacent properties, given the significant grade differential in the area, specifically noting that the subject property sits at the lowest point as compared to the immediate neighbours.

Based on the foregoing, and in further noting that the development is on a corner lot and located at the periphery of the neighbourhood where more intensive development may be acceptable, 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 and purpose of the Zoning By-law and the general intent and purpose of the Official Plan are maintained. These applications are therefore granted subject to the location and size of the proposed construction being in accordance with the revised plans filed and Committee of Adjustment date stamped May 13, 2019, as they relate to the variances sought.

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 **13th day of June, 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.

NOTICE TO APPLICANT/AVIS AU RÉQUÉRANT:

If your application has been approved, it should be noted that this Decision is not to be construed as satisfying all the requirements of Hydro Ottawa or the Building Code for the issuance of a building permit.

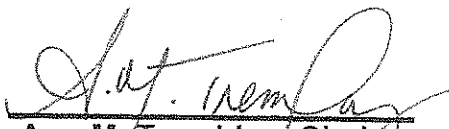
Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

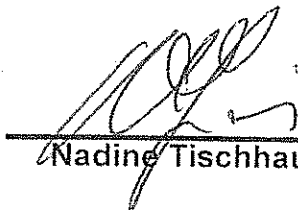
DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION


File No./Dossier n°: D08-02-19/A-00009 & D08-02-19/A-00010
Owner(s)/Propriétaire(s): LF6JF8PA2DL7 Ltd.
Location/Emplacement: 2216 Deschenes Street and (71) Pooler Street

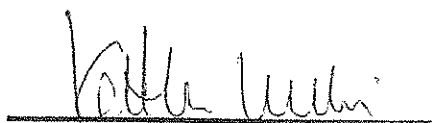
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

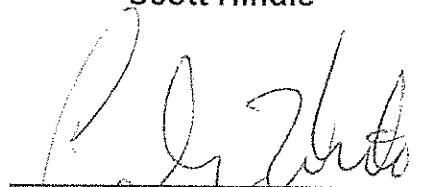
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.


Ann M. Tremblay Chair
Chair/ présidente


Nadine Tischhauser


Scott Hindle


Kathleen Willis

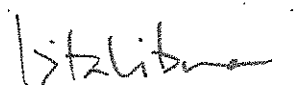

Colin White

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.

May 24, 2019

Date of Decision
Date de la décision


Krista Libman
Secretary-Treasurer/Secrétaire-trésorière