



**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*)

File No./Dossier n°: D08-01-19/B-00132
Owner(s)/Propriétaire(s): Hooman Sadat
Location/Emplacement: 487, (485) Hartleigh Avenue (Under Agreement of Purchase and Sale)
Ward/Quartier: 7 - Bay
**Legal Description/
Description officielle:** Lot 25 and Part of Lot 26, Registered Plan 324
Zoning/Zonage: R2F
Zoning By-law/Règlement: 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:

The Owner wants to demolish the existing dwelling and detached garage and to subdivide the property into two separate parcels of land. It is proposed to construct a two-storey detached dwelling on each of the newly created parcels.

CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUISE:

In order to do this, the Owners require the Consent of the Committee for a Conveyance.

The lands to be severed, shown as Part 1 on a Draft 4R-Plan filed with the application, will have frontage of 11.35 metres on Hartleigh Avenue, a depth of 30.48 metres and will contain an area of 347 square metres. This parcel will contain a proposed detached dwelling which will be known Municipally as 485 Hartleigh Avenue.

The lands to be retained, shown as Part 2 on the plan filed, will have frontage of 11.55 metres on Hartleigh Avenue, a depth of 30.48 metres and will contain an area of 347 square metres. This parcel will contain a proposed detached dwelling which will be known municipally as 487 Hartleigh Avenue.

Approval of this application will have the effect of creating two separate parcels of land. Neither parcel will be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-19/A-00104 & D08-02-19/A-00105) have been filed and will be heard concurrently with this application.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

Prior to the Hearing, the Committee received a request for adjournment from Mr. L. Ladell, representing the Woodpark Community Association. Mr. Ladell submitted a petition signed by 15 neighbouring property owners expressing their desire for additional time to organize a public consultation meeting with the applicant's Agent.

At the commencement of the Hearing, on the issue of the adjournment request, the Committee heard from Ms. J. Murray, Agent for the Owners, who appeared along with Mr. H. Sadat and Mr. A. Karimi-Shirazia, two of the Owners of the property. Mr. Ladell and Ms. R. Taylor-Sussex, of 483 Hartleigh Avenue, were also present to reiterate the request for additional time for consultation.

Ms. Murray explained that leaflets were delivered to the immediate neighbours which included her contact information should they wish to discuss the proposal in further detail. She noted that she also attended a Community Association meeting where she was presented with a number of concerns and that she had followed up with a written response providing some possible solutions. In Ms. Murray's opinion, the underlying concerns of the residents lay mainly with the overall design of the two detached dwellings, rather than with the merits of the applications before the Committee. In her opinion, additional time for consultation would not address these concerns. She was opposed to the request for adjournment.

Committee Member Ms. N. Tischhauser expressed her support for the requested adjournment; however, the Majority of the Committee agreed to proceed with the applications as scheduled. Member Tischhauser dissented with the Decision of the majority of the Members to proceed. The applications were stood down, to be recalled at a later time.

Upon recall, the Committee heard from Ms. Murray, who provided the Committee with a full presentation including contextual evidence demonstrating that there is a variety of lot sizes throughout this neighbourhood, including two lots of similar size as those being proposed, directly across the street at 480 and 482 Hartleigh Avenue. Ms. Murray drew the Committee's attention to the site's proximity to rapid transit and community amenities, and to its location just outside the boundary of a neighbouring R5 zone.

Also in attendance was Ms. M. Atfield, of the City's Planning, Infrastructure and Economic Development Department (PIEDD), who confirmed that the Department had no concerns with the proposal. She further confirmed that the requirements of the Streetscape Character Analysis had been satisfied.

The Committee heard presentations in opposition by the following:

- Mr. L. Ladell, Woodpark Community Association
- Ms. R. Taylor-Sussex, 483 Hartleigh Avenue
- Ms. J. Jiang, 495 Hartleigh Avenue
- Ms. A. Hutton, 486 Richardson Avenue
- Ms. L. Wrigley, 480 Richardson Avenue
- Ms. B. Meredith, 482 Richardson Avenue

The concerns raised by the presenters were numerous, and related solely to the concurrent applications for reduced lot widths and reduced lot areas.

The following residents were also in attendance, in opposition to the proposal:

- Mr. J. Staunton, 479 Richardson Avenue
- Ms. K. Camerson, 479 Richardson Avenue
- Mr. M. McManue, 480 Richardson Avenue
- Ms. S. Calvert, 484B Richardson Avenue
- Mr. T. Calvert, 484B Richardson Avenue
- Mr. A. Martin, 244 New Orchards Avenue

The Committee also heard from Mr. R. Lebreton, of 250 Harcourt Avenue, who expressed support of the applications, noting his opinion that the proposal for two detached dwellings was more fitting for the neighbourhood than alternative forms of development.

**DECISION AND REASONS OF THE COMMITTEE:
DÉCISION ET MOTIFS DU COMITÉ:**

**APPLICATIONS GRANTED
DEMANDE ACCORDÉE**

The Committee, having considered the evidence presented and 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 Owner(s) provide evidence that the accompanying Minor Variance Applications (D08-02-19/A-00104 to D08-02-19/A-00105) has been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide proof to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing dwelling has been removed, that the existing sewer

services are capped at the sewer and that the existing water service is blanked at the watermain.

3. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels can have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
4. That the Owner(s) shall 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 Engineering Technologist, has been submitted to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**.
5. That the Owner(s) provide evidence (payment receipt) to the Committee 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. Information regarding the appraisal process can be obtained by contacting the Planner.
6. That the Owner(s) 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 Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
7. That upon completion of the above conditions, and **within the one-year period outlined above**, the Owner(s) file with the Committee, the "electronic registration in preparation documents" for the Conveyance for which the Consent is required.

The Consent lapses one year from the date of this Decision.

All technical studies, including reports to demonstrate the adequacy of an aquifer, shall be submitted to Planning, Infrastructure and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

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 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:

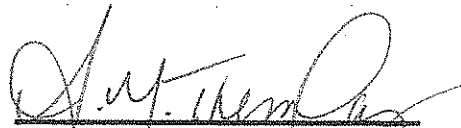
Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.


DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION


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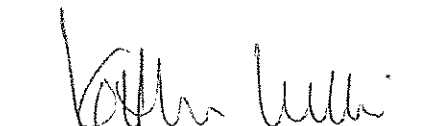
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.


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

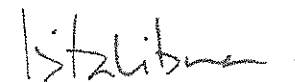

Colin White

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