



**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°: D08-01-18/B-00293 & D08-01-18/B-00361
Owner(s)/Propriétaire(s): Ted Lewandowski
Location/Emplacement: 84, 86, 88, 90 Doane Street
Ward/Quartier: 7 - Bay
**Legal Description/
Description officielle:** Part of Lots 10 and 11, Registered Plan 458
Zoning/Zonage: R3A
Zoning By-law/Règlement: 2008-250

Notice was given and a Public Hearing was held on April 17, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

At its Hearing on January 16, 2019 the Committee adjourned Consent Applications D08-01-18/B-00293 and D08-01-18/B-00361 sine die in order to allow the Owner time to address parking issues resulting from the proposed severances. The Owner has now filed Minor Variance Applications D08-02-18/A-00436 and D08-02-18/A-00437 and wants to proceed with his applications to subdivide the property into four separate parcels of land in order to establish separate ownerships for each unit of the existing four-unit townhouse dwelling.

CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUIRE:

In order to do this, the Owner requires the Consent of the Committee for Conveyances, Grants of Easement/Rights-of-Way. The property is shown as Parts 1 to 6 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00293	6.01 m	30.47 m	183.12 m2	2 & 5	86 Doane St., one unit

The lands to be retained, shown as Parts 1, 3, 4 and 6 on a Draft 4R-Plan filed with the applications, will have a frontage of 33.77 metres on Ahearn Avenue and combined frontages of 23.16 metres on Doane Street, an irregular depth and will contain a combined area of 895.65 square metres. These three parcels each contain one unit of the existing four-unit townhouse dwelling known municipally as 84, 88 and 90 Doane Street.

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00361	6.00	30.47 m	182.82 m2	3	88 Doane St., one unit

The lands to be retained, shown as Parts 1, 2, 4, 5 and 6 on a Draft 4R-Plan filed with the applications, will have a combined frontage of 25.1 metres on Doane Street, a depth of 30.47 metres and will contain a combined area of 895.95 square metres. These three parcels each contain one unit of the existing four-unit townhouse dwelling known municipally as 84, 86 and 90 Doane Street.

Approval of these applications will have the effect of creating four separate parcels of land. Two of the parcels will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-18/A-00436 & D08-02-18/A-00437) have been filed and will be heard concurrently with these applications.

It is proposed to grant an easement/right of way over Parts 5 and 6 in favour of Parts 1, 2 and 3 for access to rear yards.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. S. Murray, the solicitor for the Owner, who provided the Committee with a brief presentation. Also in attendance was Mr. T. Lewandowski, the Owner of the property.

Mr. M. Walker of the City's Planning, Infrastructure and Economic Development Department (PIEDD) also addressed the Committee, and confirmed that he had no concerns with the applications.

With reference to a condition requested by the PIEDD that would require proof of a complying parking space and driveway on Part 4 on the Draft 4R-Plan filed, Mr. Murray

requested that this requirement be imposed only in connection with Consent Application D08-01-18/B-00361 for the creation of Part 3, on the basis that it would be the completion of this conveyance that would have the effect of creating Part 4 as a standalone parcel.

Mr. Walker submitted that it would be the preference of PIEDD to have the condition applied to both applications, in order to ensure that the condition is satisfied and that a non-complying remnant parcel comprising both Part 3 and Part 4 is not inadvertently created, and to avoid the piecemeal severance of parcels generally. The Committee confirmed that the condition would be imposed in connection with the both applications, as recommended by PIEDD.

DECISION AND REASONS OF THE COMMITTEE:	APPLICATION GRANTED
DÉCISION ET MOTIFS DU COMITÉ:	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 (D08-02-18/A-00436 & D08-02-18/A-00437) have 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 each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
3. That the Owner(s) provide evidence 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 Part 4 has a parking space and driveway, built in accordance with the provisions of the Zoning By-law (2008-250).
4. 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.

5. 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 Conveyances and Grants of Easement/Rights-of-Way 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 **16th day of May, 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.

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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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Owner(s)/Propriétaire(s): Ted Lewandowski
Location/Emplacement: 84, 86, 88, 90 Doane 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
Vice-Chair/ vice-présidente


Nadine Tischhauser

ABSENT


Gino Nicolini


Guillaume Vincent

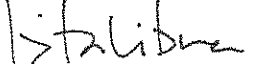

Pierre Maheu

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.

April 26, 2019

Date of Decision
Date de la décision


Krista Libman
Secretary-Treasurer/Secrétaire-trésorière