



**COMMITTEE OF ADJUSTMENT
FOR THE CITY OF 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°: D08-02-11/A-00286 & D08-02-11/A-00287

Owner/ Propriétaire: Surface Developments Ltd.
(Under Agreement of Purchase & Sale)

Agent/ Représentant : Brian Casagrande

Legal Description//Description officielle: Lot 7 & Part Lot 8, Reg. Plan No. 202464
Property Address/Adresse de la propriété : 211, (211A & 211B) Melrose Avenue

Zoning/Zonage: R1QQ
By-Law/Règlement: 2008-250

Ward/ Quartier: 15 - Kitchissippi
Former Municipality/Ancienne municipalité: Ottawa

Notice was given and a Public Hearing was held on Wednesday, September 21, 2011 as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owner has filed Consent Applications (D08-01-11/B-00345 & D08-01-11/B-00346) which, if approved, will have the effect of creating two parcels of land. Both parcels of land and the proposed development will not be in conformity with the requirements of the Zoning By-law. One parcel will contain the existing detached dwelling, and it is proposed to construct a 2-storey detached dwelling with a detached rear garage on the other parcel, as shown on plans filed with the Committee. The attached garage located on the north side of the existing dwelling is to be demolished.

RELIEF REQUIRED/DISPENSE REQUISE:

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

A-00286: 211A Melrose Ave. - Part 1 on the Draft 4R-Plan, proposed detached dwelling

- a) To permit a reduced lot width of 10.66 metres, whereas the By-law requires a minimum lot width of 12.0 metres.
- b) To permit a reduced lot area of 284.5 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
- c) To permit the fireplace to project 1.83 metres into the rear yard, whereas the By-law permits a projection of 1.0 metre.
- d) To permit a reduced southerly side yard setback of 0 metres for the detached garage, whereas the By-law requires a minimum side yard setback of 1.2 metres.
- e) To permit a reduced driveway width of 2.6 metres, whereas the By-law requires a minimum driveway width of 3.0 metres.

A-00287: 211B Melrose Ave. - Part 2 on the Draft 4R-Plan, existing detached dwelling

- f) To permit a reduced lot area of 325.6 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
- g) To permit a reduced northerly side yard setback of 0 metres, whereas the By-law requires a minimum side yard setback of 1.2 metres.
- h) To permit a reduced driveway width of 2.91 metres, whereas the By-law requires a minimum driveway width of 3.0 metres.

The applications indicate that the Property is the subject of the above mentioned Consent Applications which were heard concurrently with these applications.

At the Hearing, the Committee heard presentations by Mr. J. Ulak, the Owner of the property, and by Mr. B. Casagrande, Agent for the Owner. In addition, presentations were also made by Ms. P. Malikail of 42 Gwynne Avenue, Mr. V. Gilpin and Ms. S. Robinson-Gilpin of 217 Melrose Avenue, Mr. and Mrs. M. Hull of 213 Melrose Avenue, Ms. C. Daley of 33 Gwynne Avenue, Mr. D. McRae of 48 Gwynne Avenue, Mr. G. Feasby of 38 Gwynne Avenue and Ms. P. Crossman of 205 Melrose Avenue, all in opposition to the applications.

Mr. Casagrande indicated that variance e), with respect to a proposed reduced driveway width for the property identified as 211A Melrose Avenue, was no longer required.

The application was amended accordingly.

Mr. Ulak filed revised plans illustrating the relocation of specific windows, a revised building height to accommodate an increased roof pitch, as well as the enlargement of the principal window fronting on Melrose Avenue. Mr. Ulak confirmed that no additional variances were required as a result of the proposed revisions, and that the presently requested variances were otherwise unchanged.

The Committee notes that the objections raised by the area residents generally related to the importance of preserving the character of this mature neighbourhood, and more specifically the distinct character of Melrose Avenue, the proposal's offensive appearance in the context of the streetscape, the proposed lot widths, and the lack of consultation with the community. Concerns were also raised regarding the possible threat of a 'bait-and-switch' scenario in which the approved plans differ from what is ultimately constructed on the property.

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

**APPLICATIONS REFUSED
DEMANDES REJETÉE**

The Committee, in determining whether or not minor variances should be approved, must consider the “four tests” set out in Section 45(1) of the *Planning Act* and must have regard to the impact of the development on the existing fabric of the neighbourhood. Having considered the evidence presented and reviewed the plans, photographs and correspondence on file, the Majority of the Committee is of the opinion that the proposed development does not respect the predominant pattern of development in the surrounding area, particularly in terms of scale and massing. The Committee also has concerns with the proposed parking arrangement and the minimal provision for green space in the front yards. It is the view of the Committee that the shared rear parking option, which it heard was originally contemplated by the Owner, may have been a more favourable arrangement.

The Committee is also of the opinion that undersized lots do not preclude development, so long as the proposed development maintains the predominant character on the street. Although the Committee acknowledges the efforts made by the Owner to incorporate native architectural design characteristics, a Majority of the Committee is in agreement that the proposal, as presented, does not respect the rhythm of the street and represents over-development of the property. The Majority therefore determines that the variances sought are not desirable for the appropriate development or use of the land. These applications are dismissed.

The dissenting Members of the Committee are Mr. G. Lindsay and Mr. A. Bruni.

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

To appeal this Decision to the Ontario Municipal Board, a letter, outlining the reasons for appeal, must be filed with the Secretary-Treasurer of the Committee of Adjustment by the 20th day of October, 2011. The OMB has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. A cheque payable to the Ontario Minister of Finance must accompany the Notice of Appeal. If you have any questions about the appeal process, please contact the Committee of Adjustment office.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for Consent to the Ontario Municipal Board. 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.

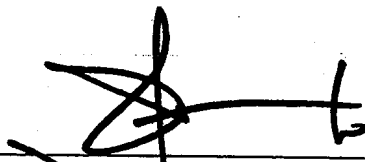
**DECISION SIGNATURE PAGE :
PAGE DE SIGNATURE DE LA DÉCISION :**

File No./Dossier n° : D08-02-11/A-00286 & D08-02-11/A-00287

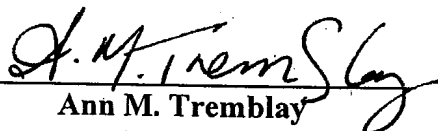
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**We, the undersigned, concur in the decision and reasons of the Committee of Adjustment./
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le
Comité de dérogation :**



John Naccarato
Vice-Chair/ Vice-Président



Ann M. Tremblay

(Dissented)

Grant Lindsay

(Dissented)

Anthony Bruni




John Blatherwick

**I, Heather Maclean, 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, Heather MacLean, 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.**

30/09/11
Date of Decision:
Date de la décision :



Heather MacLean
Secretary-Treasurer/Secrétaire-trésorière