

	OMB #	Issue Date	Address	Storeys	Decision	Heritage Related Comments
Within the Boundary						
A	PL090709 (see below)	Dec. 15, 2009	287 Lisgar Street	18	See below	<ul style="list-style-type: none"> The Claridge property currently has no height restrictions Mr. Marc confirmed the site is within a high profile area under the Centretown Plan, but not the Heritage District
A	PL090709	July 7, 2010	287 Lisgar Street	16	Permitted	<ul style="list-style-type: none"> The proposal has been revised to a 16-storey residential building (from 18) Council's refusal of the application was based on an "ongoing planning study" and suggested that approval for this site was premature. However, the City did not pass an interim control By-law ("ICB") to prohibit development while the study was being completed Ted Fobert (expert land use planner) stated that the subject property falls within the residential "high profile" area of the Centretown Secondary Plan, which includes buildings that are 10 or more storeys in height In addition to many meetings with City Staff, Claridge representatives also met with a Design Review Panel, and incorporated many of the recommendations provided by the Panel. Mr. Hardie (architect) explained that through the sculpting and tapering at the top of the building, that height alone should not be viewed as a deterrent to the proposal There are recently constructed buildings of some 15 to 17 storeys and an approved site of another Claridge development which is proposed to be 24 and 27 storeys. Like the subject property, both of these developments are in the high profile designation under the City's Secondary Plan for Centretown and both are located south Gloucester. If the City's primary concern were buildings beyond 12-storeys in the Centretown area, that has already occurred Mr. Smits appeared under summons. He stated that the Design Review Panel was satisfied for the most part. Their reservation dealt with the entrance podium and not the height of the building The City had at its discretion, the ability to use an ICB and chose not to do so. Therefore, the Board will not hold-up this proposal pending the completion of the Mid-Centre Plan The argument that proceeding with this development will somehow prejudice the Mid-Centre Plan cannot be seen as reasonable for two reasons: firstly, other developments greater than 12-storeys have already been built or approved (some with the support of the City) and secondly, in reviewing the ToR for the study, it is apparent that they contain the same framework against which the proposal has been assessed The appeal is allowed and the proposed draft zoning By-law is approved. Further, the appeal is allowed and the Site Planes with amended conditions are approved and determined
E	PL080119 (see below)	Jul. 21, 2008	330 Gilmour Street	9	See below	<ul style="list-style-type: none"> Ashcroft has a private appeal from the refusal to approve a 9 storey seniors building. Ashcroft, Schioler and Gladstone then appealed the City rezoning of the subject property at 7 storeys. Lastly, Ashcroft appealed refusal of the demolition of part of the current structure
X	PL080119 (see below)	Nov. 18, 2009	330 Gilmour Street	9	Permitted - See below	<ul style="list-style-type: none"> The earlier Board decision allowed the zoning and <i>Heritage Act</i> appeals in part and required the modification of plans before the Board There was now general agreement on the design modifications The Heritage Impact Statement is updated by reference to the new architectural drawings before the Board. The evidence is that the development has been improved and is now in the form of buildings that the architect and planner testify will be a design fit with the heritage buildings on the surrounding streets in particular Lewis Street and Centretown The Board is satisfied with the revised plans and amended site plan conditions and allows the <i>Heritage Act</i> appeal for the wing demolition and alteration of 330 Gilmour
E	PL080119	Dec. 17,	330	9	Permitted	<ul style="list-style-type: none"> In addition to the previous appeal (July 21, 2008), the permission to construct under the <i>Ontario Heritage</i>

	2008	Gilmour Street		<p>Act was requested, as well as the settlement of the site plan</p> <ul style="list-style-type: none"> • Ashcroft has revisited it's concept, reduced the number of unites and incorporated design provided by the Design Review Committee and process; however, Ashcroft states it cannot accommodate all of the necessary facilities associated with a seniors' use in 7 storeys • The position of residents as appellants, party and participants is that they oppose the demolition of the Beaux Arts structure and the more recent wing addition • The position of Ashcroft is that the Beaux Arts building will be renovated and retained but that they must demolish the more recent wing to facilitate redevelopment of the site • The position of the Local Architectural Conservation Advisory Committee (LACAC) was to refuse the application for demolition and new construction. The position of the Planning and Environment Committee was to refuse the applications but to permit 7 storeys • The Beaux Arts building was evaluated as a Category "2", under the Heritage Conservation District Study, while the additions were in Category "4". The study states that Category "4" buildings with respect to demolition would not require a LACAC review • During the rezoning process on the subject property, the zoning in By-law 93-98 has been "General Commercial Zone CG F (2.0)". The zoning has provided for a "Heritage Overlay". Any removal must result in a replacement of like size and material. Ashcroft argues that the vacant portion could, however, be developed on the basis of the "General Commercial" zoning • The City passed amending Zoning By-law 2008-13 in response to the application. The new zoning permits 7 storeys with required stepping back. The Schedule to the By-law states that the Heritage Overlay applies to the Beaux Arts structure and to the new 7 storey structure. The intent of the City is to lift the Overlay permitting the 7 storeys and then to reinstate it. This By-law was appealed by Appellants Ashcroft, Gladstone and Schioler and has not come into effect • Subsequently, the City passed the new Comprehensive Zoning By-law 2008-250. This zones the subject property "General Mixed Use Zone". The Overlay is similar in wording to that in Zoning By-law 93-98 in part. The effect of the change in wording is to suggest the possibility of some trade off in zoning in order to preserve the character of the heritage building • Ashcroft seeks a site-specific zoning amendment. The Ashcroft draft Zoning By-law proposes zoning "R5B Exception H (25.5) F (3.7)" • The City, as Ashcroft was calling its case, announced that it had settled with Ashcroft. The height of the new structure is to be further reduced from 25.5 to 22.8 metres. Since the residents did not agree with Council intention of 21.8 metres, the hearing proceeded • Issues raised by residents in opposition include (but are not limited to): <ul style="list-style-type: none"> ○ A resident states that it is bad planning for the City to depart from its own Heritage Overlay provisions and permit the construction of a 7 storey structure, instead of the 4 storey building as permitted by the Guidelines. The City, due to impact considerations of massing and height, opposed previous higher iterations of this proposal. 7 storeys and now, a modification at 22.8 metres is considered by the Board as appropriate ○ The Board finds that rezoning to 22.8 m through lifting the Heritage Overlay on the wing is appropriate and in terms of the settlement, represents good planning in the spirit of the Zoning By-law and the intention of the Heritage Overlay • The Board allows the Ashcroft appeal. The Ashcroft appeal together with the Gladstone and Schioler appeals are dismissed as per repealed Zoning By-law 2008-13. The <i>Heritage Act</i> appeals of Ashcroft are allowed but contingent on final site plans approval • Ashcroft and the City are required to revise the Cultural Impact Statement and Site Plans including elevations. The site plans and conditions are to be reviewed with the other parties and then submitted to the Board
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F	PL030336	Sept. 10, 2003	216 Cooper Street	4	Permitted	<ul style="list-style-type: none"> The property is in the Centretown area, within a Heritage District Property has located on it a 4-unit, 3.5-storey residential building, with parking on the eastern half. The proposal and plans to build a 4-storey 4-unit addition received approval from the Local Architectural Conservation Committee, Planning Committee and City Council under the <i>Ontario Heritage Act</i> Other <i>Planning Act</i> approvals are necessary. Site Plan Approval of the Building is required and yet to be applied for Three variances were applied for: <ul style="list-style-type: none"> a) To reduce the side yard requirement for the Heritage Overlay of the Zoning By-law b) To increase the height requirement for the same heritage overlay c) To reduce the zoning rear yard requirement The Committee of Adjustment approved of the application for the three variances. Three neighbours have appealed the Application and expressed in writing to the Committee of Adjustment their concerns with loss of privacy and light
I	PL070604	March 6, 2008	286 Kent Street	n/a	Unresolved	<ul style="list-style-type: none"> The Board directs the parties to provide the Board with written submissions on: <ul style="list-style-type: none"> a) Whether the <i>revised</i> proposal should be considered by the Board; and b) Whether the Applicant should be allowed to re-open his planning evidence
H	PL070604	May 28, 2008	286 Kent Street	n/a	Unresolved	<ul style="list-style-type: none"> This application was to rezone a property zoned residential, with a vacant building, and to waive on-site parking. The proposal was for conversion entirely to offices; but now the Applicant proposes a mix of offices and residential uses The building is one of what City planner Douglas James called “four sister buildings” on the City’s Heritage Reference List. The subject category is listed in “Category 1”, as “worthy of designation” The OP designates the neighbourhood as “General Urban Area”, targeted for both residential and non-residential uses. However, another recurring theme in other planning documents is for the underlying residential character of Centretown The other properties among the “four sisters” are mixed-use, with ground-floor commercial uses, and usually dwellings above. None of them now have offices The City is concerned about the possible erosion of the neighbourhood’s residential character (“office creep” argument) Kent Street is now designated as an arterial road in the City’s Official Plan (OP). The OP also treats Kent Street as a defining edge for Centretown Parking is an issue as the subject property has no on-site parking or loading area; <ul style="list-style-type: none"> a) The City’s planning documents allow cash-in-lieu arrangements b) The City exempts buildings, designated under the OHA, from its parking requirements. This proposal made no mention of any such prospective designation The Board has not yet been asked to rule on the <i>merits</i> of the proposal (in its original version, <i>or</i> as revised). For now, the only question before the Board is the procedural one of what to do next Matters might have been different if there had been (i) an indication of actual prejudice to the City’s position, or (b) any short comings in the City’s ability to respond in full, to the Applicant’s evidence (even if an adjournment becomes necessary, to reply to the unexpected), or (iii) any evidence of a colourable stratagem for the Applicant to “split” his case. However, there was no serious suggestion of bad faith, let alone evidence thereof The Board confirms that the City will continue to have the full right to <i>respond</i> to the Applicant’s position as revised

J	PL080590	Dec. 17, 2008	187 Metcalfe Street	27	Permitted	<ul style="list-style-type: none"> • In 2006, the Federal government issued an RFP, inviting bids from competing cities and calling for private sector participation for a future National Portrait Gallery. Claridge Homes Inc (the Applicant) was already preparing a rezoning application for a proposed complex in Centretown when it agreed to merge the Gallery concept with its proposed complex • The City fast-tracked the resulting application and Council adopted By-law 2008-146, setting out two scenarios; one if the proposal won the bid for the Gallery, the other if it did not • The Applicant considered the By-law height and setback too restrictive under both scenarios. It also considered the proposed uses too restrictive in the non-gallery scenario • The Federal Government later refused all bids, cancelling plans for the Gallery • At the hearing, the Applicant it dropped its proposal for any <i>new</i> uses, and instead suggested that the By-law should allow <i>both</i> the collection of non-residential uses foreseen in old By-law 93-98, and the public/cultural uses foreseen in the new site-specific By-law 2008-146 • Regarding density, it was clear that even if there had <i>never</i> been a Gallery proposal, City planning staff would have supported some upzoning there <i>anyway</i>. Mr. Smit (the City Planner) said the “ribbon” along the northern edge of Centretown provided “opportunities for redevelopment and intensification... I always felt that the FSI of 3.0 could be increased” • There was no evidence that the towers would even be visible from most of the Heritage District • The <i>City of Ottawa Act</i> refers to a Design Review Panel, that, upon review, called the project a “landmark” which was “compatible with existing adjacent structures” • The appeal is allowed in part, summarized as follows: <ul style="list-style-type: none"> ○ The City objected that the Applicant’s project did not represent enough “transition” with Centretown, based on the City’s aesthetic theory (called “cascading condition”). The City could show neither how its scenarios could be <i>viewed</i> from any actual vantage points in the area, nor how the Applicant’s “transition” would look <i>visibly</i> inferior. The Board finds no fault with the Applicant’s proposed height ○ The Board finds no fault with the City’s Metcalfe Street setback. It is visibly consistent with the character and sky views of Centretown, whereas the Applicant’s scenario would be more consistent with the Central Area, of which the site does <i>not</i> form a part ○ The Board was not shown why the previously permitted commercial uses (for the ground floor and basement) were removed. For that reason, they are largely reinstated. Conversely, the Board was not shown that the City had proper occasion to study their extension to the second floor; that extension is not approved at this time • The Board is prepared to proceed to the disposition below: <ul style="list-style-type: none"> ○ The appeal of the applicant against By-law 2008-146 is allowed in part: <ol style="list-style-type: none"> a) As previously stated by the Board, to add “museum” to permitted uses b) Revision of By-law 2008-146: to change the provisions for height from 24 and 20 storeys for the two towers, to 27 storeys; and to add to the list of uses all the uses allowed under Except 172 of the previous Bylaw 93-98 except for “fast food”
N	PL040023	June 14, 2004	225 MacLaren Street	n/a	Permitted	<ul style="list-style-type: none"> • The original application submitted by the Owners requested variances so as not to provide amenity area for the two additional residential units and to permit a reduced driveway width • The Owners and the City have reached an agreement that Owners will provide cash-in-lieu of the parking space • The change that has caused the most concern for all of the tenants is the removal of the storage lockers from the basement area • A storage locker does not constitute amenity space as defined in the Zoning By-law and therefore the loss of the storage locker will not result in any adverse impacts from a land use planning perspective

P	PL010774	Jan. 28, 2002	399 Elgin Street	n/a	Permitted with conditions	<ul style="list-style-type: none"> • There is an existing one storey commercial building containing two restaurant tenants, the Second Cup and Gusto Bistro • The property is presently subject to zoning designation CN F(2.0) H(18.3) under Zoning By-law 1998 and four variances were requested. <ul style="list-style-type: none"> a) To permit parking in the front yard (Elgin Street) whereas under the Heritage Overlay Provisions, "a parking lot is prohibited in a front yard and in a corner side yard in an area to which a Heritage Overlay applies" b) To permit a 0 metre setback for the proposed parking area and no landscaped area along Elgin Street c) To permit two parking spaces to have obstructed access d) To permit the outdoor patio at the northwest and southwest corners of the Property to be located a shorter distance than required from the boundary of the "R" (residential) zone • A settlement had been reached on variance (a) and variance (b) which included an agreed-upon landscaping plan. There was no settlement on requested variances (c) and (d) • The Board is satisfied that with proposed mitigation considerations designed specifically to respond to issues of noise that no unacceptable adverse impact will arise from the proposed patio location
Q	PL030297	Oct. 15, 2003	344 Kent Street	n/a	Permitted	<ul style="list-style-type: none"> • An application was made to the Committee of Adjustment on July 10, 2002 for the authorization of a variance to permit 100% of the building to be used as a rooming house • The appeal is made by Byron Holland: his general concerns are that the proposed 29 rooms is too high a density for the area • The policies in the Centretown Secondary Plan provide that the population of Centretown may increase by approximately 50% • The proposed development is desirable for the appropriate development and use of the building as it is located adjacent to an arterial roadway in a transitional area
R	PL080047	Jul. 3, 2008	246 Gilmour Street	4	Permitted	<ul style="list-style-type: none"> • Epcon applied to the Committee of Adjustment to construct a 4 storey residential building: <ul style="list-style-type: none"> a) Minor variance to the Heritage Overlay b) Minor variance to permit a reduced lot width and lot area • The former City heritage planner and now Committee of Adjustment planner, Carol Ruddy, testified as to the planning merits of the proposal • The local Architectural Conservation Advisory Committee, the Planning and Environment Committee and City Council have given their approvals to this proposal under the <i>Ontario Heritage Act</i> • There is a heritage overlay that requires any new structure mirror as far as possible the former structure. The new structure meets the intent of the heritage overlay in the testimony of the applicant's planner, Murray Chown, and statement of heritage buff David Gladstone • Through the <i>Heritage Act</i> considerations and the settlement conditions the Board finds the 3 variances to result in an appropriate and desirable form of development. The Board will impose the 5 conditions agreed to by the Parties
S	PL090804	Feb. 8, 2010	260 Nepean Street	n/a	Permitted	<ul style="list-style-type: none"> • The Appellant seeks to expand his restaurant into part of the second floor • A cash-in-lieu of parking application for required additional parking will be made to the City • Both Grant Lindsay, a former City of Ottawa senior planner, and Erin Topping, a current city planner with responsibility for Committee of Adjustment Applications, were supportive of the Appeal based upon the planning policy context of the Appeal • The Committee of Adjustment Decision sets out in its Denial the following reasons: <ol style="list-style-type: none"> 1. The Application is not in keeping with the zoning which limits accessory commercial uses to the ground floor 2. The reduction in the residential units from two to one will permit the restaurant to be the

						<p>predominant use of the property; and</p> <p>3. The Applicant did not provide evidence of similar second floor commercial developments and this Application would result in an inappropriate precedent</p> <ul style="list-style-type: none"> • The Committee reasoned that the four tests were not met. With respect, the Board disagrees • The site specific zoning specifically permits a restaurant to the ground floor or basement of a residential use building. The language in the exception is to additional permitted uses (not accessory uses). The Board prefers the interpretation of the two planners testifying • The Board notes that the building on the subject property is to be preserved with internal modifications only. The subject property is on the City of Ottawa's Heritage Reference list and this Application was forwarded to the Ottawa Local Architectural and Conservation Advisory Committee for review, which elicited no comment • To assure compatibility in impact, the Board will impose a condition that the Appellant has agreed to: The Appellant and successors in title shall provide for garbage collection twice weekly in the yearly period from April 1 to October 30 of each year
T	PL080982	March 24, 2009	453 Bank Street 343 McLeod Street	6-9	Motion to Adjourn is dismissed Appeal Withdrawn	<ul style="list-style-type: none"> • The Appellant has appealed the approval by the City of an application for a Zoning By-law Amendment to permit the construction of a six to nine storey residential/commercial building. He is concerned about the potential impact of the proposed building on his properties • The Appellant brought forward a Motion to Adjourn due to the ill health of his counsel • The Motion to Adjourn is dismissed • The hearing commenced and the discussions were occurring about outstanding issues • An understanding was reached among the parties and Appellant was withdrawing the appeal
V	PL060611	Oct. 18, 2006 Nov. 2, 2006	235 Kent Street	15 & 17	Permitted	<ul style="list-style-type: none"> • (Oct. 18: the Board Orders that the date for the hearing will not be adjourned) • The proposed development involved the construction of one 15-storey and one 17-storey tower with 50% open space • The variances requested: <ol style="list-style-type: none"> 1. To permit the deletion of a passenger drop-off space and a loading space 2. To permit an increase in building height 3. To reduce the side yard • Mr. John Smit, a qualified expert land use planner, gave evidence on behalf of the City of Ottawa. He was of the opinion that the proposal maintains the development intensity permitted by the current zoning to contribute to achieving the City's intensification objectives and to support achieving a balance of housing types in proximity to the downtown. The proposal is also in keeping with the neighbourhood concept for Centretown and effectively serves to provide a transition in building heights as is intended in the Centretown Secondary Plan • The intensity of the development is not being increased. However, shifting the allowed density by increasing building heights to 15 and 17 storeys to provide for a significant open space • Mr. Smit set out that the loading and passenger drop off variances would allow for an enhanced interface between the development and the public realm improving the pedestrian environment around the site and eliminates a potential source of conflict between vehicular and pedestrian traffic. He also explained that the City is looking to not carry forward loading and passenger drop off requirements in the new proposed zoning by-law • The Board accepts the uncontradicted expert planning opinion evidence of the architect and planners. The Board is also mindful that the appellant had not proffered any evidence to contradict what has been proposed. Accordingly, the appeal is dismissed and the variances are authorized as applied for at the Committee of Adjustment •

West of the Boundary

D	PL091042	March 1, 2010	253 Percy Street	n/a	Permitted with condition	<ul style="list-style-type: none"> • The Applicant is part owner of a lot in an older neighbourhood of the City. On the lot is a pair of semi-detached dwellings and a rear addition containing an apartment unit • Although the property is on the very edge of a residential zone, its zoning is Mixed Use, so the longstanding all-residential character makes it a legal non-conforming use • The Applicant proposes a severance. No variances were involved. His drafted application for severance produced an irregular configuration for parking, right-of-way, and lot layout. City planning staff did not object; irregular patterns sometimes occur in that neighbourhood • The Committee of Adjustment had concerns with (a) the irregular-shaped parcels, (b) the complicated right-of-way, and (c) the fact that the property had a non-conforming use • Prior to the hearing, the Applicant consulted a planning firm, which helped produce a revised proposal. The configuration was simplified, both in terms of lot layout and right-of-way • The Applicant's planner explained that these changes not only met COA concerns about more normal lot layout and right-of-way, but also produced intrinsically better arrangements for vehicle "navigability" on site. He did not believe that the COA's third concern about the non-conforming residential use was germane • The City's planner on file had no objection to the original proposal, but found the revised proposal better. She also agreed that the concern about the non-conforming residential use was not germane • The appeal is allowed and the provisional consent is to be given subject to the following Condition: that the Applicant provides proof, to the satisfaction of the Development Review – Urban Services Branch that each parcel has its own independent storm (if applicable), sanitary and water services connected directly to City Infrastructure
G	PL020387	Sept. 19, 2002	528 Gilmour Street	n/a	Permitted with conditions (the City won regarding its issue with parking)	<ul style="list-style-type: none"> • The only issue for the City is the manner in which parking should be accommodated • The appellants seek to sever their property, creating two lots. A triplex is proposed for the new parcel, with the existing home in its present form. For the existing property, the variances are: <ul style="list-style-type: none"> ○ Reduce lot width, rear yard, and east yard ○ Permit the eaves of the existing house to project ○ To permit front yard parking • Requested variances for the proposed property are: <ul style="list-style-type: none"> ○ The Heritage Overlay stipulates that the provisions of the underlying zone apply to a lot that was vacant prior to April 19, 1978 where a building is removed or destroyed. Since the vacant lot for the proposed triplex is being created at this time, a minor variance is required to change the effective date ○ Reduce driveway width and lot width and area • The City does not support a variance that would allow for front yard parking, however it does support the alternative proposal to provide off-site parking at the newly created lot • The appellants have proposed two different solutions to address the requirement to provide parking at the existing lot. The first proposal is for a variance from the By-law to permit front yard parking, a solution which is not supported by the City but preferred by the appellants. The second proposal is to provide off-site parking at the new site, which is acceptable to the City and preferred by some area residents. A variance for off-site parking was suggested by the appellants as a solution to this issue, however it is not their preferred solution • The City's planner explained that in his view front yard parking required more than a variance. His opinion was that the City's process requires an amendment to the By-law and while the evidence suggests that there is considerable front yard parking on Gilmour St., much of it is done on an illegal basis. The City allows for permit parking on the street and has a long standing policy which discourages front yard parking in the downtown core

						<ul style="list-style-type: none"> Based on the evidence and opinion of the planners, the Board finds that provisional consents to sever the lot into two parcels shall be given, with conditions: <ul style="list-style-type: none"> The development, including the arrangements for parking, must be in substantial compliance with the site plan and drawings appended as Attachment 2; and The right of way in favour of the existing lot for access to the underground parking garage at the new lot is granted, together with a grant of easement for an exclusive right to park in one of the 3 spaces at the new lot
L	PL001386	May 2, 2001	534 Bay Street	n/a	Permitted	<ul style="list-style-type: none"> Dr. Cameron seeks to create a solarium where a front deck was located and to enclose his front porch. Both fit into the former footprint with a slightly reduced floor area Since the deck and porch were not enclosed they were permitted to encroach into the required front yard pursuant to the Zoning By-law. With the enclosure of the former deck into a solarium, as well as a porch, a minor variance is necessary to reduce the front yard setback The City of Ottawa did not appear and no one testified in opposition. The Appellant in making the enclosures is not obstructing views and has attempted to inform his neighbours of his plans The Board will allow the appeals and authorize the variances. As a condition to both the Board requires conformity to the satisfaction of the City of Ottawa Chief Building Official of construction with the plan and endorsements on the plan
M	PL001386	May 2, 2001	534 Bay Street	n/a	Permitted	Same as "L" above
W	PL070541	Nov. 6, 2007	342 Nepean Street	n/a	Won (appeal dismissed)	<ul style="list-style-type: none"> Hurolac has a 20 year lease with Hydro (starting September 1995) for a portion of the Hydro Lands for the purpose of parking motor vehicles Prior to September 2002, Hurolac owned a semi-detached residence that is located immediately south of Hurolac Lands. At this date, the appellant purchased the land On October 26, 2006, the Appellant sent a letter to the president of Hurolac, outlining specifically the use of the Leased Lands for parking purposes. In his letter, the Appellant requested two parking spaces to be used exclusively by him and his neighbour. Alternatively, the Appellant advised that he would file a zoning complaint with the City to prohibit parking The Board finds the Appellant is not prepared with authentic planning reasons and cogent evidence for an appeal hearing. The Board finds that the main reason for the Appellant making a complaint to the City and appealing the Committee's decision is to try to get a parking space Mr. Casagrande (counsel for the applicant) demonstrated that the zoning of the Hydro Lands adds "Utility Installation" as a permitted use The Board finds that the Appellant's appeal is not based on genuine planning reasons. The appeal filed with the Board by the Appellant to appeal the Committee's decision to authorize the minor variances is dismissed without holding a hearing The Board also finds that the Appellant's conduct is vexatious and frivolous. The Board awards \$500.00 in costs against the Appellant
East of the Boundary, West of the Rideau Canal						
B	PL070905	June 26, 2008	40 Somerset Street W	4	Permitted with modified variances and conditions	<ul style="list-style-type: none"> The owners of the property applied to the Committee of Adjustment for the following variances to permit a new 4-storey, 9 unit Planned Unit Development apartment building on the south side of an existing 3-storey, 9 unit building: <ul style="list-style-type: none"> To reduce the rear yard setback, easterly side yard and corner side yard To reduce the minimum parking space width To reduce the landscape buffer strip in a yard abutting a street To reduce the lot area and the separation distance between the buildings Counsels on behalf of all parties have reached a settlement based upon modified plans and variances

						<p>and conditions</p> <ul style="list-style-type: none"> • Both consulting planner Murray Chown and City planner, Christa Burgess recommended the revised variances as good planning • These variances are now intended to be subject to 10 conditions. Those conditions reflect discussions on matters such as no balconies facing east, landscaping, fencing, access, garbage enclosure, the reduction of units in the existing building and snow storage • The Board will allow the appeal and will authorize the amended variances subjected to the imposition of the conditions set out
C	PL070234	Nov. 6, 2007	62 Waverley Street	n/a	Permitted with conditions	<ul style="list-style-type: none"> • The Applicant would like to subdivide his property into 2 separate parcels in order to construct 2 linked detached 3-storey dwellings; one on each of the newly created parcels • In order to proceed, the Applicant requires a consent for severance and minor variances for reduced lot sizes, reduced yard setbacks and reduced parking space dimensions • The Committee of Adjustment approved the Applicant's minor variance and consent application subject to the following condition: where no street tree exists, the Owner shall provide payment • The Appellant is an adjacent property owner • The City did not attend the hearing • Mr Chown (retained by the Applicant) testified that intensification and infill development is supported if it is in a manner that compliments and enhances the desirable characteristics and ensures the long-term viability of existing communities. He also testified that the proposed development would have minimal adverse impact regarding shadow impact on adjacent properties, including the Appellant's property • Mr. Smit, a senior planner with the City testified, under subpoena that the proposal was responsive to the official planning documents • It is the opinion of Mr. Wright (the planner retained by the Appellant) that there is no need to remove the existing dwelling and furthermore, it is his opinion that the proposed 3-storey dwelling is not sensitive to the context and character of the neighbourhood • It was Mr. Wright's opinion that the proposed development is not suited to accommodate family living and thus contrary to the Centretown Plan, also that the proposed development ignores the significance of amenity space in and around residential buildings • However, the Board notes that all neighbourhoods in Centretown will absorb some of the increase and will accommodate both family and non-family households • Mr. Smit disagrees that the proposal does not have enough amenity spaces • Mr. Wright testified that the amended variances would result in the Applicant's rear yard disappearing completely. It is his opinion that this amended variance is not minor • Both Mr. Chown and Mr. Smit testified that a complete elimination of a rear yard does not mean that it may not still be minor. The Board does not accept Mr. Wright's argument • The Board authorizes a provisional consent, subject to conditions
O	PL030989	Jan. 16, 2004	61 Waverley Street	n/a	Permitted	<ul style="list-style-type: none"> • The applicant/appellant has applied for two variances to permit an "as built" balcony and an "as built" deck on the subject property: <ul style="list-style-type: none"> ○ To permit the second floor balcony to project to the front lot line ○ To permit the ground floor deck to project to the front lot line • Ms. Wretham, a qualified land use planner, stated without contradiction, that the general intent and purpose of the Official Plan would be maintained with both of the proposed variances. The proposed variances would have no impact on the neighbours or the streetscape • The City of Ottawa did not appear as a party before the Board • Mr Sayah, a planner for the City of Ottawa, testified under subpoena for the appellant and advised the

						<p>Board that there were no objections to either one of the proposed variances</p> <ul style="list-style-type: none"> The Board finds that both variances maintain the general intent and purpose of the OP. The ground floor deck is completely hidden from view by the solid fence which is permitted. A shortened deck behind the wall would present a potential safety hazard. The balcony extends the outdoor amenity space in keeping with other properties in the neighbourhood
East of the Boundary, East of the Rideau Canal						
U	PL090777	Jan. 26, 2010	287 Somerset Street E	2 (addition)	Permitted with condition	<ul style="list-style-type: none"> The appellants are the owner/operators of a restaurant and convenience store at this location and now propose to construct a two-storey, two-unit residential addition They require authorization of the following minor variances: <ul style="list-style-type: none"> To reduce the lot width, front yard, westerly side yard and lot area Mr. Daigle presented a list of 5 property owners who are opposed to the proposed development. Their concerns include inadequate parking facilities, increased noise and traffic, non-compliance with several City of Ottawa Urban Design Guidelines, reduced sunlight onto abutting properties and inadequate landscaping of the property Mr. Casagrande, a professional planner appearing for the Appellant, said the development brings the site more into conformity with the OP designation and supports the Sand Hill Secondary Plan policies regarding preserving the residential character After consultation with the City's urban designer, who recommended only slight design alterations, the appropriate changes have been made to the building design The addition will be constructed such that the existing solid brick wall on the west side of the current structure will be extended along the second and third storeys in order to eliminate privacy, overview and noise impacts to the abutting property owned by Mr. Daigle Ms Erin Topping is the municipal planner who reviewed the subject application. She testified that she concurs with the planning evidence and professional opinion of Mr. Casagrande The Board orders that the appeal is allowed and the variances are authorized, subject to the condition that the building is constructed substantially in accordance with the design drawing submitted at the time of the Board hearing