

**File No.:** D08-02-21/A-00300  
**Owner(s):** Kaylie Chamberlin  
**Location:** 301 Zephyr Avenue  
**Ward:** 7-Bay  
**Legal Description:** Lot 31 & Part of Lot 28, Reg. Plan 229  
**Zoning:** R2F  
**Zoning By-law:** 2008-250

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Notice was given and a Public Hearing was held on **November 17, 2021**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

The Owner wants to regularize the location of an existing secondary dwelling unit within the rear portion of her two-storey duplex dwelling, as shown on plans on file with the Committee.

**RELIEF REQUIRED:**

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a secondary dwelling unit to be located outside of the basement of a duplex dwelling, whereas the By-law permits a secondary dwelling unit in a duplex dwelling provided it is located in the basement.

The Application indicates that the Property is not the subject of any other current application under the *Planning Act*.

Edwards of 307 Zephyr Avenue, both in opposition to the application. The objections raised by area residents were also outlined in detail in written correspondence on file. In summary, these objections included a lack of consultation undertaken by the Owner, the impact of the additional unit in terms of parking, traffic and noise, and the possibility that it could be used as a short-term rental space in the future. Concerns were also raised regarding *Ontario Building Code* compliance and the process by which a secondary dwelling unit was recently constructed that does not comply with applicable zoning standards.

Christina Culley of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance.

#### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

The Committee considered any written and oral submissions relating to the application in making its Decision, including letters of opposition filed by area residents.

The Committee notes that the PIEDD report raises "no concerns" with the application, highlighting that "the secondary dwelling unit is located on the same lot and contained within the same building as the principal dwelling units [... and] is also not greater in size than an amount equal to 40 percent of the gross floor area of either principal dwelling unit. These conditions would indicate this unit is subsidiary to the principal dwelling units and is not a principal dwelling unit." The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

The Committee also notes that the Provincial Policy Statement and the City's Official Plan encourage a range of housing options in urban areas, including secondary dwelling units. It is also acknowledged that secondary dwelling units within duplex

variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance, **subject to** the relief applying to the existing building known municipally as 301 Zephyr Avenue and being restricted to the life of this building only.

### **NOTICE OF RIGHT TO APPEAL:**

To appeal this decision to the Ontario Land Tribunal (OLT), 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 **December 16, 2021**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 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](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. 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.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

***“Ann M. Tremblay”***

**ANN M. TREMBLAY  
CHAIR / PRÉSIDENTE**

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***“Kathleen Willis”***

**KATHLEEN WILLIS  
MEMBER / MEMBRE**

***“Scott Hindle”***

**SCOTT HINDLE  
MEMBER / MEMBRE**

***“Colin White”***

**COLIN WHITE  
MEMBER / MEMBRE**

***Absent / Absente***

**JULIA MARKOVICH  
MEMBER / MEMBRE**

I, Michel Bellemare, 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, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la