



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.: D08-02-22/A-00191
Owner(s): Jeremy Silburt and Jessica Silburt
Location: 527 Chapel Street
Ward: 12-Rideau-Vanier
Legal Description: Lot 41, Registered Plan 33878
Zoning: R4-UB (480)
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **August 3, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a new detached dwelling **with a secondary dwelling unit contained in the basement** on the property, as shown **on the** plans filed with the Committee. The existing dwelling will be demolished.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for the following Minor Variances from the Zoning By-law:

- a) To permit a reduced front yard setback of 2.25 metres, whereas the By-laws requires a front yard setback of 4.36 metres (the average of the adjacent property front yard setbacks).
- b) To permit an increased building height of 10.8 metres, whereas the By-law permits a maximum building height of 10.0 metres

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

PUBLIC HEARING:

The Panel Chair administered an oath to Jeremy Silburt, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Jessica Silburt, the other Owner of the property.

The Committee noted that the Purpose of the Application should be amended to read as follows:

The owner(s) want to construct a new detached dwelling **with a secondary dwelling unit contained in the basement** on the property, as shown as on the plans filed with the Committee of Adjustment. The existing dwelling is proposed to be demolished.

With the concurrence of Mr. Silburt, the application was amended accordingly.

In response to questions from the Committee, Mr. Silburt confirmed that the existing parking situation with the shared semi-detached garage located at the rear will remain and be maintained by himself and the abutting neighbour who owns the other half of the garage. Mr. Silburt also confirmed that area residents were consulted and, as a result, the proposal was modified to address the concerns, which included removing the rear deck to minimize the impact on the Critical Root Zone. Also, the third floor was pushed back in order to minimize the overall building height, and the front porch was redesigned to add soft landscaping. In addition, Mr. Silburt stated that 11 metres used to be the maximum building height for single detached dwellings, duplexes, triplexes and low-rise apartments 11 metres, however two years ago that zoning requirement was amended to 10 metres. Mr. Silburt highlighted that the proposed development would be lower than the duplex dwelling at 525 Chapel Street, which is 11 metres in height and was constructed prior to the amendment.

The Committee heard from Nicole Girard, of 529 Chapel Street, who expressed concerns that include tree protection and impact on the Critical Root Zone, overdevelopment of the property, and the negative impact on the abutting neighbours because of the increased building height.

Also in attendance was Siobhan Kelly, of the City's Planning, Real Estate and Economic Development Department (PRED). In response to questions from the Committee, she confirmed that the rear yard setback of 9.39 metres provided exceeds the minimum requirement under the Zoning By-law of 9.15 metres. Also, the minimum rear yard area required is 67.5 square metres and the provided rear yard area is 83.1 square metres. Ms. Kelly advised that other types of housing, including stacked townhouses and low-rise apartments would have a maximum height of 11 metres, and all other forms of housing would be 10 metres (detached, semi-detached, long semi-duplex). She also confirmed that the intent of the new 10-metre height maximum is to limit the height of detached dwellings.

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 correspondence submitted by area residents.

The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the front yard setback is comparable to existing front yard setbacks and will not have a negative impact on the established streetscape on Chapel Street." With respect to the increase in building height, the report also highlights that, "the detached dwelling conforms with the side yard setback requirements, providing separation from the adjacent two-storey dwelling to minimize potential privacy concerns. [...] As proposed, the third storey of the dwelling is slightly stepped back from the second storey to reduce the visual impact of the third storey from the street."

The Committee also notes that no cogent evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood. In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the surrounding area. Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped July 29, 2022, and the elevations filed, Committee of Adjustment date stamped June 30, 2022, as they relate to the requested variances.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **September 1, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier 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 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. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. 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 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.

Please note that there are no provisions for the Committee of Adjustment or the OLT to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

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

File No. / Dossier n°: D08-02-22/A-00191
Owner(s) / Propriétaire(s): Jeremy and Jessica Silburt
Location / Emplacement: 527 Chapel Street

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

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

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

Absent / Absente

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

Date of Decision / Date de la décision
August 12, 2022 / 12 août 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier