



**MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 48 Ryeburn Drive  
Legal Description: Lot 19, Registered Plan 657  
File No.: D08-02-22/A-00136  
Report Date: August 25, 2023  
Hearing Date: September 5, 2023  
Planner: Cass Schlauzero  
Official Plan Designation: Suburban (Southwest) Transect, Neighbourhood  
Zoning: R1AA

**Committee of Adjustment**  
Received | Reçu le  
**Revised | Modifié le : 2023-08-30**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

**DISCUSSION AND RATIONALE**

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

The existing carport already enjoys a legal non-complying right to reduced interior side and front yard setbacks. The application will regularize the legal non-complying front yard setback of 3.5 metres and the proposed attached garage will be built to this setback. The southerly interior side yard setback is legally non-complying at approximately 1.09 metres measured from the interior side lot line to the southwest corner of the existing carport. The requested variance to further reduce the interior side yard setback by 0.18 metres is minimal and still provides sufficient width to access the rear yard, in addition to the additional access via the generous northerly interior side yard.

**ADDITIONAL COMMENTS**

At its hearing on October 19, 2022, the Committee adjourned the application per the staff recommendation, based on former Official Plan policy 4.6.3 (1), which required that a Cultural Heritage Impact Statement (CHIS) accompany any development application

under the *Planning Act* for a property within 30 metres of the Rideau Canal UNESCO World Heritage Site and its landscaped buffer in the urban area.

On November 4, 2022, the Ministry of Municipal Affairs and Housing approved the City of Ottawa's new Official Plan, which includes revised policy related to the CHIS requirement. Per policy 4.5.2 (2), a CHIS is only required if a proposed development within 30 metres of a protected heritage property has potential to adversely impact a heritage resource. Heritage Planning Branch staff subsequently determined that a CHIS was not required for the above minor variance application.

### **Planning Forestry**

There is one protected tree adjacent to the proposed garage construction. A Tree Information Report (TIR) was prepared showing a retention plan for this tree (Tree 1). The guidance on excavating within the critical root zone of the protected tree in the TIR must be followed. Tree Protection Fencing must be installed to the City of Ottawa tree protection specification standards as referenced in the TIR. The adjacently-owned cedar hedge must also be protected throughout construction. Impact to the hedge is a civil matter as it is less than 50 centimetres in diameter.

The property owner is strongly encouraged to apply to the City's free tree planting program, Trees in Trust. Once a property owner voluntarily applies to the program and the property is deemed suitable, the City will plant a tree in the right of way of the property. The tree will then be maintained by the City. The property owner is asked to water the tree in its first few years of life to help it establish. The application form for this program can be found here: <https://ottawa.ca/en/living-ottawa/environment-conservation-and-climate/public-spaces-and-environmental-programs/tree-planting/trees-trust>



---

Cass Scлаuzero  
Planner I, Development Review, East  
Planning, Real Estate and Economic  
Development Department



---

Mélanie Gervais  
Planner III, Development Review, South  
Planning, Real Estate and Economic  
Development Department