

2023-10-12



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 598 Kirkwood Avenue
Legal Description: Part of Lot 15, Registered Plan 152
File No.: D08-02-23/A-000164
Report Date: October 12, 2023
Hearing Date: October 18, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Overlay, Evolving Neighbourhood Overlay, Minor-Corridor designation.
Zoning: R4UC (Residential fourth density, subzone UC)

DEPARTMENT COMMENTS

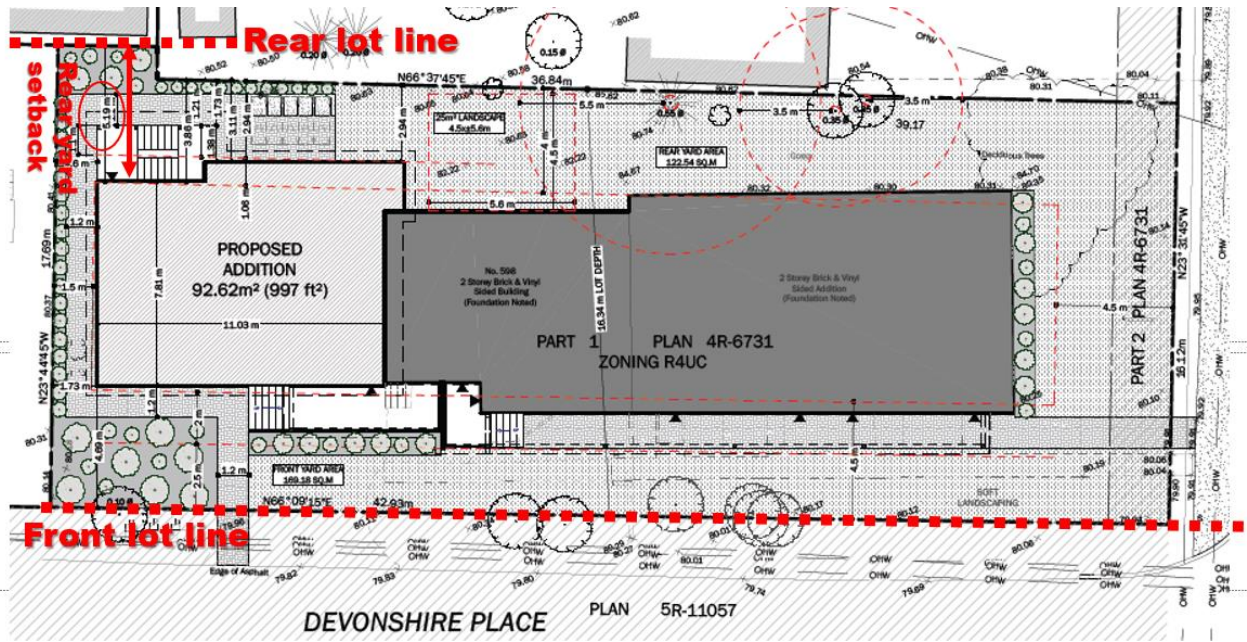
The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

The Committee of Adjustment at its hearing on August 2, 2023, adjourned this application sine die to allow the Applicant time to consult with area residents. The Applicant has submitted revised material and wishes to proceed with the application.

The Department has noticed that the new submitted design comply with the rear yard setbacks required by the Zoning By-law and no minor variance is required. The agent did not submit the new design to the Planning Department for review prior to resubmission. Staff communicated with the agent to explain that the rear lot line was miss interpreted by their side.

Section 54 states the definition of a rear lot line as follows: “**rear lot line** which means the lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line.” That being said, the rear lot line is the shortest line in the rear of the property (shown in the diagram below).



Section 54 states the definition of a rear yard setback as follows, “**rear yard setback** which means the shortest distance between the **rear lot line** and the nearest point of the **principal building**, not including a projection permitted under Section 65.”

Therefore, the proposed design is complying with the Zoning By-law and no minor variance is required for the rear yard setback.

Basma Alkhatib

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