

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

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

Site Address: 1943 Fairbanks Avenue  
Legal Description: Lot 28, Registered Plan 626  
File No.: D08-02-24/A-00019  
Report Date: February 29, 2024  
Hearing Date: March 5, 2024  
Planner: Siobhan Kelly  
Official Plan Designation: Outer Urban Transect, Neighbourhood  
Zoning: Residential First Density, Subzone GG (R1GG)

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** the application. Staff note that the public notice should be revised accordingly:

The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced rear yard setback of 7.9 metres or 21.6% of the lot depth and **a reduced rear yard area of 149 square metres**, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or in this case 10.96 metres, **and a rear yard area that equates to 25% of the lot area.**

**DISCUSSION AND RATIONALE**

The Official Plan designates the subject property Neighbourhood in the Outer Urban Transect. In this designation, the Official Plan contemplates developments that feature a mix of urban and suburban built form characteristics, including moderate yard setbacks focused on soft landscaping. The property is also subject to the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan and is designated Neighbourhood. The Secondary Plan prioritizes tree retention and identifies trees located in front and rear yards as being "a key part of the essential character of the neighbourhood". While there are no trees located in the rear yard, adequate space remains available to accommodate future trees and vegetative planting.

The property is zoned Residential First Density Subzone GG (R1GG). As proposed, the applicant is seeking a minor variance to permit a reduced rear yard setback of 7.9 metres and rear yard area of 149 square metres to accommodate a one-storey addition to the existing detached dwelling. The intent of the provision is to provide amenity space and soft landscaping on site and appropriate separation from adjacent properties. As proposed, staff is satisfied that the minor variance maintains the intent of the Zoning By-law. Based on a review of available aerial imagery for Fairbanks Avenue, it is apparent that existing properties feature moderate to generous rear yard setbacks ranging between approximately 6.9 metres to 30.75 metres. The requested relief is comparable to existing development in the area and will not result in adverse impacts.

Staff are satisfied that the proposed minor variance meets the four tests outlined in Section 45(1) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

There are no tree-related impacts associated with the requested minor variance. Forestry Planning staff recommend that the owner(s) consider planting trees in the rear yard following construction to enhance the property and contribute towards the City's 40% canopy goal, as per the Official Plan's policies.

Staff also note that the owner(s) must protect the existing trees in the front yard during construction by implementing the City's Tree Protection Specifications. The Specifications are available at the following link:

[https://documents.ottawa.ca/sites/documents/files/tree\\_protection\\_specification\\_en.pdf](https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf)



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