



**COMMITTEE OF ADJUSTMENT  
OF THE CITY OF OTTAWA**

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

**File Nos.:** D08-02-22/A-00217 to D08-02-22/A-00219  
**Owner(s):** David Glen McCabe and Alexandra Debra Da Costa  
**Location:** 305 Currell Avenue ( 686 & 688 Irene Crescent)  
**Ward:** 15 - Kitchissippi  
**Legal Description:** Part Lot 31, Registered Plan 282  
**Zoning:** R4UA  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **September 21 and October 5, 2022**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

The Owner has filed Consent Applications (D08-01-22/B-00227 to D08-01-22/B-00229) which, if approved, will have the effect of creating three separate parcels of land. It is proposed to create three new townhouse dwelling units. The existing dwelling is to remain as one townhouse unit. The proposed parcels and development will not be in conformity with the requirements of the Zoning By-law.

**RELIEF REQUIRED:**

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

**A-00217 305 Currell Avenue, Parts 1, 4 & 5, existing dwelling to be one townhouse unit.**

- a) To permit a reduced ~~corner-side~~ **front** yard setback of ~~4.87~~ **2.47** metres, whereas the By-Law requires a ~~corner-side~~ **front** yard setback of 3.5 metres.
- b) To permit a reduced interior yard 3.9 metres and 1.9 metres, whereas the By-law states that an interior yard must be provided, and created by extending a parallel line from the minimum required rear yard setback of the abutting lot, across the longest shared common lot line, into the affected lot for a distance from that

File No.: D08-02-22/A-00217 & D08-02-22/A-00218 & D08-02-22/A-00219

shared lot line equal to the affected lot's actual lot width, 30%, in this case 8.74 metres, after which the rear yard may be reduced to 1.2 metres.

**A-00218 688 Irene Crescent, Parts 2 & 6, proposed townhouse unit.**

- c) To permit a reduced ~~corner side~~ **front** yard setback of 1.87 metres, whereas the By-law requires a corner side yard setback of 3.5 metres.
- d) To permit reduced lot area of 98.6 square metres, whereas By-law requires 135 square metres lot area.
- e) To permit a reduced interior yard 3.9 metres and 1.9 metres, whereas the By-law states that an interior yard must be provided, and created by extending a parallel line from the minimum required rear yard setback of the abutting lot, across the longest shared common lot line, into the affected lot for a distance from that shared lot line equal to the affected lot's actual lot width, 30%, in this case 8.74 metres, after which the rear yard may be reduced to 1.2 metres.

**A-00219 686 Irene Crescent, Parts 3 & 7, proposed townhouse unit.**

- f) To permit a reduced ~~corner side~~ **front** yard setback of 1.87 metres whereas the By-law requires a ~~corner side~~ **front** yard setback of 4.5 metres.
- g) To permit a reduced interior yard 3.9 metres and 1.9 metres, whereas the By-law states that an interior yard must be provided, and created by extending a parallel line from the minimum required rear yard setback of the abutting lot, across the longest shared common lot line, into the affected lot for a distance from that shared lot line equal to the affected lot's actual lot width, 30%, in this case 8.74 metres, after which the rear yard may be reduced to 1.2 metres.
- h) To permit a non-accessory use for a proposed parking space to be located on Part 7 for the benefit of Parts 2 and 6, whereas the By-law requires that an accessory use is permitted in any zone only when it is on the same lot as the principal use to which it is accessory and exists to aid the principal use.
- i) To permit two parking spaces to be located in a **front or** corner side yard whereas the By-law does not permit parking spaces to be located in the **front or** corner side yard.
- j) To permit a double wide driveway on a lot with a width of 11.66 metres whereas the By-law does not permit a double wide driveway on a lot with a width of less than 15 metres.

**PUBLIC HEARING:**

Prior to the Hearing on September 21, 2022, the Committee received an adjournment request from Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department (PRED), to allow for additional time for the parties to discuss servicing corridors. At the Hearing, the Committee heard from James Colizza, Agent for the Applicants, who was in agreement with the adjournment requested by the City Planner. With the concurrence of all parties the application was adjourned to the Hearing scheduled for October 5, 2022.

At the renewed Hearing on October 5, 2022, the Panel Chair administered an oath to Mr. Colizza, who confirmed that the statutory notice posting requirements were satisfied. Mr. Colizza provided the Committee with a full presentation.

The Committee noted that requested variances as set out in the notice should be amended in accordance with the City's Planning report on file, as follows:

- a) To permit a reduced ~~corner side~~ **front** yard setback of ~~4.87~~ **2.47** metres, whereas the By-Law requires a ~~corner side~~ **front** yard setback of 3.5 metres.
- c) To permit a reduced ~~corner side~~ **front** yard setback of 1.87 metres, whereas the By-law requires a corner side yard setback of 3.5 metres.
- f) To permit a reduced ~~corner side~~ **front** yard setback of 1.87 metres whereas the By-law requires a ~~corner side~~ **front** yard setback of 4.5 metres.
- i) To permit two parking spaces to be located in a **front or** corner side yard whereas the By-law does not permit parking spaces to be located in the **front or** corner side yard.

With Mr. Colizza in agreement, the applications were amended accordingly.

The Committee heard from Mr. Hamilton who confirmed that the servicing corridor had been clarified and the department had no further concerns with the applications. Mr. Hamilton further explained that the severance would create two new front lot lines for the interior units of the townhouse dwelling but the change would not result in any change in the performance standards.

The Committee also heard from Heather Mitchel, of the Westboro Community Association, who stated that the association was in support of the applications.

Also in attendance was Nancy Young, Infill Forester, who requested that any approval made by the Committee be tied to the revised site plan, which had been revised to shift the walkway and driveway out of the Critical Root Zones of the retained trees to allow for better protection.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED  
AS AMENDED**

The Committee considered any written and oral submissions relating to the applications in making its Decision.

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" with the application, highlighting that: "Staff have no concerns with the proposed variances and are of the opinion that the development meets the intent of the Official Plan(s) with respect to residential intensification as well as the intent of the Zoning By-law."

Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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 and contributes new infill development within the General Urban Area located close to range of community services and amenities. 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 that is compatible with the area. Moreover, the Committee finds that the requested variances 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 October 6, 2022, and the elevation plans filed, Committee of Adjustment date stamped September 9, 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 **November 3, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

File No.: D08-02-22/A-00217 & D08-02-22/A-00218 & D08-02-22/A-00219

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. 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](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.

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.

File No.: D08-02-22/A-00217 & D08-02-22/A-00218 & D08-02-22/A-00219

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

**File No. / Dossier n°:** D08-02-22/A-00217 to D08-02-22/A-00219  
**Owner(s) / Propriétaire(s):** David Glen McCabe and Alexandra Debra Da Costa  
**Location / Emplacement:** 305 Currell Avenue ( 686 & 688 Irene crescent)

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.

***“John Blatherwick”***

**JOHN BLATHERWICK  
VICE-CHAIR / VICE-PRÉSIDENT**

Absent / Absent

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

***“Michael Wildman”***

**MICHAEL WILDMAN  
MEMBER / MEMBRE**

***“Colin White”***

**COLIN WHITE  
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON  
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  
October 14, 2022 / 14 octobre 2022**

**Michel Bellemare  
Secretary-Treasurer / Secrétaire-trésorier**