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October 17th, 2024

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Ottawa, ON, K2G 5K7

Committee of Adjustment
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2024-10-21

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary - Treasurer
Reference: 1618 Botsford Street
Application for Minor Variance
Our File No 123113

Dear Mr. Bellemare,

Novatech has been retained by the owner of the property municipally known as 1618 Botsford Street (the "Subject Site") to prepare and file an application for Minor Variances related to the existing accessory structures on the Subject Site. A minor variance application to permit a home-based business to occupy 34% of the gross floor area of the principal dwelling unit was approved by the Ontario Land Tribunal on July 10th, 2024.

This letter describes the existing conditions of the site and its surrounding context, the proposed development, and the rationale in support of the application.

Figure 1: Location of the Subject Site. (Source: GeoOttawa).



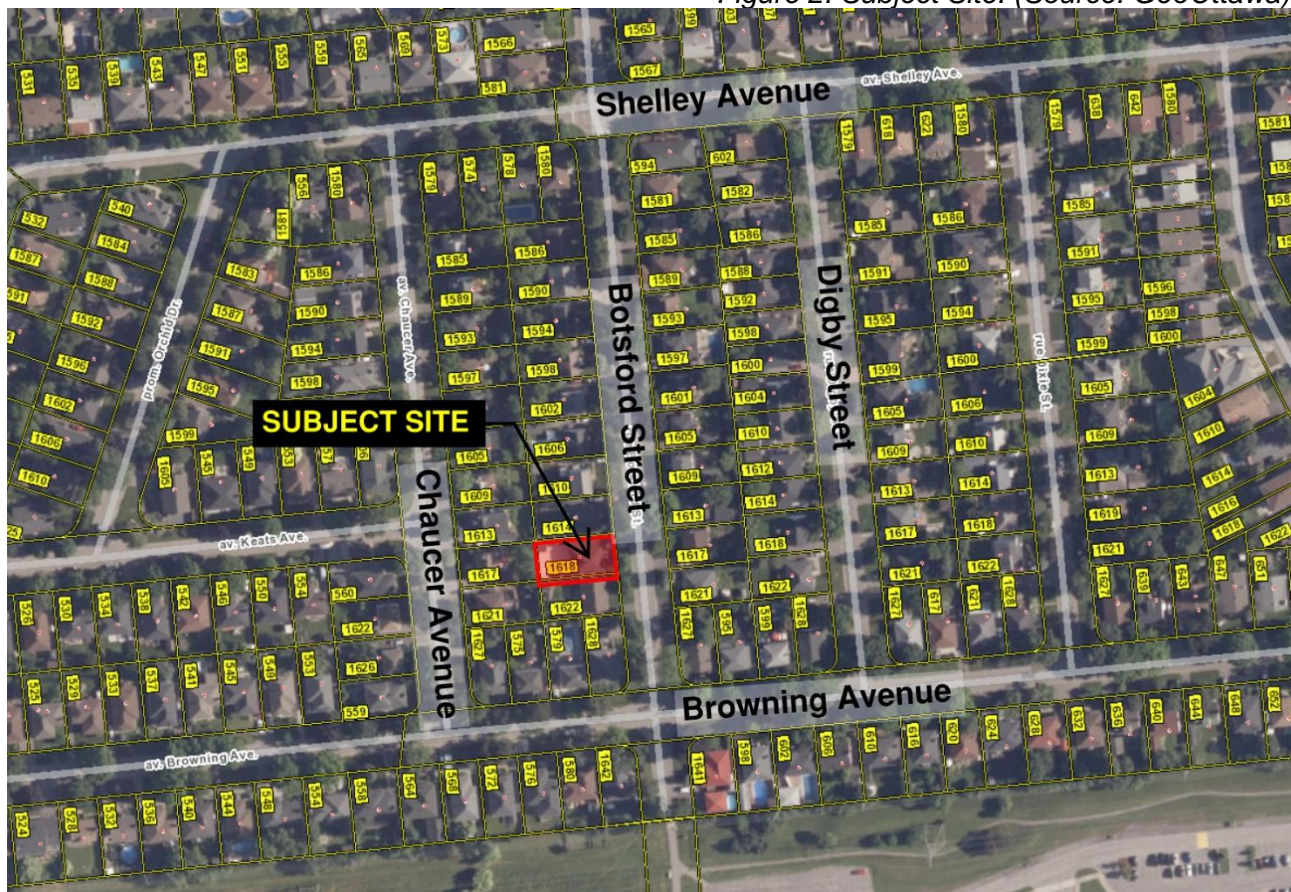
Site and Context

Site

The Subject Site is located in the Elmvale-Canterbury neighbourhood within the City of Ottawa’s Alta Vista Ward (Figure 1). The property is an interior lot located on the west side of Botsford Street. The Subject Site is in an area that is bounded by Shelley Avenue to the north, Browning Avenue to the south, Chaucer Avenue to the west, and Digby Street to the east (Figure 2). The property has a frontage of 15.24 metres along Botsford Street, a lot depth of 30.485 metres, and a lot area of 464.47 square metres.

The Subject Site is legally known as Lot 953 Registered Plan 665, City of Ottawa.

Figure 2: Subject Site. (Source: GeoOttawa).



The Subject Site is zoned R1O – Residential First Density, Subzone O in the City of Ottawa Zoning By-law 2008-250. The site is not subject to the Mature Neighbourhoods Overlay, the Floodplain Overlay, or the Heritage Overlay. The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan. The Subject Site is part of the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan.

The Subject Site is currently developed with a one-storey detached dwelling. A single driveway provides access to a carport from Botsford Street (Figure 3). The abutting properties to the north and

to the south are developed with one-storey detached dwellings. The neighbouring lots along Botsford Street are similar in size to the Subject Site and are developed with detached dwellings.

Figure 3: Existing Building on the Subject Site. (Source: Google Maps).



Surrounding Context

The Subject Site is surrounded by other low-rise residential uses. The neighbouring residential uses are primarily detached dwellings with building heights ranging from one to two storeys. The Subject Site is located close to the intersection of Botsford Street and Browning Avenue. Botsford Street runs in a north-south direction from Coronation Avenue to a dead-end point just south of Browning Avenue.

Proposed Development

The proposed Minor Variance and Permission applications will regularize the accessory structures on the Subject Site. The Subject Site has seven accessory structures, consisting of a small shed in the northerly interior side yard, two sheds in the rear yard, a hot tub in the rear yard, a play structure in the rear yard, and two sheds in the southerly interior side yard (Figure 4). Shed 1 and Shed 4 are proposed to be relocated. Shed 4 is proposed to be attached to the principal building, projecting into the southerly interior side yard (Figures 5, 6 and 7).

A Notice of Violation issued to the property owner on June 5th, 2023 noted nine accessory structures on the property. In addition to the seven accessory structures noted above, the Notice of Violation identified three medium-size storage units and an exterior shower as accessory buildings and

structures. The storage units and exterior shower are attached to the principal building and are not accessory buildings or structures. The requested variances seek to regularize the number of accessory structures and to permit reduced setbacks from the property line, reduced separation between accessory structures, and reduced separation from the principal dwelling.

Figure 4: Existing Buildings on the Subject Site. (Source: Annis, O'Sullivan, Vollebakk Ltd.).

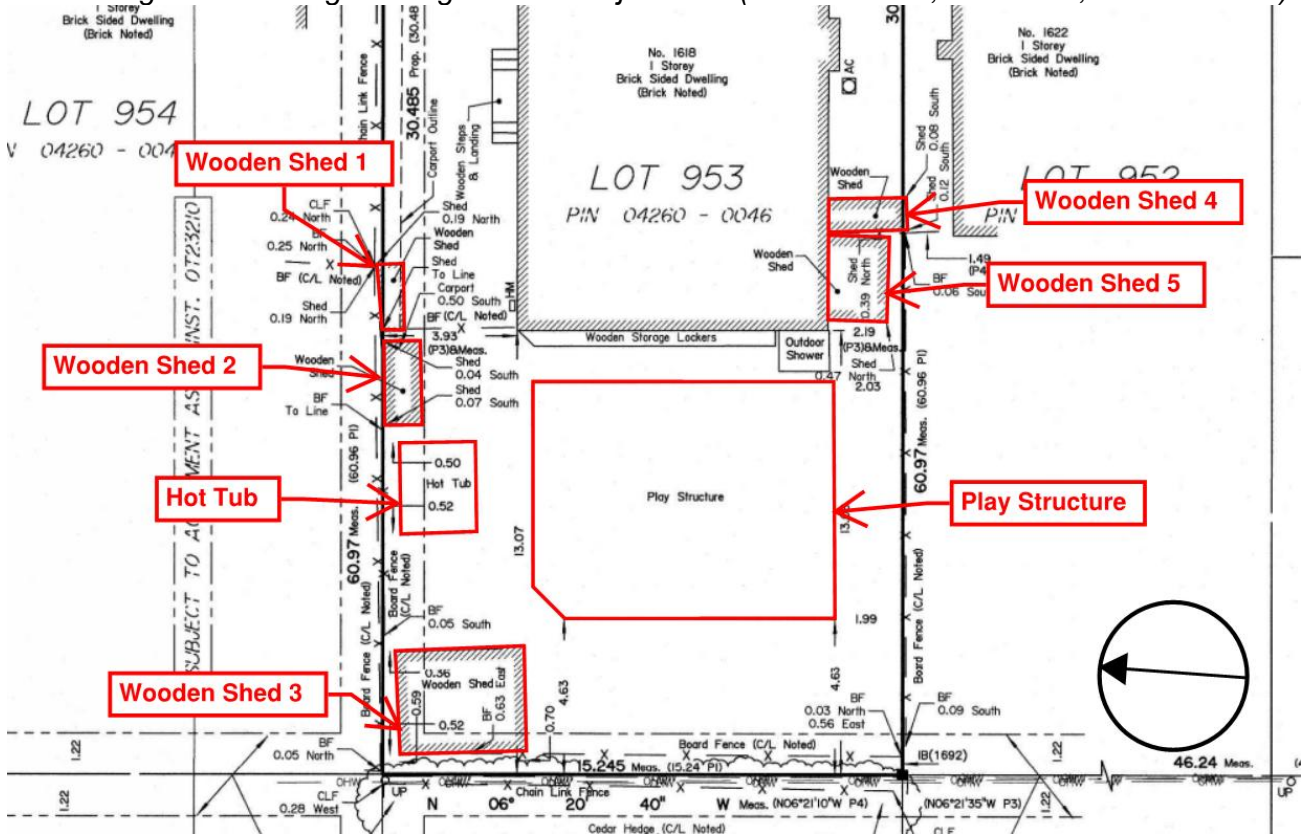


Figure 5: Site Plan. (Source: Annis, O'Sullivan, Vollebakk Ltd.).

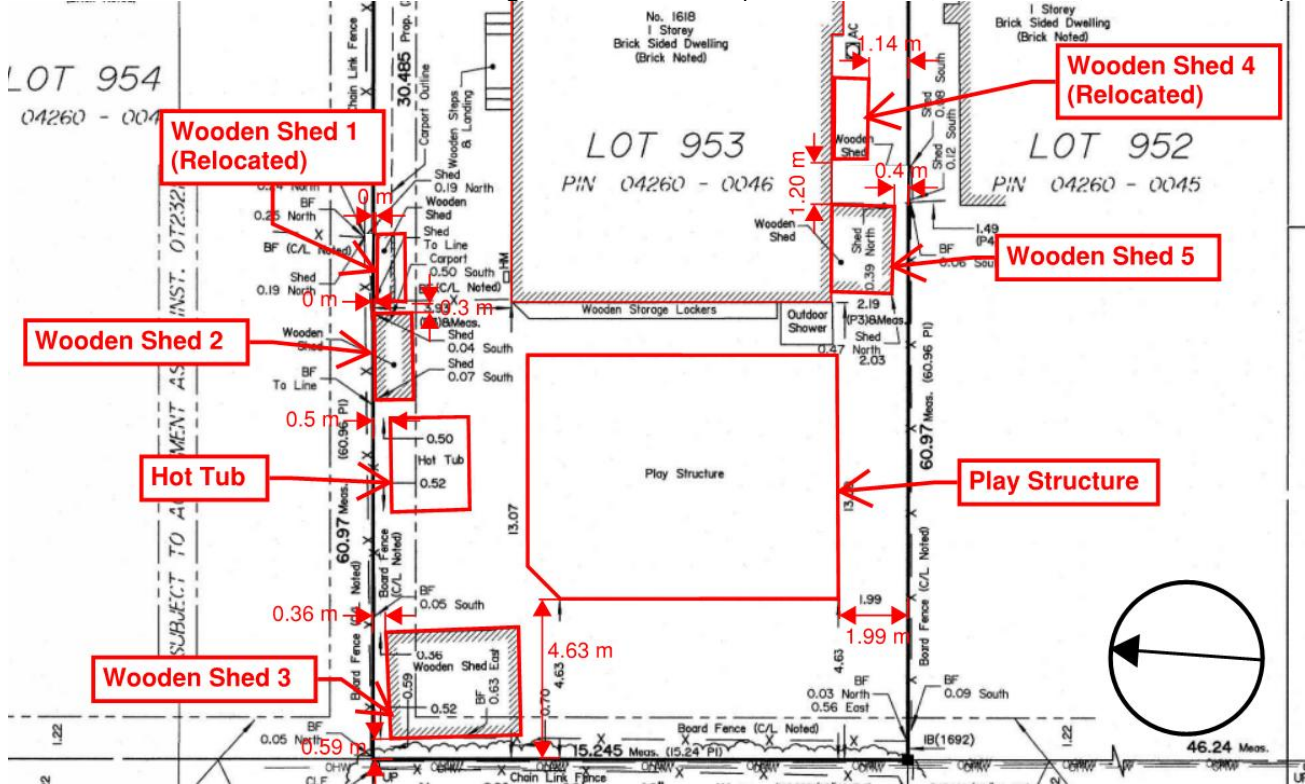


Figure 6: Wooden Shed 1 Relocation. (Source: Annis, O'Sullivan, Vollebakk Ltd.).

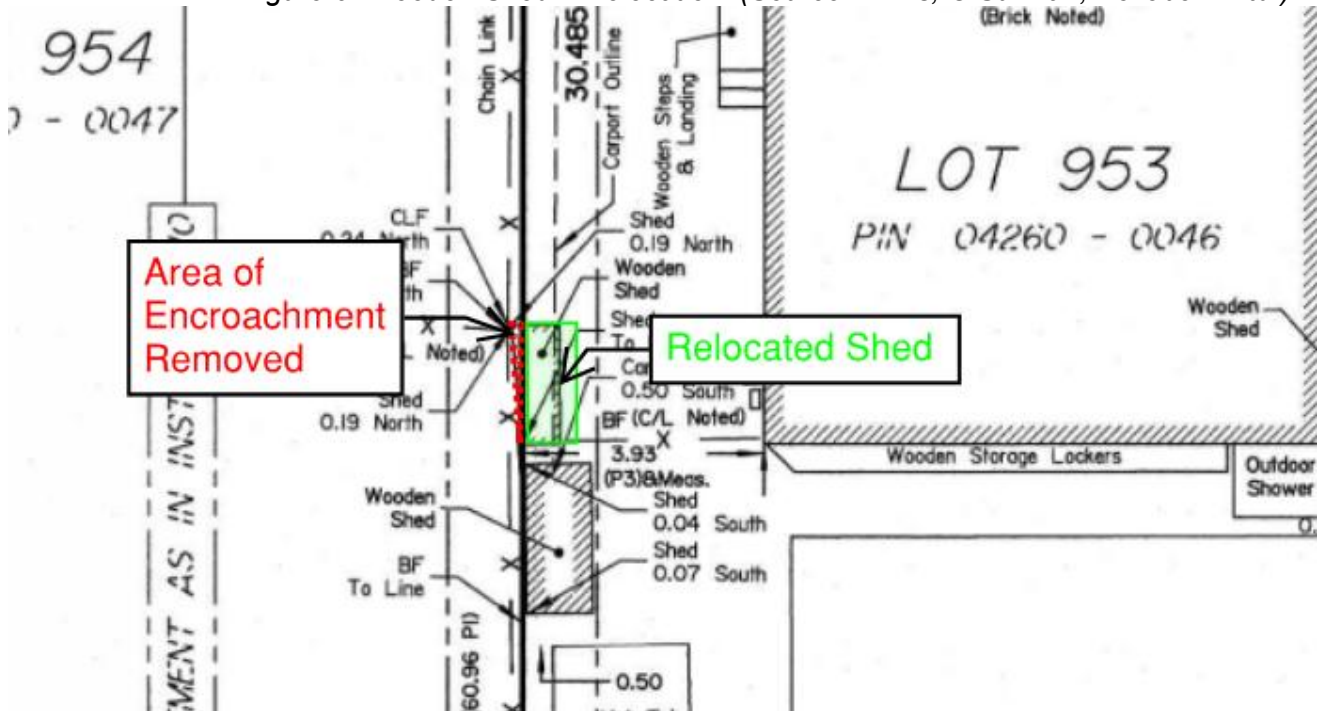
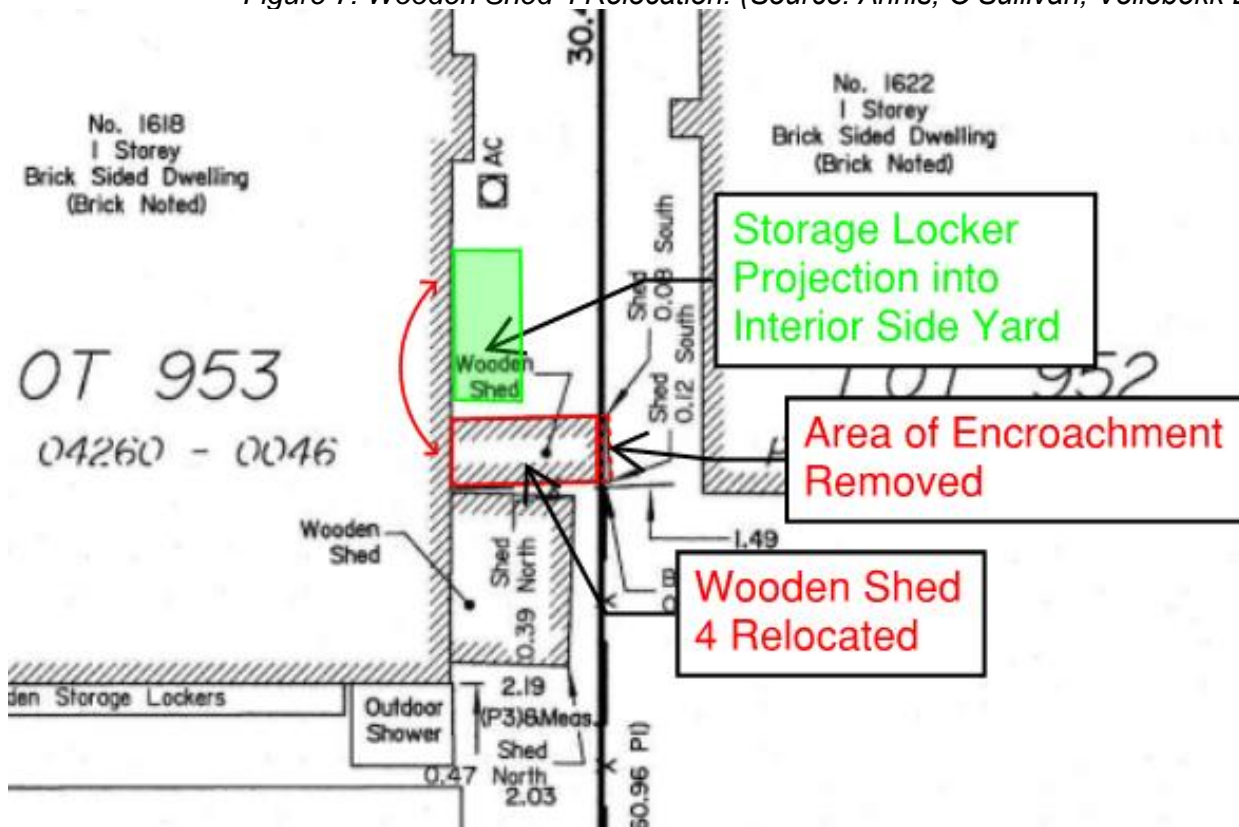


Figure 7: Wooden Shed 4 Relocation. (Source: Annis, O'Sullivan, Vollebakk Ltd.).



Overview of Accessory Buildings and Structures

There are a total of seven accessory buildings and structures currently on the Subject Site. There are five accessory buildings, comprised of five wooden storage sheds. The other two accessory structures are a hot tub and a play structure. Two of the five wooden storage sheds will be relocated. One of the relocated sheds will be attached to the principal building, becoming a projection into the interior side yard. This shed will no longer be considered an accessory building.

Wooden Shed 1:

Wooden Shed 1 is located along the northerly interior side yard in the existing carport. The shed encroaches approximately 0.25 metres into the neighbouring property. The property owner has agreed to remediate this by relocating the shed to be entirely on his property (see Figure 6). As shown in Figure 8, Wooden Shed 1 contains garbage, compost, and recycling bins.

Figure 8: Wooden Shed 1



Wooden Shed 2:

Wooden Shed 2 is located in the rear yard along the northerly interior lot line. The shed is setback 0.04 metres from the interior lot line, which has been rounded down to 0 metres for the purposes of this minor variance application. Wooden Shed 2 is located approximately 0.3 metres from Wooden Shed 1. As shown in Figure 9, Wooden Shed 2 contains yard items including a ladder, jerry cans, shovels, a garden hose, a leaf blower, and a fertilizer spreader.

Figure 9: Wooden Shed 2.



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Wooden Shed 3:

Wooden Shed 3 is located in the rear yard in the northwest corner of the property. Wooden Shed 3 is adjacent to the northerly interior lot line and the rear lot line. It is setback 0.36 metres from the interior lot line and 0.59 metres from the rear lot line. Wooden Shed 3 is the largest storage shed on the property. A building permit was issued for the shed on June 27th, 2022. As shown in Figure 10, Wooden Shed 3 is used as a workshop.

Figure 10: Wooden Shed 3.



Wooden Shed 4:

Wooden Shed 4 is located in the southerly interior side yard between the edge of the house and the interior lot line. Wooden Shed 4 is built alongside the house and has a 0-metre setback from the house. Wooden Shed 4 is setback 0 metres from Wooden Shed 5. Wooden Shed 4 encroaches approximately 0.12 metres into the neighbouring property. The property owner has agreed to address the encroachment of the shed by relocating the shed, rotating it 90 degrees and attaching it to the house (see Figure 7). As shown in Figure 11, Wooden Shed 4 contains sports equipment used by the owner and his children. Wooden Shed 4 will be relocated to be attached to the principal building. Wooden Shed 4 will become a storage locker, which will project into the southerly interior side yard.

Figure 11: Wooden Shed 4.



Wooden Shed 5:

Wooden Shed 5 is located in the southerly interior side yard between the edge of the house and the interior lot line. Wooden Shed 5 is built alongside the house. It is setback 0 metres from the house and is setback 0 metres from Wooden Shed 4. Wooden Shed 5 is setback 0.4 metres from the southerly interior lot line. As shown in Figure 12, Wooden Shed 5 is used for storing spare lumber, as well as miscellaneous construction and gardening items including a lawnmower and buckets.

Figure 12: Wooden Shed 5.



Hot Tub:

The hot tub is located in the rear yard between Wooden Shed 2 and Wooden Shed 3. The hot tub is located 0.5 metres from the northerly interior lot line. The hot tub has an electrical hookup. The property owner has agreed to explore the possibility that the electrical hookup can be extended so that the hot tub can be moved south by 0.1 metres. The hot tub is used by the property owner and his family. A building permit was issued for the hot tub on October 1st, 2021. Figure 13 shows the hot tub.

Figure 13: Hot Tub.



Play Structure:

A Play Structure is located in the rear yard. The Play Structure is setback 1.99 metres from the southerly interior lot line and 4.63 metres from the rear lot line. The Play Structure is approximately 2.6 metres in height. The Play Structure can be used by adults or children. The Play Structure is used by the property owner and his family for personal use and by visitors to the property. Figure 14 shows the Play Structure.

Figure 14: Play Structure.



Permitted Projections

Wooden storage lockers and an outdoor shower located behind the house project into the provided rear yard. A Notice of Violation issued to the property owner on June 5th, 2023 identified three medium-size storage units in the backyard and an exterior shower in the backyard as accessory structures. The wooden storage lockers and the outdoor shower are attached to the building and are not accessory structures. The wooden storage lockers and the outdoor shower are projections into the provided rear yard.

Wooden Storage Lockers:

The wooden storage lockers project into the provided rear yard. They do not project into the required rear yard. The storage lockers are used to store smaller pieces of sports and play equipment such as soccer balls and water guns. The wooden storage lockers are considered to be permitted projections into the provided rear yard. Figure 15 shows the wooden storage lockers.

Figure 15: Wooden Storage Lockers.



Outdoor Shower:

The Outdoor Shower projects into the provided rear yard. It does not project into the required rear yard. The outdoor shower is used by the property owner, his family, and guests. The outdoor shower is considered to be a permitted projection into the provided rear yard. Figure 16 shows the outdoor shower.

Figure 16: Outdoor Shower.



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Minor Variance Application (Section 45(1) of the Planning Act)

The proposed minor variances are listed below:

- a) To permit a total of six accessory buildings/structures on the lot, whereas the Zoning By-law permits a maximum of two accessory buildings on a lot. (Section 55, Table 55(7)).
- b) To permit Wooden Shed 1 to be located 0 metres from the northerly interior lot line, whereas the Zoning By-law requires a minimum setback from the interior side lot line for an accessory building or structure located in the interior side yard to be the same as the interior side yard setback requirement for the principal building, which is a total of 3 metres, with one yard no less than 1.2 metres. (Section 55, Table 55(3)(e)(i)).
- c) To permit Wooden Shed 1 to be located 0.3 metres from Wooden Shed 2, whereas the Zoning By-law requires a minimum distance from any other building located on the same lot to be 1.2 metres. (Section 55, Table 55(4)).
- d) To permit Wooden Shed 2 to be located 0 metres from the northerly interior lot line, whereas the Zoning By-law requires a minimum setback from the interior side lot line for an accessory building in the rear yard to be 0.6 metres. (Section 55, Table 55(3)(e)(ii)).
- e) To permit a Hot Tub to be located 0.5 metres from the northerly interior lot line, whereas the Zoning By-law requires a minimum setback from the interior side lot line to be 0.6 metres for a hot tub not equipped with walkable decking and not within a building. (Section 55, Table 55(3)(d)).
- f) To permit Wooden Shed 3 to be located 0.36 metres from the northerly interior lot line, whereas the Zoning By-law requires a minimum setback from the interior side lot line for an accessory building in the rear yard to be 0.6 metres. (Section 55, Table 55(3)(e)(ii)).
- g) To permit Wooden Shed 3 to be located 0.59 metres from the rear lot line, whereas the Zoning By-law requires a minimum setback from the rear lot line for an accessory building in the rear yard to be 0.6 metres. (Section 55, Table 55(3)(e)(ii)).
- h) To permit the Play Structure to be located 1.99 metres from the southerly interior lot line, whereas the Zoning By-law requires a minimum setback from the interior lot line abutting a residential zone to be a distance equal to the height of the play structure, which is 2.6 metres. (Section 55, Table 55(3)(c)(i)).
- i) To permit Wooden Shed 5 to be located 0 metres from the principal building, whereas the Zoning By-law requires a minimum distance from any other building located on the same lot to be 1.2 metres. (Section 55, Table 55(4)).
- j) To permit Wooden Shed 5 to be located 0.4 metres from the southerly interior lot line, whereas the Zoning By-law requires a minimum setback from the interior side lot line for an accessory building or structure located in the interior side yard to be the same as the interior side yard setback requirement for the principal building, which is a total of 3 metres, with one yard no less than 1.2 metres. (Section 55, Table 55(3)(e)(i)).

Note: All requested minor variances have been rounded to the nearest tenths decimal place, as instructed by the Committee of Adjustment.

Permission Application (Section 45(2)(b) of the Planning Act)

The proposed permission application is listed below:

- k) To permit a wooden storage locker (the relocated Wooden Shed 4) to be considered a permitted projection into the interior side yard. (Section 65(1)).

The permission application is requested under Section 45(2)(b) of the Planning Act, which states:

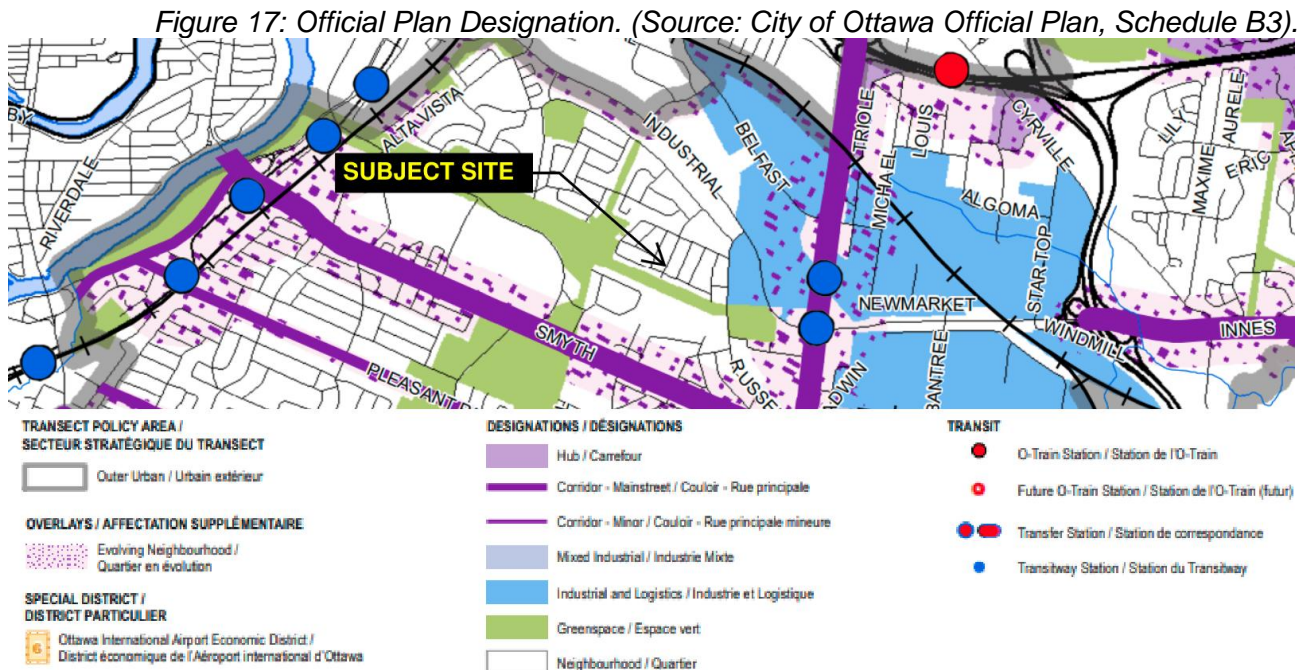
(2) In addition to its powers under subsection (1), the committee, upon any such application, (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

Minor Variance Rationale

Section 45(1) of the Planning Act sets the four tests that a minor variance is required to meet in order to be permitted.

The first test for a minor variance is that the general intent and purpose of the Official Plan is maintained.

The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan (see Figure 17).



Outer Urban Transect:

The Outer Urban Transect is comprised of neighbourhoods inside the Greenbelt built in the last third of the 20th century. The intent of the Outer Urban Transect is to recognize a suburban pattern of built form and site design while introducing more viable public transit and encouraging more diverse housing forms.

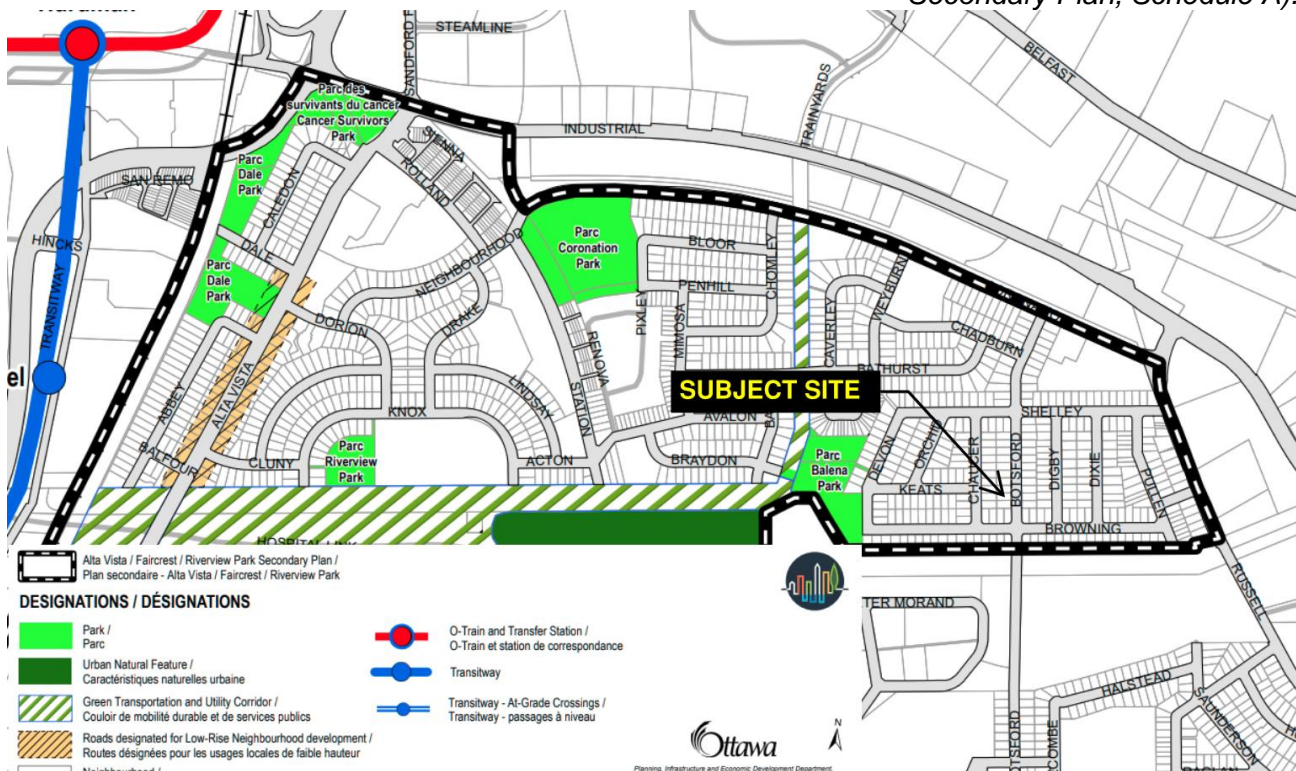
The suburban pattern of built form in the neighbourhood includes accessory buildings and structures.

The Official Plan does not provide specific direction on accessory buildings and structures. The existing accessory buildings and structures contribute to the function of the principal residential use of the property. The accessory buildings and structures provide storage, a play structure, and a hot tub for the property owner, his family, and guests to use, which contributes to the residential use of the property.

Alta Vista / Faircrest Heights / Riverview Park Secondary Plan:

The Subject Site is subject to the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan (see Figure 18). The Subject Site is designated Neighbourhood within the Secondary Plan. The Secondary Plan area is comprised of Ottawa’s first post-World War II suburb. The intent of the Secondary Plan is to ensure gentle accommodation of additional density in appropriate building types that contemplate the character of the neighbourhood and to support the emergence of a 15-minute neighbourhood. The intent of the Secondary Plan is to ensure compliance with the policies of the Official Plan and compatibility with low-rise neighbourhood areas.

Figure 18: Secondary Plan Designation. (Source: Alta Vista / Faircrest Heights / Riverview Park Secondary Plan, Schedule A).



The Alta Vista / Faircrest Heights / Riverview Park Secondary Plan does not speak to accessory uses, buildings, or structures. There is no development associated with the minor variance application. The variances support the residential use of the Subject Site, which maintains the general intent and purpose of the Official Plan.

The minor variances maintain the general intent and purpose of the City of Ottawa Official Plan.

The second test for a minor variance is that the general intent and purpose of the Zoning By-law is maintained.

The Subject Site is zoned R1O – Residential First Density, Subzone O in the City of Ottawa Zoning By-law 2008-250. The Subject Site is not part of the Mature Neighbourhoods Overlay, the Floodplain Overlay, or the Heritage Overlay.

The intent of the R1 Zone is to:

- (1) *restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;*
- (2) *allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;*
- (3) *permit ancillary uses to the principal residential use to allow residents to work at home;*
- (4) *regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced; and*
- (5) *permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.*

The following uses are permitted in the R1 zone, as per Section 155 of the Zoning By-law:

bed and breakfast, see Part 5, Section 121

detached dwelling

diplomatic mission, see Part 3, Section 88

group home, see Part 5, Section 125

home-based business, see Part 5, Section 127

home-based daycare, see Part 5, Section 129

park

retirement home, converted see Part 5, Section 122

additional dwelling unit, see Part 5, Section 133

urban agriculture, see Part 3, Section 82 (By-law 2017-148)

A detached dwelling is a permitted use in the R1 Zone.

Section 55(1) of the Zoning By-law states that:

- 1) *An accessory use is permitted in any zone if:*
 - a) *it is on the same lot as the principal use to which it is accessory; and*
 - b) *it exists to aid and contribute to the principal use to carry out the function of that principal use*

The principal use of the Subject Site is a detached dwelling. The accessory buildings and structures are located on the same lot as the detached dwelling. The wooden sheds provide storage space for the property owner. The hot tub and the play structure are used by the property owner, his family, and guests. The accessory buildings and structures contribute to the principal residential use of the property.

Minor variances are required to permit reduced setbacks to the interior lot lines and the rear lot line and reduced setbacks between accessory buildings/structures. A minor variance is also required to permit six accessory structures/buildings. The Zoning Table below summarizes the relief required.

Provision	Required	Provided	Section
Minimum Rear Yard Setback (m)	28% of lot depth: 8.53 m	11.88 m	S.144(3), Table 144B
Minimum Interior Side Yard Setback (m)	Total is 3 m, one yard min. 1.2 m	3.93 m (northerly) 1.86 m (southerly)	S.156, Table 156A
Minimum Required Setback from Interior Lot Line (Sheds)	In an interior side yard: same as principal building In a rear yard: 0.6 m	Wooden Shed 1: 0 m* Wooden Shed 4: 0 m* Wooden Shed 5: 0.4 m Wooden Shed 2: 0 m Wooden Shed 3: 0.36 m	S.55, Table 55(3)(e)(i) S.55, Table 55(3)(e)(ii)
Minimum Required Setback from Rear Lot Line (Sheds)	In a rear yard: 0.6 m	Wooden Shed 3: 0.59 m	S.55, Table 55(3)(e)(ii)
Minimum Required Setback from Interior Lot Line (Play Structure)	Abutting a residential zone: distance equal to height of the play structure (2.6 m)	Play Structure: 1.99 m	S.55, Table 55(3)(c)(i)
Minimum Required Setback from Rear Lot Line (Play Structure)	Abutting a residential zone: distance equal to height of the play structure (2.6 m)	Play Structure: 4.63 m	S.55, Table 55(3)(c)(i)
Minimum Required Setback from Interior Lot Line	For hot tubs not equipped with walkable decking and not contained within a building: 0.6 m	0.5 m	S.55, Table 55(3)(d)
Minimum Required Distance from Any Other Building on the same lot	1.2 m	Wooden Shed 1: 0.3 m from Wooden Shed 2 Wooden Shed 2: 0.3 m from Wooden Shed 1 Wooden Shed 4: 0 m from principal building; 0 m from Wooden Shed 5* Wooden Shed 5: 0 m from principal building; 0 m from Wooden Shed 4	S.55, Table 55(4)
Maximum Permitted Size	Aggregate of all buildings not to exceed lot coverage of 50% of yard in	18 m ²	S.55, Table 55(6)

	which they are located; Max cumulative floor area: 55 m ²		
Maximum Number of Accessory Buildings per Lot	2	7	S.55, Table 55(7)

**Encroach onto neighbouring properties. The property owner has agreed to relocate Wooden Sheds 1 and 4 to eliminate the encroachments. Wooden Shed 4 will be attached to the principal dwelling and become a projection into the southerly interior side yard.*

The intent of the Zoning By-law is to permit accessory uses that exist on the same property as the principal use and which contribute to the function of a principal use. The principal use of the property is residential. The accessory buildings and structures on the property serve the residential use of the property. The sheds are used for household items such as garbage and recycling bins, tires, lawn equipment, foldable tables, children’s sports equipment, and scrap lumber. Storage of these household items contribute to the function of the residential use on the property. The hot tub and play structure are used by the property owner, his family, and guests, which contributes to the function of the residential use of the property.

The intent of limiting the number of accessory buildings and structures is to ensure that a yard is not overdeveloped with multiple accessory buildings. The existing property has seven accessory buildings and structures. One of the accessory buildings will be relocated to be attached to the principal building, resulting in a wooden storage locker projection into the interior side yard. Four of the remaining six accessory buildings/structures are wooden sheds which are used for storing household items. The cumulative area of all the sheds on the property is 18 square metres, which is significantly less than the maximum cumulative area of 55 square metres permitted by the Zoning By-law. The accessory buildings/structures meet the maximum permitted height. A fence around the backyard ensures that the Wooden Sheds 2, 3, and 5, along with the hot tub and the play structure are visually screened from neighbouring properties. The reduced setbacks between the accessory buildings/structures and between the accessory buildings/structures and the principal dwelling represent an existing condition and do not limit access in any way.

The minor variances maintain the general intent and purpose of the Zoning By-law 2008-250.

The third test for a minor variance is that the minor variance is considered desirable for the use of land.

The accessory buildings and structures are suitable and desirable uses of land. The play structure and the hot tub are used by the property owner, his family, and guests as part of their personal enjoyment of their property. The wooden sheds provide space to store household items such as tools, bins, tires, and gardening equipment. The existing detached dwelling has a carport but does not have an attached garage or a detached garage where items such as tools, garbage bins, tires, and gardening equipment are typically stored and enclosed. The accessory buildings used for storing household items are appropriate accessory uses for a residential dwelling.

The minor variances are considered desirable for the use of land.

The fourth test for a minor variance is that the variance is considered minor in nature.

The requested variances for the accessory buildings/structures are minor in nature. The impact of the reduced setbacks between the accessory buildings/structures and the rear and interior lot lines is mitigated by the existing fence constructed around the backyard of the property. The fence buffers Wooden Sheds 2, 3, and 5, the hot tub, and the Play Structure from view, reducing any impact of the reduced setbacks. The impact of the reduced setback between the accessory buildings/structures and other buildings on the same lot is minor. The proximity of the sheds to one another and to the house does not impede circulation through the site or limit the functionality of the dwelling or the accessory buildings on the Subject Site.

The impact of the increased number of accessory buildings and structures is minor. The cumulative area of the accessory buildings on the property is 18 square metres, which is much less than the maximum permitted cumulative area of 55 square metres. The impact of the existing wooden storage sheds on the area of the rear and interior yards is 36 square metres less than if the owner had built one storage shed that was 55 square metres in area on the property. The 18-square-metre cumulative floor area of the accessory buildings ensures that there is more space for the Play Structure and the hot tub to be accommodated in the rear yard.

The variances are considered minor in nature.

Permission Application Rationale

Section 45(2)(b) of the Planning Act states that:

*(2) In addition to its powers under subsection (1), the committee, upon any such application, (b) **where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.** R.S.O. 1990, c. P.13, s. 45 (2).*

Section 65(1) of the City of Ottawa Zoning By-law states that:

*(1) Despite any other provision to the contrary, **the following features and other similar features are permitted to project from a principal building or a building containing a coach house into a required or provided yard, whichever yard is lesser, in accordance with Table 65.** Where no yard setback is specified, the provisions of Table 65 do not apply. This section does not apply to: (By-law 2016-356) (By-law 2020-289)*

Table 65 of the Zoning By-law does not specifically include provisions to permit a storage locker to project into the interior side yard. However, Section 65(1) states that the following features, in accordance with Table 65, **and other similar features** are permitted to project from the principal building. The Zoning By-law does not specify which features are “similar”. The “similar features” are defined in general terms. Consequently, this application seeks the permission of the Committee to permit the storage locker as a projection into the interior side yard.

The storage locker (relocated Wooden Shed 4) projects 1.12 metres from the principal building and less than 0.1 metres into the required interior side yard. Relocating Wooden Shed 4 so that it is a projection from the principal building into the interior side yard eliminates the encroachment onto the neighbouring property. The projection is appropriate and supports the residential use of the site.

Conclusion

The Subject Site has seven accessory buildings and structures, including five wooden sheds, a play structure, and a hot tub. One of the five sheds will be relocated to be attached to the principal dwelling unit, becoming a storage locker projection into the southerly interior side yard.

Wooden Shed 1 is used to store garbage and recycling bins. Wooden Shed 2 contains household items such as garden hoses and tires. Wooden Shed 3 is used as a workshop. Wooden Shed 4, which will become a storage locker, contains sporting equipment. Wooden Shed 5 contains spare lumber and miscellaneous gardening items and tools. In addition to the five accessory buildings, there are two other accessory structures on the property. The hot tub and the play structure are used by the property owner, his family, and guests as part of their personal enjoyment of the property.

Wooden Shed 1 does not meet the minimum required setback from the northerly interior lot line, which is equal to the minimum interior side yard setback requirement for the principal building. Wooden Shed 1 does not meet the minimum separation distance from Wooden Shed 2, which is 1.2 metres.

Wooden Shed 2 does not meet the minimum required setback from the northerly interior lot line, which is 0.6 metres, and does not meet the minimum separation distance from Wooden Shed 1, which is 1.2 metres.

Wooden Shed 3 does not meet the minimum required setback from the rear lot line or the northerly interior lot line, which is 0.6 metres.

Wooden Shed 4 does not meet the minimum required setback from the southerly interior lot line, which is equal to the minimum interior side yard setback requirement for the principal building, and does not meet the minimum separation distance of 1.2 metres from the principal building and the Wooden Shed 5. Wooden Shed 4 will be relocated so that it projects from the principal building. The relocation will eliminate the encroachment into the neighbouring property and will address the 0-metre separation distance from the principal building and from Wooden Shed 5.

Wooden Shed 5 does not meet the minimum required setback from the southerly interior lot line of 0.6 metres and does not meet the minimum separation distance of 1.2 metres from the principal building.

The hot tub does not meet the minimum setback of 0.6 metres from the interior lot line. The Play Structure does not meet the minimum setback of 2.6 metres (equal to the height of the structure) from the interior lot line.

The accessory buildings and structures with the requested variances maintain the general intent and purpose of the Official Plan by contributing to the principal residential function of the property, which is appropriate for Neighbourhoods within the Outer Urban Transect. The requested variances meet the intent and purpose of the Zoning By-law by contributing to the principal residential use of the property. The accessory buildings and structures are suitable and desirable, allowing for storage space for the property owner in lieu of a detached or attached garage and allowing for a Play Structure and hot tub for the use and enjoyment of the property owner, his family, and guests.

Finally, the requested variances are minor. The impact of the reduced setbacks for the accessory buildings is mitigated by the opaque fencing which visually screens most of the accessory buildings

and structures. The reduced separations between accessory structures is minor as circulation through the site is not affected and suitable access to each accessory building/structure is available. The increased number of accessory buildings/structures permitted is minor as the cumulative area of the accessory buildings is less than the maximum permitted cumulative area for accessory buildings, which is 55 square metres.

The proposed variances meet all four tests under Section 45(1) of the Planning Act. There is no test for the requested permission application under Section 45(2)(b) of the Planning Act. The requested variances represent good land use planning. The requested permission represents good land use planning.

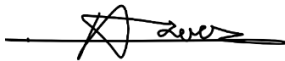
In support of the application for minor variance, please find enclosed:

- Cover Letter (one copy)
- Complete Minor Variance/Permission Application Form (one original copy)
- Complete Minor Variance/Permission Authorization Form (one original copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Site Plan (one 8.5x11 copy and one 11x17 copy)

Should you have any questions regarding this application, please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Arjan Soor, M.PL
Planner