

October 17th, 2024
Revised January 22nd, 2025

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

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2025-01-28
City of Ottawa | Ville d'Ottawa
Comité de dérogation

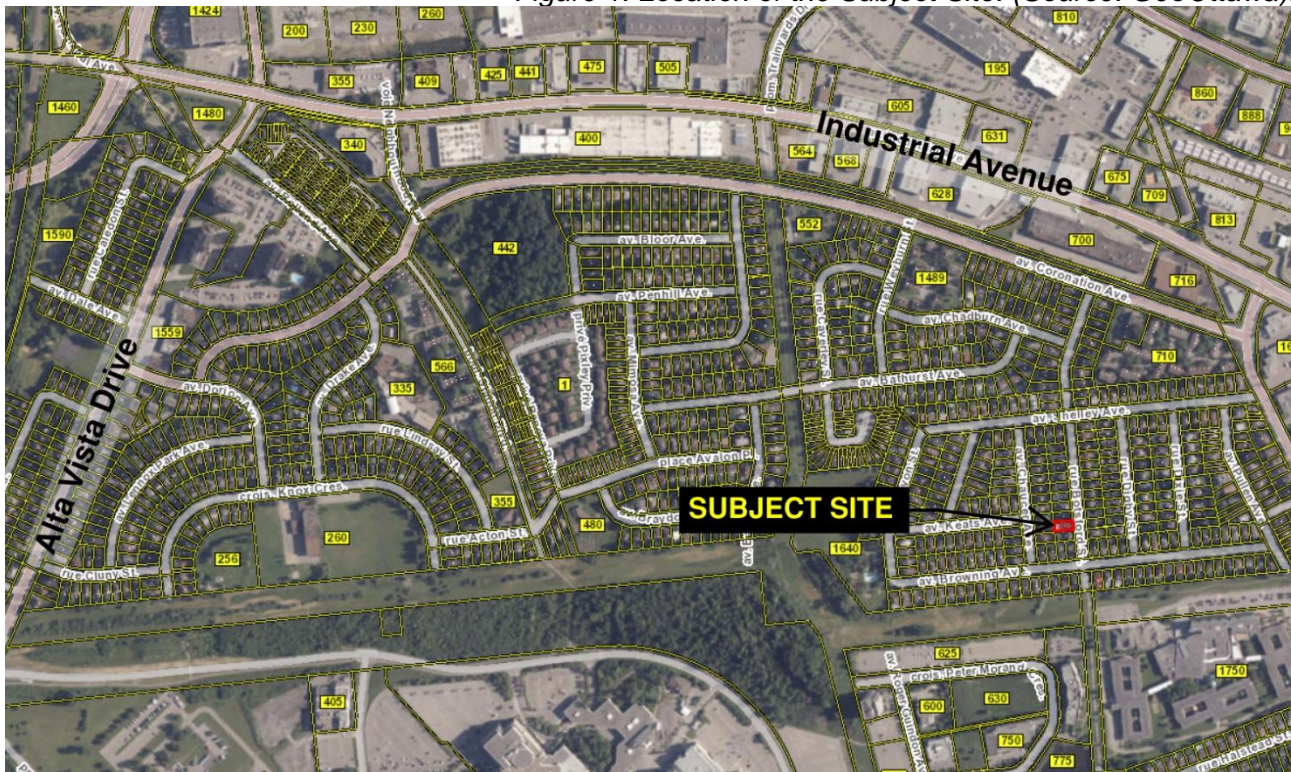
Attention: Michel Bellemare, Secretary - Treasurer
Reference: 1618 Botsford Street
Application for Minor Variance
Our File No 123113

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. Applications for Permission and Minor Variances were originally submitted on October 18th, 2024. The applications were adjourned by the Committee of Adjustment on November 19th, 2024. The previous applications are being amended to remove the Permission application and amend the Minor Variance applications.

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).



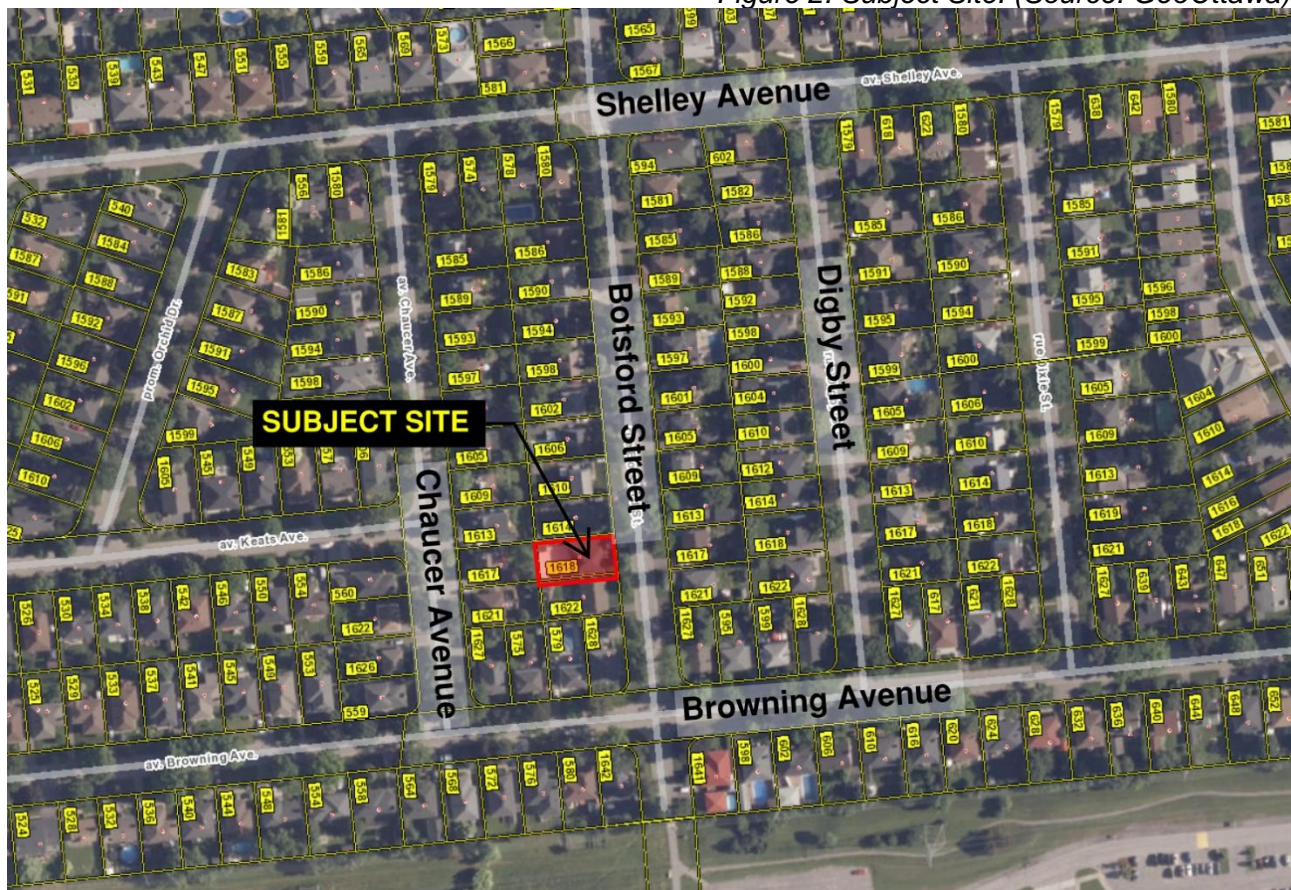
Site and Context

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 application as amended will regularize the accessory structures on the Subject Site. The Subject Site has five 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, and a play structure in the rear yard (Figure 4). The shed in the northerly interior side yard and one of the attached storage closets on the southerly side of the building are proposed to be relocated (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 five accessory structures noted above, the Notice of Violation identified three medium-size storage units adjacent to the rear wall of the house and an exterior shower as accessory buildings and structures. The storage units and exterior shower are attached

to the rear wall of the principal building and are not accessory buildings or structures. The three storage lockers in the rear yard and the shower fully conform to the required rear yard setback. 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. The requested variances seek to permit the increased height of the play structure.

Summary of Changes from October 18th, 2024

The original application submitted on October 18th, 2024 identified seven accessory structures on the property, including five sheds, a play structure, and the hot tub. Following consultation with City staff on December 18th, 2024, it was determined that two of the sheds are attached to the detached dwelling and are considered part of the building. In the abundance of caution, the application for minor variances has been updated to reflect an additional variance for a reduced interior side yard setback for the two storage units attached to the south wall of the building. The variances for a reduced setback of an accessory structure from the southerly lot line and from the principal dwelling are no longer required. The permission application is no longer required. An additional variance is requested to permit increased height of the play structure in the rear yard.

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

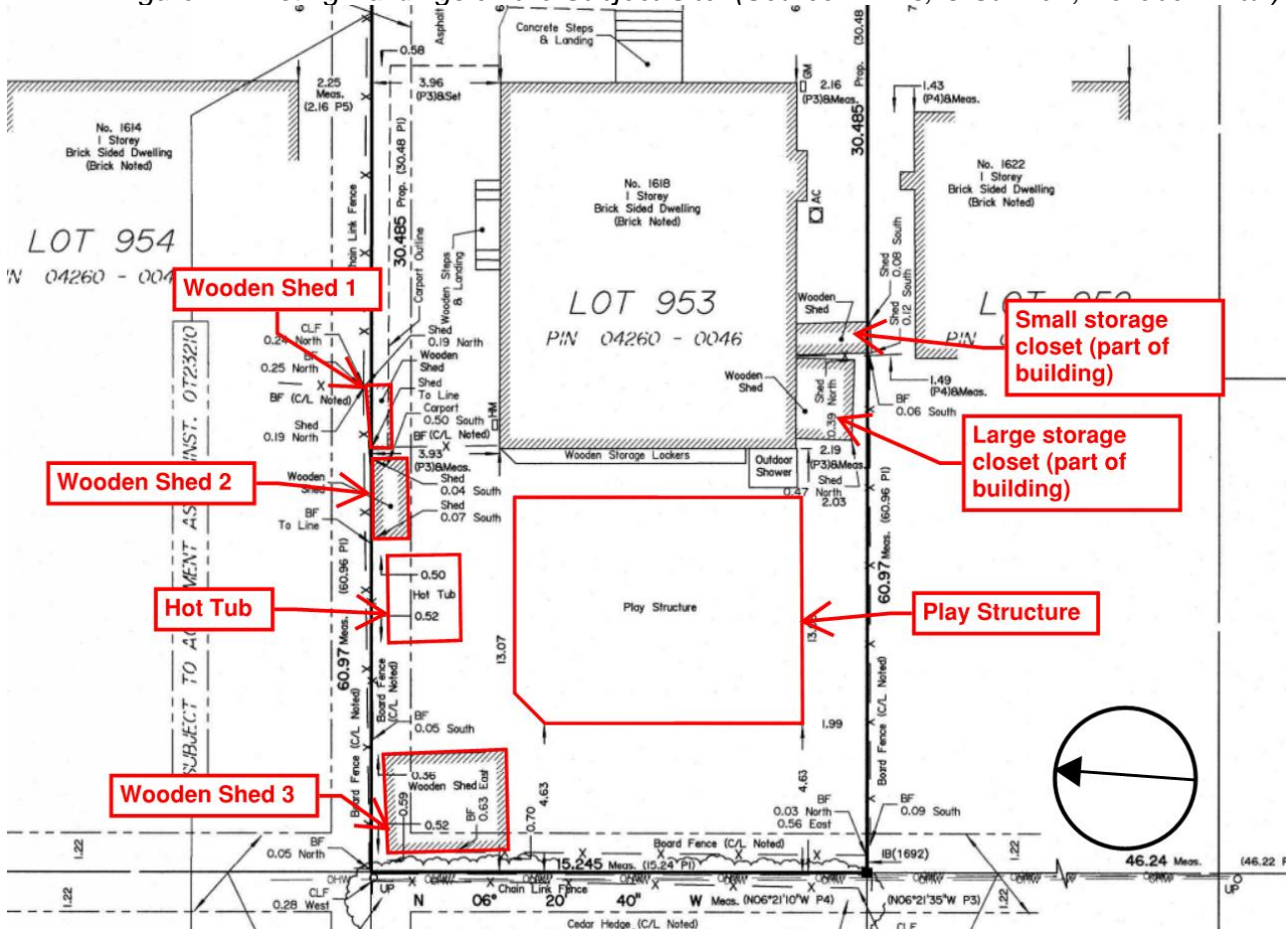


Figure 5: Site Plan. (Source: Annis, O'Sullivan, Vollebakk Ltd.).

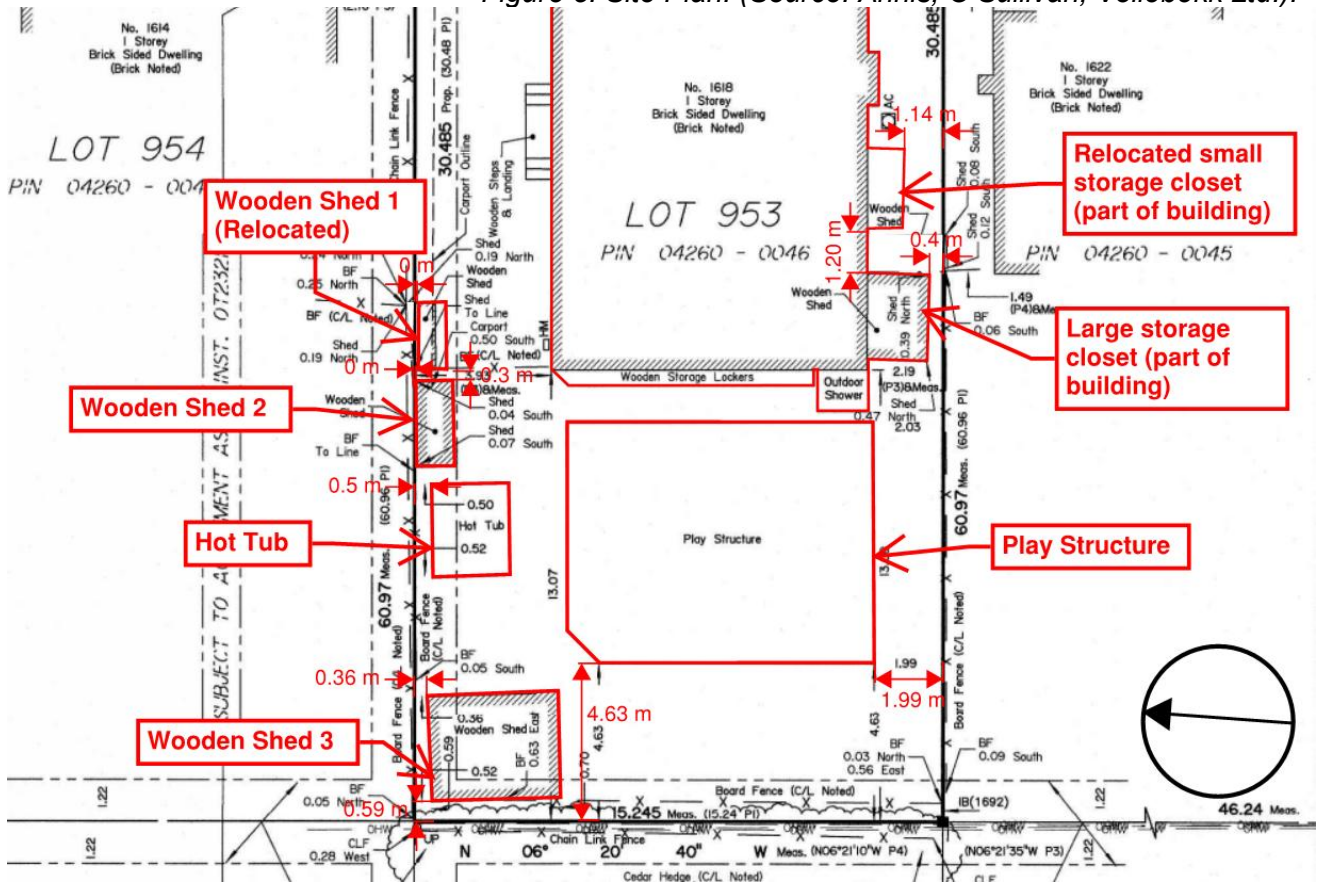


Figure 6: Wooden Shed 1 Relocation. (Source: Annis, O'Sullivan, Vollebakk Ltd.).

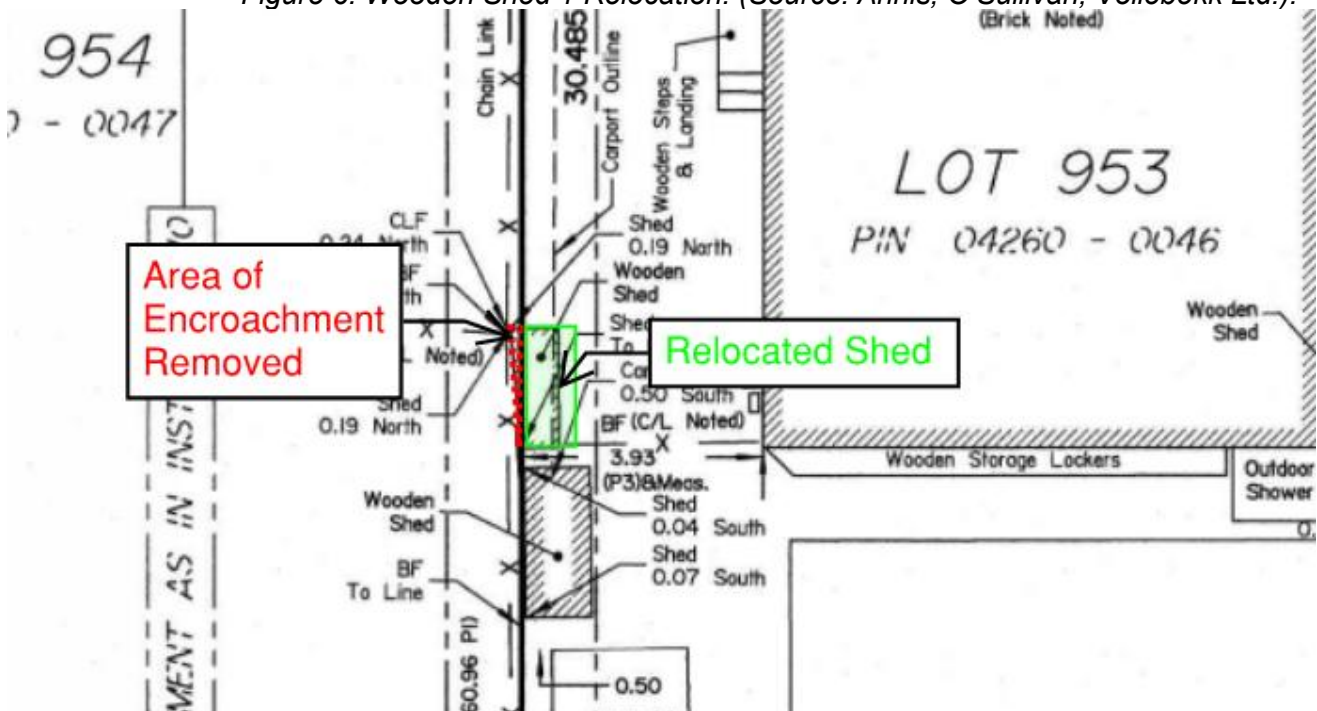
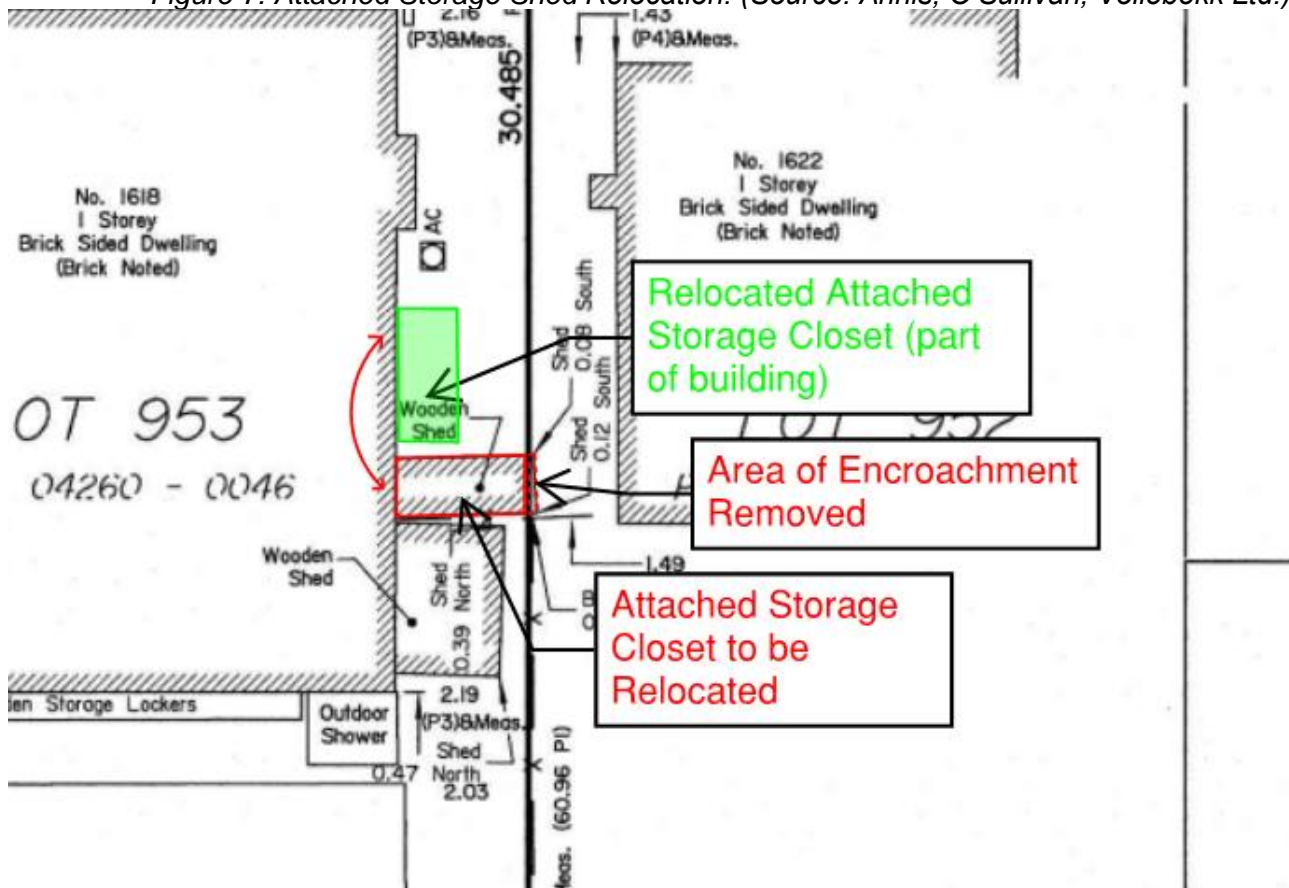


Figure 7: Attached Storage Shed Relocation. (Source: Annis, O'Sullivan, Vollebakk Ltd.).



Overview of Accessory Buildings and Structures

There are a total of five accessory buildings and structures currently on the Subject Site. There are three accessory buildings, comprised of three wooden storage sheds. The other two accessory structures are a hot tub and a play structure. One of the three wooden storage sheds will be relocated. An existing storage closet that is part of the principal building encroaches on the neighbouring property to the south and will be relocated to be 1.14 metres from the southerly interior lot line.

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 required setback for an accessory building located in an interior yard is the same as the interior side yard setback, which is a total of 3 metres, with one yard no less than 1.2 metres. The applicant will relocate 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. The required setback from the interior lot line for an accessory building in the rear yard is 0.6 metres. Wooden Shed 2 is located approximately 0.3 metres from Wooden Shed 1. The required separation between accessory structures is 1.2 metres. 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.



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. The required setback from the interior lot line and the rear lot line for an accessory structure in the rear yard is 0.6 metres. 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.



Attached Storage Closets:

Two storage closets are attached to the southerly wall of the principal building adjacent to the southerly interior side yard. The larger of the two attached storage closets has an interior side yard setback of 0.4 metres from the southerly interior lot line. The required interior side yard setback is a total of 3 metres, with one yard no less than 1.2 metres. The larger storage closet is used for storing spare lumber, as well as miscellaneous construction and gardening items including a lawnmower and buckets (Figure 11).

The smaller storage closet encroaches approximately 0.12 metres into the neighbouring property. The property owner will relocate the storage closet 1.2 metres and rotate it 90 degrees. The new interior side yard setback of the smaller storage closet would be 1.14 metres from the southerly interior lot line. The required interior side yard setback is a total of 3 metres, with one yard no less than 1.2 metres. As shown in Figure 12, the smaller storage closet contains sports equipment used by the owner and his children.

Figure 11: Large storage closet.



Figure 12: Small storage closet.



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 required setback from the interior lot line is 0.6 meters. The hot tub has an electrical hookup. The property owner will 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, his family, and guests. 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, 1.51 metres from the rear building wall of the house, and 4.63 metres from the rear lot line. The tallest part of the play structure is approximately 4.0 metres in height, measured from the top climbing bar. The maximum permitted height of an accessory building or structure is 3.6 metres. 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 and Figure 15 shows the height of each element of the play structure.

Figure 14: Play Structure.



Figure 15: Play Structure.



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

The proposed minor variances are listed below:

- To permit a total of five 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)).
- 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)).
- 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)).
- 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 Wooden Shed 2 to be located 0.3 metres from Wooden Shed 1, 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)).
- f) 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)).
- g) To permit Wooden Shed 3 to be located 0.3 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)).
- h) To permit Wooden Shed 3 to be located 0.5 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)).
- i) *To permit a reduced interior side yard setback of 0.4 metres from the southerly interior lot line, whereas the Zoning By-law requires a minimum interior side yard setback that is a total of 3.0 metres, with one yard no less than 1.2 metres. (Section 156, Table 156A). The variance is requested in the abundance of caution.*
- j) To permit the play structure to be located 1.9 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 4.0 metres. (Section 55, Table 55(3)(c)(i)).
- k) *To permit the height of the play structure to be 4.0 metres, whereas the maximum permitted height of an accessory structure is 3.6 metres. (Section 55, Table 55(5)).*

Note: All requested minor variances have been rounded down to the nearest tenths decimal place, as instructed by the Committee of Adjustment. Additional variances to the application submitted on October 18th, 2024 indicated in italics.

It is our opinion that Variance i) to permit a reduced interior side yard setback of 0.4 metres from the southerly interior lot line is not required. The Zoning By-law states that the minimum interior side yard setback is “total is 3, with one yard, no less than 1.2”. The wording of the provision states that a minimum interior side yard setback of 1.2 metres is required for *one* side yard, not *all* side yards. An interior side yard setback of at least 1.2 metres is provided. One interior side yard is 3.93 metres and the other interior side yard is 0.4 metres. This meets the zoning requirement for a minimum total interior side yard setback of 3.0 metres and one yard of 1.2 metres.

The wording of the provision states that the minimum *total* interior side yard setback is 3.0 metres. Interior side yard setbacks of 3.93 metres and 0.4 metres are provided, totalling 4.33 metres. 4.33 metres exceeds the total interior side yard setback requirement of 3.0 metres. The existing interior side yard setback of 3.93 metres exceeds the requirement that one yard be no less than 1.2 metres. In the interest of moving the application forward and in the abundance of caution, we have applied for the minor variance for a reduced interior side yard setback, despite our planning opinion that the minimum interior side yard setback is met.

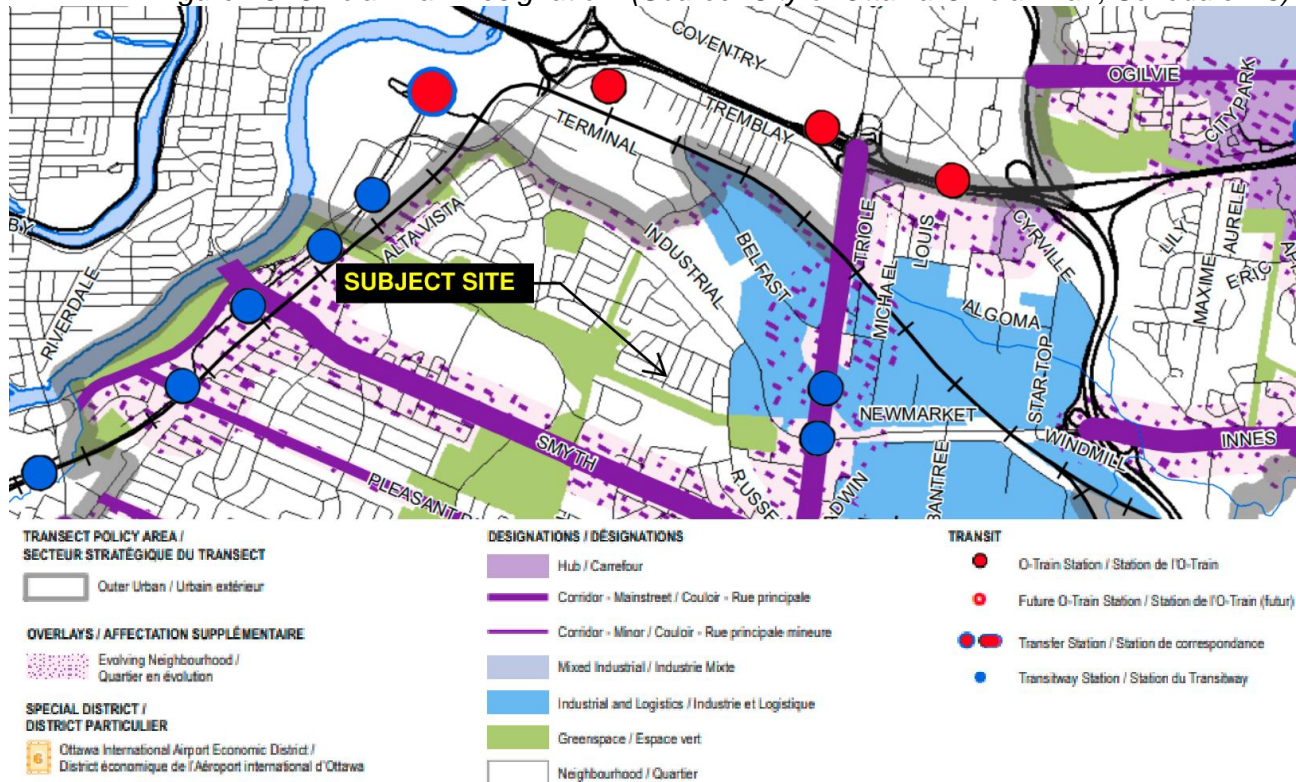
Minor Variance Rationale

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 16).

Figure 16: Official Plan Designation. (Source: City of Ottawa Official Plan, Schedule B3).



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.

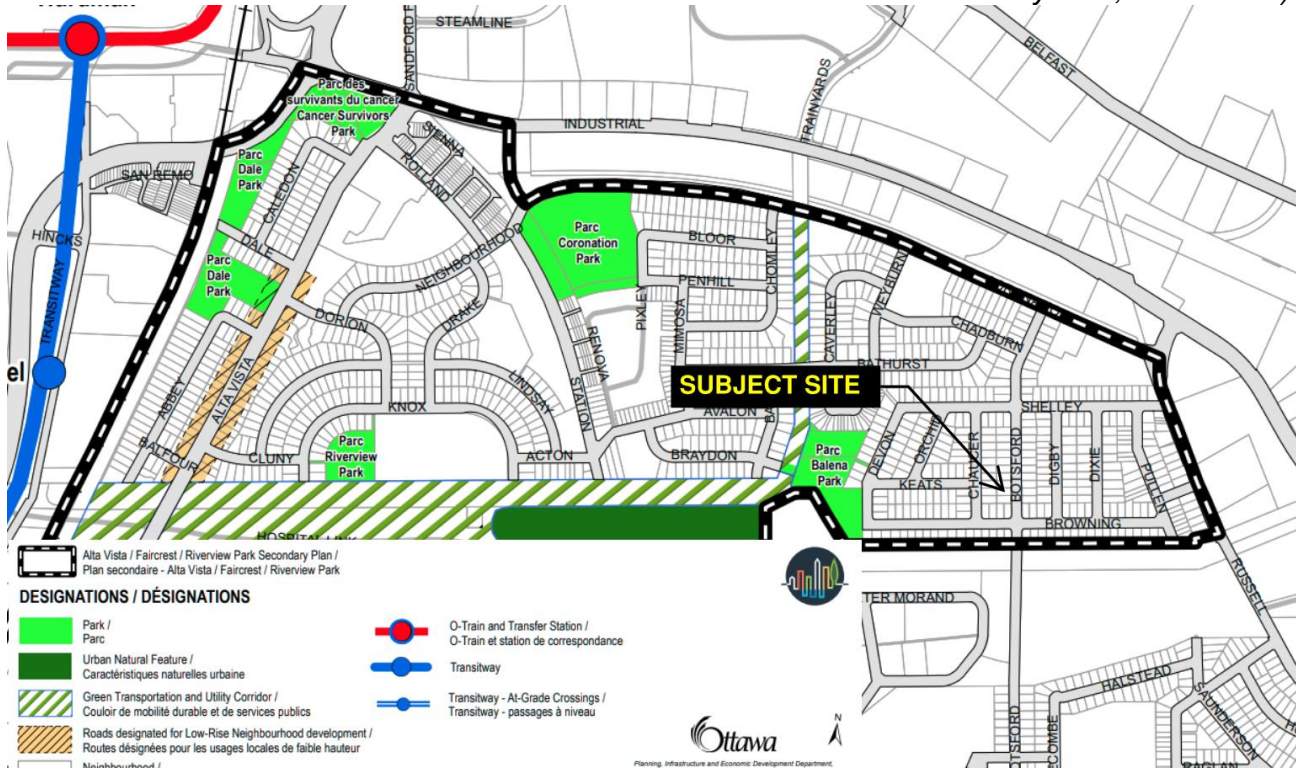
The suburban pattern of built form in the neighbourhood includes accessory buildings and structures.

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 17). 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 17: 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 application for minor variances. 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 five accessory structures/buildings. Minor variances are required to permit a reduced southerly interior side yard setback and to permit the height of the play structure. The Zoning Table below summarizes the relief required.

Table 1: Zoning Table

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) 0.4 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 2: 0 m Wooden Shed 3: 0.3 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: 0.5 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: 1.9 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	S.55, Table 55(4)
Maximum Permitted Size	Aggregate of all buildings not to exceed lot coverage of 50% of yard in which they are located; Max cumulative floor area: 55 m ²	18 m ²	S.55, Table 55(6)
Maximum Height of Accessory Building/Structure	3.6 m	4.0 m	S.55, Table 55(5)
Maximum Number of Accessory Buildings per Lot	2	5	S.55, Table 55(7)

*The existing storage closets are attached to the principal dwelling and in line with City staff's advice are considered as part of the building envelope. The smaller storage closet encroaches onto neighbouring properties and will be relocated.

***Encroaches onto neighbouring properties. The property owner has agreed to relocate Wooden Shed 1 to eliminate the encroachment.*

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, and foldable tables. 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.

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 five accessory buildings and structures. Three of the five accessory buildings/structures are wooden sheds which are used for storing household items. The cumulative area of all the sheds on the property is 15.5 square metres, which is significantly less than the maximum cumulative area of 55 square metres permitted by the Zoning By-law.

The intent of limiting the height of accessory structure is to limit the visual impact of the structures on neighbouring properties. All the accessory buildings and structures except for the play structure meet the maximum permitted height. A fence around the backyard ensures that the Wooden Sheds 2 and 3, along with the hot tub and the play structure are visually screened from neighbouring properties. Furthermore, the play structure is no more visible from the neighbouring property to the rear than the house itself, ensuring that the play structure does not create undue adverse visual impact.

The reduced setbacks between the accessory buildings/structures represent an existing condition and do not limit access in any way.

The reduced interior side yard setback represents an existing condition and does not limit access, as the total interior side yard setback of 3.93 metres exceeds the zoning requirement by 0.93 metres. The variance is requested in the abundance of caution.

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 and the storage closets 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. 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 and 3, the hot tub, and the Play Structure from view, reducing any impact of the reduced setbacks and the increased play structure height.

The impact of the reduced interior side yard setback is minor as sufficient access between yards is still provided. The total interior side yard setback of 3.93 metres exceeds the minimum total interior side yard setback requirement of 3.0 metres despite the reduced southerly interior side yard setback. The variance is requested in the abundance of caution.

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 15.5 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 39.5 square metres less than if the owner had built one storage shed that was 55 square metres in area on the property. The 15.5 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.

Conclusion

The minor variance application submitted on October 18th, 2024 identified seven accessory buildings and structures on the Subject Site, including five wooden sheds. Following consultation with City staff, it was determined that two wooden sheds attached to the south wall of the building are considered part of the building. The Subject Site has five accessory buildings and structures, including three wooden sheds, a play structure, and a hot tub.

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. In addition to the three 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.

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 (3.0 metres total, with one yard no less than 1.2 m). 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.

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 4.0 metres (equal to the height of the structure) from the interior lot line or the maximum height of 3.6 metres.

The smaller storage closet encroaches onto the neighbouring property to the south and will be relocated to remove the encroachment. The storage closets are part of the building. Based on the text of the Zoning By-law, it is our planning opinion that the building exceeds the minimum interior side yard setback requirement, which is a total interior side yard setback of 3.0 meters, with one yard no less than 1.2 metres. In the abundance of caution, a variance is requested to permit a reduced interior side yard setback of 0.4 metres from the southerly 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 and the increased height of the play structure is mitigated by the opaque fencing which visually screens most of the accessory buildings and structures. The reduced separation 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 significantly less than the maximum permitted cumulative area for accessory buildings, which is 55 square metres. The reduced interior side yard setback applied for in the abundance of caution is minor as the total interior side yard setback requirement is exceeded, ensuring adequate space is provided for access between yards.

The proposed variances meet all four tests under Section 45(1) of the Planning Act. The requested variances represent good land use planning.

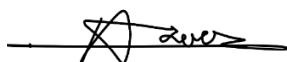
In support of the revised application for minor variance, please find enclosed:

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