

**Filing Date:** August 13, 2021  
**Hearing Date:** September 14, 2021

**File:** A-2021-0185

**Owner/  
Applicant:** Walter and Hermana Botter

**Address:** 69 Nova Scotia Road

**Ward:** 6

**Contact:** Xinyue (Jenny) Li, Planner 1

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**Recommendations:**

That application A-2021-0185 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
  2. That roof drainage from the accessory structures shall flow onto the applicant's property;
  3. That drainage on adjacent properties shall not be adversely affected;
  4. That the accessory building shall not be used as a separate dwelling unit;
  5. That the applicant is required to obtain a permit from CVC pursuant to Ontario Regulation 166/06 and submit the required fee to CVC;
  6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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## **Background:**

### Existing Zoning:

The property is zoned Residential Single Detached B R1B-2753, according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a swimming pool, accessory structure and patio to be located within 5 metre of the rear lot line and an Open Space zone whereas the by-law requires that no buildings, or structures, including decks, swimming pools and patios, or part thereof, shall be located within 5 metres of the rear lot line and Open Space Zone.

## **Current Situation:**

### 1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the official Plan and 'Low/Medium Density Residential' in the Bram West secondary plan (Area 40c). The requested variances are not considered to have significant impacts within the context of the Official Plan policies.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

### 2. Conforms to the Intent of the Zoning By-law

The property is zoned Residential Single Detached B R1B-2753 according to By-law 270-2004, as amended.

The proposed variance is to allow a swimming pool, an existing accessory structure (shed) and patio to be located within 5 metres of the rear lot line and an Open Space zone whereas the by-law requires that no buildings, or structures, including decks, swimming pools and patios, or part thereof, shall be located within 5 metres of the rear lot line and an Open Space zone.

The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. Based on the large size of the property's rear yard, the reduced setback does not negatively impact availability of outdoor amenity space as the pool will be used for recreational purposes. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The proposed variance is to permit a swimming pool, an existing accessory structure (shed) and patio to be located within 5 metres of the rear lot line and an Open Space zone whereas the by-law requires that no buildings, or structures, including decks, swimming pools and patios, or part thereof, shall be located within 5 metres of the rear lot line and an Open Space zone. Given the large size of the property's rear yard the reduced setback does not appear to impact the existing drainage swale, the vegetation at the rear of the property provides sufficient screening to maintain privacy. The massing of the existing shed will not impede upon the adjacent property. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance to allow a swimming pool, an existing accessory structure (shed) and patio to be located within 5 metres of the rear lot line and an Open Space zone is considered minor in nature as the swimming pool and patio are used for rear yard recreational purposes and will not impact adjacent property. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Xinyue' or 'Jenny Li', written in a cursive style.

Xinyue (Jenny) Li,  
Planner I, Development Services