

**To:** Committee of Adjustment

**From:** Sarah Scauzillo, Building Standards Department

**Date:** September 14, 2023

**Applicant:** Ian Robertson Design

**Location:** 133 Donhill Crescent  
PLAN M1230 Lot 60

**File No.(s):** A113/23

**Zoning Classification:**

The subject lands are zoned R1B (EN) and subject to the provisions of Exception 14.336 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	A minimum rear yard setback of 12.0 metres is required. [Table 7-3]	To permit a minimum rear yard setback of 11.0 metres.
2	A maximum lot coverage of 40% is permitted. [Table 7-3]	To permit a maximum lot coverage of 41.97%.
3	To maximum building height of 8.5 metres is permitted. [Section 4.5]	To permit a maximum building height of 9.47 metres
4	A retaining wall (window well) shall be set back an equal distance to the height of the highest portion of the retaining wall. [Section 4.13]	To permit a retaining wall with the maximum height of 2.11 metres to be setback 1.22 metres from the (north) interior side lot line.
5	Ground mounted pool equipment is permitted to encroach 1.5 metres into the required rear yard. [Section 4.13]	To permit ground mounted pool equipment to encroach 7.8 metres into the required rear yard.

#	Zoning By-law 1-88	Variance requested
6	A covered porch is permitted to encroach 0.0 metres into the required front yard. [Section 3.14]	To permit a covered porch to encroach 0.81 metres into the required front yard.
7	A retaining wall (window well) which exceeds 1.0 metres in height must be set back from the nearest property line a distance equal to its height. [Section 4.1.1]	To permit a retaining wall with the maximum height of 2.11 metres to be setback 1.22 metres from the (north) interior side lot line.
8	Ground mounted pool equipment is permitted to encroach 1.5 metres into the required rear yard. [Section 3.14]	To permit ground mounted pool equipment to encroach 7.8 metres into the required rear yard.

**Staff Comments:**

General Comments	
1	The minimum required rear yard setback of 12.0 metres is required to the below grade living space under the rear covered porch. [Table 7-3]
2	Zoning By-law 001-2021 as amended is in force however sections of the By-law have been appealed. By-law 1-88 is also applicable for all appealed sections.  Relevant to this review:  Section 4.13 of By-law 001-2021 has been appealed and therefore Section 3.14 of By-law 1-88a.a. is applicable.
3	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval

**Conditions of Approval:**

If the committee finds merit in the application, the following conditions of approval are recommended.

\* Comments are based on the review of documentation supplied with this application.