



Report Committee of Adjustment

Filing Date: June 7, 2021

Hearing Date: July 13, 2021

File: A-2021-0132, A-2021-0133, & A-2021-0134

**Owner/
Applicant:** Scottish Heather Developments Inc.

Address: 8, 27, & 29 Ixworth Circle

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That applications A-2021-0132, A-2021-0133, & A-2021-0134 are 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 Notice of Decision;
 2. That the side door not be used as a primary entrance to a second dwelling unit;
 3. That a clause be provided within the agreement of purchase and sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; and,
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is requesting three variances for three separate properties related to the construction of side door entrances located in the interior side yards of three future single detached dwellings. The dwellings were sold prior to the approval of Zoning By-law Amendment 103-2021 which amended Section 10.24 of Zoning By-law 270-2004 regarding at or above grade doors located on a side wall of

dwellings. As a result, variances are now required to allow the proposed above grade entrances situated in the interior side yards.

Existing Zoning:

The property is zoned 'Residential Single Detached E (R1E-11.6-2429)', *according to By-law 270-2004, as amended.*

Requested Variance:

The applicant is requesting the following variance for applications A-2021-0132 and A-2021-0133:

1. To permit an above grade side entrance located in an interior side yard with a width of 0.65m extending from the front wall of the dwelling up to the door, whereas the by-law requires a minimum side yard width of 1.2m extending from the front wall up to and including the door.

The applicant is requesting the following variance for application A-2021-0134:

1. To permit an above grade side entrance located in an interior side yard with a width of 0.95m extending from the front wall of the dwelling up to the door, whereas the by-law requires a minimum side yard width of 1.2m extending from the front wall up to and including the door.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Bramwest Secondary Plan (Area 40a). The requested variances are of no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variances are required to permit an above grade side entrance located in an interior side yard with a width of 0.65m (A-2021-0132 and A-2021-0133) and 0.95m (A-2021-0134) extending from the front wall of the dwelling up to the door, whereas the by-law requires a minimum side yard width of 1.2m extending from the front wall up to and including the door. The intent of the By-law in regulating the location of above grade side door entrances is to ensure that there is adequate space to access a side door, without the potential of trespassing on the neighbouring property. The variance relates to a proposed side door located in a side yard for three future single detached dwellings.

On May 19th, 2021, City Council approved Zoning By-law Amendment 103-2021 which amended Section 10.24 of Zoning By-law 270-2004 regarding at or above grade doors located on a side wall of dwellings. The Zoning By-law Amendment now ensures that any new above grade door in the side yard is only permitted where there is a minimum interior side yard width of 1.2 metres up to and including the door, regardless of whether it is used as a primary or secondary entrance for the principal dwelling or used as a primary entrance to a two-unit dwelling.

Prior to the approval of this amendment, the proposed site conditions were considered acceptable and the dwellings were sold with a side door according to approved plans. The proposed side doors no longer conform to the Zoning By-law policies and variances are required. The proposed side yard setback represents a 0.55m (1.80 ft.) reduction for 8 & 27 Ixworth Circle and 0.25m (0.82 ft.) reduction for 29 Ixworth Circle. No negative impacts are anticipated resulting from the variances. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law with respect to applications A-2021-0132, A-2021-0133, and A-2021-0134.

3. Desirable for the Appropriate Development of the Land

The variances to permit a side door in a side yard is not anticipated to create negative on-site or off-site impacts. A condition of approval is recommended that the side door not be used as a primary entrance to a two-unit dwelling. Subject to the recommended conditions of approval, the variances related to applications A-2021-0132, A-2021-0133, and A-2021-0134 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances will facilitate the construction of side door entrances located in the interior side yards of three future single detached dwellings. The dwellings were sold prior to this recent Zoning By-law change. The variances are now required due to a change in policies surrounding at or above grade doors situated in side yards. Subject to the recommended conditions of approval, the variance is considered minor in nature with respect to applications A-2021-0132, A-2021-0133, and A-2021-0134.

Respectfully Submitted,

François Hémon-Morneau

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