

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: March 21, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 10, 2023

REPORT NO.: DSD-2023-122

SUBJECT: Minor Variance Application A2023-024 - 271 Hartwood Avenue
Minor Variance Application A2023-025 - 273 Hartwood Avenue

RECOMMENDATION:

Minor Variance Application A2023-024 – 271 Hartwood Avenue

That Minor Variance Application A2023-024, for 271 Hartwood Avenue requesting relief from Section 5.4, Table 5-3 of Zoning By-law 2019-051, to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 3.0 metres, BE REFUSED.

Minor Variance Application A2023-025 – 273 Hartwood Avenue

That Minor Variance Application A2023-025, for 273 Hartwood Avenue requesting relief from Section 5.4, Table 5-3 of Zoning By-law 2019-051, to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 3.0 metres, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variance applications for a requested driveway width of 5.2 metres, whereas a maximum of 3.0 metres is permitted.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located near the intersection of Hartwood Avenue and Ahrens Street West.

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

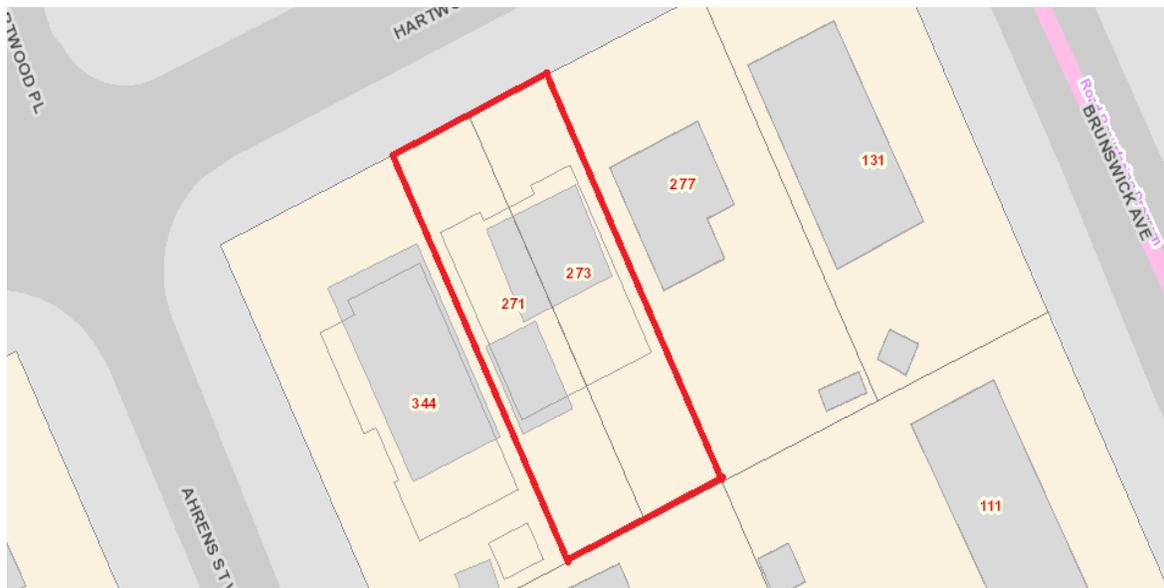
*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of this report is to review minor variance applications for a requested driveway with of 5.2 metres, whereas a maximum of 3.0 metres is permitted.

It should be noted that the By-law 85-1, which is no longer in effect for this property, permitted a 5.2 metre wide driveway for a semi detached dwelling. Through the extensive review and update to the Zoning By-law staff have taken multiple factors into consideration, such as aesthetics, landscaping, and grading in order to implement the new regulations in Zoning By-law 2019-051 to address these concerns. The result was a new regulation of 40% of the lot width being permitted for driveway space for lands within Appendix 'C', which is now in full force and effect. Two (2) parking spaces are still permitted for the semi-detached duplex dwelling in tandem which meets the regulations of the Zoning By-law.

At the time of the severance application the driveways were shown on the provided plan to conform to the Zoning By-law however the applicant now is applying to widen the driveway from what was previously approved.



Subject properties – 271 & 273 Hartwood Avenue



Front view – 271 and 273 Hartwood Avenue

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

Staff is of the opinion that the requested variances do not meet the intent of the Official Plan. Specifically, Section 13.C.8.4 of the 2014 Official Plan states:

“All parking area or facilities will be designed, constructed and maintained:

- c) so that runoff from the parking area drains properly from the site;
- d) to minimize negative impacts on the environment;
- f) to result in aesthetically acceptable parking areas which blend into the general environment of the area.”

Planning staff is of the opinion that the proposed variances that will widen the driveways on the semi-detached lots, do not minimize negative impacts on the environment as the impermeable surface will result in greater runoff from the property, and less natural water infiltration within the property. It also does not provide aesthetically acceptable parking areas within the surrounding context of the neighbourhood.

The variances do not meet the intent of the Official Plan.

General Intent of the Zoning By-law

The requested variances for an increase in driveway width to 5.2 metres rather than the maximum of 3.0 metres does not meet the general intent of the Zoning By-law. The property is located within Appendix C – Central Neighbourhoods, which has a maximum permitted driveway width of 40% of

the lot width. The semi-detached dwelling lot widths are slightly larger at 7.6 metres than the required minimum of 7.5 metres.

The purpose of the maximum driveway width is to ensure that the driveway and the parking and presence of vehicles do not dominate the front yard of the dwelling and the streetscape and allowing for landscaping, green space, and areas for natural water infiltration to occur. The applications are for both sides of a semi-detached duplex. If both sides of the semi-detached dwelling were permitted to expand their driveways they would dominate 70% of the front yard area. This would result in the majority of the front yards to be dominated by driveway space and vehicle parking, with minimal space for landscaping and green space.

The semi-detached dwelling is permitted to have parking spaces in tandem, with one space in the garage and one space in the driveway. Both semi-detached dwellings would meet this parking requirement, as it was shown at the time of the approved severance application.

The variances do not meet the intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The variances are not considered minor. The variances will create driveways that are oversized which will impact the lot and the surrounding neighbourhood. The increased driveway widths will encroach in the Driveway Visibility Triangles for both 271 and 273 Hartwood Avenue and reduce sightlines and visibility of pedestrians and oncoming traffic which could lead to potential safety issues.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variances are not desirable for the appropriate development of the land. Instead, the variances will create unacceptably adverse impacts on the property, to the environment, to the streetscape and oncoming traffic and visibility of pedestrians. The parking is located in front of the porch entrance to the units, which impacts access to the units. The proposed driveway widths for both lots are not appropriate for the context of the existing neighbourhood.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

Engineering Division has no comments to the proposed variances.

Parks/Operations Division Comments:

Parks Division has no comments or concerns for the proposed variances.

Transportation Planning Comments:

There are no concerns with regards to the impact on legal, on-street parking spaces as there is not enough distance between both previously approved driveways for a legal parking space to occur.

However, there are concerns with the proposed driveway widths encroaching in the Driveway Visibility Triangles for both 271 and 273 Hartwood Drive, which are not indicated on the drawings.

The concern is reduced sightlines and visibility of pedestrians and oncoming traffic could lead to potential safety issues.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City’s website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2022-397- Consent Application B2022-044 – 273 Hartwood Avenue*

ATTACHMENTS:

Attachment A – Proposed Driveway widths

