

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 18, 2022

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

**PREPARED BY:** Emily Clarkson, Student Planner, 519-741-2200 ext. 7074

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** October 7, 2022

**REPORT NO.:** DSD-2022-454

**SUBJECT:** Minor Variance Application A2022-118  
11 Oneida Place  
Owners: David and Krista Kiers

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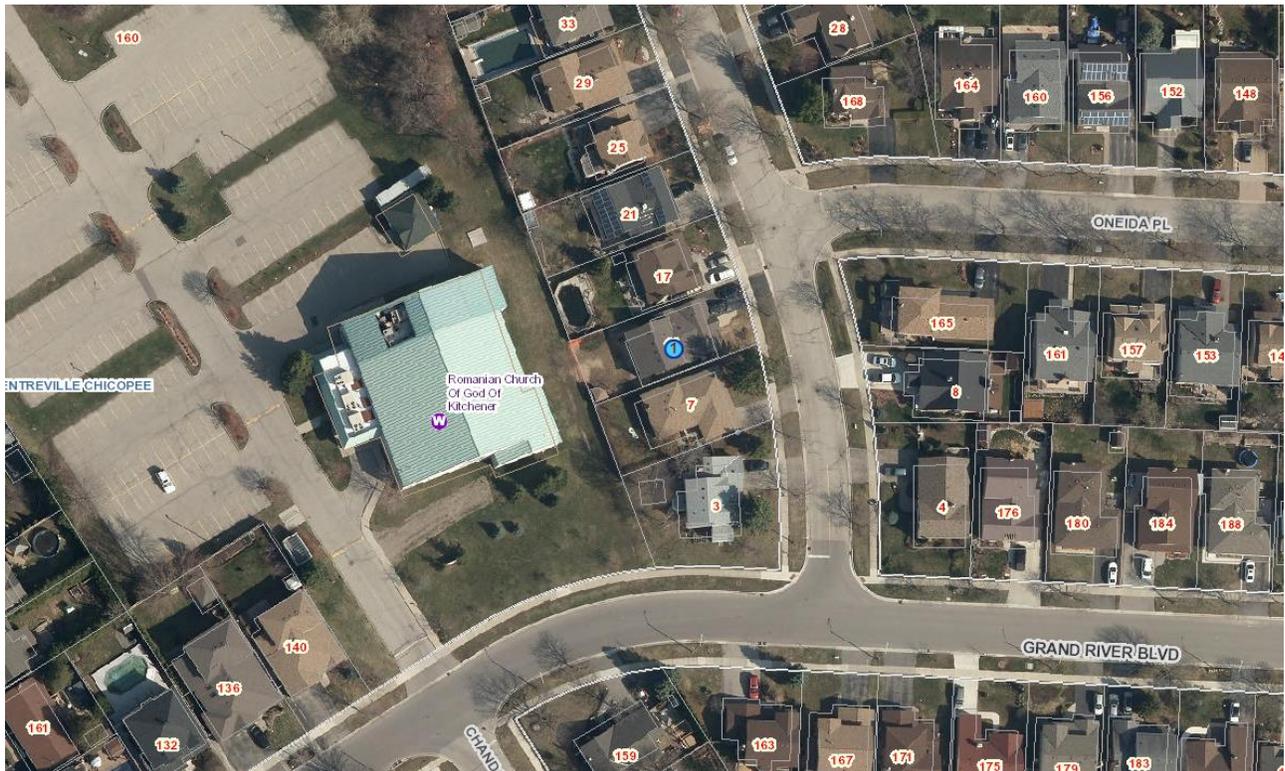
## RECOMMENDATION:

### Zoning By-law 85-1

That Minor Variance Application A2022-118 for 11 Oneida Place requesting relief from Section 5.6A.4 d) of Zoning By-law 85-1, to permit a covered rear deck to have a rear yard setback of 7 metres instead of the minimum required 7.5 metres to facilitate the addition of a covered rear yard deck onto the existing dwelling, generally in accordance with drawings prepared by PRB Residential Design, dated February 14, 2020, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a covered rear yard deck.
- The key finding of this report is that the requested minor variance meets the 4 tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.



**Location Map of 11 Oneida Place (subject property).**

**BACKGROUND:**

The subject property is located on the west side of Oneida Place and is located near the intersection of Oneida Place and Grand River Boulevard. The subject property currently contains a single detached dwelling. The area is predominantly a low-rise low-density residential neighbourhood.

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

The property is zoned ‘Residential Three Zone (R-3)’ in Zoning By-law 85-1 and ‘Low Rise Residential Two Zone (RES-2)’ in Zoning By-law 2019-051 which is currently under appeal.

The purpose of the subject minor variance application is to facilitate the construction of a covered rear yard deck on the subject property. Specifically, the variance is as follows:

- to permit a rear yard setback of 7 metres instead of the minimum required 7.5 metres in Zoning By-law 85-1.

A minor variance is not required to Zoning By-law 2019-051 as the minimum required rear yard setback for a covered rear yard deck in this by-law is 4 metres.

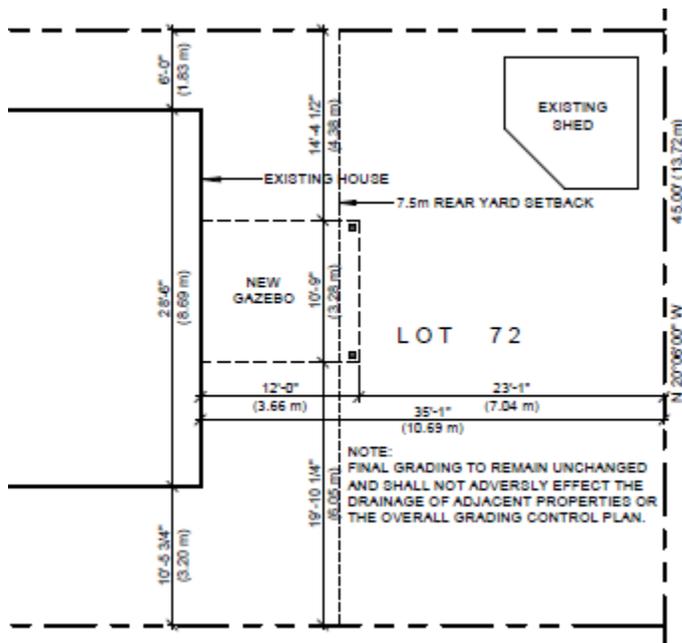
Planning staff conducted a site inspection on September 30, 2022.



**Site Visit Photo of 11 Oneida Place (subject property).**



**Rear Yard photo showing location of the proposed rear yard covered deck.**



**Sketch of location of proposed rear yard deck and setback reduction.**

**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

In the City's Official Plan, the intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streets, and exterior areas. The property currently contains a single detached dwelling and the proposed the construction of a rear yard covered deck space is a typical and natural extension of a single detached dwelling. As the built form will continue to compatible in massing and scale and is an appropriate use of the property, it is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the regulation that requires 7.5 metres for rear yard setback is to ensure that adequate amenity space and building separation is provided. The proposed 7.0 metre setback will still allow the rear yard and deck to function appropriately including the provision of sufficient amenity area, privacy buffer, and maintenance. Staff are of the opinion that adequate amenity area and building separation is provided. Accordingly, the requested variance for a reduction in rear yard setback meets the general intent of Zoning By-law.

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

The requested variance can be considered minor since it is not anticipated to cause unacceptable adverse impacts on adjacent properties. The deficiency of 0.5 metres will not be discernible. The variance will still allow for a sufficient rear yard setback from the adjacent property and an adequate rear yard open space.

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

The requested variance to permit a reduction in the rear yard setback is desirable and appropriate as it facilitate the construction of an appropriately sized covered rear yard deck space off of the existing single detached dwelling that will meet all other zoning requirements. It will provide a covered amenity area in addition to the open rear yard amenity area.

**Environmental Planning Comments:**

No Concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. A building permit application has been made for the covered deck.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No comments.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**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 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

**ATTACHMENTS:**

Attachment A – Site Plan included with application

