

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 18, 2023

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

PREPARED BY: Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: April 4, 2024

REPORT NO.: DSD-2023-178

SUBJECT: Minor Variance Application A2023-046 – 74 Carnaby Crescent

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2023-046 for 74 Carnaby Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.4 a) to permit a rear deck to have an easterly side yard setback of 0.9 metres instead of the minimum required 3 metres;
- ii) Section 7.3, Table 7-6, to permit a building addition to have an easterly side yard setback of 0.9 metres instead of the minimum required 3 metres; and
- iii) to permit a Floor Space Ratio of 0.72 instead of the maximum permitted 0.6;

to facilitate the development of a four-unit multiple dwelling building on the subject property, generally in accordance with drawings prepared by Brian R. Harnock, dated February 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend approval minor variances to facilitate the development of a four unit multiple dwelling building on the subject property.
- The key finding of this report is that the minor variances meet the four tests of the Planning Act.
- 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 Carnaby Crescent and Holborn Drive. The neighbourhood is comprised of a mix of low, and mid-rise residential uses, and commercial and institutional uses.

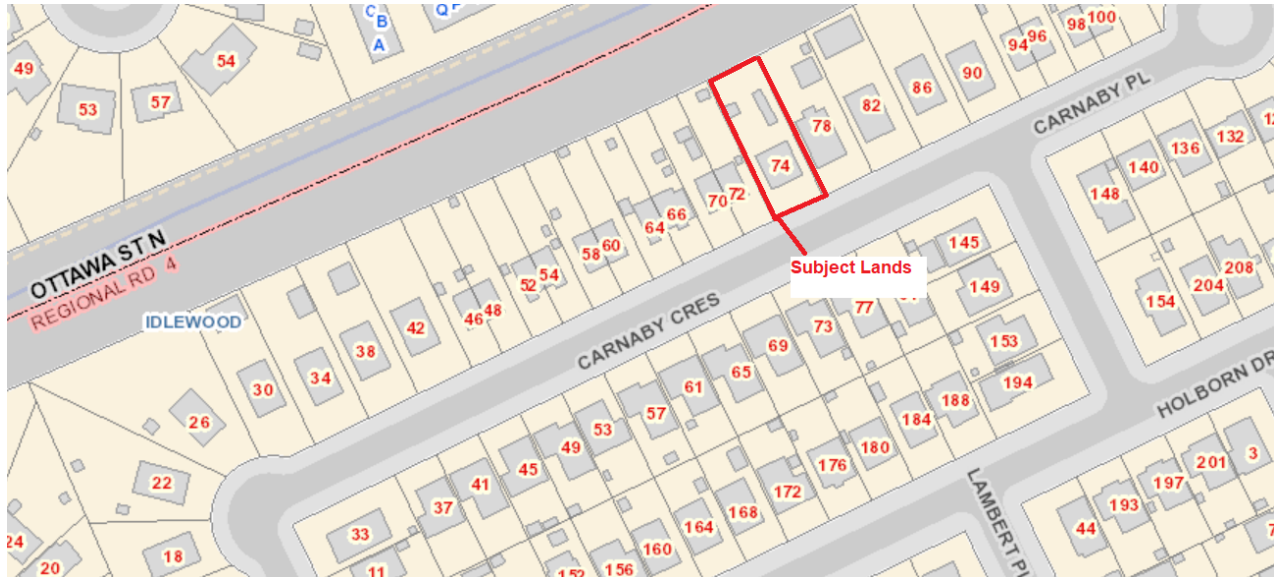


Figure 1: Location Map - 74 Carnaby Crescent

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 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051

The purpose of the application is to permit the construction of an additional unit at the rear of an existing three-unit building to allow for a four-unit multiple dwelling and attached deck with a side yard setback of 0.9 metres instead of the minimum required 3.0 metres and an increased Floor Space Ratio of 0.72 instead of the maximum permitted 0.6.



Figure 2: Front View of 74 Carnaby Crescent

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

The subject property is designated 'Low Rise Residential' in the City of Kitchener's Official Plan. The intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses with up to a maximum floor space ratio of 0.75. 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 is presently developed with a three unit residential dwelling building. The proposed construction of an additional unit to permit a four unit multiple dwelling with a reduced side yard setback and increased Floor Space Ratio of 0.72 is an appropriate use on the residential property and compatible with the surrounding neighbourhood. Therefore, planning staff is of the opinion that the requested variances meet the general intent of the City's Official Plan.

General Intent of the Zoning By-law

The intent of the 3.0 metre side yard for four-unit multiple dwellings and attached decks is to ensure there is adequate access to the rear and sufficient building setbacks to property lines. The westerly setback exceeds the 3.0 metre side yard setback and provides adequate vehicular and pedestrian access to the rear of the property while the reduced 0.9 metre easterly setback will provide an adequate setback to the adjacent property. The intent of the maximum 0.6 Floor Space Ratio is to ensure that the size of the building is appropriate relative to the size of the property and the built form is compatible with the surrounding neighbourhood. The increase of floor space from 0.6 to 0.72 is appropriate for the subject lands and compatible with the surrounding. Therefore, staff is of the opinion that the reduction in the easterly side yard setbacks for the deck and addition and the increase in the maximum permitted Floor Space Ratio meets the general intent of the zoning by-law.

Is the Effects of the Variance Minor?

The requested variance to allow the easterly side yard setback of 0.9 metres and increase Floor Space Ratio of 0.72 is minor in nature. Staff is of the opinion that the requested reduction in setback and increase in Floor Space Ratio will allow for the development of a four unit multiple dwelling that is compatible with the existing use of the subject property and will not negatively impact any of the adjacent properties or surrounding neighbourhood. The increase Floor Space Ratio and reduced side yard setbacks will not be discernible and appropriate access will continue to be accommodated.

Is the Variance Desirable For The Appropriate Development or Use of the Land?

The variances are desirable and appropriate for the development and use of the land as they will facilitate the development of an additional dwelling unit. The proposed scale, massing, and height of the proposed addition to create the four-unit multiple dwelling is compatible with the existing building on the property and will not negatively impact the present character of either the subject property or the surrounding area.

Environmental Planning Comments:

Environmental Planning Staff have no concerns.

Heritage Planning Comments:

Heritage Planning Staff have no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the garage and additional dwelling unit is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering staff have no concerns. If upgrades to existing services within the public right of way are required, the City of Kitchener Off Site Works (OSW) process is to be followed. Any further enquiries in this regard can be directed to Nolan Beatty, Engineering Technologist, nolan.beatty@kitchener.ca.

Parks/Operations Division Comments:

Parkland Dedication will be required for the **fourth** residential unit to be paid prior to the issuance of the Building Permit.

There are existing City-owned street trees that may be impacted by the proposed development and suitable arrangements including the submission and approval of a Tree Protection and Enhancement Plan showing full protection for existing trees; an ISA valuation of City-owned trees and any required securities or compensation for removed trees will be required to the satisfaction of Parks and Cemeteries prior to the issuance of a Building Permit.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *City of Kitchener Official Plan*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Concept Site Plan and Building Plans