

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: July 18, 2023

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

PREPARED BY: Tara Zhang, Planner, 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: July 5, 2023

REPORT NO.: DSD-2023-310

SUBJECT: Minor Variance Application A2023-076 – 912 Otterbein Court

RECOMMENDATION:

That Minor Variance Application A2023-076 for 912 Otterbein Court requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 3 metres instead of the minimum required rear yard setback of 7.5 metres to facilitate the construction of an attached covered, unenclosed structure in the rear yard of an existing single detached dwelling, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the construction of an attached covered, unenclosed structure in the rear yard.
- 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 in the Grand River North neighbourhood located adjacent to the Blue Springs Woods on Otterbein Court. 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 Two Zone (RES-2)' in Zoning By-law 2019-051.

City staff has conducted a site visit on June 30th, 2023.

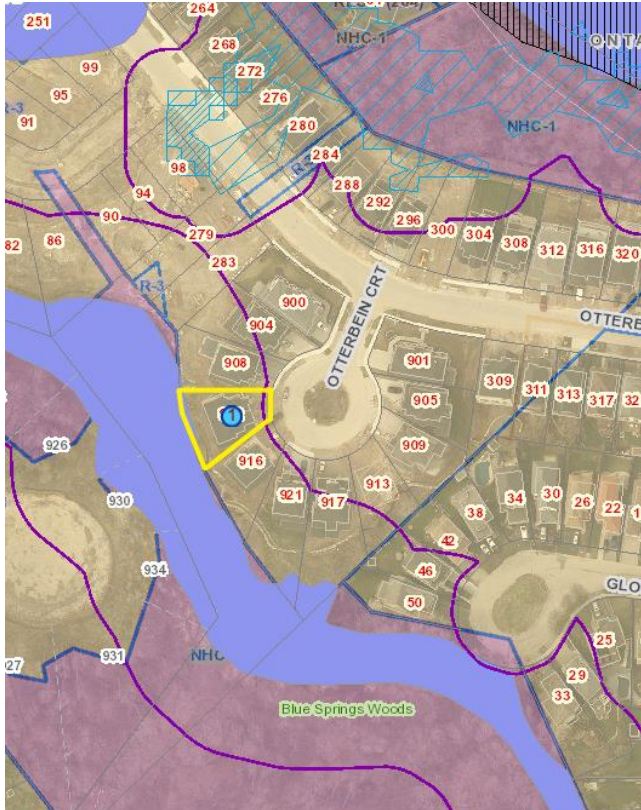


Figure 1: Site location and map



Figure 2: Front view of the dwelling

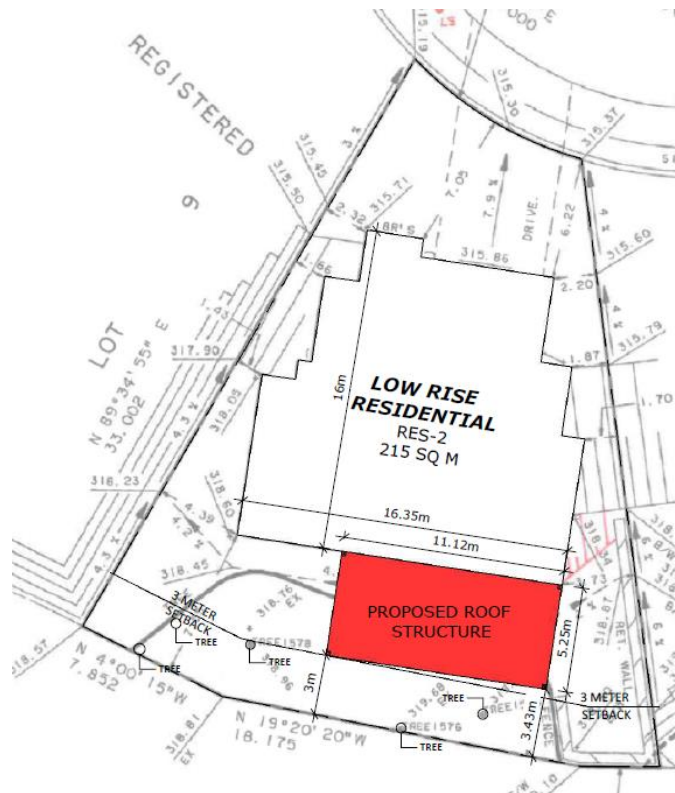


Figure 3: Covered structure location shown on site plan



Figure 4: Elevation view of the covered structure

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 unenclosed, covered structure meets the general intent of the Official Plan. The subject property is designated 'Low Rise Residential' in the City's Official Plan. The intent of this designation is to emphasize the compatibility of building form with respect to massing, scale and design in order to support the successful integration of different building types. It also places emphasis on the relationship of buildings to adjacent properties, streets, and exterior areas.

General Intent of the Zoning By-law

The intent of the rear yard setback is to ensure adequate separation from adjacent properties and to ensure there is appropriate amenity space for residence. Since the rear yard is adjacent to the Blue Springs Woods, staff does not have concerns for in adequate space for other residential properties. The unenclosed, covered structure will support the amenity area on site for the residents.

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

Staff is of the opinion that the requested variance is minor as the reduced rear yard does not have any significant impacts to adjacent properties or the overall neighbourhood.

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

Staff is of the opinion that the variance is appropriate for the development of the land as it is located in the rear yard, away from public view and increases the enjoyment of the residential property.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the new roof structure is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

No concerns, no comments.

Transportation Planning Comments:

No concerns.

GRCA Comments:

We have no concerns with the unenclosed structure. We'd request that the applicant ensures that drainage (i.e., eaves and down spots) is directed away from rear retaining wall to prevent impacts to the wall and/or wetland. A GRCA permit is not required for the structure.

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.

CONSULT – If applicable.

COLLABORATE – If applicable.

ENTRUST – If applicable.

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*