

# 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:** Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

**WARD(S) INVOLVED:** Ward 4

**DATE OF REPORT:** June 30, 2023

**REPORT NO.:** DSD-2023-301

**SUBJECT:** Minor Variance Application A2023-081 – 333 Pine Valley Drive

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## RECOMMENDATION:

That Minor Variance Application A2023-081 for 333 Pine Valley Drive requesting relief from Section 4.1 d) of Zoning By-law 2019-051, to permit a detached accessory structure to have a maximum height of 4.5 metres to the underside of the fascia instead of the maximum permitted 3 metres, generally in accordance with drawings prepared by Arcadia Design, dated April 11, 2023, BE APPROVED.

## REPORT HIGHLIGHTS:

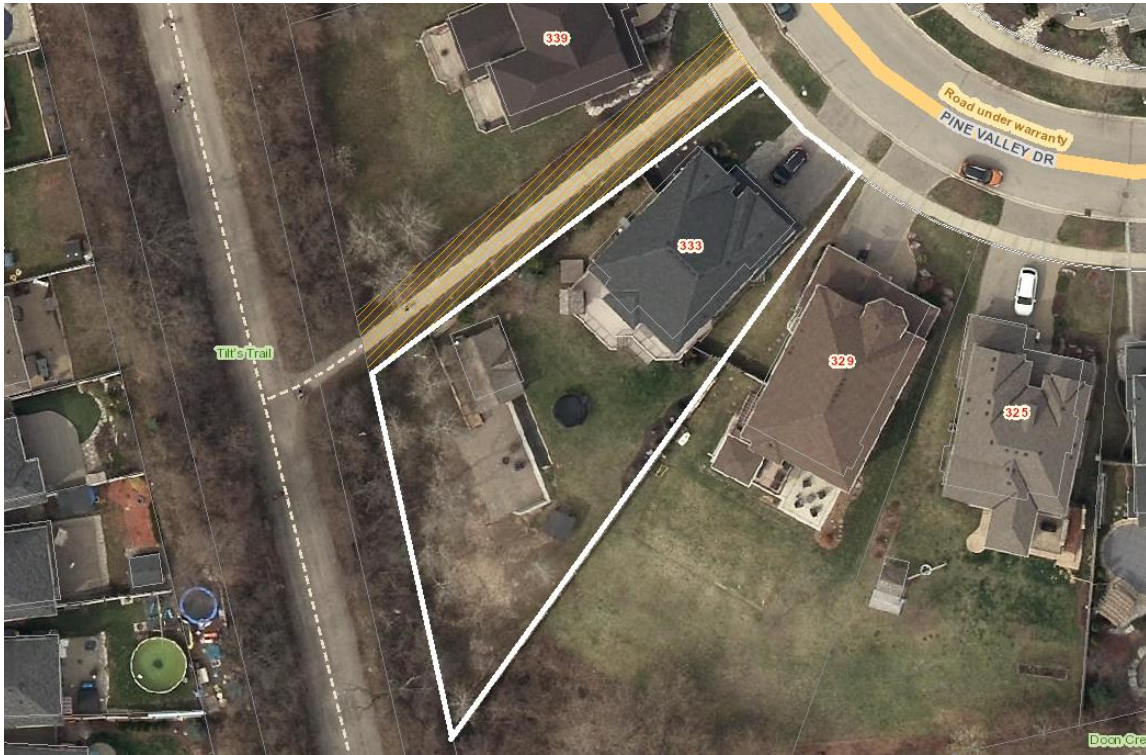
- The purpose of this report is to review a minor variance application to permit the construction of a detached accessory structure on the property.
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community 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 on Pine Valley Drive between Apple Ridge Drive and Ridgemere Court. The current use of the property is a single-detached dwelling

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.

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



**Figure 1 – 333 Pine Valley Drive (Subject Property)**



**Figure 2 – Rear Yard of Subject Property**

The application is requesting relief from Section 4.1 d) of Zoning By-law 2019-051 to permit a detached accessory structure to have a maximum height of 4.5 metres to the underside of the fascia instead of the maximum permitted 3 metres. The requested minor variance will facilitate the

construction of a pool deck and cabana in the rear yard of the property. Due to the grading of the rear yard of the property, the rear portion of the structure will be 4.5 metres in height to the underside of the fascia, however the front portion of the structure will maintain the maximum permitted 3.0 metres in height to the underside of the fascia. This is illustrated in Attachment 'B'.

## **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'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. Staff is of the opinion that the requested variance to facilitate the construction of a detached accessory structure conforms to the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The intent of Section 4.1 d) of Zoning By-law 2019-051 which limits the height to the underside of the fascia to 3 metres is to ensure that accessory structures are not excessive in height and to ensure that neighbouring properties do not face blank walls. Due to the slope of the subject property, the rear portion of the rear yard is significantly lower than the front portion of the rear yard. As such, the rear wall of the accessory structure must be 1.5 metres longer than the front wall. The structure meets the 3 metres height maximum to the underside of the fascia at the front wall. There are also no properties adjacent to the rear property line, meaning no neighbours would be impacted by the variance. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the effects of the variance are minor. The structure will be setback from the side lot line 1.9 metres at the shortest height and setback 6.6 metres from the side lot line at the highest height. The increase in height to the underside of the fascia of 1.5 metres will really only impact the view of the property from the rear, where there are no adjacent neighbouring properties. The height of the proposed accessory structure will be compatible with existing buildings on the subject property and will not conflict with the character of the surrounding 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 requested variance is appropriate for the development and use of the land. The height, scale, and massing of the proposed detached accessory structure are compatible with the existing character of the surrounding neighbourhood.

### **Environmental Planning Comments:**

No comments.

### **Heritage Planning Comments:**

No comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the new pool cabana is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No comments.

**Parks/Operations Division Comments:**

No comments.

**Transportation Planning Comments:**

No comments.

**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.

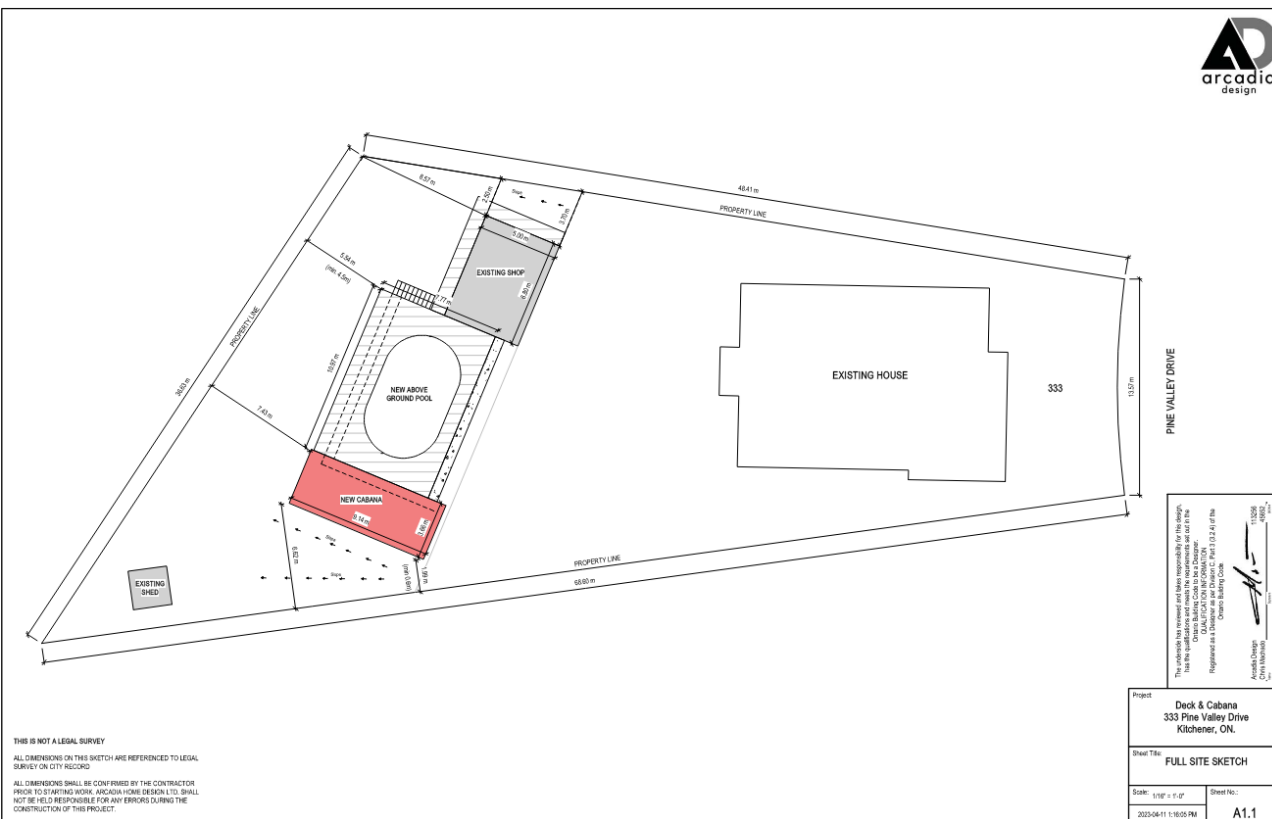
**COMMUNITY ENGAGEMENT:**

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.

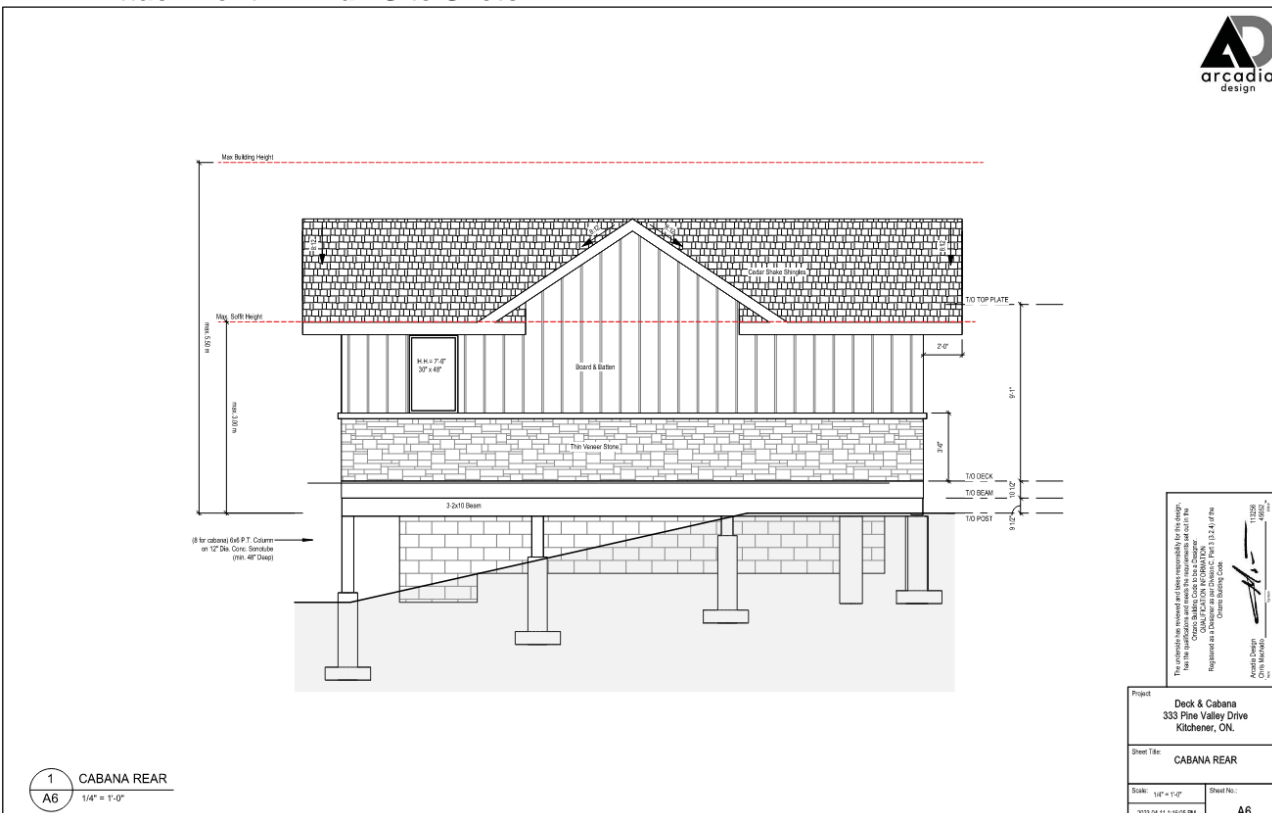
**PREVIOUS REPORTS/AUTHORITIES:**

- *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*

**ATTACHMENTS:**



**Attachment A – Full Site Sketch**



**Attachment B – Rear of Pool Cabana**