

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: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: July 7, 2023

REPORT NO.: DSD-2023-307

SUBJECT: Minor Variance Application A2023-085 - 920 Keewatin Place

RECOMMENDATION:

That Minor Variance Application A2023-085 for 920 Keewatin Place requesting relief from Section 4.1 e) of Zoning By-law 2019-051 to permit an existing accessory structure, a garden arbour, to be located within a front yard whereas the by-law does not permit accessory structures in the front yard, generally in accordance with the drawings submitted with Minor Variance Application A2023-085, **BE APPROVED**, subject to the following conditions:

1. That the owner modify the accessory structure to permit 50% transparency on the side of the structure facing the North property line, to the satisfaction of the Manager of Development Review.
2. That the owner relocate the accessory structure to be located a minimum of 0.6 metres from any interior side lot line, to the satisfaction of the Manager of Development Review.
3. That the property owner shall complete the work, identified in Conditions No. 1 and No. 2 above, by October 27, 2023. Any request for a time extension must be approved in writing by the Manager of Development Review prior to completion date set out in this decision. Failure to complete the condition will result in this approval becoming null and void.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to permit an existing accessory structure (Arbour) in the front yard of the subject property.
- 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. City staff met with adjacent residents on a virtual meeting to discuss the application.
- This report supports the delivery of core services.

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

BACKGROUND:

The subject property is located at the end of a cul-de-sac and is an irregular shaped lot. The subject property currently contains a single detached dwelling.

In 2022 the applicant made an inquiry to the Planning Division about the placement of a garden arbour within the front yard. Staff advised of the regulations that would apply under Zoning By-law 85-1, in effect at that time and under “dual testing” of both Zoning By-laws during an appeal period that affected (new) Zoning By-law 2019-051 as it applies to Residential zones. Once the applicant erected the garden arbour, Zoning By-law 2019-051 had come into full force and effect within Residential zones. Zoning By-law 2019-051 considers this type of feature to be an “Accessory Structure” based on Section 3 (Definitions). The City’s Planning Division has paid the fee for minor variance for this application to account for the misinterpretation during the appeal period.

City Planning Staff have met with affected residents to understand concerns and try to mitigate adverse impacts. The transparency of materials facing abutting properties and setback of the structure were identified as key areas of impact. City Staff have included a recommendation that includes conditions for changes to be made to the setback of the structure to the North property line and the transparency of the structure’s North side.

Accessory buildings and structures are most commonly sheds or detached garages. The structure on the subject lands was built as a garden arbour, with a pergola roof and open on 3 sides. The side facing the interior side lot line to the north has been fitted with fence panels. Staff have received feedback from neighbours advising of visual impacts due to the structure’s close proximity to the lot line and the visual impact of the fence panels on the side. Staff is recommending 50% transparency on the side, to maintain a level of openness to be expected from a garden arbour structure. Staff is also recommending a minimum setback of 0.6 metres to provide an appropriate buffer and mitigate impacts to the abutting lands.



Figure 1: Location of Subject Property



Figure 2: View of Existing Accessory Structure (June 30, 2023)

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.

The purpose of the application is to recognize an existing garden arbour (accessory structure) within the front yard of a detached dwelling.



Figure 3: View of Existing Detached Dwelling (June 30, 2023)

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 lands are designated 'Low Rise Residential' in the City's Official Plan. This land use designation supports a range of low-rise dwellings such as detached dwellings, semi-detached dwellings, and multiple dwellings. The use of the property as a detached dwelling is not proposed to change as part of this application. In the opinion of Staff, the request for an accessory structure within the front yard of a detached dwelling meets the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that prohibits accessory buildings and structures in the front yard is to maintain an aesthetically pleasing streetscape, and to preserve visibility triangles for movement of pedestrians, cyclists, and motorists. In regards to an aesthetically pleasing streetscape, Staff identifies that the accessory structure appears as an extension of the rear yard fence. The structure protrudes into the front yard only slightly and is roughly in line with the existing front porch and steps. It is well set back from the street line (approximately 6 metres). In regards to visibility, staff have confirmed the structure is outside of any Driveway Visibility Triangles (DVTs) on the subject lands

or neighbouring lands. Therefore, Staff are of the opinion that that the requested variance meets the intent of the Zoning By-law.

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

The accessory building does not cause any loss of functionality or use of the subject lands or the abutting lands. The aesthetic effects are minor in the opinion of Planning Staff. Planning Staff is of the opinion that the effects of the variance are minor.

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

The requested variance to recognize an existing accessory structure in the front yard of an existing detached dwelling is considered appropriate for the use of the land, as it recognizes the entrance to a fenced rear yard to be slightly within the front yard. The use of the subject lands is maintained, and the accessory structure does not prevent the use or future redevelopment of abutting lands.

Environmental Planning Comments:

No environmental planning concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

No parks/operations concerns.

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.

CONSULT – Staff met (virtual meeting) with abutting residents to discuss concerns.

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:

No attachments.