

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
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PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: July 4, 2023

REPORT NO.: DSD-2023-308

SUBJECT: Minor Variance Application A2023-083 – 15 Kenora Drive

RECOMMENDATION:

That Minor Variance Application A2023-083 for 15 Kenora Drive requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.3.3 a) i) to permit a required parking space to be located 2.6 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the attached garage into living space for the existing single detached dwelling; and
- ii) Section 4.1 e) to permit an accessory structure in the exterior side yard, whereas the Zoning By-law does not permit accessory structures in the exterior side yard;

generally in accordance with drawings prepared by JR Design and Consultants, dated January 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to permit an existing accessory structure in the exterior side yard, as well as the conversion of an attached garage into living space.
- 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 a rectangular through lot which fronts Kenora Drive and Wren Place.

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 review minor variances to allow the conversion of an attached garage into living space, as well as to allow an existing accessory structure in the exterior side yard. The attached garage is currently 6 metres from the street line and is proposed to be converted into additional living space. The required parking space to replace the garage is proposed to be in the driveway and will be located 2.6 metres from the street (property) line. The subject property also contains an accessory structure (shed) in the exterior right side yard, which is currently used for pool maintenance. The accessory structure (shed) is approximately 4 square metres in area. Accordingly, minor variances are requested to permit that the required parking space be located 2.6 metres from the street (property) line, instead of the minimum required 6 metres indicated in Section 5.3.3 a) i) of Zoning By-law 2019-051, and to permit the accessory structure (shed) in the exterior side yard, whereas the structure is prohibited by Section 4.1 e) of Zoning By-law 2019-051.

The existing accessory structure (storage shed) located within the driveway, abutting the subject property, is to be demolished.

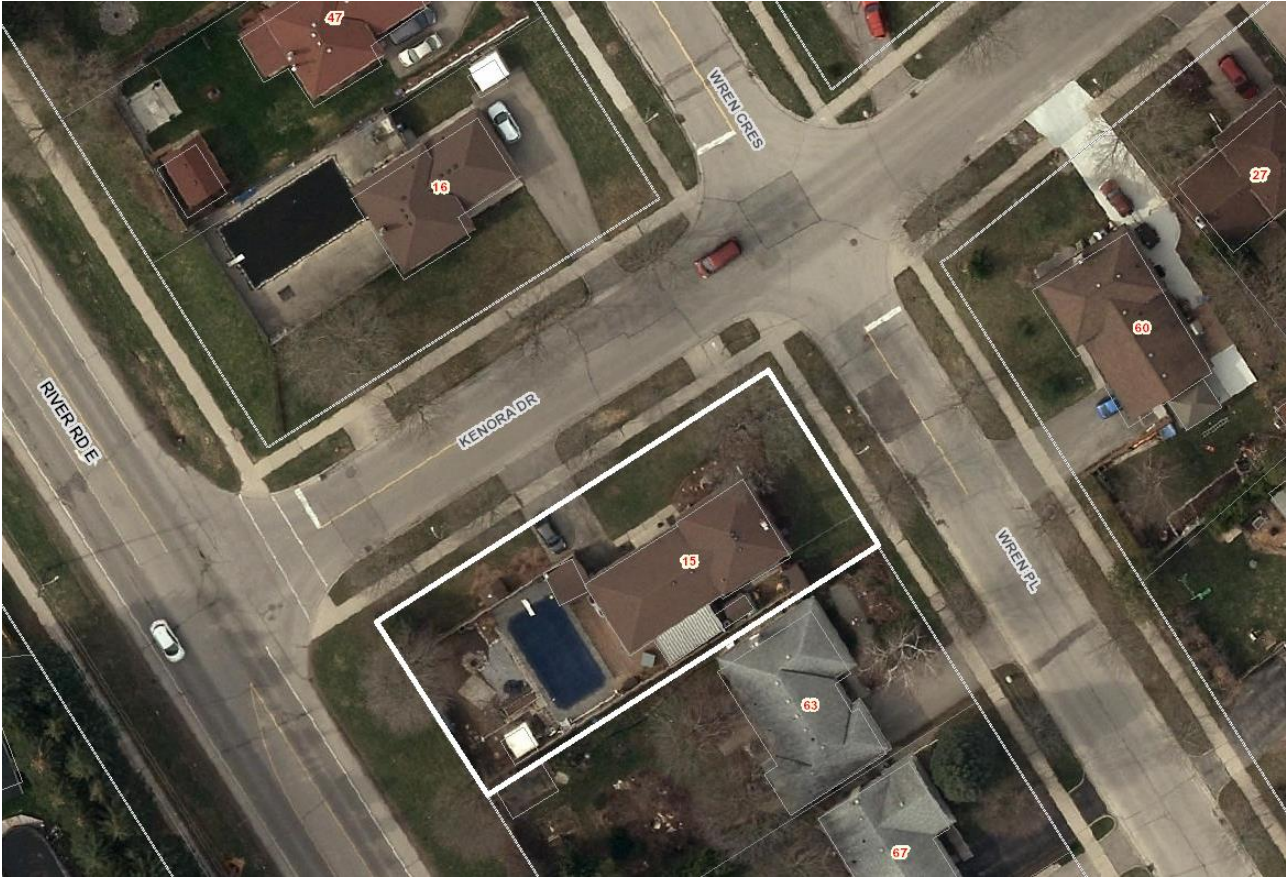


Figure 1 – Ariel Photo of Subject Property



Figure 4 – Existing Accessory Structure (Shed) in Exterior Side Yard

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' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to permit a variety of low-density residential uses with an emphasis on compatibility with the built form, height, massing, scale, and design. The proposed required parking space does not conflict with low-rise built form of the neighbourhood, as several adjacent properties currently use their driveways for this purpose. Given that the existing accessory structure (shed) is inferior to the subject property, and the exterior is comprised of the same material as the existing fence, staff are of the opinion that it aligns with the general intent of the Official Plan.

General Intent of the Zoning By-law

Minimum Parking Space Distance from Street (Property) Line

The intent of the 6 metre distance from the street (property) line is to ensure that there is adequate space for additional cars, and that street parking is limited. The proposed parking space in the driveway provides adequate space for the required parking space, and when the accessory structure (storage shed) in the driveway abutting the subject property is demolished, there will be adequate space for an additional parking space. As such, staff are of the opinion that the minor variance meets the intent of the Zoning By-law.

Accessory Structure in the Exterior Side Yard

The intent of prohibiting accessory structures in the exterior side yard is to ensure that there are no visibility issues regarding the principal dwelling. The existing accessory structure (shed) is inferior to the principal dwelling, as it is 4 square metres in area. The exterior of the accessory structure corresponds with the existing fence, and there is landscaping around the structure, so there are no visibility issues regarding the size of the structure or design. As such, staff are of the opinion that the minor variance meets the intent of the Zoning By-law.

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

The variances can be considered minor as the driveway on the subject property is currently used for parking space, and the accessory structure (shed) is an existing use which serves a purpose in its existing location, as it used for pool maintenance. As such, the effect on adjacent properties and neighbourhood built form compatibility is minimal.

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

The variance is appropriate for the development and use of the land. The requested variances should not impact any of the adjacent properties or the surrounding neighbourhood as the uses are existing, and the proposed development is the conversion of an existing garage.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made for the addition to the existing single detached dwelling and it is currently under review.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks Division has no concerns.

Transportation Planning Comments:

Transportation Services supports a 2.6 metre parking setback from the required 6.0 metre setback.

Grand River Conservation Authority Comments:

Grand River Conservation Authority has no concerns.

Region of Waterloo Comments:

No concerns/conditions for this application. Staff note that the subject lands are located within the Airport Zoning Regulated area and specifically under the runway take-off/approach surface; and, as such, subject to all provisions of the Airport Zoning Regulations.

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*