

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 15, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: July 31, 2023

REPORT NO.: DSD-2023-339

SUBJECT: Minor Variance Application A2023-095 – 64 Garden Ave

RECOMMENDATION:

That Minor Variance Application A2023-095 for 64 Garden Avenue requesting relief from Section 7.3, Table 7-2 of Zoning By-law 2019-051, to permit a rear yard setback of 4.9 metres instead of the minimum required 7.5 metres, to facilitate the construction of an addition to the rear of the existing single detached dwelling, generally in accordance with drawings submitted with Minor Variance Application A2023-095, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to facilitate the construction of an addition to the rear of the existing single detached dwelling.
- 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 Garden Avenue between Highland Road West and Spadina Road West. The existing use of the property is a single detached dwelling with an existing rear yard addition that will be torn down and replaced with the new rear yard addition.

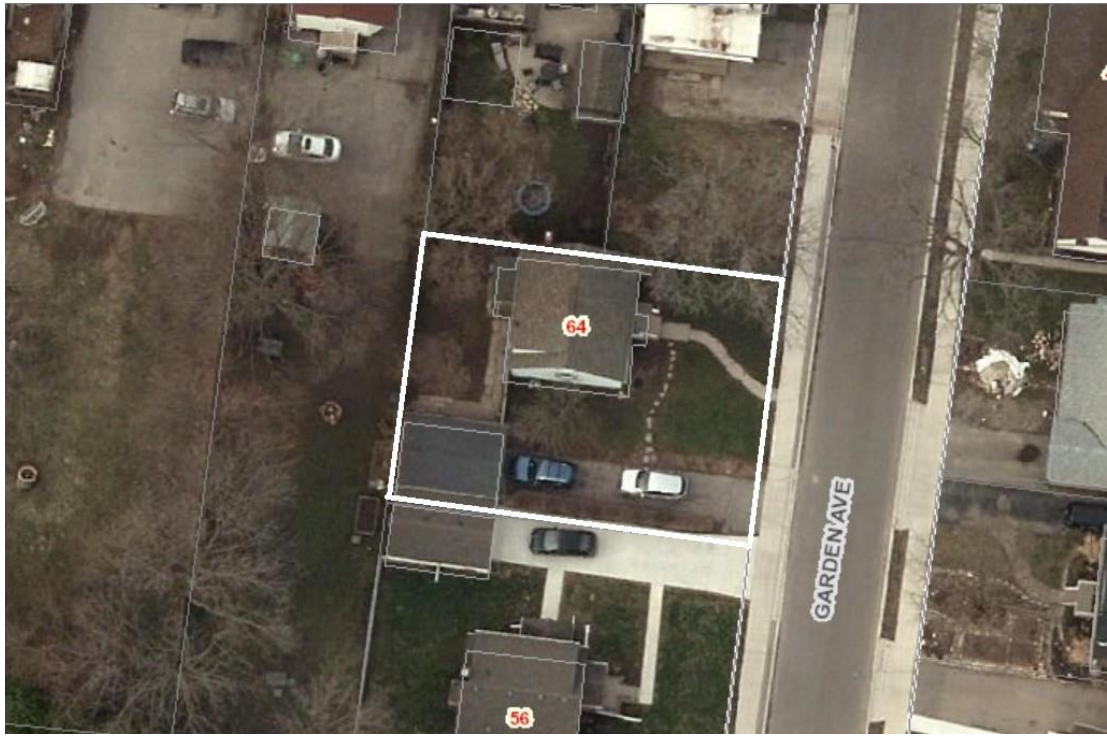


Figure 1 – Subject Property



Figure 2 – Location of Rear Yard Addition

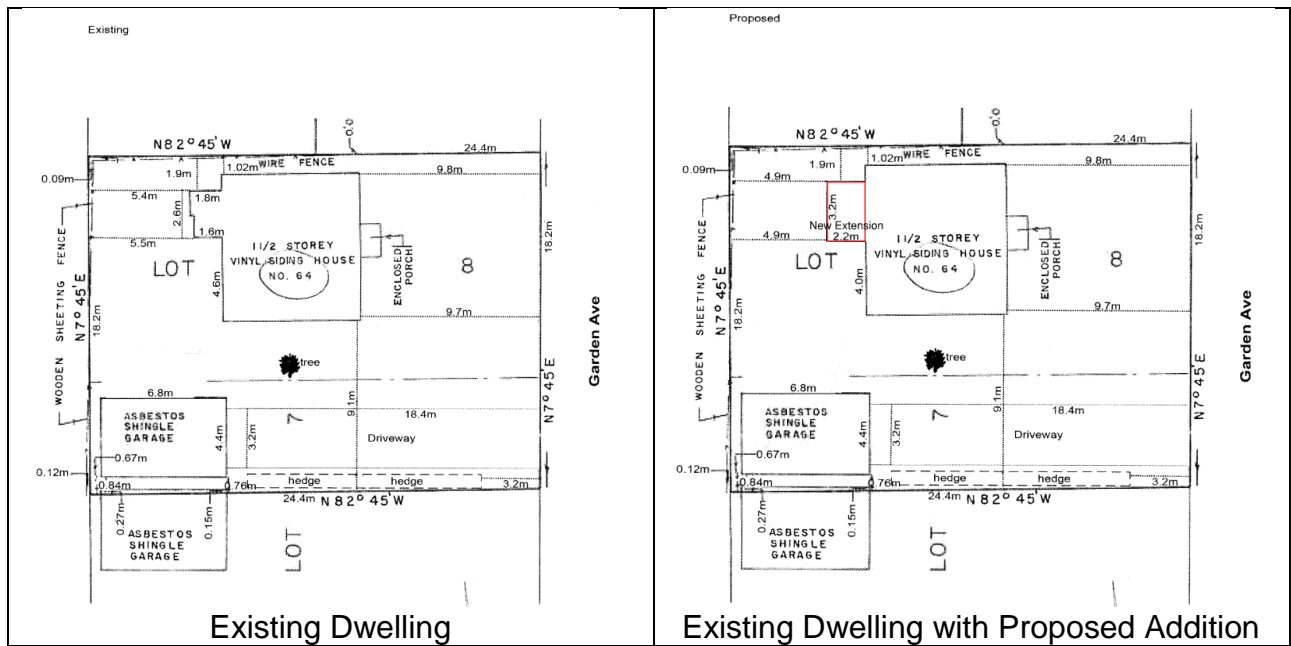


Figure 3 – Comparison of Existing Dwelling and Proposed Addition

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 facilitate the construction of a rear yard addition to the existing single detached dwelling on the property with a rear yard setback of 4.9 metres instead of the minimum required 7.5 metres. 'Figure 2' shows the existing rear yard addition, which the property owner has identified as in need of repair. The rear yard addition will be reconstructed with small changes. The net change in the size of the rear yard addition, of 2.5 square metres, is illustrated in the drawings in 'Figure 3' above.

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 an addition to the rear of the existing dwelling meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of Section 7.3, Table 7-2 is to ensure that the built form of residential dwellings is appropriate for the lot and for the surrounding neighbourhood. Rear yard setback requirements are in place to provide for private amenity space in the form of a garden or backyard and to ensure adequate separation between buildings on adjacent properties. The variance would permit a rear yard setback of 4.9 metres, almost 5 metres, instead of the minimum required 7.5 metres. Staff are of the opinion that as the addition does not run the entire length of the existing house and replaces an existing addition, in doing so would still allow for the property to have a backyard area and maintain 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. As shown in 'Figure 1', the rear yard of 64 Garden Avenue is not adjacent to any buildings on neighbouring properties, meaning that there will be no privacy concerns that would result from this variance. The rear yard addition is replacing an existing addition, with the net increase in the gross floor area of the building being 2.5 square metres. This change in gross floor area is small and should be considered minor.

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. It will facilitate the repair and replacement of an existing addition which scale and location are compatible with the existing single detached dwelling and the character of the surrounding neighbourhood.

Environmental Planning Comments:

No concerns with this application.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the addition to the existing single detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns with this 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*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

There are no attachments.

