

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

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

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: September 5, 2023

REPORT NO.: DSD-2023-398

SUBJECT: Minor Variance Application A2023-110 – 148 Chandos Drive

RECOMMENDATION:

That Minor Variance Application A2023-110 for 148 Chandos Drive requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 2 metres instead of the minimum required 7.5 metres, to facilitate the construction of an addition to an existing Single Detached Dwelling, generally in accordance with drawings prepared by Pawandeep Grewal, dated August 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of an addition to an 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 a corner lot on Chandos Drive, which contains a two-storey single detached dwelling.

The 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.

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



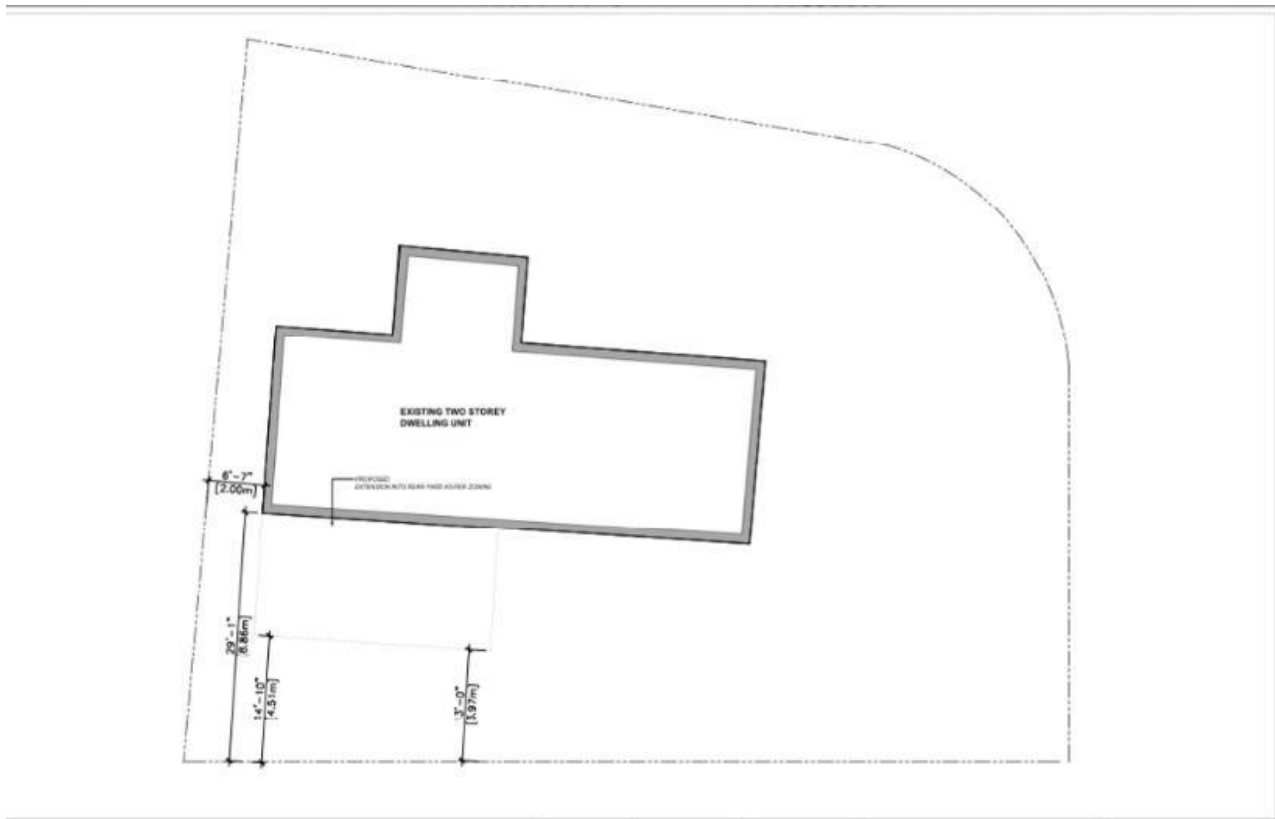
Figure 1 – Aerial View of Subject Property

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 a minor variance application to facilitate the construction of a proposed addition attached to an existing single detached dwelling. The addition is proposed to be 7.25 metres in height and will be used as additional bedroom and living space. Columns that are 3.1 metres in length will support the addition, and the addition will be aligned with the existing second floor of the dwelling.

Zoning By-law 2019 states that the front lot line of a corner lot is the shorter lot line abutting a street, meaning that the portion of the subject property containing the driveway and landscaping, facing towards the right of Chandos Drive, is the front yard of the property. As such, the addition would be located in what is considered in the Zoning By-law to be the interior left side yard, although it functions as a rear yard. The dwelling is oriented such that the pedestrian entrance is facing north of Chandos Drive. Both side yard setbacks exceed the minimum requirement of 1.2 metres outlined in Zoning By-law 2019, with the left side yard setback being 7.7 metres, and the right side yard setback being 7.6 metres. The proposed addition would reduce the left side yard setback to 4.5 metres, which is still in compliance with the Zoning By-law. However, due to the orientation of the lot, the rear yard setback is 2 metres, whereas the Zoning By-law requires a setback of 7.5 metres. Accordingly, a minor variance is requested to permit a rear yard setback of 2 metres.

Staff visited the subject property on August 30, 2023.



NOTES:	▲	REVISION	PROJECT TITLE	DRAWING TITLE :-	DESIGNER
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Figure 2 – Proposed Site Plan

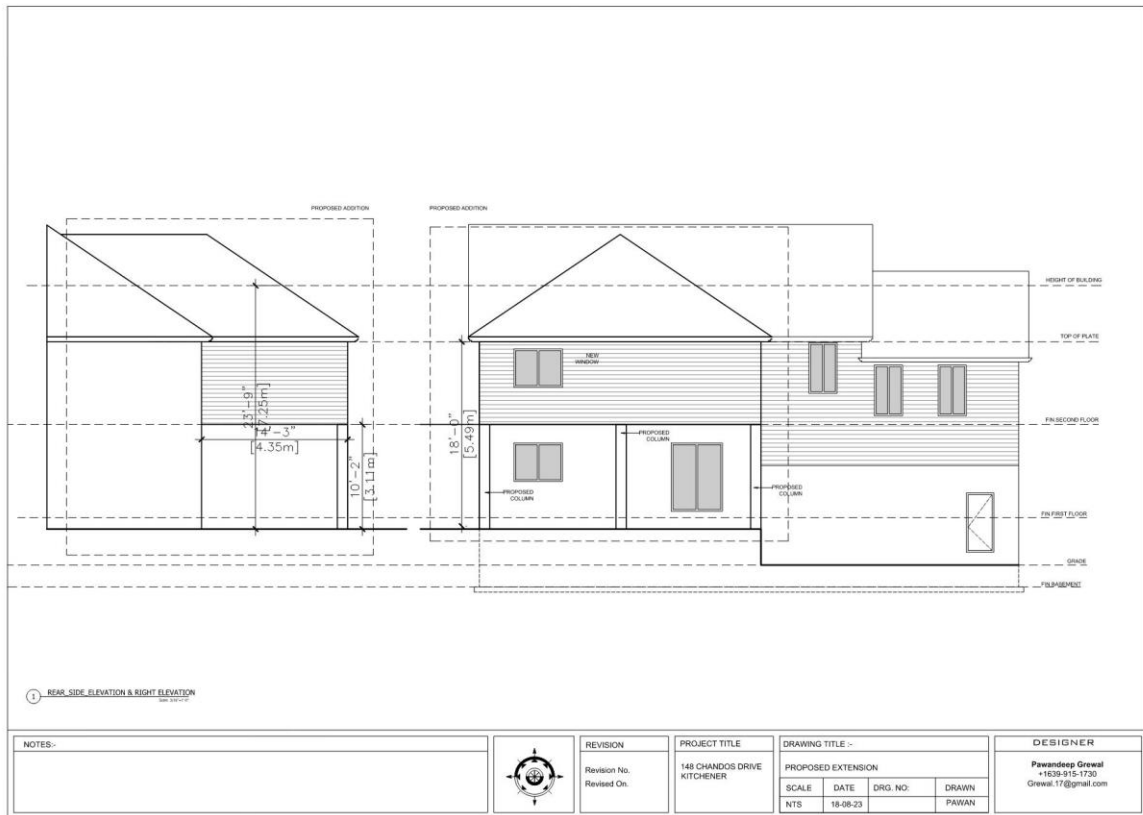


Figure 3 – Elevation Drawings



Figure 4 – Front View of Subject Property



Figure 5 – Interior Side Yard of Subject Property

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. This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. It is the opinion of staff that the existing use and proposed one-storey addition conforms to the land use designation. Accordingly, the variance to facilitate the addition will meet 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. The minimum rear yard setback requirement is to ensure private amenity space for residents, as well as adequate separation between buildings on adjacent properties. Staff are of the opinion that that the minor variance meets the intent of the By-law, as the larger side yard setbacks would continue to provide adequate private amenity space, and there are landscaped buffers between the subject property and neighbouring properties.

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

Staff is of the opinion that the requested variance is minor. The privacy concerns related to adjacent properties are minimal as there are no windows proposed for the portion of the addition facing the technical rear yard, the addition is at level with the existing second floor, and adequate amenity space will continue be provided. The proposed addition will be located in the interior side yard as defined by the Zoning By-law, however this yard functions as the actual rear yard for the dwelling. The functional rear yard will be 4.5 metres in width and be able to provide a sufficient amenity area in addition to the area under the 2nd storey addition. As such, the reduced rear yard setback 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?

Planning staff is of the opinion that the variance to reduce the minimum rear yard setback is appropriate for the desirable development of the lands as it will facilitate the expansion of interior living space for the dwelling, increasing the functioning and desirability of the residential property.

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 provided building permit for the addition to the existing residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
Engineering Division has no concerns.

Parks/Operations Division Comments:
Parks/Operations Division has no comments.

Transportation Planning Comments:
Transportation Planning has no concerns.

Region of Waterloo Comments:
Region of Waterloo has no concerns.

Ministry of Transportation Comments:
MTO has no concerns.

Grand River Conservation Authority Comments:
GRCA has no concerns.

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*