

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 12, 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: November 24, 2023

REPORT NO.: DSD-2023-532

SUBJECT: Minor Variance Application A2023-139 – 107 Country Clair St.

RECOMMENDATION:

That Minor Variance Application A2023-139 for 107 Country Clair Street requesting relief from Section 7.3, Table 7-2 of Zoning By-law 2019-051, to permit a rear yard setback of 2.5 metres instead of the minimum required 7.5 metres to facilitate the construction of a sunroom addition at the rear of the existing detached dwelling, generally in accordance with drawings prepared by Sunspace by Tropical Sunrooms Inc., dated November 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a sunroom addition at the rear of the existing 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 containing a detached dwelling located on Country Clair Street.

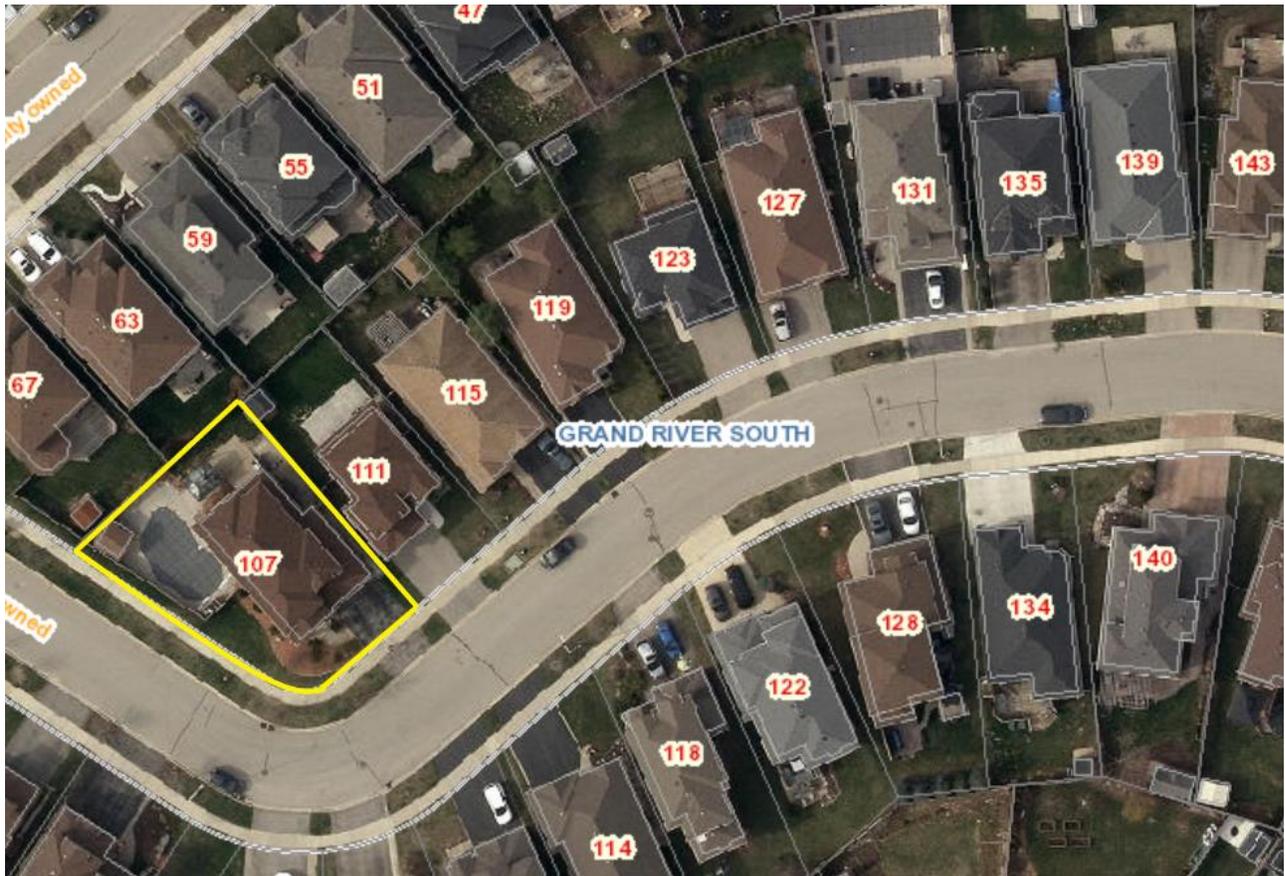


Figure 1 – Ariel Photo of the Subject Property

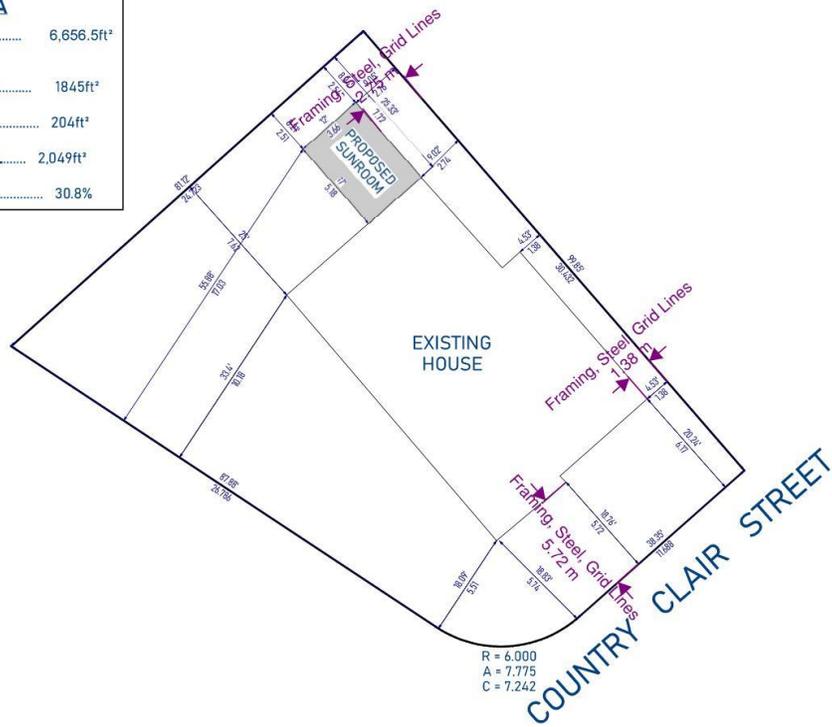
The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Three Zone (RES-3)' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance application to facilitate the construction of a sunroom addition at the rear of the existing detached dwelling. The subject property currently contains a detached dwelling, which has a front yard setback of 5.7 metres, a right side yard setback of 1.3 metres, and a left side yard setback of 5.5 metres, which all exceed the minimum setback requirements outlined in Zoning By-law 2019-051. The existing rear yard setback is approximately 7.7 metres, which is greater than the minimum requirement of 7.5 metres.

The applicant is proposing to add a sunroom at the rear of the subject property. The proposed dimensions of the sunroom are 5.18 metres in length, and 3.66 metres in width (as shown in Figure 2). As the existing rear yard setback is 7.7 metres, the proposed sunroom addition with a length of 5.18 metres would result in a rear yard setback of 2.5 metres, which does not meet the minimum requirement set out in the Zoning By-law. Accordingly, a minor variance is requested to allow a rear yard setback of 2.5 metres.

| SITE PLAN DATA | | |
|-------------------------|---------------|------------------------|
| LOT AREA..... | | 6,656.5ft ² |
| LOT COVERAGE..... | EXISTING..... | 1845ft ² |
| | PROPOSED..... | 204ft ² |
| | TOTAL..... | 2,049ft ² |
| GFA/LOT AREA RATIO..... | | 30.8% |



SCALE: 1:200 (1/16" = 1')

Figure 2 – Site Plan



U.P.O. CALCS
 LIMITING DISTANCE = 4.5 / 1.38 M
 EXPOSED BUILDING FACE = 1181 FT TOTAL
 PROPOSED = 82.5 FT RSD
 PERMITTED = 7% = 82.67 FT

LEFT ELEVATION

SCALE: 1/80 (1/4" = 1')

Figure 3 – Left Elevation

DRAW
 N BY:
 I CERTIFY THAT I, SHAWN SAWATZKY, HAVE REVIEWED AND TAKEN RESPONSIBILITY FOR THIS DESIGN AND I HAVE MET THE REQUIREMENTS AND QUALIFICATIONS AS SET OUT IN THE ONTARIO BUILDING CODE. (SIGN: 2444)

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OWNER:
 Marco & Janina Spotic
 107 Country Clair St.
 Kitchener, ON N2B 3E2
 518.462.8774

CONTRACTOR:
 SUNSPACE TROPICAL
 SUNROOMS INC.
 1488 VICTORIA ST. N.
 KITCHENER, ONT. N2B 3E2



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Staff conducted a site visit to the subject property on November 23rd, 2023.



Figure 3 – Front View of Subject Property



Figure 4 – Rear 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 addition conforms to the land use designation. Accordingly, the variance to facilitate the sunroom 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 adequate 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 is a fence between the subject property and the adjacent property facing the rear yard.

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

Staff are of the opinion that the requested variance is minor. The privacy concerns related to the adjacent properties are minimal, as the sunroom will be setback 2.5 metres from the rear lot line and there is a fence between the subject property and the adjacent property facing the rear yard. Further, the majority of the main wall of the principal dwelling will continue to be setback the minimum 7.5 metres and there will continue to be adequate amenity space in the rear and side yard for the residents.

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 amenity space for the dwelling, increasing the functioning and desirability of the residential property.

Environmental Planning Comments:

There are no natural heritage or tree management concerns.

Heritage Planning Comments:

Heritage Planning Staff have no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the sunroom addition.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks/Operations Division has no concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority Comments:

The GRCA has no concerns.

Region of Waterloo Comments:

The Region of Waterloo 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*