

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 16, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-741-2200 ext. 7765

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

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: January 3, 2024

REPORT NO.: DSD-2024-045

SUBJECT: Minor Variance Applications A2024-003 to A2024-008
1388 New Dundee Road (58M-671, Block 11)

RECOMMENDATION:

That Minor Variance Applications A2024-003 to A2024-008 for 1388 New Dundee Road (58M-671, Block 11) (Parts 111, 112, 115, 116, 119 and 120 on a Draft Reference Plan) requesting relief from Section 7.3, Table 7-4, of Zoning By-law 2019-051 to permit a lot width (for an external unit) of 6.9 metres instead of the minimum required lot width (for an external unit) of 9.5 metres, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance applications to facilitate the construction of six (6) external unit street fronting townhomes.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included notice signs 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 properties are located on the north side of New Dundee Road to the West of Stauffer Woods Trail. The subject lands are part of Draft Plan of Subdivision 30T-08203 (Stauffer Woods). The lands are registered, but not yet lotted out or serviced and remain as one block (Block 11, 58M-671). The lands are proposed to front onto Winter Wren Crescent, which has not been constructed yet.

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

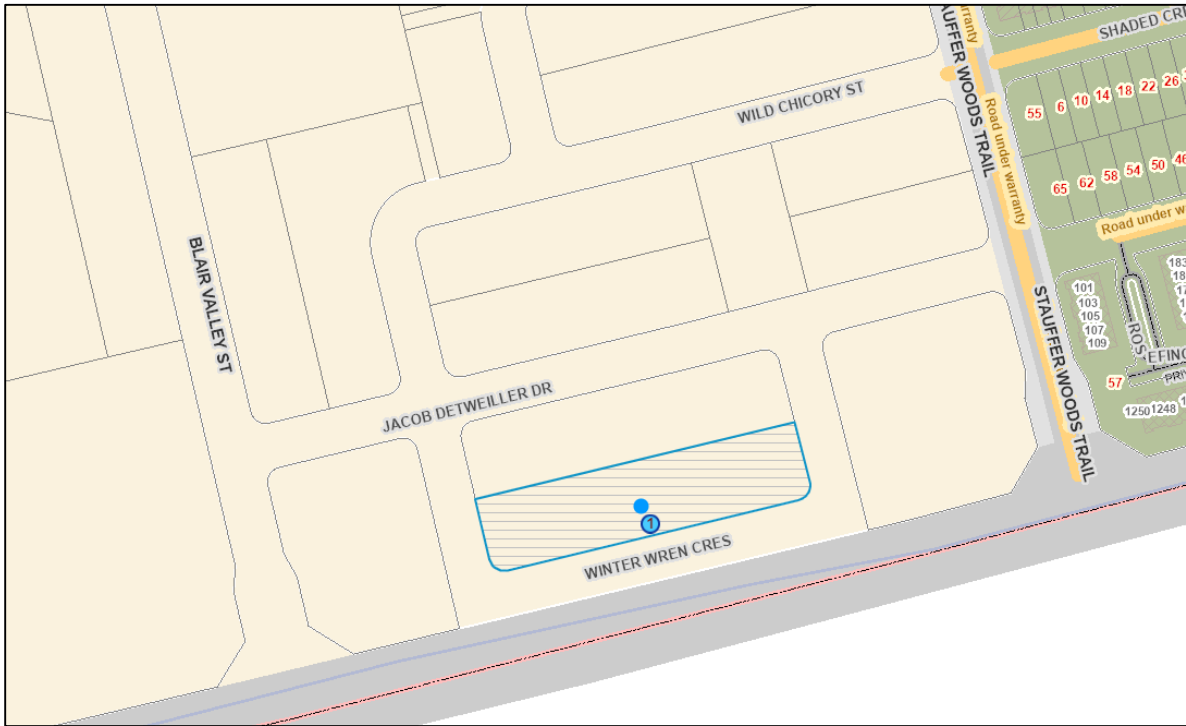


Figure 1: Location Map



Figure 2: View of location of future “Winter Wren Crescent” and subject lands (January 3, 2024)

The subject lands are identified as a '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 lands are zoned 'Low Rise Residential Five Zone (RES-5) with Site-Specific Provisions (306), (308) and (310)' in Zoning By-law 2019-051.

The purpose of the applications is to facilitate the creation of six (6) lots to be constructed with external unit street townhouse dwellings. The applicant is seeking to create a total of twenty (20) lots through a Part Lot Control Exemption By-law. In order to create 6 of the lots, relief is being sought for minimum lot width (for an external unit).

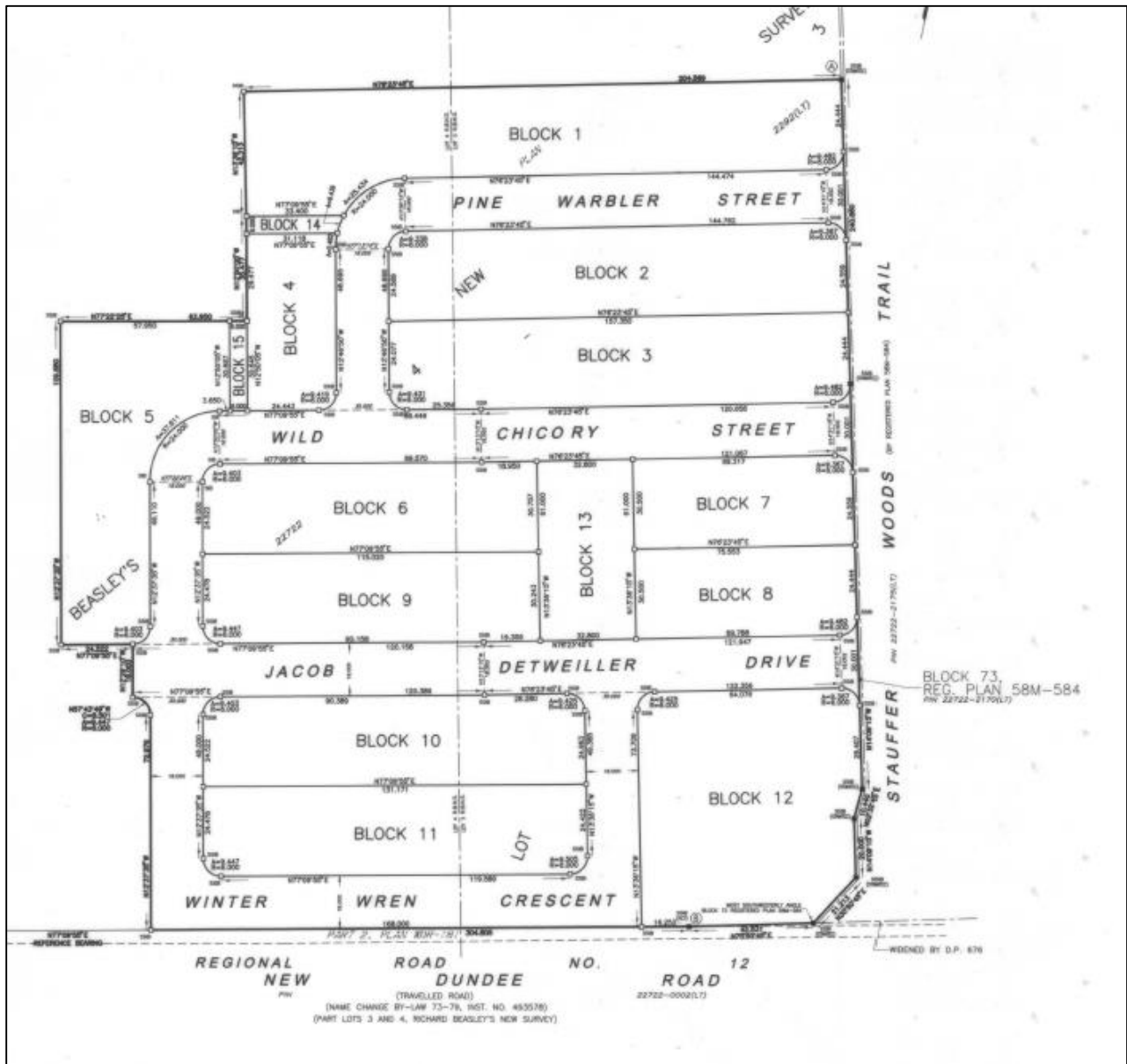


Figure 3: Registered Plan of Subdivision 58M-671

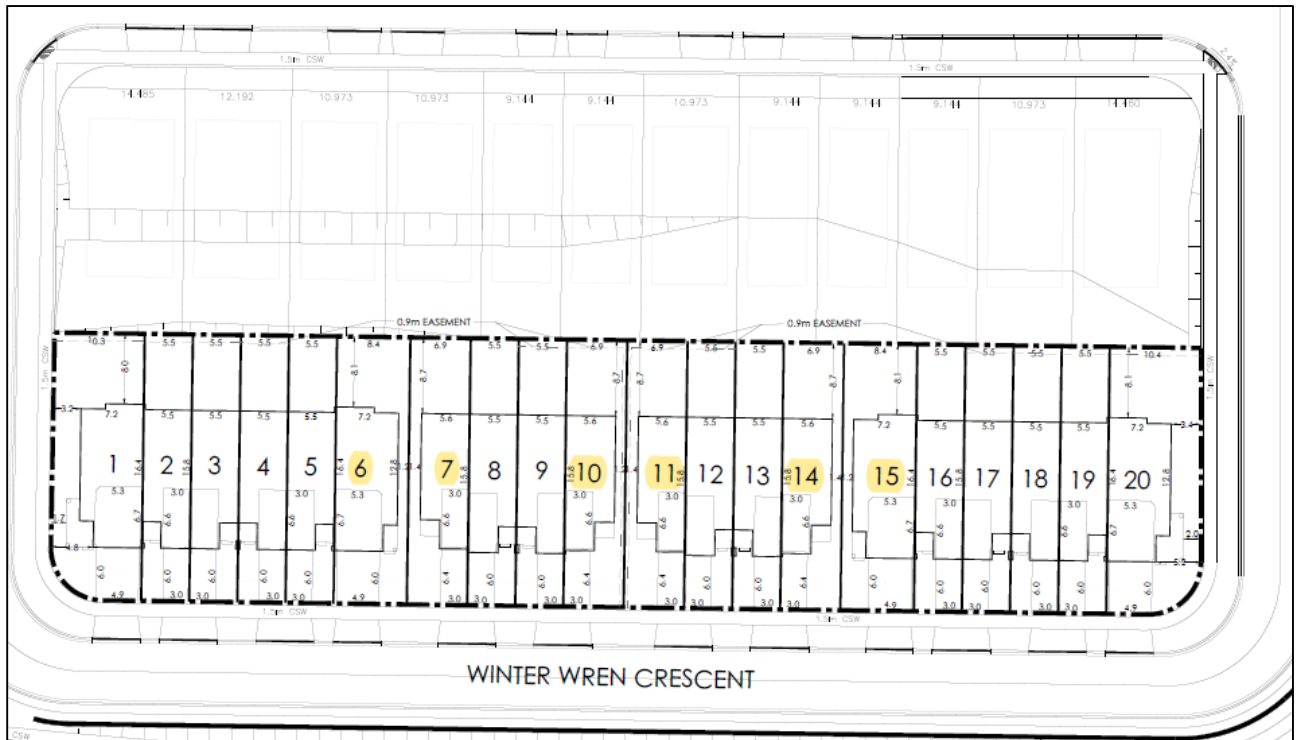


Figure 4: Design Drawing showing Proposed Lot Fabrics for Block 11, 58M-671 (MHBC Planning)

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 intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the proposed street fronting townhouse dwellings. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form. The requested reduction in lot width will not interfere with the intent of the Official Plan as the proposed built form maintains a low density and low rise built form.

General Intent of the Zoning By-law

The intent of the regulation that requires the external units of street fronting townhomes to have a lot width of 9.5 metres is to ensure there is adequate space for a side yard setback as well as sufficient width for a functional townhouse unit. A contributing factor to the minimum 9.5 metre lot width requirement is the minimum requirement for side yard setback of 2.5 metres in the base zone. The subject lands are subject to Site Specific Provision (308), which has a reduced minimum side yard setback requirement of 0.6 to 1.2 metres (depending on the distance of the building on the adjacent lot). The applicant is proposing to provide a 1.2 to 1.4 metre side yard setback (see Figure 4). This allows the end units to maintain a 5.6 to 7.2 metre width of building, greater than the interior units and

demonstrably functional with a single car garage and driveway, adequately sized front porch, and access to the rear yard. Staff is of the opinion that the requested variance for reduction in lot width for external street fronting townhouse units meets the general intent of the Zoning By-law.

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

Staff do not anticipate any adverse effects as the current lands are vacant greenfield lands. Once developed, the lots created will be first developed with established lot widths, which in the opinion of staff are functional and appropriate. Staff are of the opinion that the effects of the requested variances are minor.

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

The subject lands are being developed comprehensively as a block in a plan of subdivision. The requested variances will establish lot widths prior to the creation of the lots, and the lands will be developed in accordance with the established lot widths. Staff do not anticipate any adverse effects as the current lands are vacant. Staff are of the opinion that the requested variances are desirable and appropriate for the development and use of the lands.

Environmental Planning Comments:

No natural heritage or tree management concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances provided building permits for the street fronting townhouses are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

No parks/operations concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed applications.

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:

No attachments.