

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: Arwa Alzoor, Planner, 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: December 27, 2023

REPORT NO.: DSD-2024-036

SUBJECT: Minor Variance Application A2024-009 - 169 Otterbein Road

RECOMMENDATION:

That Minor Variance Application A2024-009 for 169 Otterbein Road 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 required 7.5 metres, to facilitate the construction of a new detached dwelling, generally in accordance with drawings prepared by J.D. Barnes Ltd., dated November 30, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a new Detached Dwelling on a vacant lot.
- 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 at the Grand River North neighbourhood south of Victoria Street North and east of Lackner Boulevard

The subject property is 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 property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

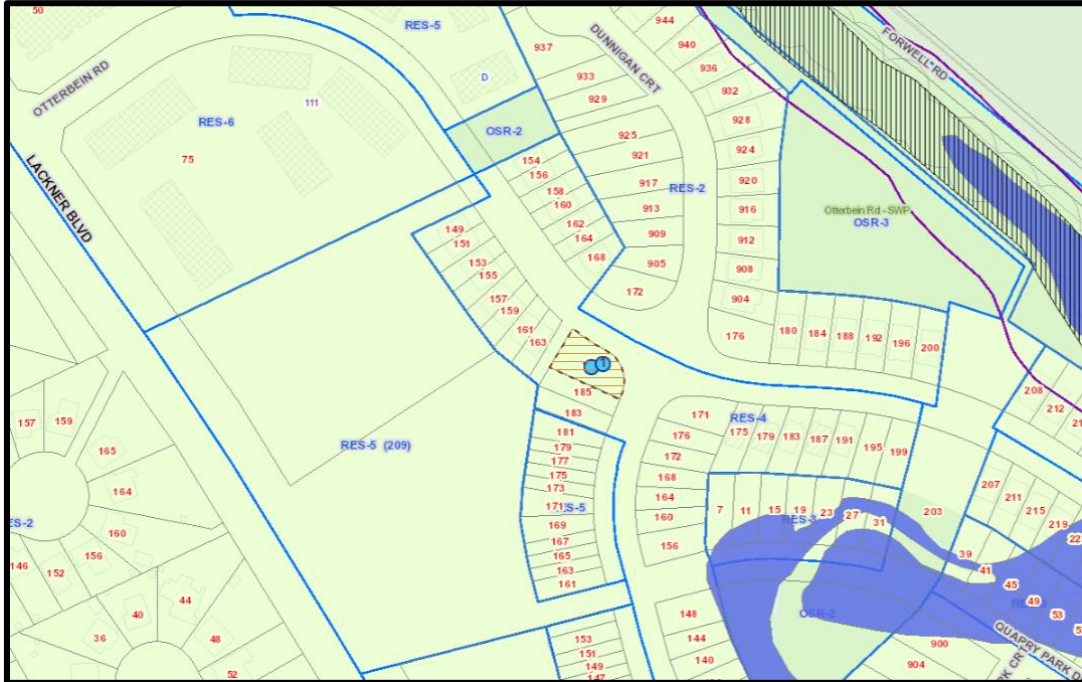


Figure 1: The proposed property on the Zoning Map.

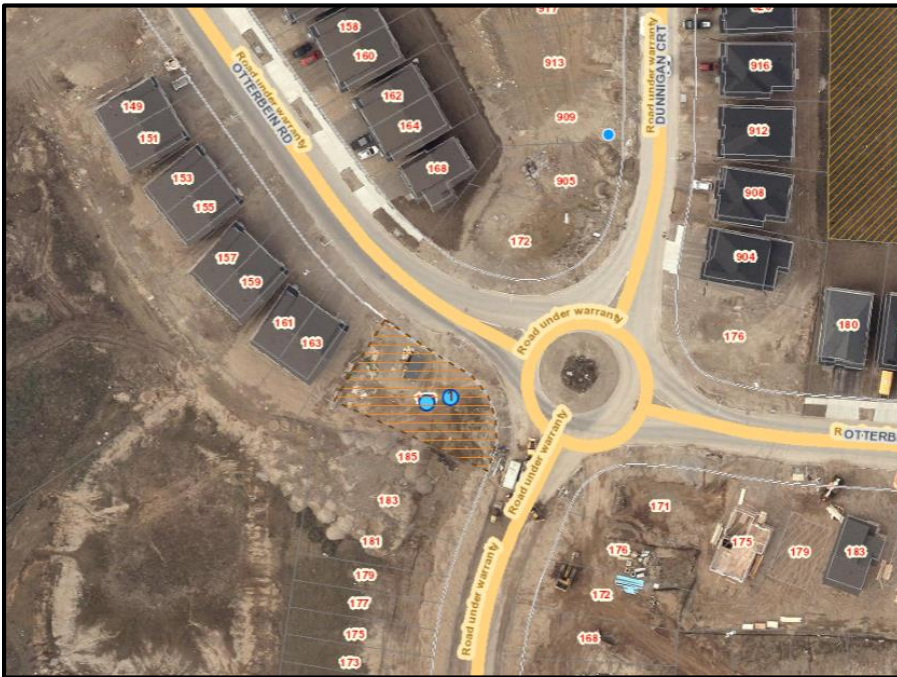


Figure 2: The proposed property on an aerial view.

The purpose of the application is to review a minor variance application to construct a new two-storey detached dwelling on a vacant corner lot that will be about 8.0 metres in height.

Zoning By-law 2019-051 states that the front lot line of a corner lot is the shorter lot line abutting a street, meaning that the lot fronts Dunnigan Drive. Moreover, due to the lot's

irregular shape and the orientation of the lot in relation to the street and the roundabout. In addition, the garage is set as per the grading plan recommendation. The proposed design requires a variance for the rear yard to be 2 meters instead of the required 7.5 metres.



Figure 2: The proposed Site Plan drawing.

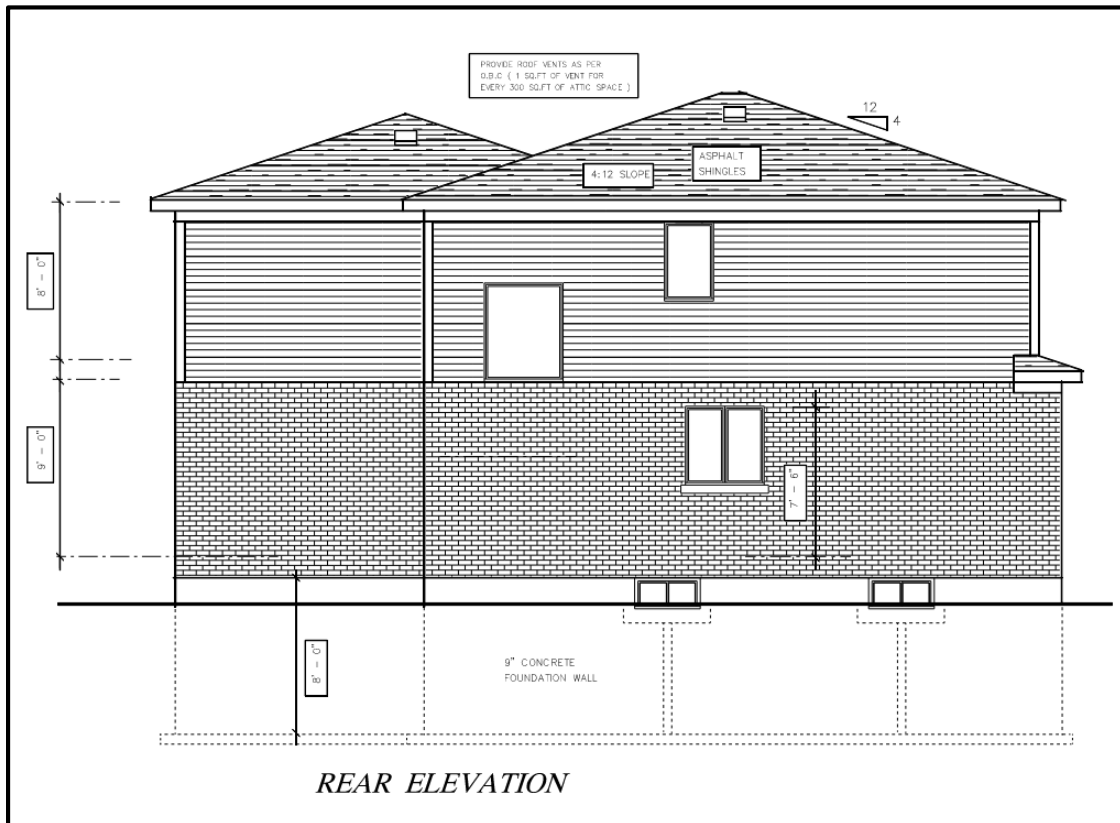


Figure 3: The proposed rear elevation.

Staff visited the subject property on December 29, 2023.



Figure 4: Picture of the exterior side yard.



Figure 5: Picture of the site from the corner.

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 the 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. The use of the property for a new two-storey Detached Dwelling conforms to the land use designation. Accordingly, the variance to facilitate the new Detached 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 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. The deficient rear yard setback in this location will abut a public walkway block. Staff is of the opinion that the minor variance meets the intent of the Zoning By-law, as the front and the exterior yard still provide adequate private amenity space and an adequate setback from the neighbouring use is still maintained.

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 limited windows proposed on the portion of the building facing the technical rear yard. In addition, the variance is created due to the property shape and orientation in relation to the street and the roundabout and based on the grading plan design to locate the garage and the driveway access furthest away from the roundabout. Only part of the rear wall that contains the garage and a second floor above will be 2 metres; the remaining part of the rear wall will be more than 6.0 metres away from the rear lot line. The proposal will provide a sufficient amount of amenity space in the exterior yards. As such, the reduced rear yard setback does not have any significant impacts on 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 and use of the lands as it will facilitate a new detached dwelling, increasing the functioning of the location of and desirability of this residential property abutting a roundabout.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been submitted and is currently under review.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No Comments.

Transportation Planning Comments:

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

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

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*