

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: Tara Zhang, Planner, 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: January 3, 2024

REPORT NO.: DSD-2024-041

SUBJECT: Minor Variance Application A2024-002 - 44 Patricia Avenue

RECOMMENDATION:

That Minor Variance Application A2024-002 for 44 Patricia Avenue requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an interior side yard setback of 0.5 metres instead of the minimum required 1.2 metres, to facilitate the construction of a second storey addition above the existing attached garage of the detached dwelling, generally in accordance with the drawings prepared by Chicopee Craftsman, dated October 31, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a second storey addition above the existing garage of the detached dwelling located at 44 Patricia Avenue.
- 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 within St. Mary's Neighbourhood with the closest intersection being Spadina Road West and Patricia Avenue, north of St. Mary's General Hospital.

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 'Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The applicant would like to construct a second storey addition above the existing attached garage to expand more living space for the existing detached dwelling. The proposed addition requires a minor variance as the existing attached garage is only located 0.5 metres from the west property line instead of the minimum required 1.2 metres.

City staff has conducted a site visit on December 29th, 2023.

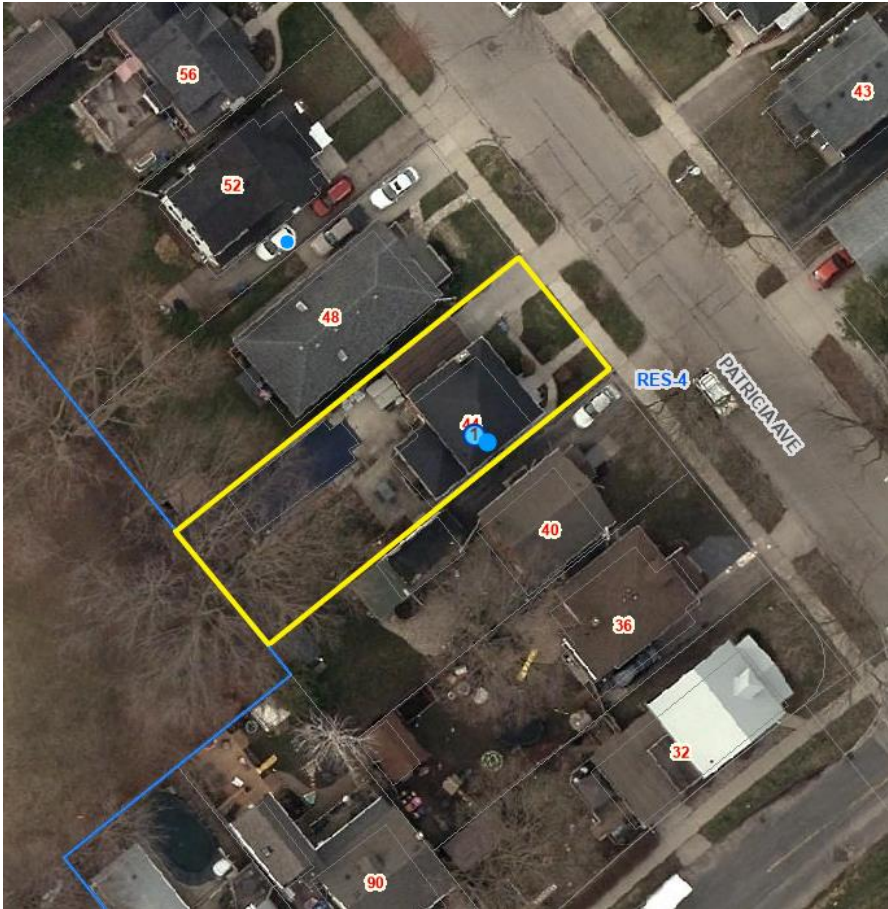


Figure 1: Aerial view of the subject property at 44 Patricia Avenue



Figure 2: Front view of the existing property



PROPOSED ADDITION: FRONT

Figure 3: Proposed Front View With Addition



PROPOSED ADDITION: REAR

Figure 4: Proposed View of the Addition from the Rear

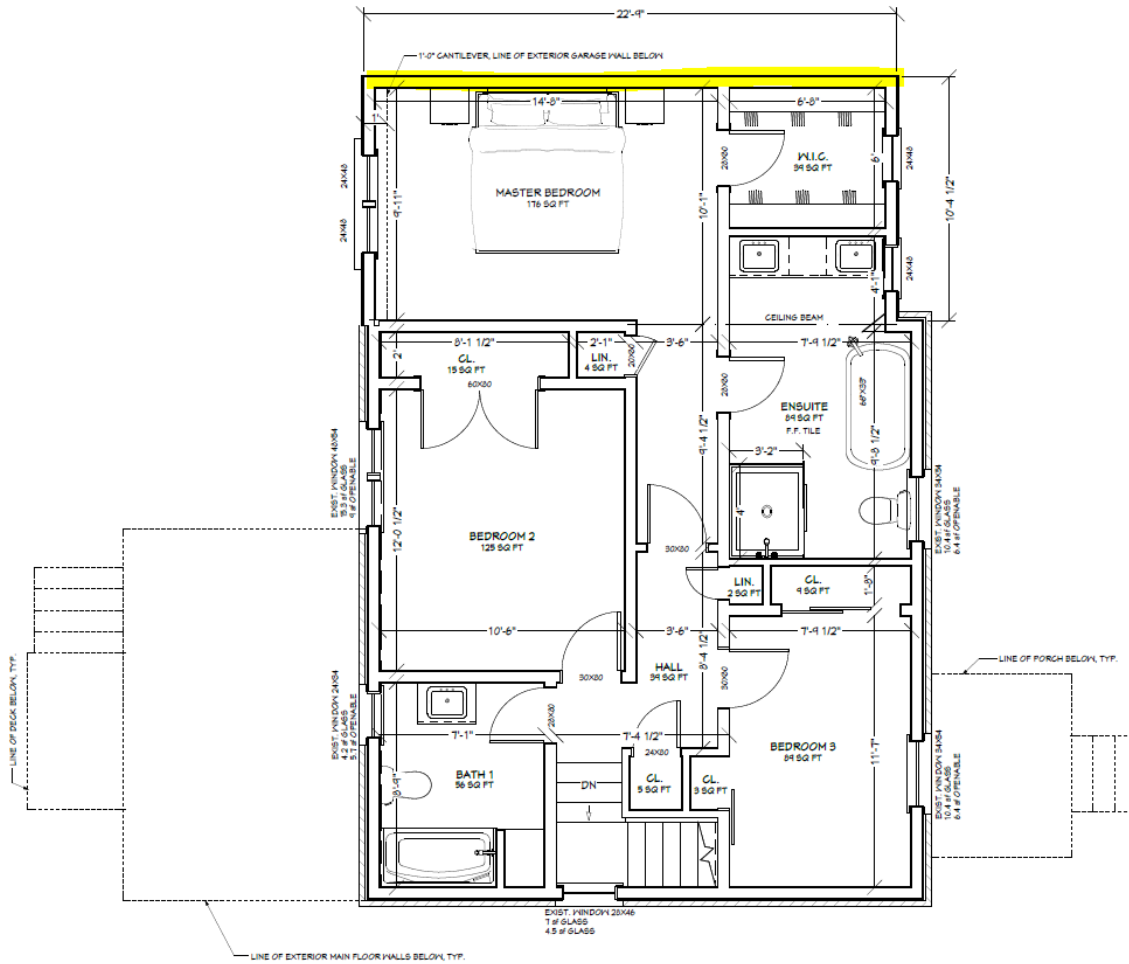


Figure 5: Second storey addition (highlighted building wall closest to side yard)

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 land use designation is to permit a variety of low-density residential uses. Official Plan Policy 4.C.1.8 specifies criteria that should be considered where a minor variance is requested. Subsection 'd' is of relevance to the requested variance and specifies that the variance should be reviewed to ensure that "new buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy". The second storey addition will maintain the existing setback of the attached garage and remain sensitive to the 1 storey neighbouring property with respect to privacy. The general intent of the Official Plan will be maintained.

General Intent of the Zoning By-law

The general intent of the zoning regulation requiring a 1.2 metre side yard set back from an interior side lot line is to provide adequate distance from neighbouring properties for access and maintenance without affecting the privacy or adversely impacting the neighbouring properties. The second storey addition does not have any window openings facing the side yard of the neighbouring property and is proposing to have the new window facing the rear yard. As the 0.5 metre side yard has functioned appropriately for many years staff is of the opinion that the requested variance to allow the 0.5 metre side yard setback instead of 1.2 metres meets 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 requested variance will be minor as the addition will be an extension of the existing 2 storey dwelling over an existing attached garage. The addition will be located the same distance from the lot line as the existing attached garage and contain no window openings on this exterior wall. The existing neighbourhood is a mix of one and two storey dwellings and there will be minimum privacy concerns with the extension of the second storey of the detached dwelling.

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 requested variance is desirable and appropriate as it will facilitate the expansion of interior living space for the residents of the dwelling, increasing the functioning and desirability of the residential property.

Environmental Planning Comments:

No Environmental Planning concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

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

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed 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*