

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** May 21, 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 5

**DATE OF REPORT:** May 8, 2024

**REPORT NO.:** DSD-2024-232

**SUBJECT:** Minor Variance Application A2024-041 - 133 Max Becker Drive

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## RECOMMENDATION:

**That Minor Variance Application A2024-041 for 133 Max Becker Drive requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an exterior yard setback of 4.2 metres instead of the minimum required 4.5 metres to be able to build a 2-storey addition onto the existing detached dwelling, generally in accordance with drawings prepared by C. Frede Design Inc., dated April 3, 2024, BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to permit a reduced exterior yard setback to facilitate a 2-storey addition onto the existing detached dwelling.
- 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, in the Laurentian West Neighbourhood, is a corner lot property at the intersection of Max Becker Drive and Copper Leaf Crescent.

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

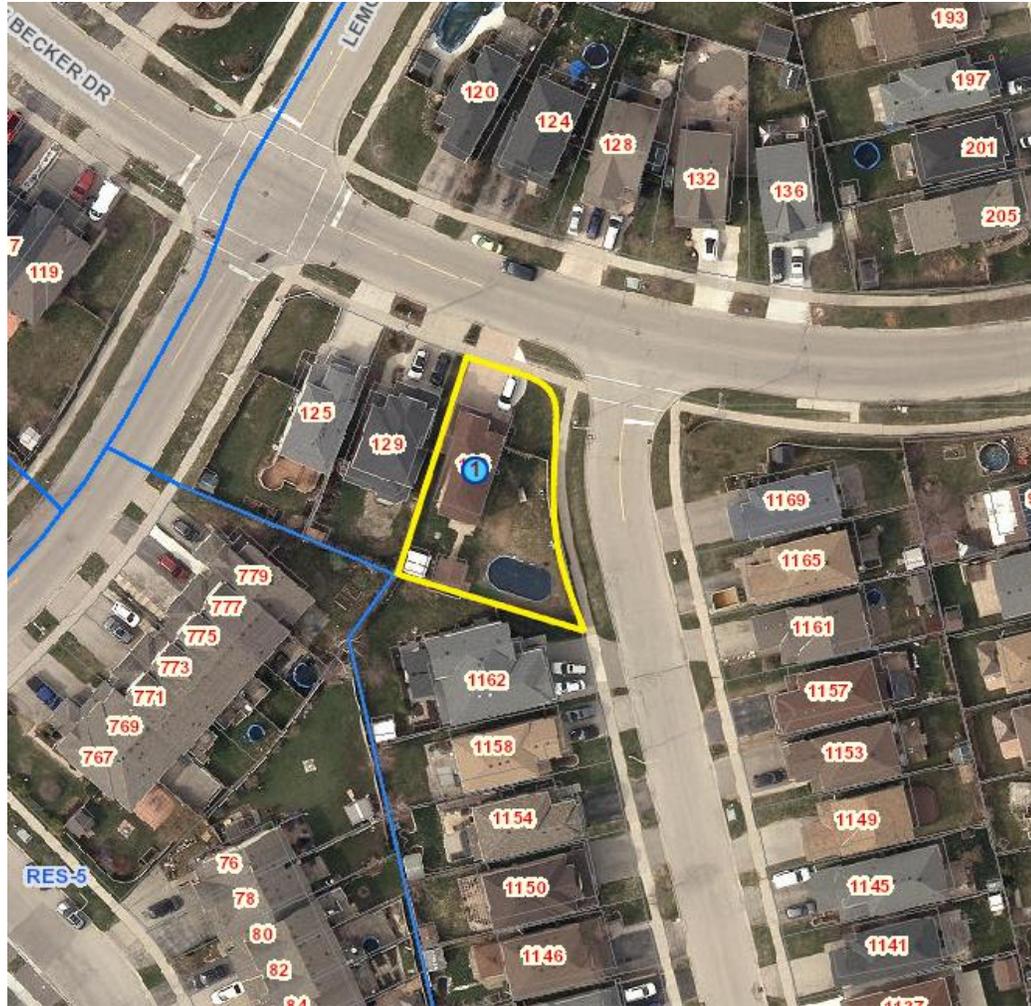


Figure 1: Aerial Location Map of Subject Property.



## **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

Staff is of the opinion that the requested variance to allow a reduced exterior side yard setback meets the general intent of the Official Plan. The subject property is designated 'Low Rise Residential' in the City's Official Plan where it 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.

One of the objectives in the Housing section of the Official Plan is to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life.

Policy 4.C.1.28. states that the City will ensure that the adaptive reuse of existing buildings for special needs housing is compatible in terms of use and built form with the surrounding context.

The minor variance will permit the adaptive reuse of the existing building, which will continue to be compatible in built form and accordingly maintain the intent of the Official Plan.

#### General Intent of the Zoning By-law

The general intent and purpose of the by-law requirement for a minimum 4.5 metre exterior yard setback is to ensure and maintain a consistent streetscape setback with the flanking properties along Copper Leaf Crescent as the front yard setback for properties along Copper Leaf Crescent is 4.5 metres. A 4.2 metre exterior side yard setback will continue to maintain the intent of this zoning regulation.

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

The requested variance and its effects can be considered minor as the deficiency of 0.3 metres will not be discernible. The addition has been designed with varying setbacks from Copper Leaf Crescent in order that at a minimum, a 4.2 metre exterior side yard is maintained. A 4.2 metre exterior side yard, at the shortest distance, will still be sufficient and will not negatively impact the established streetscape.

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

Staff is of the opinion that the proposed variance is desirable and appropriate as it will facilitate the construction of additional useable living space for furniture and equipment for an adult family member with disabilities and allow continued enjoyment of the dwelling for all family members.

**Environmental Planning Comments:**

No concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the addition to the single detached dwelling is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns.

**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*