

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 18, 2024

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

PREPARED BY: Kirsten Hoekstra, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: June 5, 2024

REPORT NO.: DSD-2024-272

SUBJECT: Minor Variance Application A2024-048 – 101 Breckenridge Dr.

RECOMMENDATION:

That Minor Variance Application A2024-048 for 101 Breckenridge Drive requesting relief from Section 7.3, Table 7-4, of Zoning By-law 2019-051 to permit an interior side yard setback of 1.2 metres instead of the minimum required 2.5 metres, to permit the construction of a rear yard addition on an existing townhouse dwelling unit, generally in accordance with drawings prepared by GS Engineering, dated December 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for a reduced interior side yard setback of 1.2 metres to facilitate the construction of a rear yard addition on an existing townhouse dwelling unit.
- The key finding of this report is that the requested minor variance meets all 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 on the southwest side of Breckenridge Drive, between Gibson Drive and Ottawa Street North. It is located in the Heritage Park neighbourhood which is primarily comprised of low-rise residential uses.

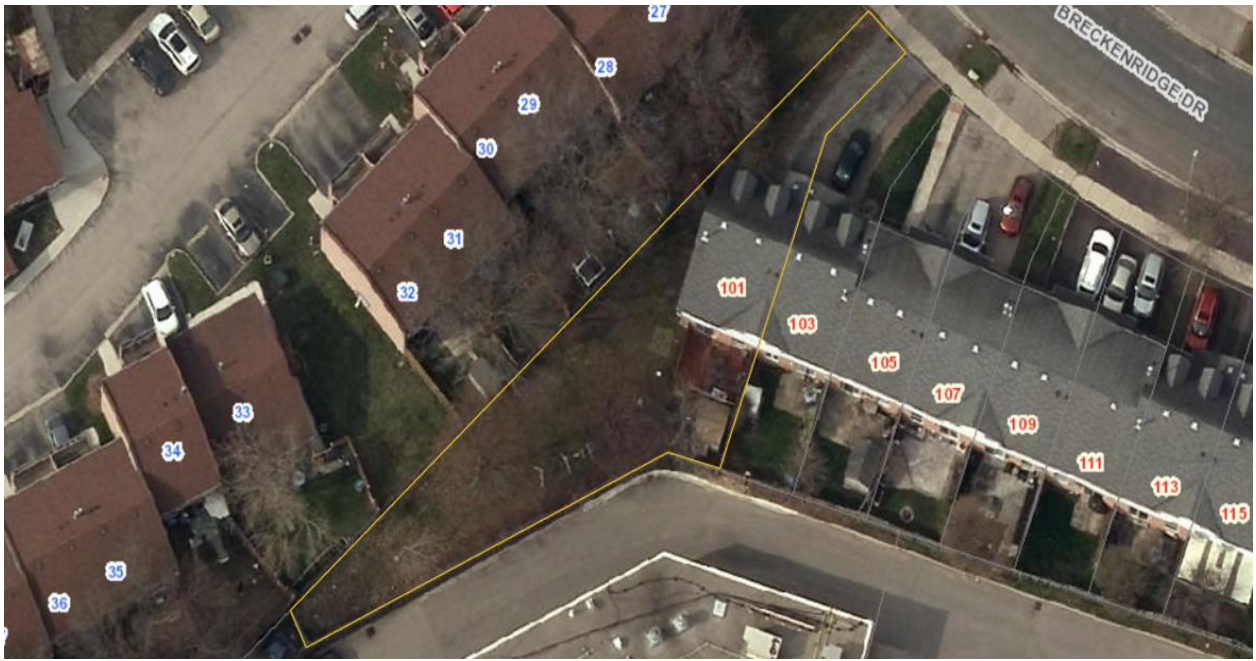


Figure 1 - Location of Subject Property.

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 Five Zone (RES-5)' in Zoning By-law 2019-051.

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Figure 4 - View of 101 Breckenridge Drive from the Street.

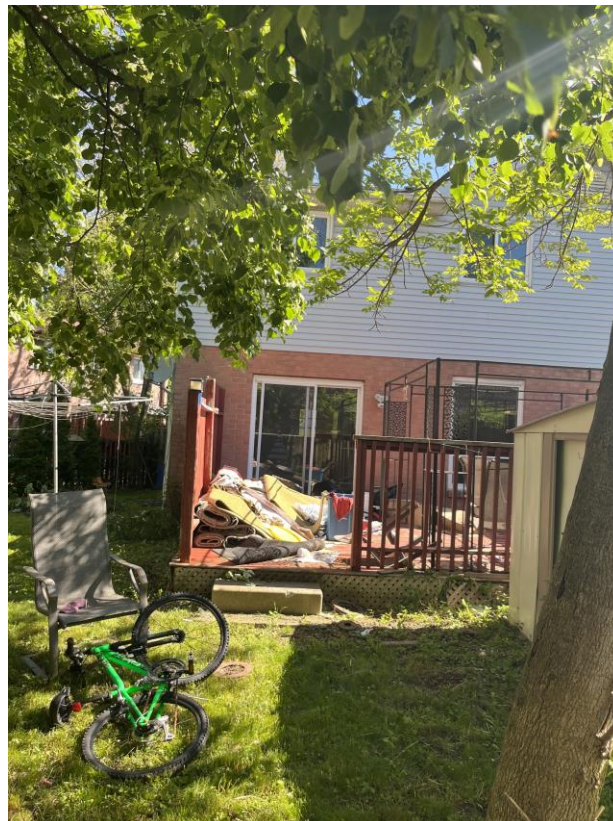


Figure 5 - The existing deck where the rear addition is proposed which would be setback from the fence.



Figure 6 - View of the existing backyard.

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 Official Plan designation Low Rise Residential on Map 3 – Land Use is to emphasize compatibility of building form with respect to massing, scale and design in order to support the successful integration of different housing types while maintaining the low-density character of the neighbourhood. Emphasis is also placed on providing appropriate buffering or screening between properties to mitigate any adverse impacts, particularly with respect to privacy, when a minor variance is considered. In the opinion of Planning Staff are of the opinion that the requested side yard setback of 1.2 metres will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 2.5 metre side yard setback for a townhouse dwelling is to provide rear yard access where the dwelling does not share a wall with the adjacent property. Staff notes the subject property does provide adequate rear yard access on the west side of the dwelling. The proposed addition is on the side of the unit that shares a common wall with

the easterly adjacent property. The proposed 1.2 metre setback will still provide adequate buffering and sufficient access to the easterly side of the addition. Staff also note that the subject property is fenced which will provide screening, that along with the buffering will offer adequate privacy between the properties. It is the opinion of Planning Staff that the impacts of the proposed interior side yard setback will be minimal and will not affect adjacent properties or the low-rise residential character of the neighbourhood.

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

Staff is of the opinion that the requested 1.2 metre interior side yard setback is minimal as the reduced setback will provide sufficient buffering between the adjacent property as well accommodate appropriate access to the easterly side of the addition. The proposed setback of 1.2 metres is not expected to present any significant impacts to adjacent property and the overall character of the neighbourhood.

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

The variance is appropriate for the desirable use of the lands as it will facilitate the expansion of indoor amenity space for the dwelling, increasing the function and desirability of the residential property. The reduced side yard setback will offer greater functionality for the proposed use than the minimum setback of 2.5 metres.

Environmental Planning Comments:

No concerns with the proposal, care should be taken during construction to not impact retained tree(s) or their roots in the rear yard. It is recommended that temporary protective fencing be installed (as per Appendix 'E' of the City's Tree Management Policy) prior to construction commencing.

Heritage Planning Comments:

No heritage planning comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. An application for a Building Permit has been made for the addition to the townhouse.

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

No comment.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

GRCA Comments:

GRCA has no objection to the approval of the above application.

Region of Waterloo Comments:

There are no concerns/conditions for this application. However, the applicants are advised that the subject lands are located within the outer 6 km of the airport zoning-regulated area

and specifically under the takeoff approach surface. Accordingly, the lands are subject to all provisions of airport zoning.

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*