

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2024

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

PREPARED BY: Ben, Suchomel, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: August 30, 2024

REPORT NO.: DSD-2024-393

SUBJECT: Minor Variance Application A2024-069
68 West Acres Crescent

RECOMMENDATION:

That Minor Variance Application A2024-069 for 68 West Acres Crescent requesting relief from Section 7.3, Table 7-2, to permit a front yard setback of 9.0 metres instead of the minimum required 11.8 metres to facilitate the construction of a new two-storey detached dwelling on the subject property, in accordance with drawings prepared by J.D Barnes Limited, dated August 9, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend the approval of the minor variance application to facilitate the development of a detached dwelling with a reduced front yard setback.
- The key finding of this report is that the minor variance meets the four tests set out within 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 east side of West Acres Crescent and is located within the Forest Heights neighbourhood. The surrounding context of the subject property is primarily comprised of low-rise residential uses.



Figure 1: Location Map- 68 West Acres Crescent (Outlined in Red)

The subject property is identified as a 'Community Area' 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.

The purpose of the minor variance application is to review the request to permit a reduced front yard setback in order to construct a two-storey detached dwelling on an existing vacant lot.

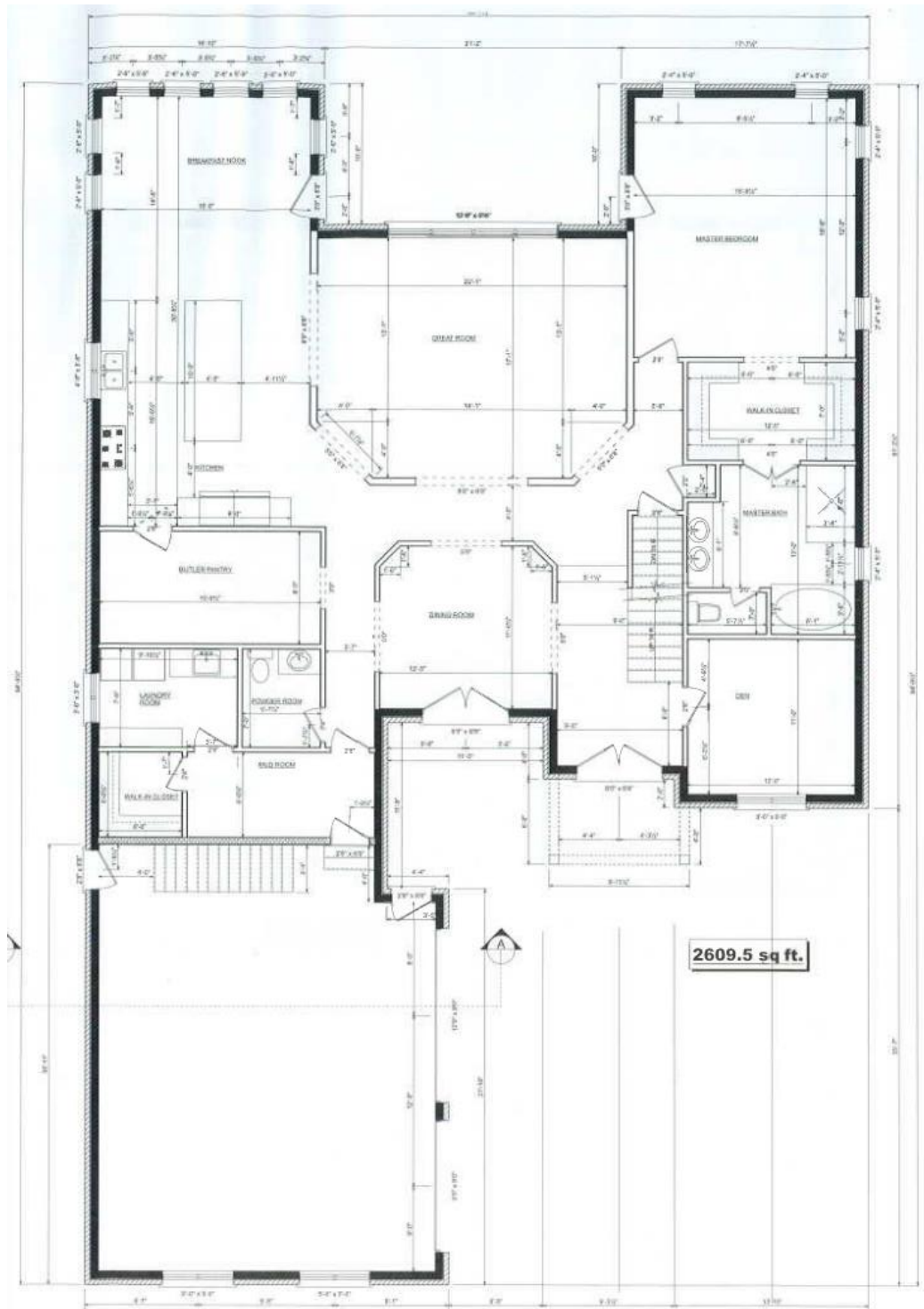


Figure 3: 1st Floor, Floor Plan

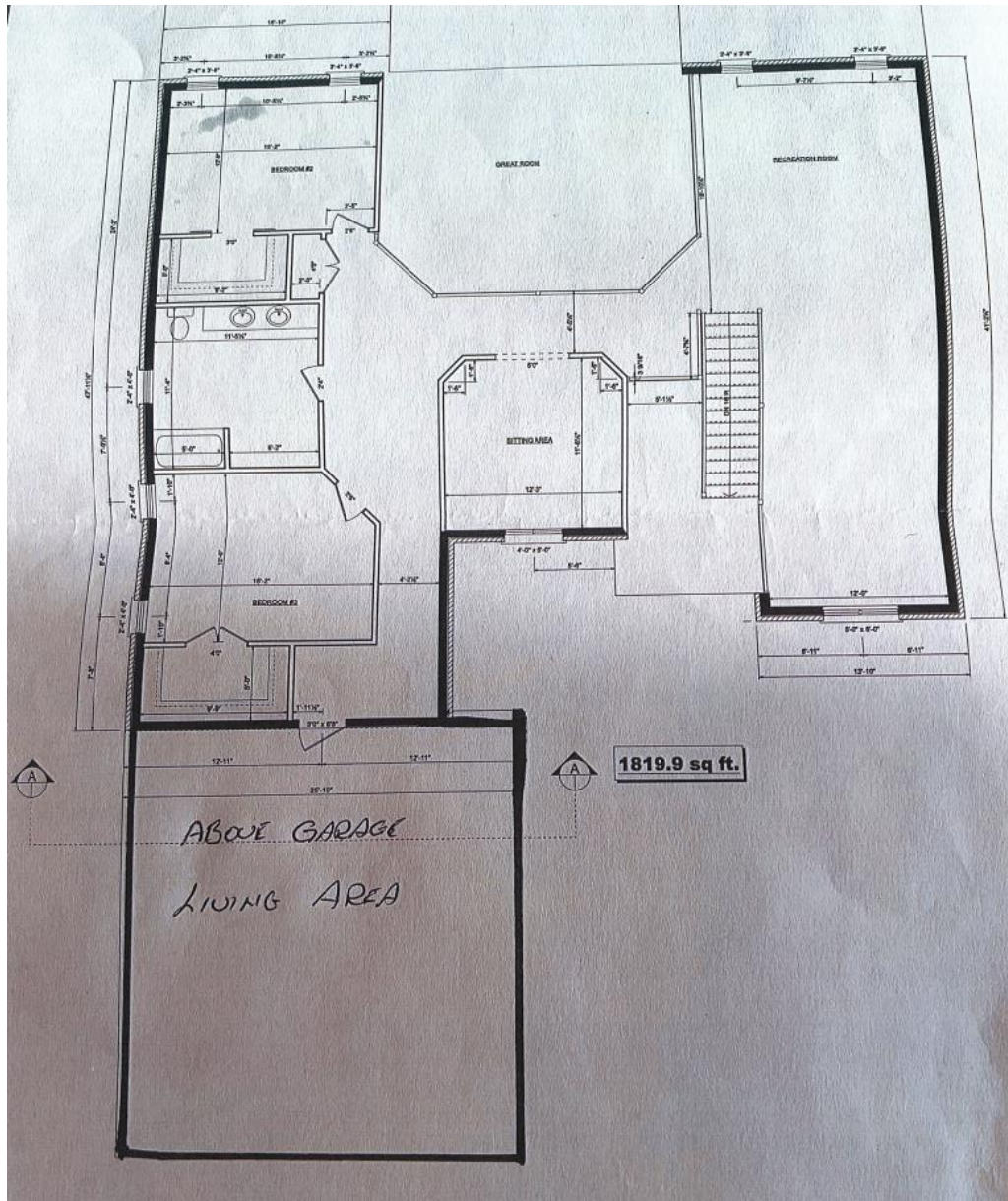


Figure 4: 2nd Floor, Floor Plan

Planning Staff conducted a site visit on August 30, 2024.



Figure 5: Existing site conditions at 68 West Acres Crescent on August 30, 2024

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 in the City's Official Plan. 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, staff are of the opinion that the variance to facilitate the new single detached dwelling on an existing vacant lot with a reduced front yard setback maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation for minimum/maximum front yard setback is to ensure that new buildings maintain a consistent front yard setback with the adjacent properties and the existing neighbourhood, developed as part of the RIENS (Residential Intensification in Established Neighbourhoods) Study. When determining the required front yard setback using RIENS, staff calculate the average of the front yard setbacks from the two adjacent properties, and then add or subtract 1 metre to establish the permitted setback in which a dwelling would be permitted. Staff acknowledge that the proposed design includes only a portion of the building proposed to be setback 9.0 metres from the front lot line, whereas the rest of the home is setback a greater distance. It is additionally important to note that other homes on West Acres Crescent have a front yard setback of less than 9 metres. As such, there is not expected to be a major impact to the surrounding properties. It is staff's opinion that the front yard setback variance 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 effect of the requested variance is minor as the reduced front yard will not present any significant impacts to adjacent properties, the streetscape or to the overall neighbourhood. There is not a consistent front yard setback on the street and several other properties on the street have a similar front yard setback. As a result, the staff are of the opinion that the impact of the variance is minor in nature.

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 front yard setback is appropriate for the desirable use of the lands as it will allow for development of the vacant land. The proposed scale, massing, and height proposed of the two-storey detached dwelling will be compatible with the existing neighbourhood and will not negatively impact the existing streetscape character, the adjacent properties or the surrounding neighbourhood.

Environmental Planning Comments:

No natural heritage features/functions on/adjacent to property. Tree in potential shared ownership with 62 West Acres. Plans should be assessed for potential impact on this tree to determine if a condition is necessary.

Heritage Planning Comments:

No Heritage Comments or Concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the new single detached dwelling is obtained prior to construction.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

There is a large City owned street tree within the boulevard of this property and this tree must be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law. Suitable arrangements including the submission

and approval of a Tree Protection and Enhancement Plan showing full protection for the existing tree; an ISA valuation of the City-owned tree and any required securities or compensation for the tree will be required to the satisfaction of Parks and Cemeteries prior to the issuance of a Building Permit. Please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement

This City Street tree is currently not illustrated on the submitted plans and the proposed building layout should be revised to protect the existing tree and accommodate the existing municipal hydrant.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority (GRCA) Comments:

Grand River Conservation Authority (GRCA) staff has reviewed the application. GRCA has no objection to the approval of the 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*
- *Residential Intensification in Established Neighbourhoods Study (2017)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*