

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: October 15, 2024

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

PREPARED BY: Sean Harrigan, Senior Planning Technician, 519-741-2200 ext. 7292

WARD(S) INVOLVED: Ward(s)

DATE OF REPORT: October 9, 2024

REPORT NO.: DSD-2024-462

SUBJECT: Minor Variance Application A2024-083 – 361 Westmeadow Dr.

RECOMMENDATION:

That Minor Variance Application A2024-083 for 361 Westmeadow Drive requesting relief from Section 4.14.6 of Zoning By-law 2019-051, to permit a pool to be located in the front yard, generally in accordance with drawings prepared by Jeff Hawkins, dated September 17, 2024, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review the requested minor variance to allow for an inground pool to be located within the front yard at 361 Westmeadow Drive.
- The key finding of this report is that staff are satisfied that the proposed variance meets the 4 tests in 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 in the Highland West neighbourhood and is situated north of the intersection of Westmeadow Drive and Sunny Meadow Court. The property has approximately 42 metres of frontage on Westmeadow Drive and contains a single detached dwelling.

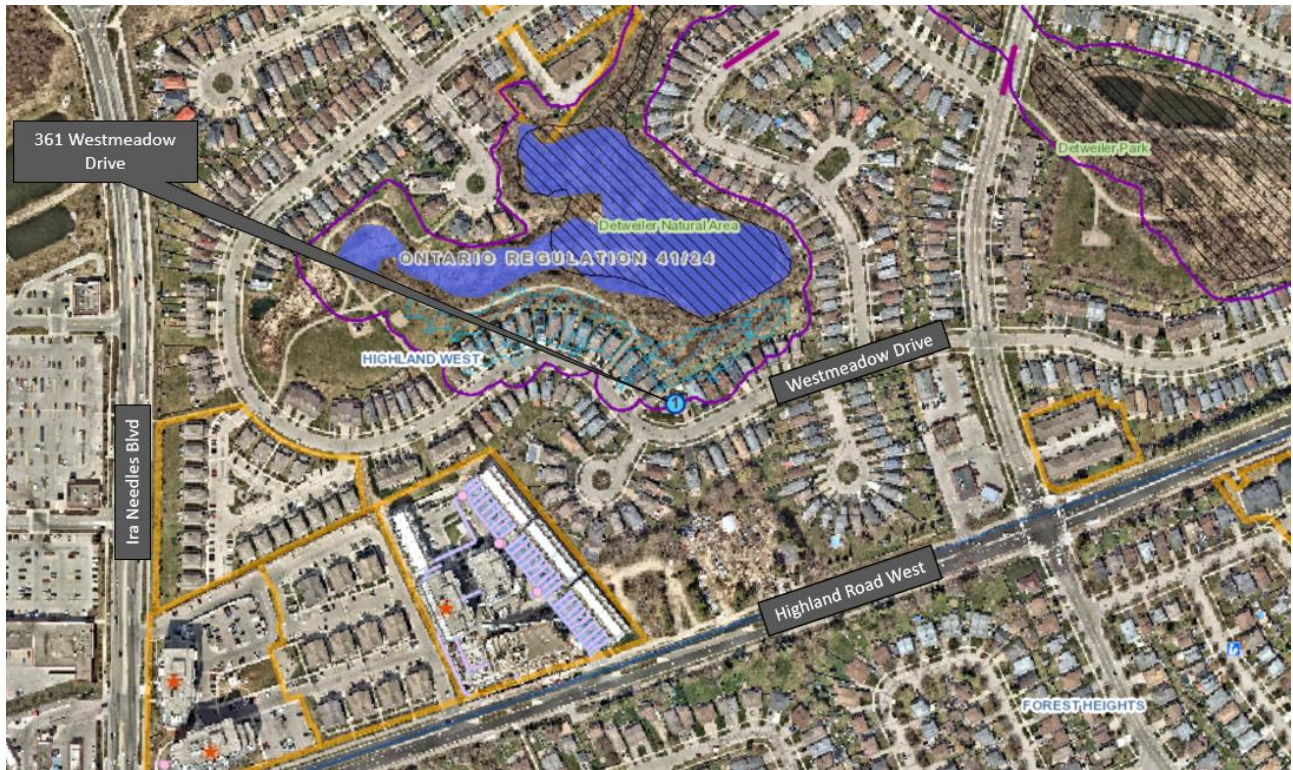


Figure 1: Location Map

The subject property is identified as 'Community Areas' on Official Plan Map 2 – Urban Structure and is designated 'Low Rise Residential' on Official Plan Map 3 – Land Use.

The property is currently zoned 'Low Rise Residential Four Zone' (RES-4) in Zoning By-law 2019-051. The property also falls within Zoning Appendix D – Established Neighbourhood Area.

The purpose of this application is to review the requested minor variance to permit a pool within the front yard. Due to the unique pie shape of the lot, it is impossible to locate the pool within the rear or interior yards.

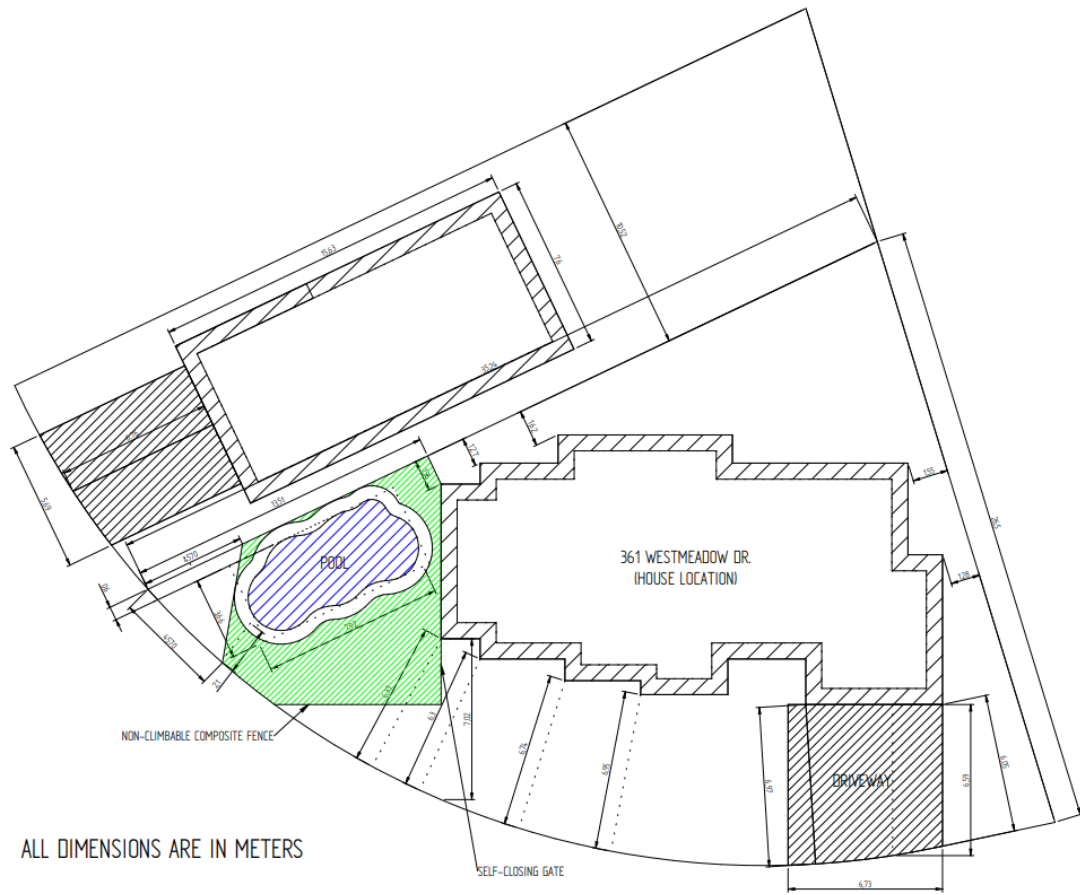


Figure 2: Site Plan



Figure 3: Proposed Pool Location



Figure 4: Streetscape Directly Opposite Proposed Pool Location



Figure 5: Streetscape West of Proposed Pool Location



Figure 6: Streetscape East of Proposed Pool Location

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' by Official Plan Map 3 – Land Use. The Official Plan objective for this designation is to support a high quality of life and ensure that existing and new residential areas are walkable and supported by all modes of transportation, amongst other provisions. The proposed pool will support a high quality of life for existing and future residents on the property. The proposed fence location which does not project past the front façade of the building and only abuts the front lot line for a short distance should not impede the walkability of this street. As such, staff are satisfied that the proposed variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of Zoning By-law Section 4.14.6 in prohibiting pools within the front yard is to help ensure an appropriate and consistent streetscape and that front yards are not enclosed and isolated from the public realm. To this regard, the proposed pool and fence location do not project past or in front of the front façade of the dwelling as shown in Figure 2. As such, staff are satisfied that the proposed pool maintains the general intent of

the Zoning By-law. Furthermore, the subject property is considered a corner lot by the Zoning By-law. The front lot line is considered the shortest lot line abutting a street which happens to be the lot line directly beside the proposed pool. When this lot was created under Zoning By-law 85-1, either lot line abutting a street may be considered the front lot line for determining required zoning setbacks, which means the proposed pool would have been permitted under Zoning By-law 85-1.

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

Staff are satisfied that the proposed variance to permit a pool within the front yard is considered minor in nature due to the fact that the pool and fence location do not project past the front façade of the dwelling thereby maintaining a consistent streetscape. Staff also note that the proposed fence mirrors the fence on the property directly opposite 361 Westmeadow Drive as shown on Figure 4.

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

Staff are satisfied that the proposed pool is desirable development for the subject property. As noted above, a pool helps contribute to the high quality of life for the residents and the proposed fence location does not negatively impact the streetscape. Furthermore, staff note that the existing Fence By-law allows either lot line abutting a street on a corner lot to be considered the front lot line for the purpose of determining the maximum permitted fence height. This means that the applicant could construct the required 1.5 metre (5 foot) fence in the proposed location without applying for a variance.

Environmental Planning Comments:

There are no environmental concerns.

Grand River Conservation Authority Comments:

The GRCA has no objection to the proposed minor variance application.

Region of Waterloo Comments:

No concerns.

Enova Power Comments:

Please note Enova Power Corp. has no objection for the application. The homeowner will be required to maintain 1.5 metres from the inside edge of the pool to the underground electrical service for the property. If this clearance cannot be maintained, they will need to contact our services department to relocate the existing electrical service to the house.

Heritage Planning Comments:

Heritage Planning has no comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. An application has been made for the in-ground pool.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

There are three City-owned street trees along the Westmeadow Drive frontage that **must be protected in place according to City standards throughout all construction.**

Please illustrate required tree protection fencing on all pool/building permit drawings.

Tree protection is required on all trees during construction work as indicated in Municipal Code section 690.4.2 Protection - Trees on City Property. It shall be the responsibility of the person or persons in charge of any lot on which the construction, alteration or demolition of any building is taking place, to take adequate steps for the protection of any trees on City property within 6.09 metres (20 feet) of any such lot and no such work shall be commenced until such protection has been provided.

Transportation Planning Comments:

Transportation Services have no concerns with this 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*

ATTACHMENTS:

Attachment A – GRCA Permit #415-24