

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 19, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: November 6

REPORT NO.: DSD-2024-493

SUBJECT: Minor Variance Application A2024-095 – 29 The Crestway

RECOMMENDATION:

That Minor Variance Application A2024-095 for 29 The Crestway requesting relief from Section 4.1 d) of Zoning By-law 2019-051 to permit a maximum height to the underside of the fascia of 5 metres instead of the maximum permitted 3 metres, to facilitate the construction of an accessory structure in the rear yard of the subject property, in accordance with drawings prepared by Fine Line Drafting and Design Inc, dated October 3, 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 an accessory structure with a maximum building height to the underside of fascia of 5 metres instead of the permitted height of 3 metres.
- 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 southwest side of The Crestway and is located within the Pioneer Tower West neighbourhood. The surrounding context of the subject property is primarily comprised of low-rise residential uses.



Figure 1: Location Map - 29 The Crestway (Outlined in Red)

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 One Zone (RES-1) with Site Specific Provision (272)' in Zoning By-law 2019-051.

The purpose of the minor variance application is to review the request to permit an increased height to the underside of the fascia to facilitate the construction of an accessory structure in the rear yard of the subject property on a slope.

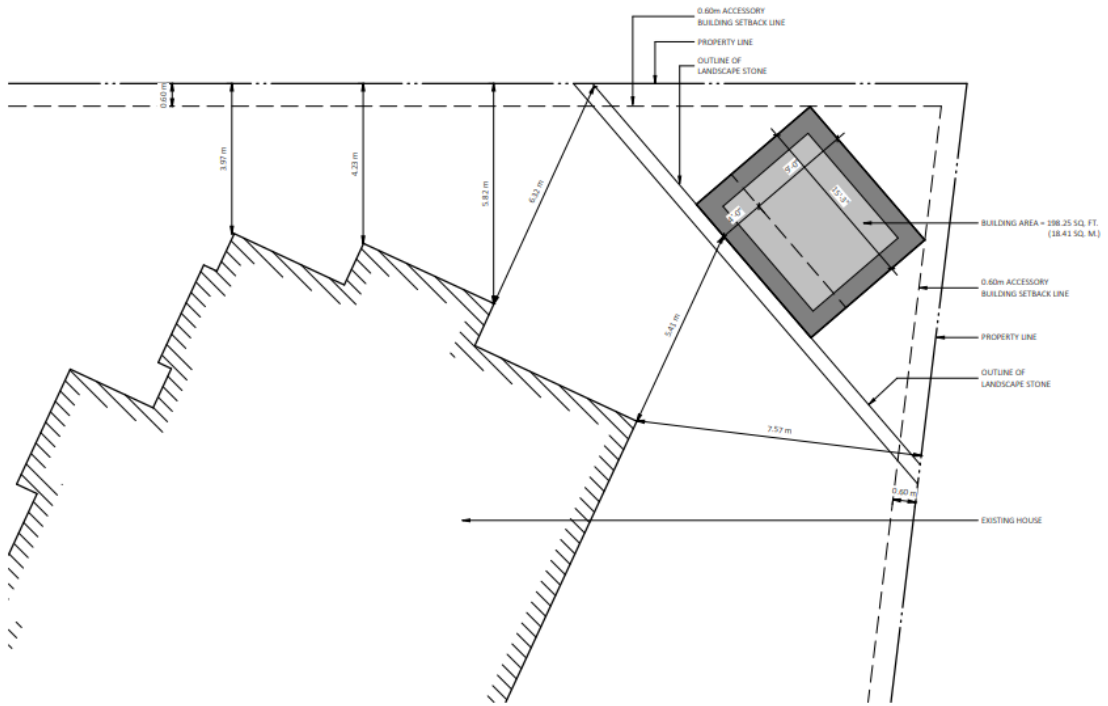


Figure 2: Accessory Building Site Plan

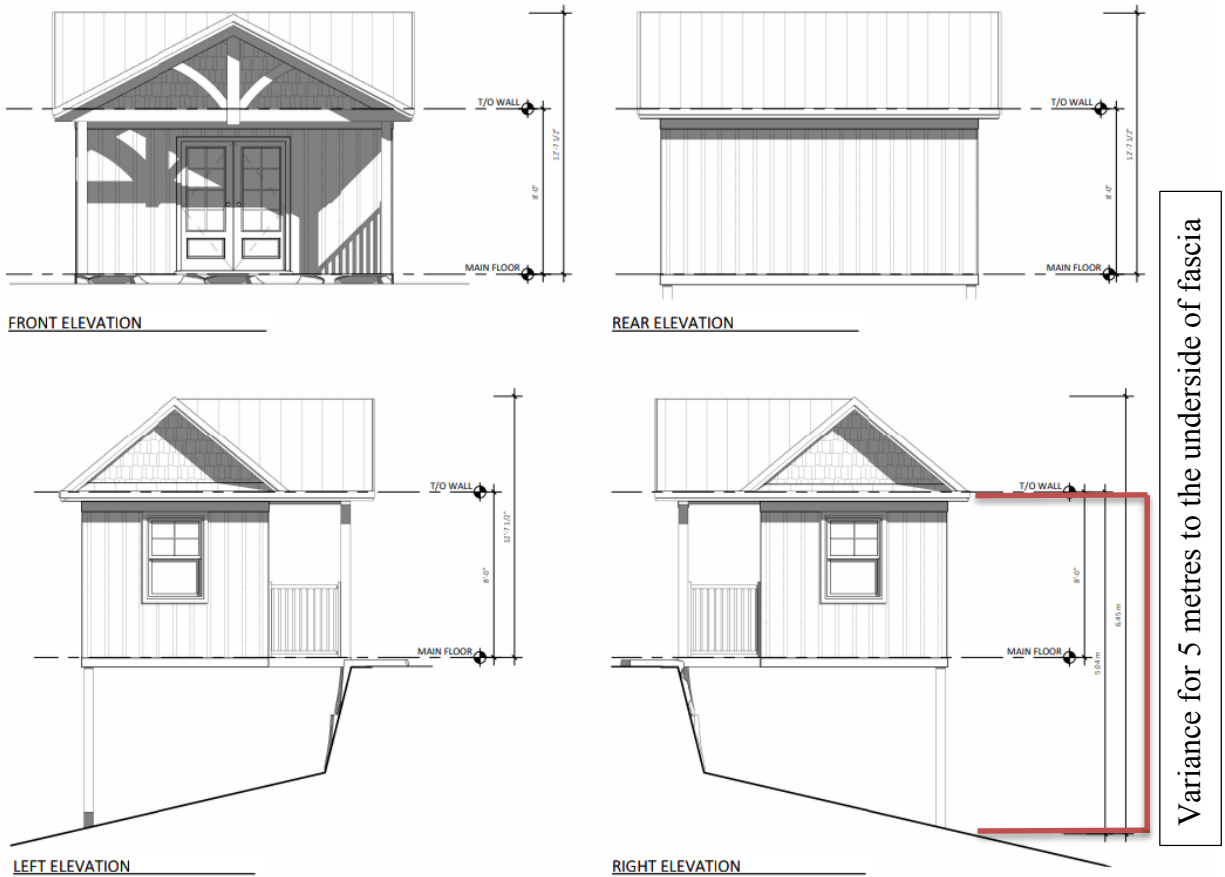


Figure 3: Proposed Accessory Structure Elevation

Planning Staff conducted a site visit on October 31, 2024.



Figure 4: Existing Site Conditions at 29 The Crestway on October 31, 2024



Figure 5: Proposed Location of Accessory Structure

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. This designation 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. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to be able to construct a detached accessory structure meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum height to the underside of the fascia is to ensure that accessory structures are not excessive in height and to ensure neighbouring properties do not have adverse impacts from large rear yard structures. Due to the slope of the property, the rear of the property is significantly lower than the front portion where the dwelling is located. The height of the accessory dwelling will be absorbed by the elevation change due to the slope. The variance does not elevate the structure above the current ground level appearance as it blends seamlessly with the surrounding landscape. This ensures the appearance is not obstructive from adjacent viewpoints and is visually consistent with the surroundings. The mature trees provide natural privacy buffer. The structure meets the 3-metre height to the fascia regulation at the front and only the rear side exceeds the permitted height due to the slope. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The variance can be considered minor as it is the opinion of staff that the increase in height will only impact the rear view of the property as it meets regulation from the front. The increase of 2 metres for the fascia height at the rear of the structure will not present any significant impacts to adjacent properties 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 development and use of the land as it will facilitate the construction of the accessory structure that will enhance the property's functionality. The variance will allow the structure on a slope without requiring re-grading and disruption to the natural landscape.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

No comments or concerns.

Transportation Planning Comments:

No comments or concerns.

Grand River Conservation Area (GRCA) Comments:

No comments or concerns.

Region of Waterloo Comments:

No comments or concerns.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*