

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 10, 2024

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

PREPARED BY: Kirsten Hoekstra, Student Planner, 519-783-8936

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: December 4, 2024

REPORT NO.: DSD-2024-523

SUBJECT: Minor Variance Application A2024-108 – 42 Wendy Crescent

RECOMMENDATION:

That Minor Variance Application A2024-108 for 42 Wendy Crescent 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 4.3 metres instead of the maximum permitted 3 metres, to facilitate the construction of an accessory structure in the rear yard of the subject property, generally in accordance with drawings by View-it Design, dated March 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the development of an accessory structure with a maximum height to the underside of the fascia 4.3 metres instead of the maximum permitted 3 metres.
- The key finding of this report is that the requested 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 north-east side of Wendy Crescent in the Idlewood neighbourhood. This area primarily consists of low-rise residential uses.

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.

The purpose of the application is to permit the construction of an accessory structure to have a maximum height to the underside of the fascia of 4.3 metres.

Staff note that there is an issued building permit for the proposed accessory structure at this property. This permit was issued prior to zoning approval and upon review, Planning Staff noted that the proposed height to the underside of the fascia exceeded the maximum permitted 3 metres. The City of Kitchener's Building Division has paid the application fee for the minor variance to account for the pre-mature issuance of the permit.

Staff visited the site on November 21, 2024, and noted that a vehicle appeared to be parked on a designated walkway as is depicted in Figure 4.

The maximum permitted driveway width of this lot is 50% of the lot width, or 5.2 metres, whichever is less. Based on mapping, it would appear that this lot is approximately 9 metres in width which would allow a maximum driveway width of 4.5 metres. A 5.2 metre wide driveway would be required in order to facilitate 2 vehicles to park side by side.

With the concrete extension on the right side of the property, the concrete area appears to be approximately 7.0 metres in width and would not meet zoning regulations for a driveway.

Driveways must also be composed of a consistent material that is distinguishable from other ground cover or surfacing. Although it appears that both the driveway and walkway are composed of concrete, there also appears to be a distinction that can be made between driveway and walkway based on the different colours of the concrete.

The applicant is advised that parking is only permitted on a driveway.

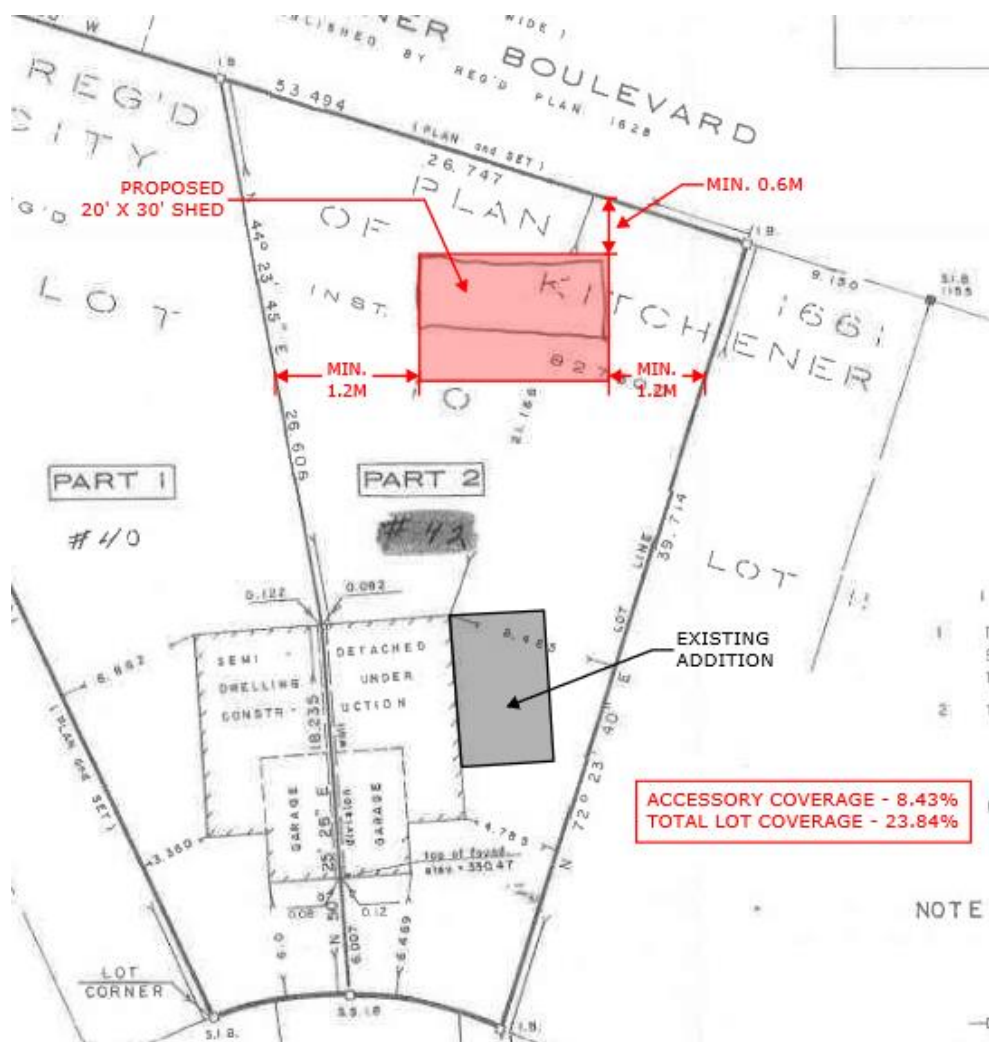


Figure 2 – Proposed site plan.

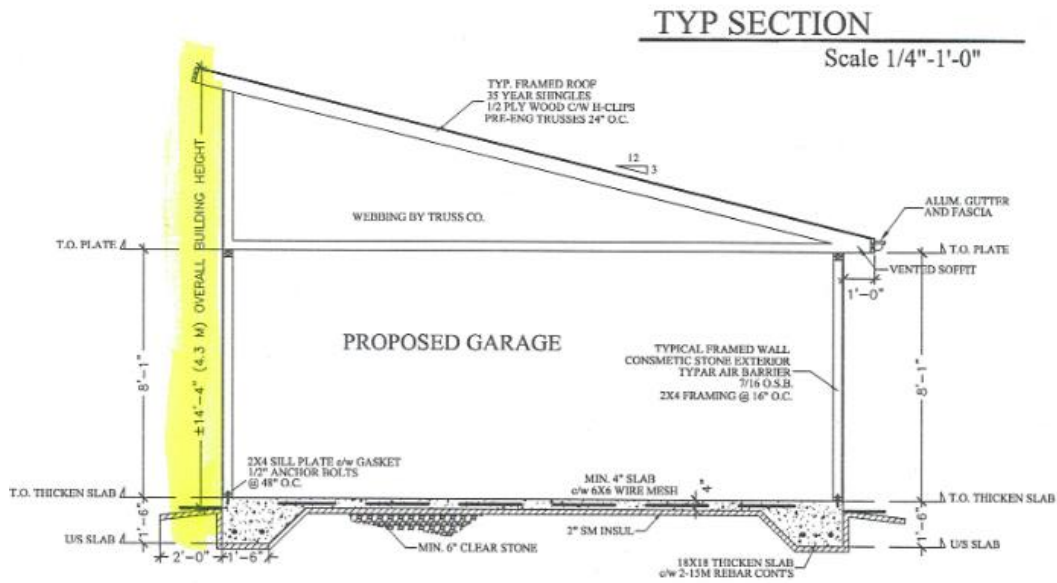


Figure 3 – Proposed height of the accessory structure.

Planning Staff conducted a site visit on November 21, 2024.



Figure 4 – View of 42 Wendy Crescent from the street.



Figure 5 – Proposed location of the accessory structure in the rear yard.

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 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 proposed use of the property conforms with the designation, and it is the opinion of staff that the requested variance 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 regulation 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. Staff note that the proposed structure meets the 3-metres height to the fascia regulation at the rear, and at the highest point, only the front wall facing the dwelling at 42 Wendy Crescent will have a full height of 4.3 metres. Staff are of the opinion that the proposed height increase of 1.3 metres to the fascia will not have any adverse impacts to neighbouring properties.

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

Staff are of the opinion that the requested variance is minor in nature as the increase in height is not anticipated to greatly impact neighbouring properties. The proposed roof is sloped with only the front façade fully demonstrating a height to the underside of the fascia of 4.3 metres. Thus, the proposed increase of 1.3 metres for the fascia height will not present any significant impacts to adjacent properties and the overall neighbourhood, and as such, Planning Staff are of the opinion that the effects of the requested variance is minor in nature.

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 use of the land as it will provide increased functionality of the site. The use of the subject property as a semi-detached dwelling is maintained, and the accessory building does not prevent the use or future development of abutting lands.

Environmental Planning Comments:

Care should be taken during construction to not impact the root zone of trees on and/or adjacent to the property. 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 comments or concerns

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no comment.

Parks/Operations Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

GRCA Comment:

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

Region of Waterloo Comments:

No 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*