

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: Ben Suchomel, Student Planner, 519-783-8948

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: November 26, 2024

REPORT NO.: DSD-2024-515

SUBJECT: Minor Variance Application A2024-109 - 25 Sandsprings Cres.

RECOMMENDATION:

That Minor Variance Application A2024-109 for 25 Sandsprings Crescent requesting relief from Section 5.4, Table 5-2, of Zoning By-law 2019-051 to permit a driveway to be located 0 metres from an interior lot line instead of the minimum required 1.2 metres, to recognize the location of an existing driveway, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to permit a driveway to be located 0 metres from an interior lot line instead of the minimum required 1.2 metres to recognize the location of an existing driveway.
- 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 southeast side of Sandsprings Crescent, near the intersection of Devonglen Drive and Sandsprings Crescent, within the Country Hills neighbourhood.



Figure 1 – Location of subject property (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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to recognize the location of the existing driveway that is setback 0 metres from the interior lot line instead on the minimum required 1.2 metres. Staff note that the current driveway width conforms with the zoning by-law regulations and thus, a variance to legalize the location of the driveway is all that is required.

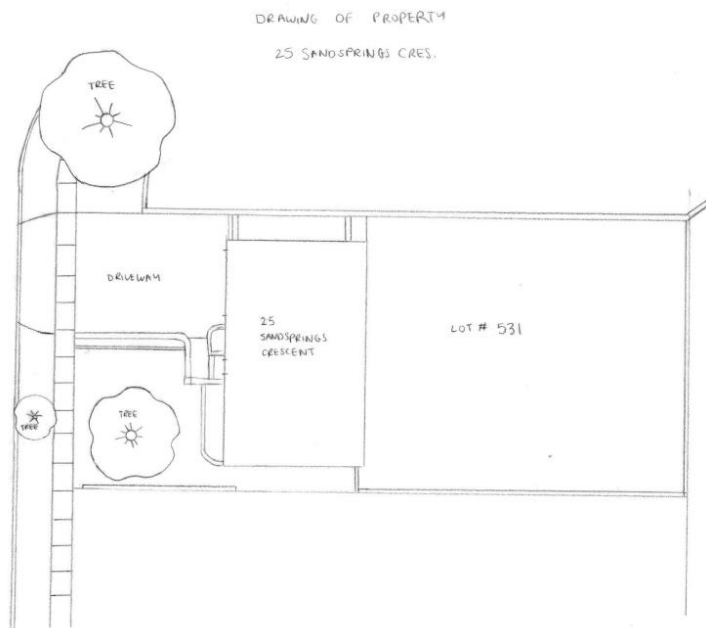


Figure 2 – Site Plan

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



Figure 3 – View of 25 Sandsprings Crescent from the street.

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. The intent of this designation is to encourage a range of different housing to achieve a low rise built form in the neighbourhood.

Specifically, Section 13.C.8.4 of the Official Plan states:

"All parking area or facilities will be designed, constructed and maintained:

- f) to result in aesthetically acceptable parking areas which blend into the general

environment of the area.”

Planning staff is of the opinion that as the existing driveway blends into the streetscape and general environment of the area and meets the maximum width of a driveway in the Zoning By-law, the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The purpose of the side yard setback for driveway space is to maintain a sufficient distance from the property line. This ensures that vehicles and their access do not encroach upon or require crossing the property line onto adjacent properties. Staff observed that the neighbouring property had constructed a fence that effectively delineates the boundary in this location, ensuring there is no encroachment onto their land.

Staff note that the current driveway width conforms with the zoning by-law regulations and therefore, a variance to legalize the location of the driveway is all that is required.

As a result, staff are of the opinion that the proposed variance maintains the general intent of the Zoning By-law.

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

The requested reduction in setback of the driveway from the interior lot line width can be considered minor as this is an existing condition and there are no proposed changes to the driveway width. Staff do not anticipate any significant effects or adverse impacts as a result of the requested variance. Thus, it is Planning Staff’s opinion that the effects of the proposed variance are minor in nature.

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

The requested variance is considered a desirable and appropriate use as it will bring the driveway into compliance with the Zoning By-law.

Environmental Planning Comments:

No concerns.

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.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority (GRCA) Comments:

GRCA has no objection to the approval of the application. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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*