

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 1

DATE OF REPORT: December 4, 2024

REPORT NO.: DSD-2024-521

SUBJECT: Minor Variance Application A2024-110 – 171 Otterbein Road

RECOMMENDATION:

That Minor Variance Application A2024-110 for 171 Otterbein Road requesting relief from Section 5.4, Table 5-2, of Zoning By-law 2019-051 to permit:

- i) A corner lot width of 12.5 metres instead of the minimum required 12.8 metres; and
- ii) A rear yard setback of 4 metres instead of the minimum required 7.5 metres;

to facilitate the construction of a new detached dwelling on a vacant corner lot, generally in accordance with drawings by J.D. Barnes Limited, submitted with Minor Variance Application A2024-110, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a new detached dwelling on a vacant lot having a reduced lot width and a rear yard setback.
- The key finding of this report is that the requested variances meet 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 south side of Otterbein Road at the intersection of Dunnigan Drive and Otterbein Road, in the Grand River North 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to permit the construction of a new detached dwelling on a vacant corner lot that has a reduced lot width and is proposed to have a reduced rear yard setback.

Zoning By-law 2019-051 states that the front lot line of a corner lot is the shorter lot line abutting a street, meaning that 171 Otterbein Road fronts Dunnigan Drive. However, this lot was created under Zoning By-law 85-1 where either lot line could be considered the front lot line.

Under Zoning By-law 85-1 and based on the Transition regulations in Zoning By-law 2019-051, a variance for a reduced lot width would not be required. However, the applicant has requested this variance as to ensure the site is also compliant with Zoning By-law 2019-051.

Additionally, staff note, regarding the requested reduced rear yard setback, through the initial subdivision plan, the orientation of the driveway was approved at the proposed location shown in Figure 2, as it was determined that the driveway would be best located farthest away from the roundabout.

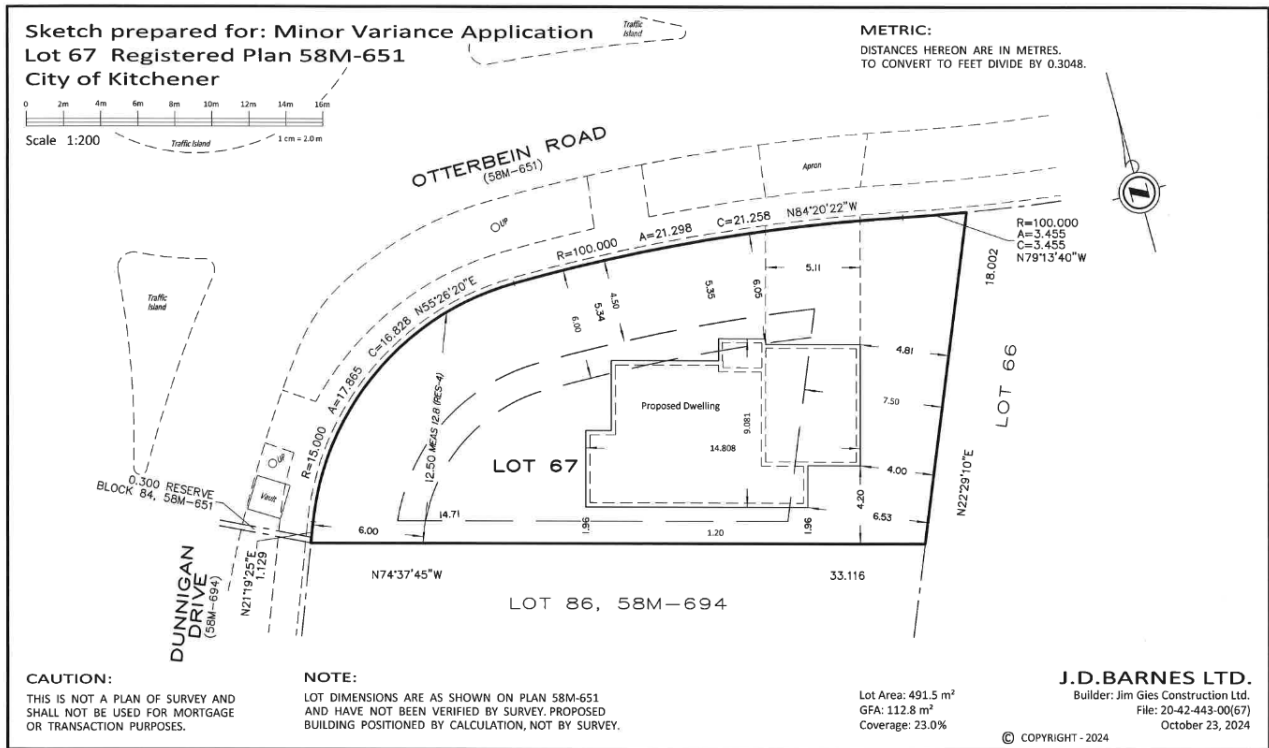


Figure 2 – Proposed Site Plan

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



Figure 3 – View of 171 Otterbein Road from the street.



Figure 4 – View of the adjacent property abutting the proposed rear yard of 171 Otterbein Road.

In January of this year the Committee of Adjustment considered and approved Minor Variance Application A2024-009 for 169 Otterbein Road, directly across from the subject property, which requested a reduction in the minimum required rear yard setback from 7.5 metres to 2 metres, to facilitate the construction of a detached dwelling on a vacant lot.

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 general intent of the Low-Rise Residential designation is to ensure 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 detached dwelling conforms to the land use designation. Accordingly, the variances to facilitate the new detached dwelling meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Lot width:

The general intent of the minimum lot width requirement of 12.8 metres for a corner lot is to ensure that there is adequate space for required parking, setbacks, and amenity space on the lot. The proposed lot width of 12.5 metres will still accommodate these functions. Thus, Planning Staff are of the opinion that the requested variance meets the general intent of the zoning by-law.

Rear yard setback:

The minimum rear yard setback requirement is to ensure private amenity space for residents as well as adequate separation between buildings on adjacent properties is provided. Planning Staff is of the opinion that the proposed 4 metre setback will still provide an adequate amenity area and privacy from the adjacent rear property, as there will be sufficient buffering between properties. Staff also note that there are limited windows on the adjacent building oriented towards the rear yard, thus reducing potential privacy concerns resulting from the reduced rear yard setback. Therefore, Staff is of the opinion that that the requested rear yard setback variance meets the general intent of the zoning by-law.

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

Staff are of the opinion that the proposed variances for a reduced lot width and rear yard setback are minor in nature as any privacy concerns related to the adjacent property is minimal. The lot width reduction of 0.3 metres is not discernible and will provide adequate space to accommodate parking, setbacks, and amenity space. Additionally, Staff note that the rear yard setback variance has been requested to accommodate an attached garage and driveway, the location of which was contemplated as part of the previous subdivision approval under 85-1. As such, Staff are of the opinion that the effects of the proposed variances are 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 variances requested to reduce the minimum rear yard setback and lot width are appropriate for the desirable development and use of the lands as it will facilitate a new detached dwelling, increasing the functionality of the location and desirability of this residential property.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the new single detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no comments.

Parks/Operations Division Comments:

The proposed driveway aligns with the approved Street Tree Planting Plan for the subdivision.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

GRCA Comments:

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