

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: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: November 18, 2024

REPORT NO.: DSD-2024-519

SUBJECT: Minor Variance Application A2024-113- 1838 Trussler Rd.

RECOMMENDATION:

That Minor Variance Application A2024-113 for 1838 Trussler Road requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.4 f) to permit a driveway width of 11 metres instead of the maximum permitted 8.0 metres;
- ii) Section 12.3, Table 12-2, to permit an 'Existing Dwelling' to have:
 - a front yard setback of 24.3 metres instead of the existing 32.3 metres;
 - a left side yard setback of 16.5 metres instead of the existing 25.8 metres;
 - a right side yard setback of 14.6 metres instead of the existing 20.7 metres; and
 - a rear yard setback of 26.3 metres instead of the existing 21.5 metres;

to facilitate the redevelopment of an existing dwelling, generally, in accordance with drawings prepared by Erich R. Rube, dated September 18, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow an existing dwelling to have new setbacks and a wider driveway.
- The key finding of this report is that the requested minor variances meet the 4 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 information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located in the South Plains area on the south end of Trussler Road.



Figure 1: Location Map

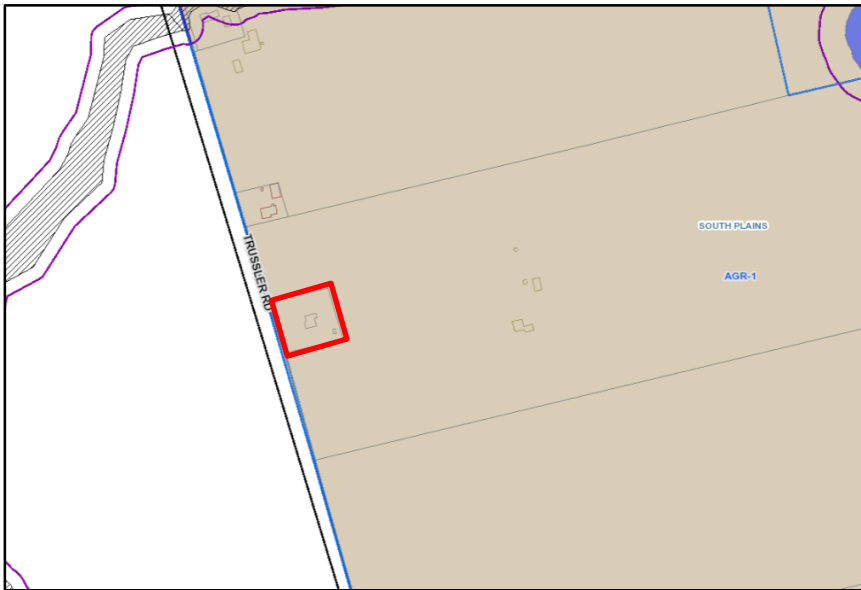


Figure 2: Zoning Map

The subject property is identified on Map 1- City Urban Area and Countryside – as ‘Protected Countryside’ and is designated ‘Prime Agriculture’ on Map 3 – Land Use in the City’s 2014 Official Plan.

The property is zoned ‘Prime Agriculture Zone (AGR-1)’ in Zoning By-law 2019-051.

The purpose of this application is to allow revised setbacks for an existing dwelling. The increased size of the existing dwelling will result in reduced setbacks from what is existing

but will still comply with the 'AGR-1' Zone's required minimum setbacks of 10 metres. Additionally, the increased dwelling size will also require a wider driveway.

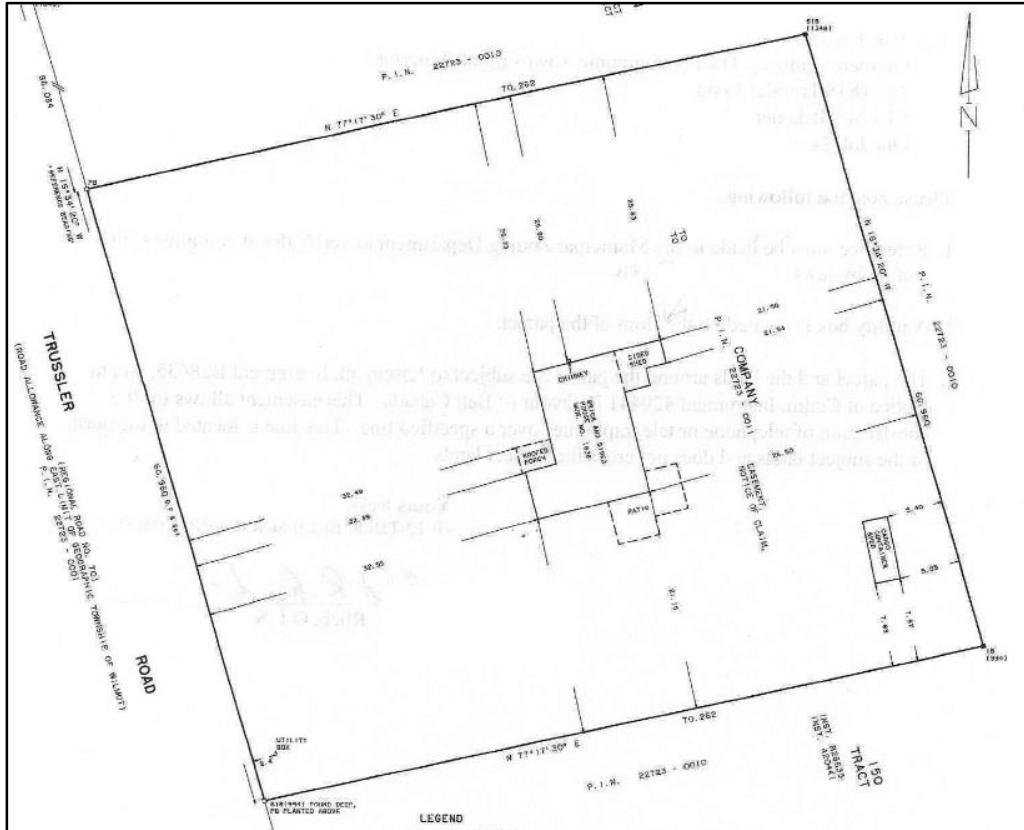


Figure 3: The Existing Dwelling On The Subject Property



Figure 4: The Existing Dwelling Street View

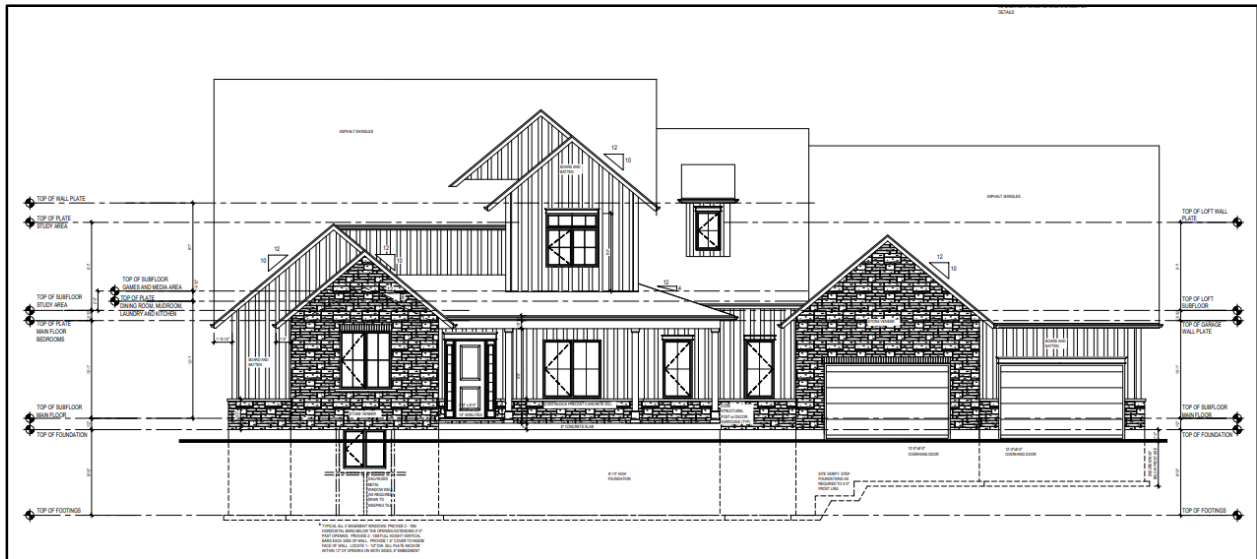


Figure 5: The Proposed Front Elevation of The Dwelling Unit

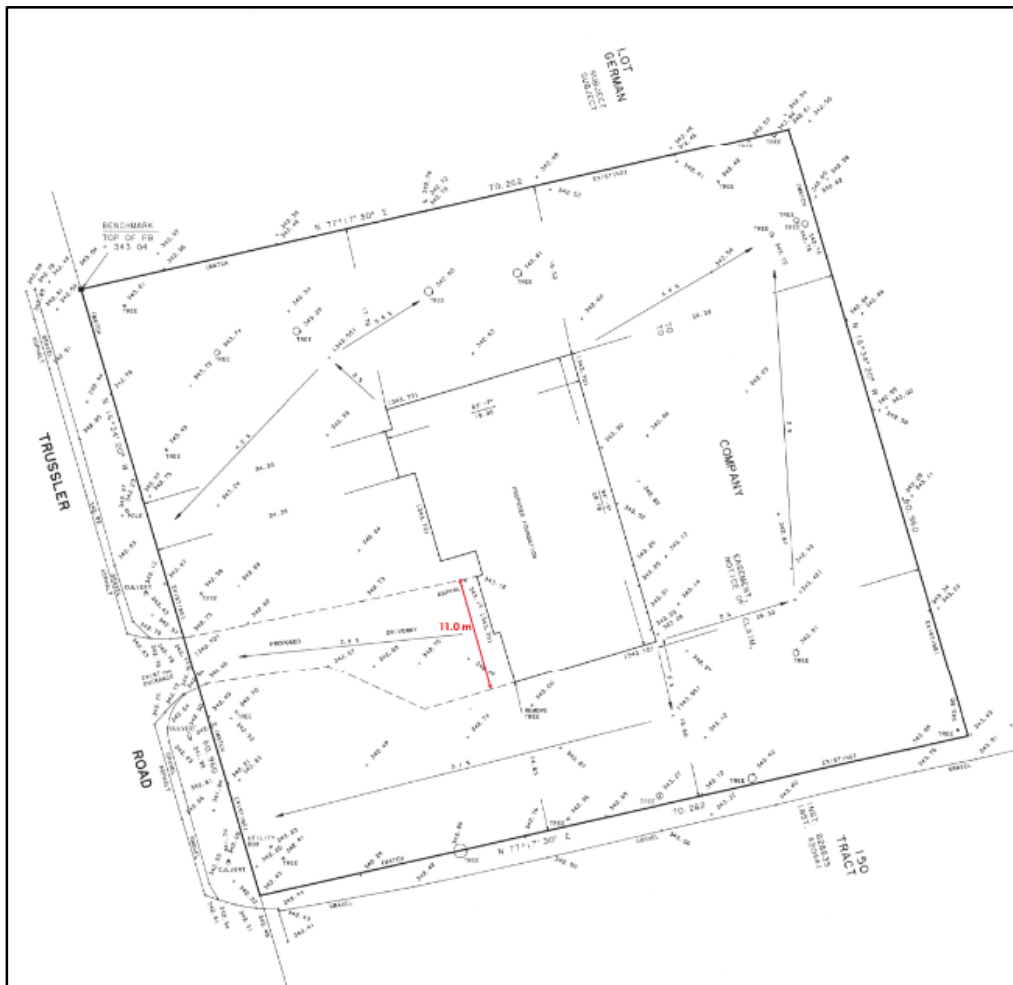


Figure 6: The New Setbacks and Driveway on The Subject Property

Staff visited the site on Friday, November 22nd, 2024



Figure 7: Existing Dwelling Street View Showing the East Border of the Property



Figure 8: Existing Dwelling Showing the South Border of the property

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

Kitchener's agricultural area is located in the southwest part of the city and is made up of many unique natural heritage features and cultural heritage resources as well as valuable natural resources, including agricultural lands, woodlands, mineral aggregate deposits and groundwater recharge areas. Although they only comprise a small area of the city relative to other areas of the city, they are important to the local economy with respect to employment and food production and contribute to our quality of life. The City recognizes the significance of our agricultural areas and will encourage the preservation and efficient use of these areas. Accordingly, the predominant use of agricultural areas will be for agriculture to ensure maximum flexibility for farm operators to engage in differing types and sizes of agricultural operations by providing agricultural uses with large continuous areas free from conflicting and incompatible land uses.

As per policy 15.D.8.5. The Prime Agriculture and Rural land use designations will permit the following subject to any applicable policies in this Plan:

- a) agricultural uses (including vertical farming);
- b) on-farm diversified uses;
- c) existing residential uses;
- d) small-scale alternative energy systems and/or renewable energy systems in accordance with City, Regional, Provincial and Federal requirements.

An existing residential use is a permitted use. In this case, the existing residential use will continue with an expansion to the size, which will result in new setbacks. Therefore, it is staff's opinion that proposed variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

New setbacks: The intent of the Zoning By-law is not to permit new dwellings to protect the agricultural area, as it occupies a limited portion of the city. The existing single detached dwelling has been on the site for over 30 years, and the subject property is relatively small compared to surrounding agricultural land. Therefore, maintaining the current use of this dwelling while adjusting the setbacks to accommodate an expanded dwelling area aligns with the Zoning By-law's intent.

Driveway width: The intent of the Zoning By-law in setting a maximum driveway width of 8 metres is to limit hard surfaces on the property, increase landscaped areas for stormwater management, reduce visual impact, and encourage more front yard landscaping. The proposed driveway expansion, from 8 metres to 11 metres, will accommodate a wider parking spaces within the attached garage of the dwelling. The driveway tapers down to approximately 5 metres near Trussler Road, with its widest section located adjacent to the garage entrance to minimize visual impact from the street. Given that this area lacks

transit access, the additional parking supports the site's liveability. Moreover, the subject property is wider than a typical residential lot, having 60.9 metres of frontage, to which this regulation is primarily directed. Therefore, the proposed variance maintains the general intent and purpose of the Zoning By-law.

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

The proposed setbacks and driveway width changes are expected to have minimal impact on the surrounding area. The reduced setbacks from the existing remains within the permitted range for the zone, ensuring that the building's placement meets the street characteristics.

Although the driveway is wider than the maximum permitted 8 metres, the widened driveway is tapered near Trussler Road and primarily wider adjacent to the attached garage entrance. This design approach minimizes any visual impact from the street, preserves landscaped areas, and maintains the character of the front yard.

Given that the subject property is larger than a typical lot, the increase in driveway width is only 18.3% of the lot width, which does not result in a significant loss of landscaping or permeable surface area. Therefore, the impacts of the new setbacks and wider driveway are minor.

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 proposed variances are desirable and appropriate as they will facilitate the redevelopment of the existing dwelling while maintaining compatibility with surrounding land uses.

Environmental Planning Comments:

No natural heritage features/functions.

Heritage Planning Comments:

There are no heritage concerns with the proposed variances. It should be noted the subject land is adjacent to 1844 Trussler Road, which is under heritage review.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made and is currently under review.

Engineering Division Comments:

No comment

Parks/Operations Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services has no concerns with this application.

The Region of Waterloo Comments:

It is understood that the existing throat width at the property line for the access onto Trussler Road is not changing, and all proposed driveway widening is happening on private property. Any changes within the Region right-of-way will require an Access Permit from the Region of Waterloo.

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*