

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: February 18, 2025

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

PREPARED BY: Ella Francis, Student Planner, 519-783-8602

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: February 5, 2025

REPORT NO.: DSD-2025-060

SUBJECT: Minor Variance Application A2025-005 – 42 Hillcrest Lane

RECOMMENDATION:

That Minor Variance Application A2025-005 for 42 Hillcrest Lane requesting relief from Section 5.4, Table 5-2 of Zoning By-law 2019-051, to permit a driveway to be located 0.6 metres from a side lot line instead of the minimum required 1.2 metres, to facilitate a driveway widening to improve functionality of the driveway, BE APPROVED, subject to the following condition:

1. That the Owner provide payment to the Grand River Conservation Authority (GRCA) in the amount of \$300 for their Review fee of the Minor Variance Application.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to permit a driveway to be located 0.6 metres from a side lot line instead of the minimum required 1.2 metres to facilitate a driveway widening to improve functionality of the driveway
- 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 east side of Hillcrest Lane, near the intersection of Hillcrest Lane and Woolwich Street, in the Bridgeport West 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 widen the existing driveway to be setback 0.6 metres from the side lot line instead of the required 1.2 metres. The existing driveway has a gravel section on the southmost side (see Figure 2). This variance would allow the gravel section to be paved to improve the functionality of the driveway (see Figure 3).

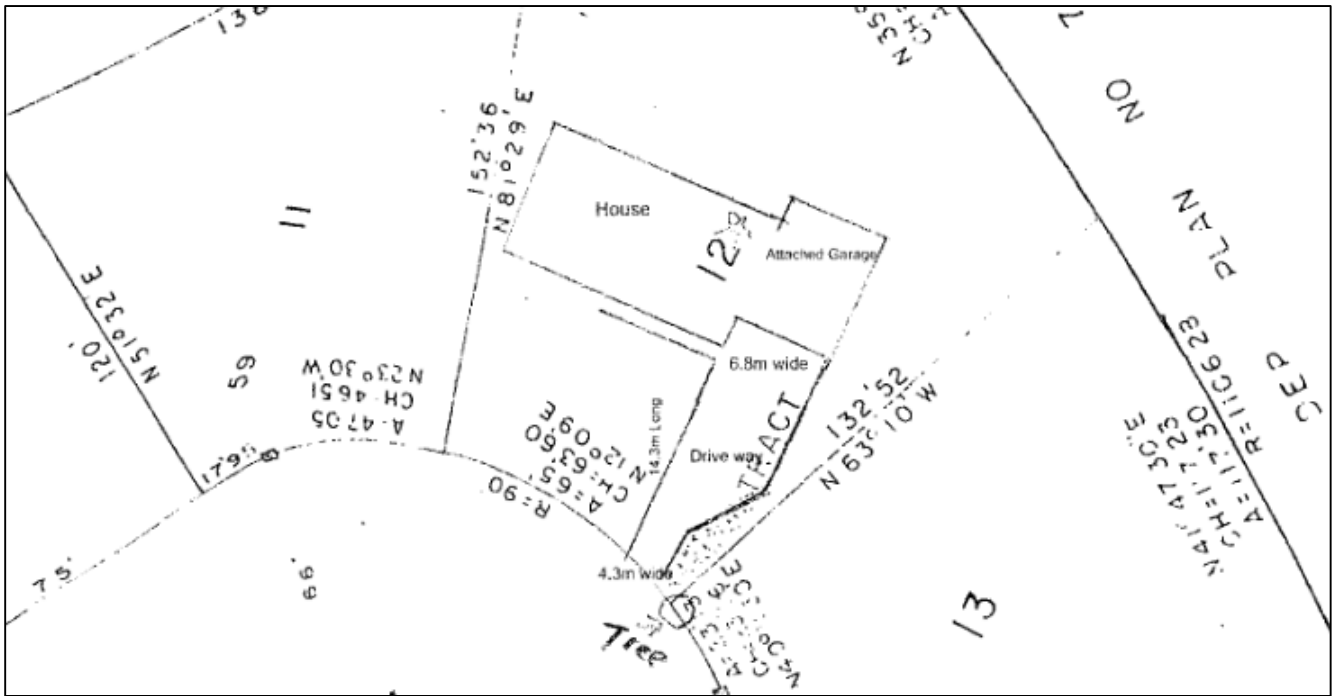


Figure 2 — Site Plan showing existing driveway with gravel section.

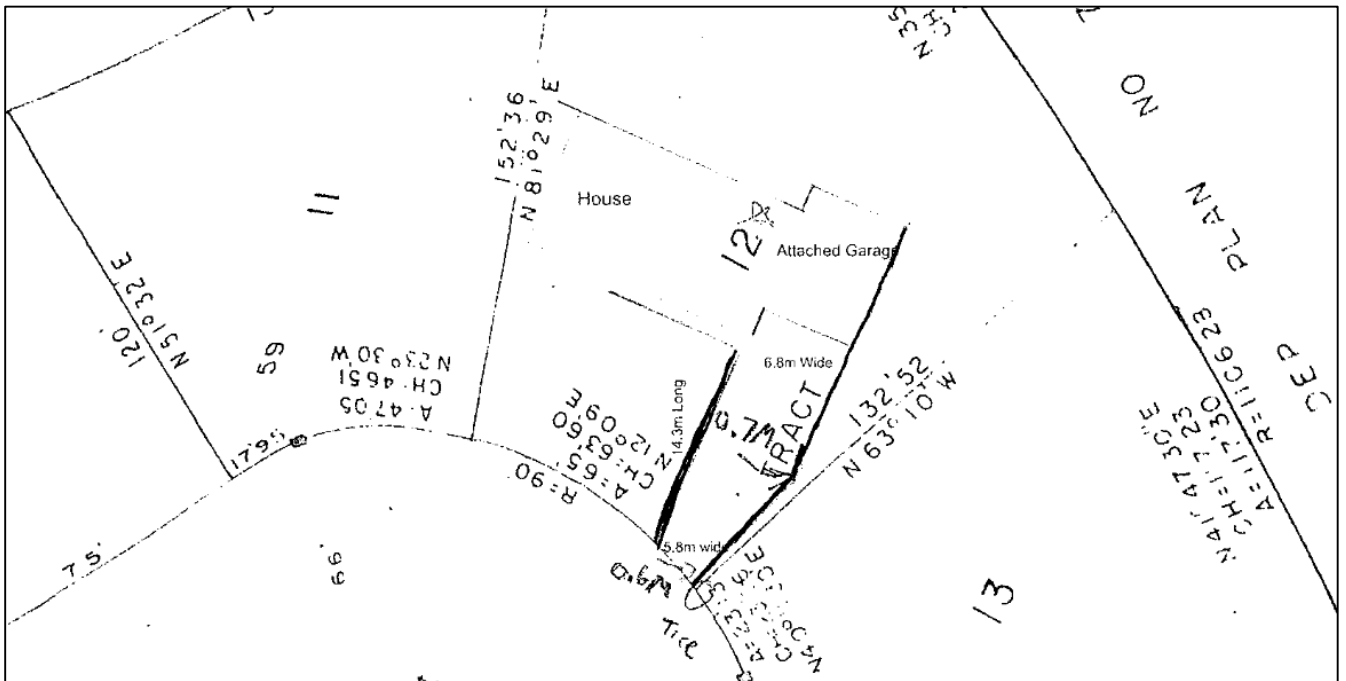


Figure 3 — Site Plan showing proposed widened driveway.

Planning staff conducted a site visit on January 31, 2025.



Figure 4 — View of 42 Hillcrest Lane 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 are of the opinion that the proposed widened driveway would blend into the streetscape and surrounding environment. The appearance of the driveway would not be significantly changed by paving the gravel section. Therefore, the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Section 5.4, Table 5-2 of Zoning By-law 2019-051 states that a driveway shall be no closer to the side lot line than the required side yard setback. This ensures that vehicles and their access do not encroach upon adjacent properties. Staff note that the gravel section of the existing driveway does not encroach onto the neighbouring property, and paving this section of the driveway will not present any encroachment issues.

Section 5.4, Table 5-2 further states that the maximum width of a driveway with an attached private garage is the width of the garage or 50% of the lot width. As well, Section 5.4 f) states that no driveway shall exceed 8 metres in width. The proposed widened driveway would be in line with these requirements of the Zoning By-Law.

Therefore, the proposed variance maintains the general intent of the Zoning By-Law.

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

The proposed variance will allow an existing gravel section of the driveway to be paved. As a result of this, staff anticipate only minor changes to the appearance and function of the driveway. Staff do not anticipate any significant or adverse impacts as a result of the driveway widening. Therefore, 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 proposed variance is desirable and appropriate for the use of the land because it will improve the functioning of the driveway. The proposed variance will bring the lower portion of the driveway in alignment with the upper paved portion. Therefore, the proposed variance is desirable and appropriate for the use of the land.

Environmental Planning Comments:

No environmental comments or concerns. I can advise that a portion of the property is regulated by the Grand River Conservation Authority (Reg 41/24) and a permit may be required to widen the driveway.

Heritage Planning Comments:

No concerns. However, the applicant is advised that the subject property is located adjacent to the Walter Bean Trail Cultural Heritage Landscape.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

GRCA Comments:

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains an erosion hazard associated with the Grand River. The property also contains the regulated allowance adjacent to the erosion hazard. A copy of GRCA's resource mapping is attached.

Due to the presence of the above-noted features, most of the subject property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

It is understood that the proposed minor variance application requests a reduced driveway setback from the southerly side lot line to permit a wider driveway. The driveway expansion is minor and we do not anticipate impacts to the erosion hazard as a result of the proposed development. As such, the GRCA has no objection to the approval of this minor variance application.

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*