

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 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: April 2, 2025

REPORT NO.: DSD-2025-163

SUBJECT: Minor Variance Application A2025-030 – 63 General Drive

RECOMMENDATION:

That Minor Variance Application A2025-030 for 63 General Drive requesting relief from Section 7.3, Table 7-2 of Zoning By-law 2019-051, to permit a rear yard setback of 3.3 metres instead of the minimum required 7.5 metres to facilitate the construction of a rear yard addition onto the existing detached dwelling, generally in accordance with drawings submitted with Minor Variance Application A2025-030, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the Minor Variance Application to permit a rear yard setback of 3.3 metres instead of the minimum required 7.5 metres to facilitate the construction of a rear yard addition onto the existing detached dwelling.
- The key finding of this report is that the minor variances meet the 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 General Drive, near the intersection with Lancaster Street West, 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 Three Zone (RES-3)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of a rear yard sunroom addition to the existing dwelling. The proposed sunroom would be in the location of an existing deck, which will be removed. The existing fireplace would be incorporated into the proposed sunroom.

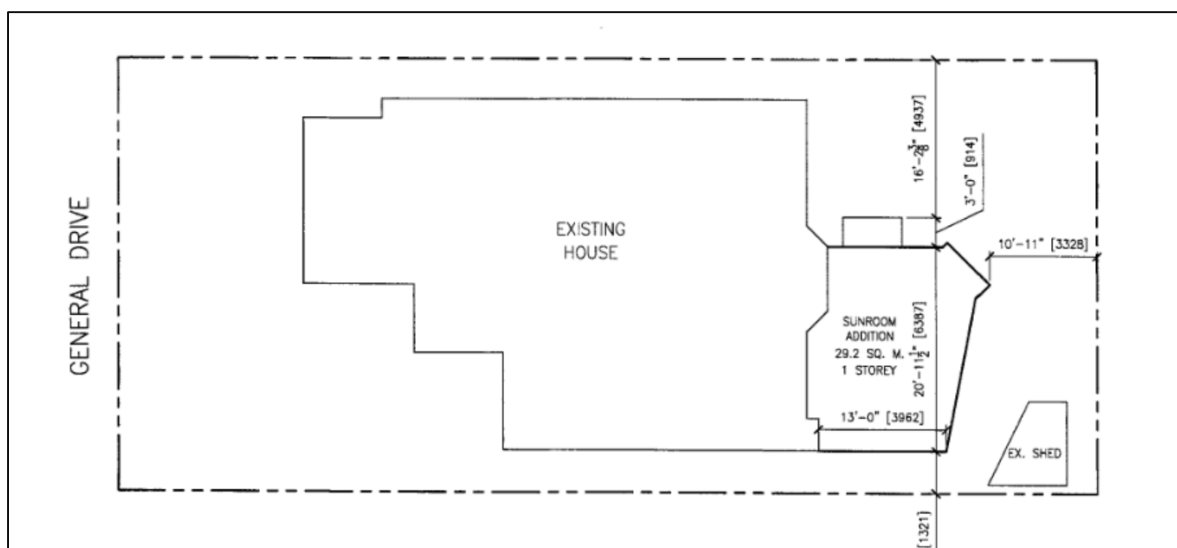


Figure 2 – Site Plan showing proposed rear yard addition

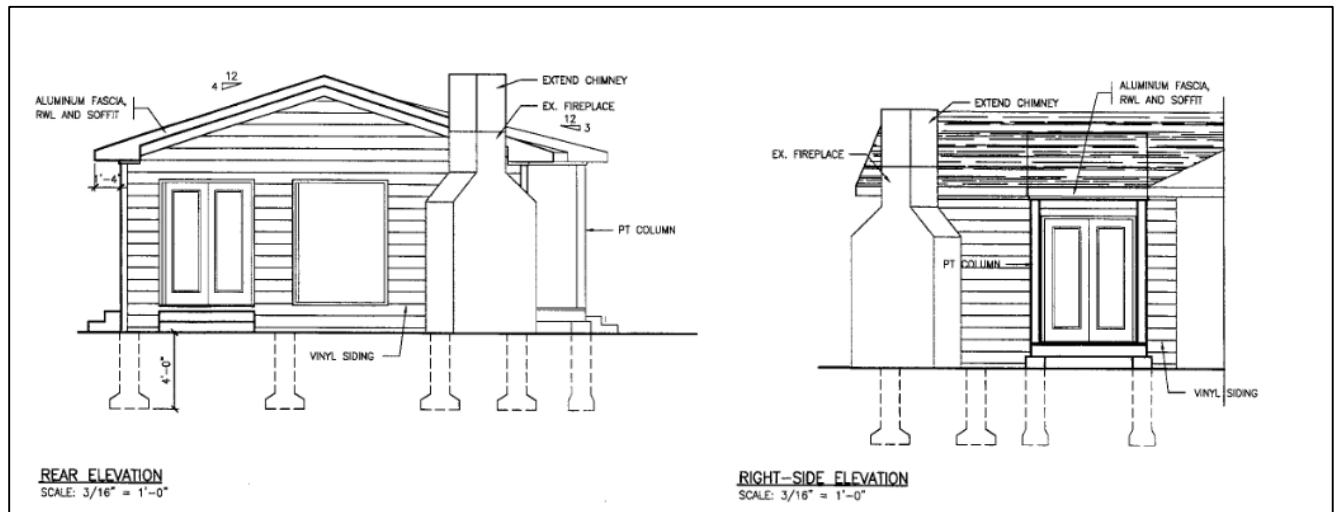


Figure 3 – Rear and side elevation of the proposed rear yard addition.



Figure 4 – Front of subject property from General Drive



Figure 5 – View of rear yard facing west showing existing deck and fireplace.



Figure 6 – Second view of rear yard facing southwest.

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 land use designation is to encourage a range of different housing to achieve a low rise built form in the neighbourhood. The proposed rear yard addition for a sunroom is a natural extension of the existing detached dwelling and will still be used for amenity area in the form of indoor rather than outdoor amenity area. In Planning Staff's opinion, the variance will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Section 7.3, Table 7-2 of Zoning By-Law 2019-051 states that the minimum rear yard setback for a single detached dwelling in a residential zone is 7.5 metres. The requested variance would reduce the rear yard setback to 3.3 metres. The purpose of minimum rear yard setbacks in residential zones is to provide a sufficient amenity area and privacy from neighbouring dwellings. In Planning Staff's opinion, sufficient amenity area for the dwelling will still be provided in the southeast area of the yard. The proposed sunroom will also function as an indoor amenity area for residents. Further, the reduced setback only impacts the east corner of the proposed sunroom. In Planning Staff's opinion, privacy concerns with the abutting properties would be mitigated by the existing fence. Therefore, the proposed variance will maintain the general intent of the Zoning By-Law.

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

The proposed addition will be in the location of the existing deck. It will also generally maintain the footprint of the existing deck and will incorporate the existing stone fireplace. The part of the proposed addition that would be closest to the rear lot line would be the existing fireplace. Staff do not anticipate any significant or adverse impacts resulting from the new building and proposed reduced rear yard setback. 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 sunroom addition will provide additional interior amenity space for the existing dwelling. Therefore, the proposed variance is desirable and appropriate for the use of the land.

Environmental Planning Comments:

Care should be taken when working in the rear yard not to negatively impact adjacent trees / vegetation.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning 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*