

REPORT TO: Committee of Adjustment

DATE OF MEETING: May 20, 2025

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

PREPARED BY: Maitland Graham, Student Planner, 519-783-7879

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: May 7, 2025

REPORT NO.: DSD-2025-209

SUBJECT: Minor Variance Application A2025-046 – 241 Huck Crescent

RECOMMENDATION:

That Minor Variance Application A2025-046 for 241 Huck Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.4 b) ii) to permit a deck to have a rear yard setback of 3.9 metres instead of the minimum required 4.0 metres; and
- ii) Section 7.3, Table 7-2, to permit an addition of a sunroom to have a rear yard setback of 4.8 metres instead of the minimum required 7.5 metres;

to facilitate the construction of a sunroom and deck in accordance with drawings prepared by Four Seasons Sunrooms GTA, dated January 26, 2025, BE APPROVED, subject to the following condition:

1. That the Owner shall provide and show Erosion and Sedimentation Control Measures on the plot plan for the Application for Building Permit to protect the 'Locally Significant Valleyland' to the rear and side of 241 Huck Crescent.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application requesting a reduced rear yard setback of 3.9 metres rather than the required 4 metres to construct a deck and a reduced rear yard setback of 4.8 metres rather than the required 7.5 metres to construct an addition of a sunroom attached to the dwelling.
- The key finding of this report is that the requested 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 northwest side of Huck Crescent in the Highland West neighbourhood, which is predominantly comprised of low rise detached dwellings.



Figure 1 – Aerial Photo of the Subject Property

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 request relief from Section 4.14.4 b) ii) to permit a rear yard setback of 3.9 metres instead of the minimum required 4 metres and from Section 7.3, Table 7-2 to permit a rear yard setback of 4.8 metres instead of the minimum required 7.5 metres. Approval of the variances will allow for the development of a deck and addition of a sunroom.

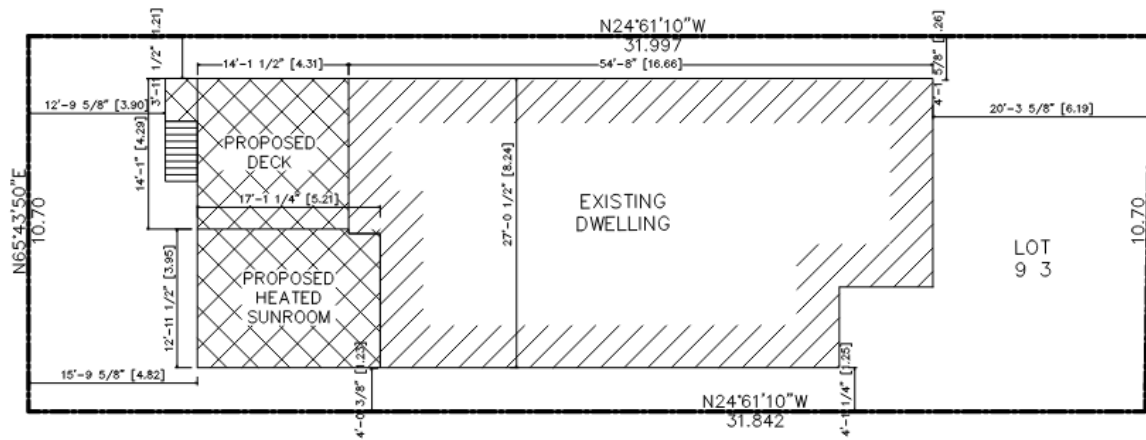


Figure 2 – Proposed Site Plan



Figure 3 – Site Photo of 241 Huck Crescent



Figure 4 – Existing rear yard where the deck and addition are proposed.



Figure 5 – Existing rear yard where the deck and addition are proposed.

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' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to accommodate a diverse range of low-rise housing types while maintaining the low-density character of the neighbourhood. The use of the property for a detached dwelling is permitted and a rear yard deck and sunroom are natural extensions of the living space. Planning Staff is of the opinion that the proposed minor variances to facilitate a rear yard deck and sunroom meet the general intent of the Official Plan

General Intent of the Zoning By-law

The purpose of the minimum rear yard setback is to ensure that an adequate distance is maintained between buildings or additions and the rear property line to accommodate for fire separation, to provide privacy to abutting neighbours, and to accommodate an appropriate amount of amenity space for the residents of the dwelling.

Planning Staff is of the opinion that the proposed 3.9 metre setback of the deck meets the intent of the rear yard setback regulation as there is still an adequate amount of rear yard space provided and as the deck will provide another type of passive outdoor recreational space, the general intent of the Zoning B-law will be maintained.

The 4.8 metre setback for the addition is not anticipated to cause privacy concerns as the proposed addition is situated in the portion of the rear yard that abuts Huck Park Natural Area along the left side interior side yard and the rear yard. Fire separation and privacy would be maintained for the neighbour abutting the right side interior side yard. Accordingly, the reduced setback for the sunroom will maintain the general intent of the Zoning By-law.

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

Planning Staff is of the opinion that the requested variance of 3.9 metres to permit the addition of a deck and 4.8 metres to permit the addition of a sunroom are minor as the abutting neighbour at 245 Huck Cres received approval for a variance for a reduced rear yard setback of 4.4 metres rather than the required 7.5 metres to permit the addition of a sunroom, and the requested variance of 3.9 metres to permit the addition of a deck will be very close to the required 4 metre setback and not discernible.

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

The variances are desirable and appropriate for the use of the land as they will facilitate the construction of useable amenity space for the residents of the dwelling. In addition, due to the grade of the rear yard, the green amenity space is difficult to fully utilize, so the

variances will facilitate the construction of the proposed addition and deck which will allow a greater use of the amenity space of the property.

Environmental Planning Comments:

The subject property is adjacent to a Locally Significant Valleyland (LSV). Environmental Planning Staff are not in favour of reduced setbacks to the lands zoned 'Natural Conservation Zone (NHC-1)'. Erosion and Sedimentation Control (ESC) measures should be provided in accordance with the building permit to protect the LSV to the rear.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority (GRCA) Comments:

GRCA has no objections to the approval of the application. The subject property does 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.

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