

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 20, 2022

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Emily Clarkson, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-423

SUBJECT: Minor Variance Application A2022-109 - 60 Crosswinds Drive
Owner: Milestone Developments Inc.
Agent: Patrick Haramis

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-109 for 60 Crosswinds Drive requesting relief from Section 38.2.1 Zoning By-law 85-1, to permit a rear yard setback of 7.2 metres instead of the minimum required 7.5 metres to facilitate the construction of a new single detached dwelling, generally in accordance with drawings prepared by J.D. Barnes Ltd, dated July 14, 2022, BE APPROVED.

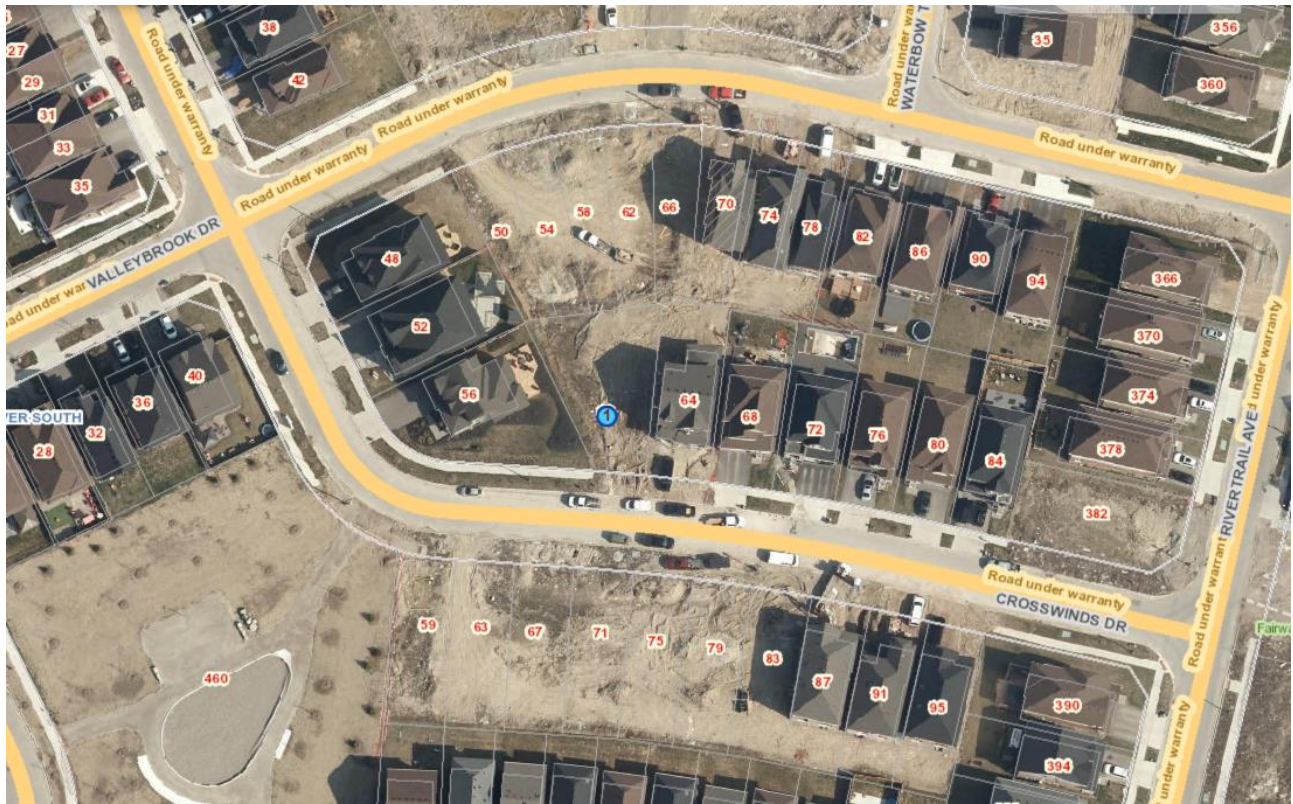
Zoning By-law 2019-051

- B. That Minor Variance Application A2022-109 for 60 Crosswinds Drive requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 7.2 metres instead of the minimum required 7.5 metres to facilitate the construction of a new single detached dwelling, generally in accordance with drawings prepared by J.D. Barnes Ltd, dated July 14, 2022, BE APPROVED, subject to the following:

This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the development of a new single detached dwelling on the subject property.
- The key finding of this report is that the requested minor variance meets the 4 tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.



Location Map of 60 Crosswinds Dr (subject property).

BACKGROUND:

The subject property is located on the north side of Crosswinds Drive and is located near the intersection of Crosswinds Drive and Valleybrook Drive. The subject property is currently a vacant lot. A building permit was issued in September of 2021, to permit a new 'Waterford' single detached dwelling with an attached garage. The area is predominantly a low-rise low-density residential neighbourhood.

The subject property is identified as 'Community Area' 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 'Residential Four Zone (R-4)' with Special Regulation Provision 597R in Zoning By-law 85-1, and 'Low Rise Residential Four Zone (RES-4)' with Site-Specific Provision (228) in Zoning By-law 2019-051, which is currently under appeal. Both 597R and (228) do not permit geothermal wells.

The purpose of the subject minor variance application is to facilitate the development and construction of a new single detached dwelling with an attached garage on the subject property. Specifically, the variance is as follows:

- to permit a rear yard setback of 7.2 metres instead of the minimum required 7.5 metres.

Planning staff conducted a site inspection on August 30, 2022.



Site Visit Photo of 60 Crosswinds Drive (subject property).



Sketch of location of proposed single detached dwelling and rear yard setback reduction.

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

In the City's Official Plan, the intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streets, and exterior areas. The property is currently an empty lot and is proposed for the construction of a single detached dwelling. This proposed dwelling will be similar to and compatible with the uses of the adjacent properties. Therefore, it is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the regulation that requires 7.5 metres for rear yard setback is to ensure that adequate amenity space and building separation is provided. The proposed 7.2 metre setback will still allow the new dwelling to function appropriately on this lot including sufficient amenity area, privacy buffer, and maintenance. Staff are of the opinion that adequate amenity area and building separation is provided. Accordingly, the requested variance for reduction in rear yard setback meets the general intent of Zoning By-law.

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

The requested variance can be considered minor since it is not anticipated to cause unacceptably adverse impacts on adjacent properties. The deficiency of 0.3 metres will not be discernible. The variance will allow for a reduced rear yard setback to ensure an appropriate placement and amenity space for the proposed dwelling which will be compatible with the existing residential use of the property and will not negatively impact the neighbouring lot. Appropriate rear yard and side yard access continues to be accommodated and the separation to the adjacent dwelling remains sufficient based on the site plan provided.

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

The requested variance to permit a reduction in the rear yard setback will ensure and allow for an appropriately oriented single detached dwelling on an irregular-shaped lot that will meet all other zoning requirements. Further, the development and construction of this new dwelling will maintain the character of the streetscape and the character of the surrounding area will continue to be respected. There are no anticipated negative impacts as a result of the requested variance to the adjacent property or the surrounding area.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments.

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:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

No comments.

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 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*

ATTACHMENTS:

Attachment A – Site Plan included with Application

Sketch prepared for: Minor Variance Application
 Lot 181 Registered Plan 58M-597
 City of Kitchener



METRIC:
 DISTANCES HEREON ARE IN METRES.
 TO CONVERT TO FEET DIVIDE BY 0.3048.



CAUTION:
 THIS IS NOT A PLAN OF SURVEY AND
 SHALL NOT BE USED FOR MORTGAGE
 OR TRANSACTION PURPOSES.

NOTE:
 LOT DIMENSIONS ARE AS SHOWN ON PLAN 58M-597
 AND HAVE NOT BEEN VERIFIED BY SURVEY. PROPOSED
 BUILDING POSITIONED BY CALCULATION, NOT BY SURVEY.

CROSSWINDS DRIVE

Lot Area: 522.0 m²
 GFA: 157.0 m² (30.1 %)
 Cantilevered Bays: 3.5 m² (0.7 %)

J.D.BARNES LTD.
 Builder: New Lifestyle Homes Inc.
 File: 18-42-024-00 (181)
 July 14, 2022
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