

**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:** Sheryl Rice Menezes, Planning Technician (Zoning),  
519-741-2200 ext. 7844

**WARD(S) INVOLVED:** 5

**DATE OF REPORT:** September 12, 2022

**REPORT NO.:** DSD-2022-440

**SUBJECT:** Minor Variance Application A2022-107 - 133 Pine Martin Crescent

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**RECOMMENDATION:**

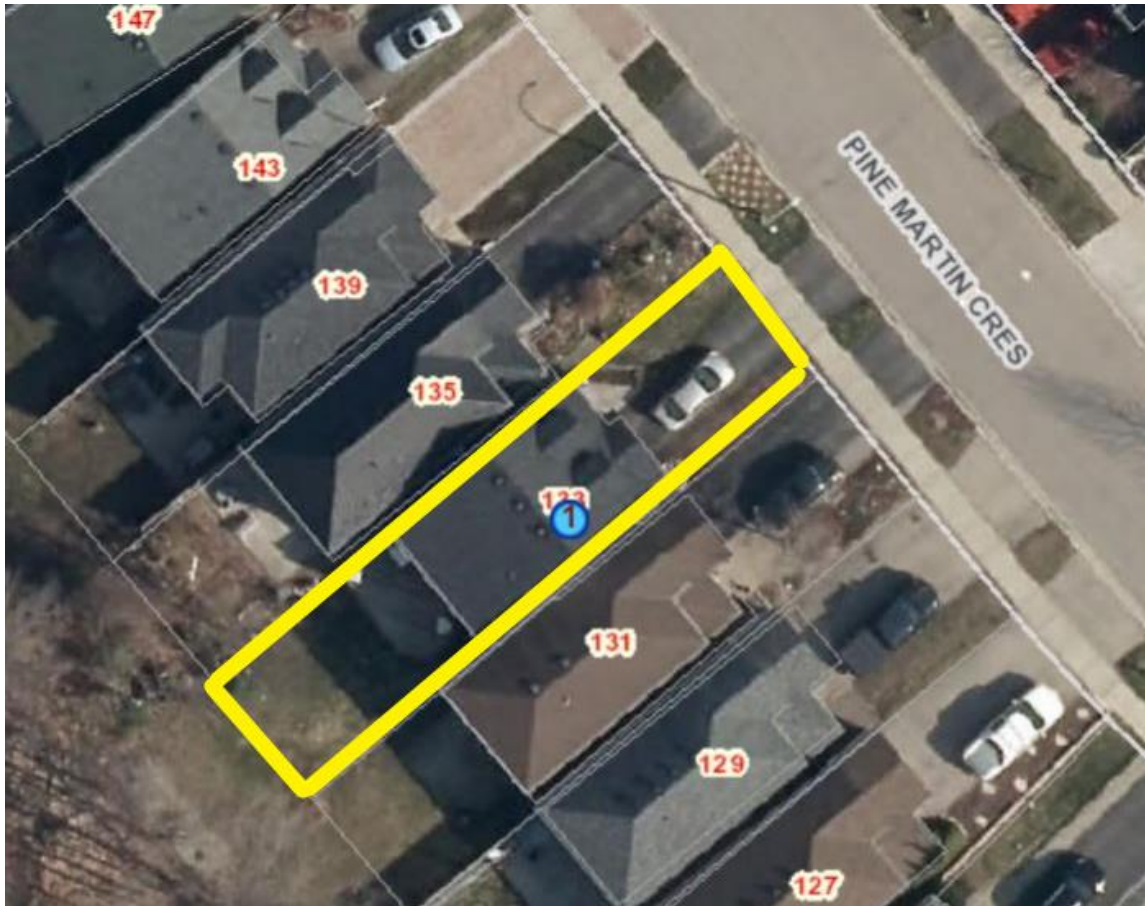
**Zoning By-law 2019-051**

That Minor Variance Application A2022-107 for 133 Pine Martin Crescent requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit a right side yard setback of 0 metres instead of the required 1.2 metres to facilitate the construction of a sunroom addition onto the rear of the existing single detached dwelling, generally in accordance with drawings prepared by Waymar, dated April 2022, BE APPROVED, subject to the following:

That this 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 date of this decision.

**REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application for a side yard variance to permit construction of a sunroom addition to a single detached dwelling.
- The key finding of this report is that the requested minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included circulation of the application via mail and notification by way of The Record and signage placed on the property.
- This report supports the delivery of core services.



## **BACKGROUND:**

The subject property is located on the south side of Pine Martin Crescent, south of Wilderness Drive and contains a single detached dwelling.

The property is identified as 'Community Areas' on Map 2 – Urban Structure and it is designated as 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zone 'Residential Four Zone (R-4)' in Zoning By-law 85-1 and 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051, which is currently under appeal.

The purpose of this application is to facilitate the construction of a sunroom onto the rear of the existing single detached dwelling which will maintain the same side yard setback as the existing dwelling. The new 'RES-4' in Zoning By-law 2019-051 does not permit new development to have a 0 metre setback from a side lot line.

It is noted that the proposed addition meets the regulations under the 'R-4' zoning (By-law 85-1).

Staff visited the site on September 1, 2022.



## REPORT:

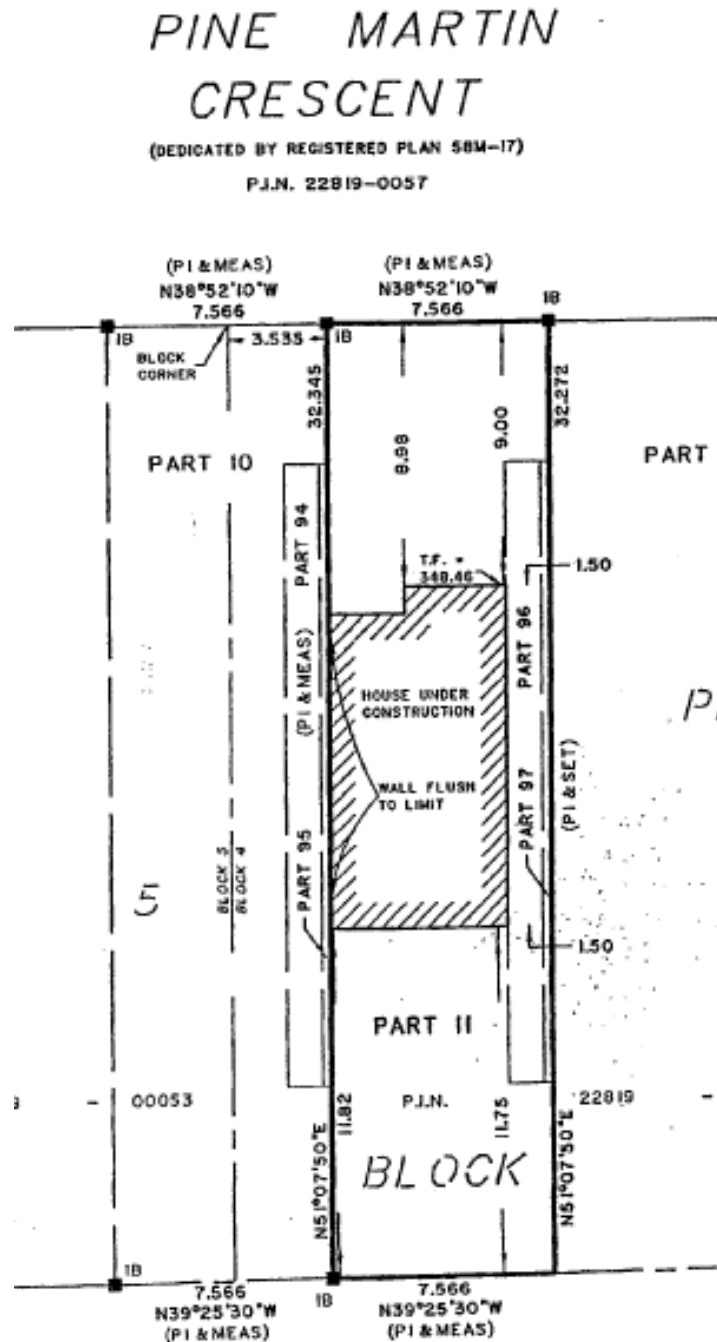
### General Intent of the Official Plan

The designation of Low Rise Residential emphasizes compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different house types. It also places emphasis on the relationship of housing to adjacent buildings and streetscapes. The proposed variance conforms to the land use designation and it is the opinion of staff that the variance meets the general intent of the Official Plan.

### General Intent of the Zoning By-law

It is noted that the proposed 0 metre side yard setback is permitted in Zoning By-law 85-1 which was the zoning by-law in effect when the subject area was established. It permits the building to be 0 metres from a side lot line provided maintenance easements and eave encroachments are provided on the abutting lands for the maintenance of walls, eaves and real property. These easements were

established when the house was constructed, as shown on the survey below as Parts 94 and 95, on Reference Plan 58R-10907. The easements extend beyond the rear wall of the dwelling façade where the proposed addition is to be located.



Under Zoning By-law 2019-051, which is currently under appeal, there is no longer provisions for new buildings to be located 0 metres from the side lot line. However, as the proposed sunroom addition is in keeping with what is already established historically in the neighbourhood, staff are of the opinion that the intent of the Zoning By-law is met for this property and the abutting property.



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

As noted above, the proposed addition to a single detached dwelling meets the intent of the existing and proposed by-laws. Staff are of the opinion that this variance, to permit the sunroom addition to be constructed in line with the wall of the existing dwelling and maintaining the window opening at the rear, is minor.

Is/Are the Variance(s) Desirable for the Appropriate Development or Use of the Land, Buildings and/or Structure?

The sunroom addition meets the regulations of Zoning By-law 85-1. The variance is to the newer By-law 2019-051. As the proposed addition is to extend into the rear yard in line with the existing main dwelling, the variance can be considered appropriate development for the lands. It is noted that the neighbours have written a letter of support for the variance to By-law 2019-51 and they have no concerns.



**Environmental Planning Comments:**

No natural heritage or Tree Management Policy concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. Application has been made for the sunroom addition and is currently under review.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**Engineering Division Comments:**

Engineering has no comment

**Parks/Operations Division 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.

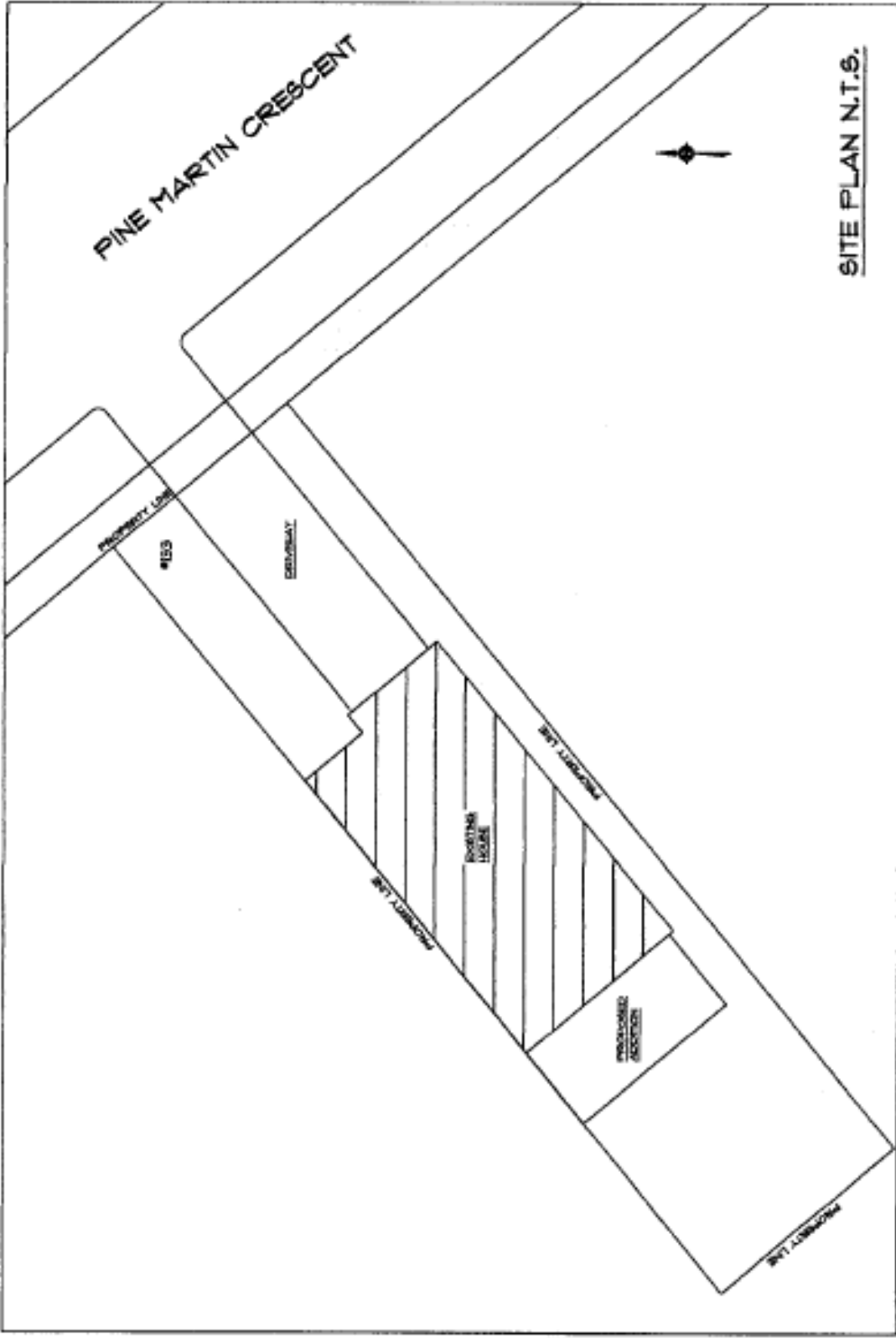
**COMMUNITY ENGAGEMENT:**

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 that they may find additional information on the City's website or by emailing the Planning Division. Lastly, a notice of the application was mailed to all property owners within 30 metres of the subject land.

**PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *City of Kitchener Official Plan (2014)*
- *Zoning By-law 2019-051*

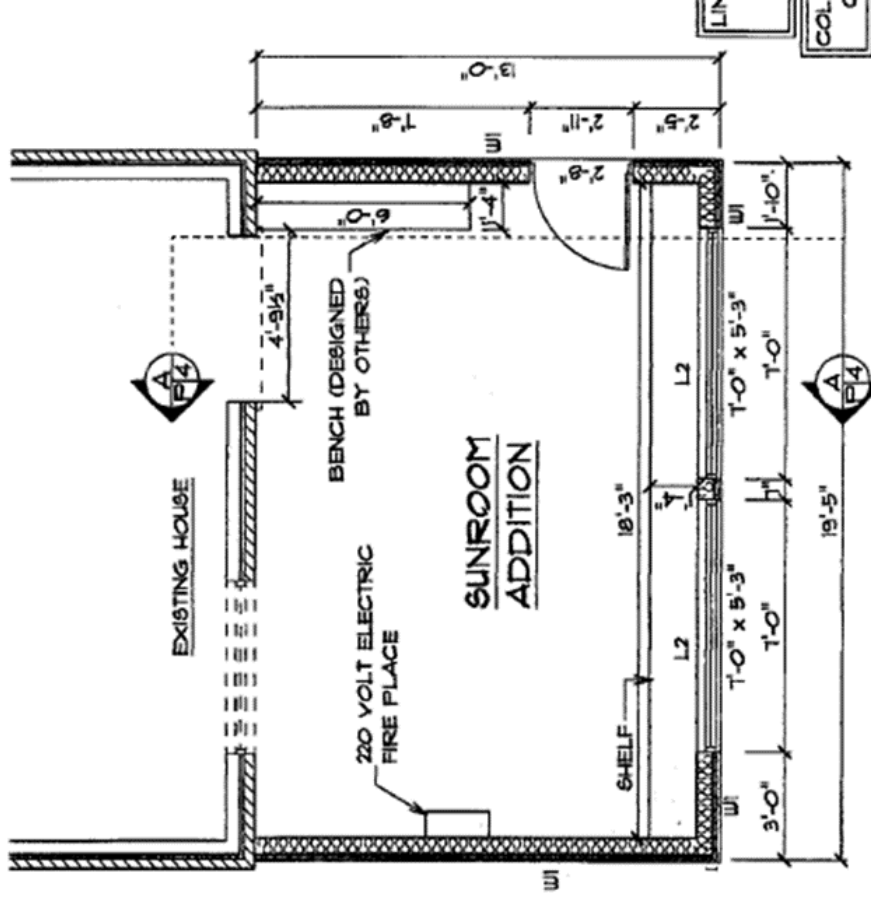
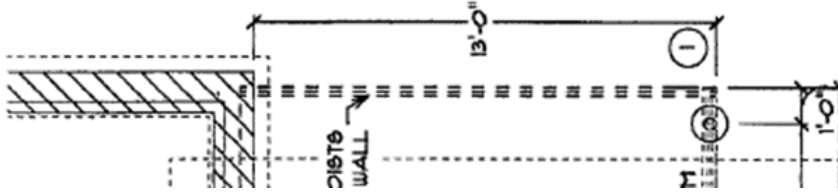
**Attachments: Drawings Prepared by Waymar, February 10, 2022.**



**SITE PLAN N.T.S.**

I am responsible for this as the requirements set by the designer. REVISION per 2.7.3.1. of the building code RE DCN 3014 RAVER DCN 4053	<b>CONTRACTOR: WAYMAR</b> 33555 Ascent Line, NRS3 Williamsport, Ontario N0B 2G0 505-699-4326 <b>BLUEPRINT STATION™</b> Dan Ramer 505-501-3030 bluerprintstation.com	<b>DESIGNED &amp; DRAWN BY:</b> DAN RAMER PROJECT: DAWN MURRAY SUNROOM	PROJECT: 03 PINE MARTIN CR. LOCATION: KITCHENER DATE: February 10, 2022
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REVISIONS



WALL SCHEDULE

- W1 - VINYL SIDING
- HOUSEWRAP
- 1" RIGID INSUL (R-5)
- 7/16" OSB SHEATHING
- 2X6 STUDS @ 16" o.c.
- R-24 BATT INSULATION
- 6 mil POLY VAPOUR
- CONFORMING TO CAN
- 1/2" DRYWALL TAPED

PROPOSED MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"  
252 SQ FT ADDITION  
-HATCHED WALLS AND DASHED  
OPENINGS INDICATE EXISTING

PLAN

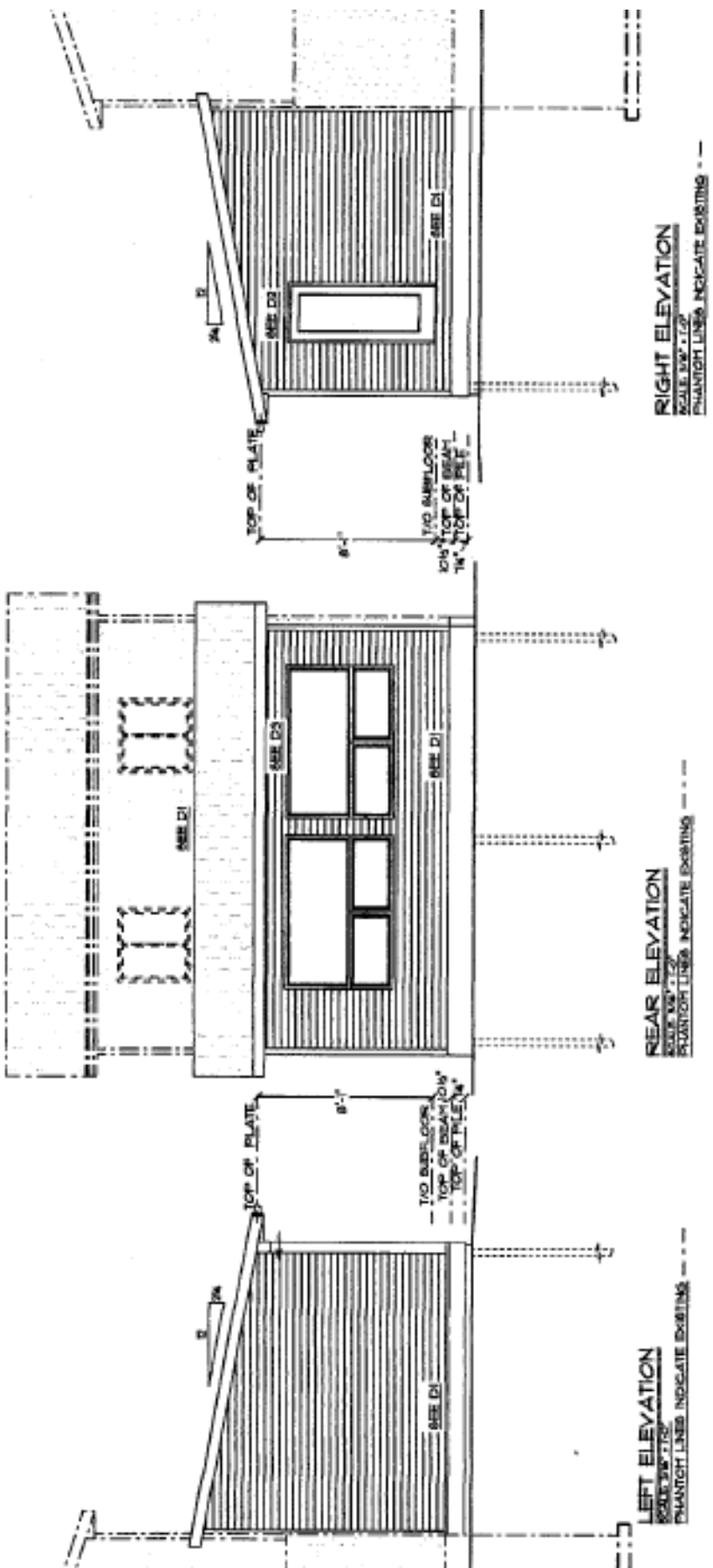
**WAYMAR**  
33505 Anson Line, RR3  
Welland, Ontario N0B 2B0 819-699-4234  
STATION 10  
6995 CHURCH ST. BOX 96  
WELLAND, ON N0K 1L0  
519-501-3928  
email: dan@waymarphoto.com  
web: waymarphoto.com

DESIGNED & DRAWN BY:  
DAN RAHER  
PROJECT:  
DAVIN MURRAY  
SUNROOM

PROJECT: 133 PINE MARTIN CR.  
LOCATION: KITCHENER  
DATE: February 12, 2022



REVISION	NO.	DATE



reviewed and takes responsibility for this drawings and needs the requirements set building code to be a designer. ALLOCATION INFORMATION sign is exempt under 217.5.1 of the building code BCIN 35314 JAMES SIGNATURE AND DARLENE RAYNER	CONSTRUCTOR <b>WAYMAR</b> 33000 Janet Line, R03 Wrentham, MA 01092 508 548-0204	DESIGNED & DRAWN BY: DAN RAYNER	PROJECT NO. 001 FINE MARTIN CR.
	BLUEPRINT STATION™ Dan Rayner 508-501-9938 blueprintstation.ca email: dan@blueprintstation.com	PROJECT DAWN MURRAY SUNROOM	PROJECT NO. 001 FINE MARTIN CR. LOCATION KITCHENER 515 460 5805 DATE February 10, 2022