

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: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-432

SUBJECT: Minor Variance Application A2022-111 - 131 Pinedale Drive
Owner: Gurvinder and Jaskinder Nanra
Agent: Kipra Nanra

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-111 for 131 Pinedale Drive requesting relief from Section 6.1.1.1 b) i) and Section 5.3 of Zoning By-law 85-1, to permit a driveway to be located 0.78 metres from the intersection of street lines instead of the minimum setback required of 9 metres, and to permit a parking space to be located in a driveway visibility triangle whereas obstructions over 0.9 metres in height are not permitted, generally in accordance with the provided drawings, BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2022-111 for 131 Pinedale Drive requesting relief from Section 5.3.3 a) i) and Section 4.5 a) of Zoning By-law 2019-051, to permit a driveway to be located 0.78 metres from the intersection of street lines instead of the minimum setback required of 7 metres, and to permit a parking space to be located in a driveway visibility triangle whereas obstructions over 0.9 metres in height are not permitted, generally in accordance with the provided drawings, BE APPROVED subject to the following:

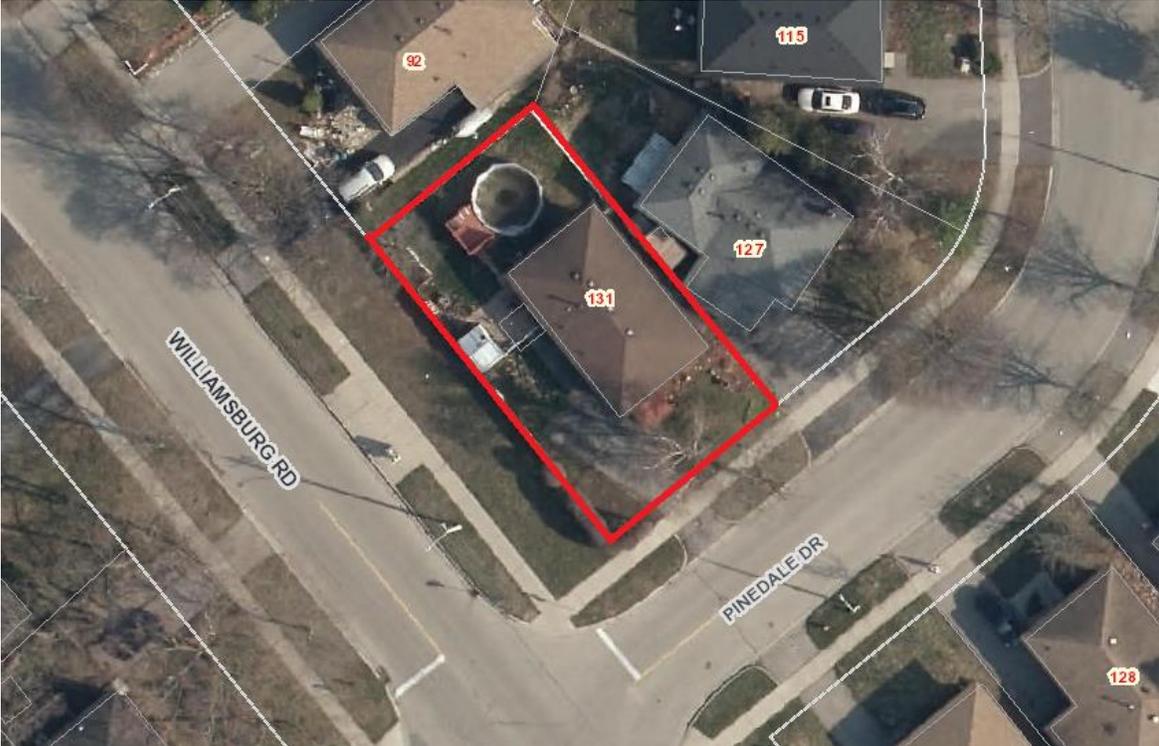
This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to permit the owner to widen an existing driveway closer to the intersection of the street (property) lines.
- There are no financial implications.
- This report supports the delivery of core services.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:



Subject Property – 131 Pinedale Drive





Front view of property with existing driveway

The subject property is located on Pinedale Drive, at the intersection of Pinedale Drive and Williamsburg Road. The current use of the building is a single detached dwelling, however the owner has applied for a building permit to convert to a duplex dwelling (an Additional Dwelling Unit (ADU) (Attached)).

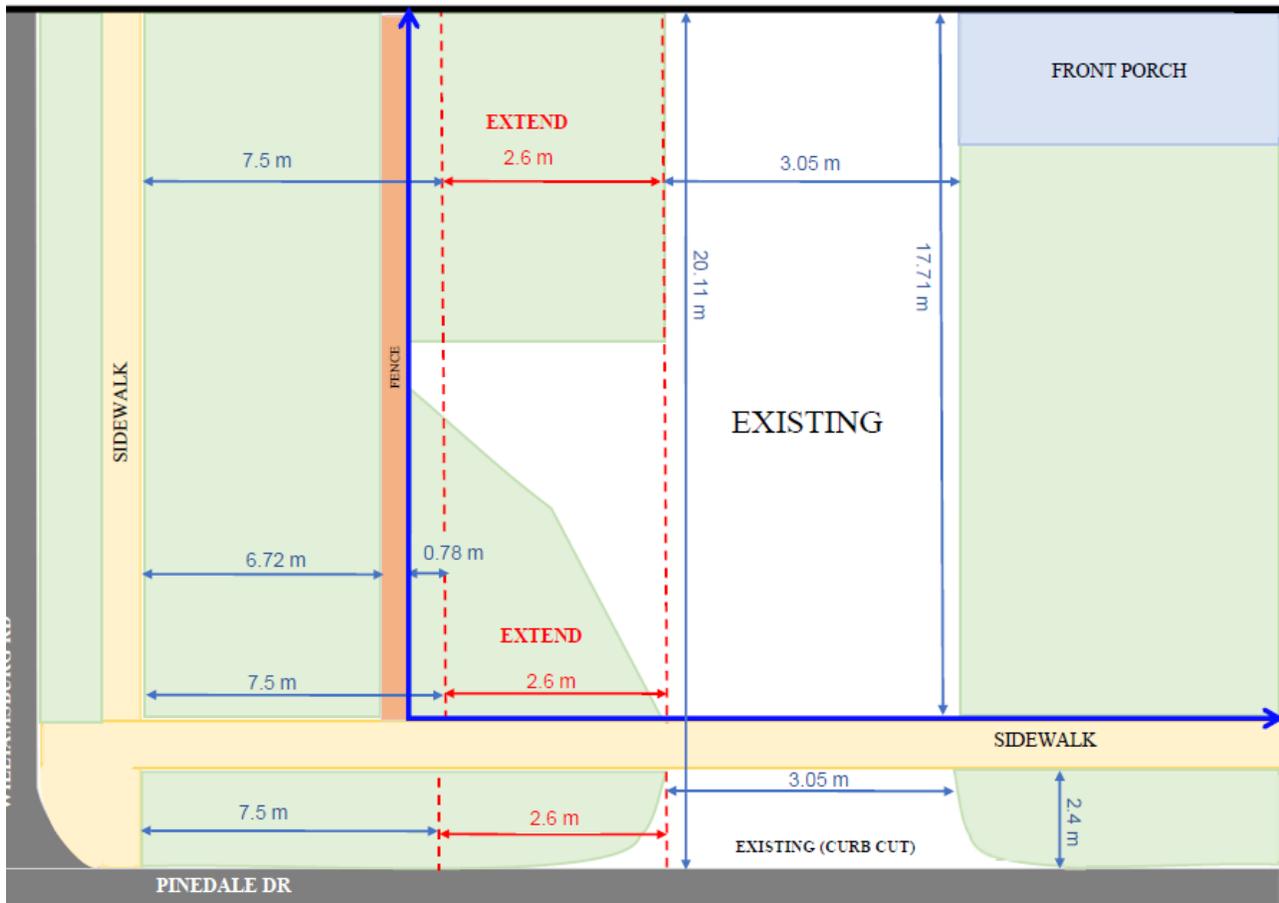
The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Residential Four Zone (R-4)' in Zoning By-law 85-1 and zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051, which is currently under appeal.

The applicant has proposed converting the current single detached dwelling into a duplex dwelling and would like to widen the existing driveway 2.6 metres to provide a double wide driveway for the property. Therefore, the applicant is requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 and relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit a driveway to be located 0.78 metres from the intersection of street (property) lines in stead of the minimum 9 metres in 85-1 and 7 metres in 2019-051, and relief from Section 5.3 of Zoning By-law 85-1 and relief from Section 4.5 a) of Zoning By-law 2019-051 to permit a vehicle to locate in a driveway visibility triangle whereas obstructions over 0.9 metres in height are not permitted.

The side lot abutting a street property line is set back significantly from the road (as shown in the attached sketch). The setback to the sidewalk from Williamsburg Rd to the side property line is approximately 6.72 metres. The driveway widening will allow 2 cars to park side by side in a safe manner.

DRIVEWAY WIDENING (PROPERTY: 131 PINEDALE DRIVE, KITCHENER ON N2E 1K1)



Proposed driveway widening

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. This designation permits low density forms of housing such as duplex dwellings. The proposed variance meets the intent of the Official Plan which encourages a range of different forms of housing and encourages a mix of residential uses in residential areas. It is the opinion of staff that the requested variances for the driveway location meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the corner lot driveway location regulations in both By-law 85-1 and 2019-051 is to ensure that there are adequate setbacks from the corner that would not impede visibility for pedestrians, cyclists and motorists at the intersection. All modes of transportation are to have adequate sight lines for safety purposes. The proposed driveway widening does not interfere with the intersection sightlines as the property line is set back significantly from the road. This setback provides adequate visibility for all modes of transit and the reduction will not negatively impact adjacent properties nor the streetscape.

The intent of both By-laws to not permit obstructions over 0.9 metres in height within a driveway visibility triangle is to ensure that there are adequate sight lines for vehicles to exit the property in a safe manner and locate oncoming pedestrians, cyclists and other motor vehicles. There is a current hedge on the property that is the owner's intention to be removed to ensure there is increased visibility. The separation distance from the road also provides extra space to ensure the vehicle can exit slowly and without incident.

Staff is of the opinion that the requested variances meet the general intent of the Zoning By-laws.

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

The variances can be considered minor, as it is the opinion of staff that the setback from Williamsburg Road to the property line still adequately maintains the corner and driveway visibility triangles requirements and will not present any significant impacts to the adjacent properties and the overall neighbourhood.

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

The variances are appropriate for the development and use of the land. The variances will allow the gentle intensification of an existing single detached dwelling to a duplex dwelling and provide the required parking, unobstructed, on the property.

Environmental Planning Comments:

No natural heritage or tree management policy concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no comment. If approved by Planning/Transportation Planning, a curb cutting permit from Engineering is required for the work to proceed.

Parks/Operations Division Comments:

Parks/Operations has no comments.

Transportation Planning Comments:

Transportation Services can support the requested encroachment into the corner visibility triangle (CVT) due to the geometry of the intersection of Williamsburg Road and Pinedale Drive. The CVT is located far enough away from Williamsburg Road that vehicles at the stop sign on Pinedale Drive will not have impacts on sight lines and visibility due to the widening of the driveway as requested.

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*