

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: Julian Lee, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-425

SUBJECT: Minor Variance Application A2022-108 - 23 Bosworth Crescent

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-108 for 23 Bosworth Crescent requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1, to permit the required off-street parking to be located 1.7 metres from the street line instead of the required 6 metres generally in accordance with drawings prepared by Isabel Barnes, dated August 17, 2022, BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2022-108 for 23 Bosworth Crescent requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit the required off-street parking to be located 1.7 metres from the street line instead of the required 6 metres generally in accordance with drawings prepared by Isabel Barnes, dated August 17, 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 variances requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 and from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit the required off-street parking to be set back 1.7 metres rather than the required 6 metres to facilitate the conversion of the attached garage into a living space for the use of the single detached dwelling.
- 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.

BACKGROUND:

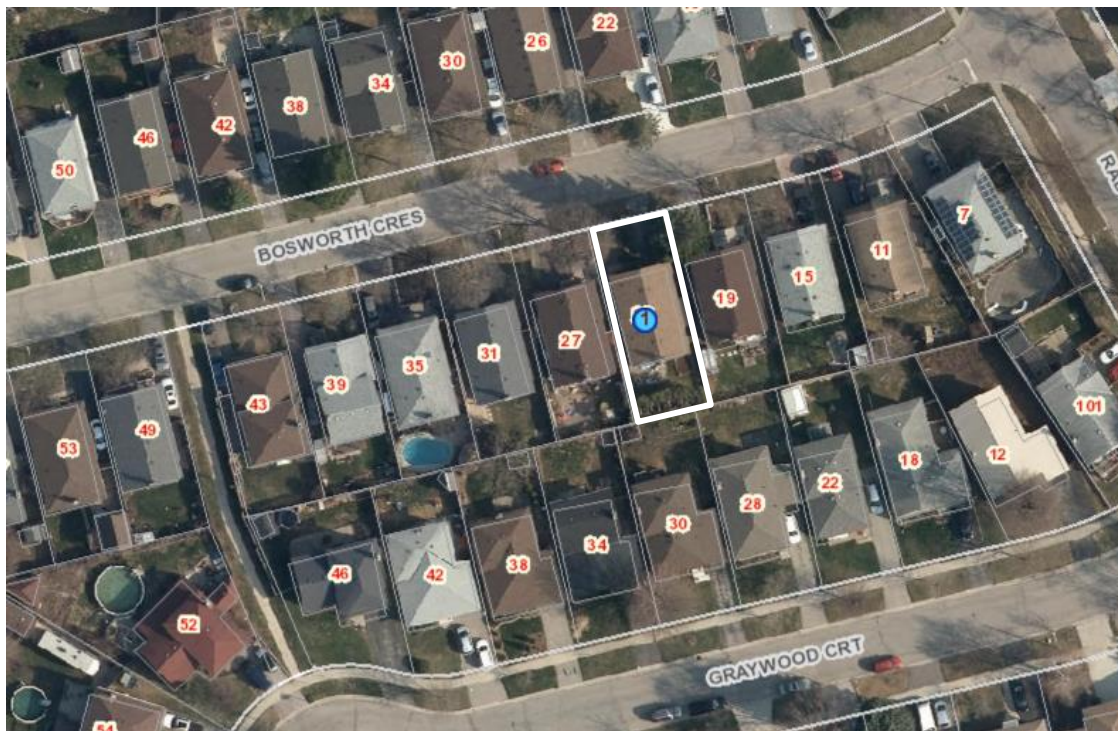
The subject property is located on the southerly side of Bosworth Crescent and contains a single detached dwelling. The subject property is located within the Laurentian Hills Neighbourhood, with the area primarily comprised of low-rise residential uses.



Location of Proposed Variance



Photo of Subject Property



Location Map – 23 Bosworth Crescent

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 '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 the application is to request relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 and from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit the required off-street parking to be set back 1.7 metres rather than the required 6 metres to facilitate the conversion of the attached garage into a living space for the use of the single detached dwelling.

Planning Staff conducted a site visit on August 29, 2022.

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 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 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. Official Plan policy 4.C.1.8 details criteria that should be considered where a minor variance is requested. Subsection 'e' further specifies that any modifications to existing structures should allow the lands to "function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site". Staff are of the opinion that permitting the required off-street parking space to be set back 1.7 metres rather than the required 6 metres would maintain both the appropriate number of parking spaces for the single detached dwelling, as well as the existing area of landscaped/amenity space on the front yard. The proposed variance would not have an impact on the low rise residential character of the surrounding neighbourhood and therefore maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 6 metre setback from the street line for the first required off-street parking space in both Zoning By-laws 85-1 and 2019-051 is to ensure that a vehicle can be safely parked without impacting the City right-of-way, including the sidewalk and to ensure that the streetscape is not dominated by vehicles. The required setback also ensures clear visibility lines when exiting the driveway. Maintaining the 6 metre setback also ensures enough space for a second legal parking space behind the first required space. Staff acknowledge that while 1.7 metres is not sufficient for a second legal parking space, a 1.7 metre setback would still ensure adequate visibility along the street line without impacting the City right-of-way or impeding access to the neighbouring properties. Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-laws.

Is/Are the Effects of the Variance Minor?

While a 4.3 metre setback deficiency is slightly discernible from the public realm, there are no anticipated impacts to the pedestrian right-of-way, parking requirements, or neighbouring properties. Staff note that there are no sidewalks along Bosworth Crescent and that only one parking space is required for the subject property; as such, there would be limited pedestrian activity interacting with the property and no impact to parking configurations would occur. Also, the parking space in the driveway will be buffered by the topography of the front yard. Staff are of the opinion that the requested variance is minor in nature.

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

The requested variance is desirable for the appropriate development and use of the land as it would facilitate the conversion of the attached garage into a living space for the single detached dwelling while ensuring that a legal parking space is provided on the subject property.

Environmental Planning Comments:

No natural heritage or Tree Management Policy concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the conversion of the garage into living space is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no comment.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

GRCA Comments:

No comments.

Region of Waterloo Comments:

No comments.

Hydro One Comments:

No comments or 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:

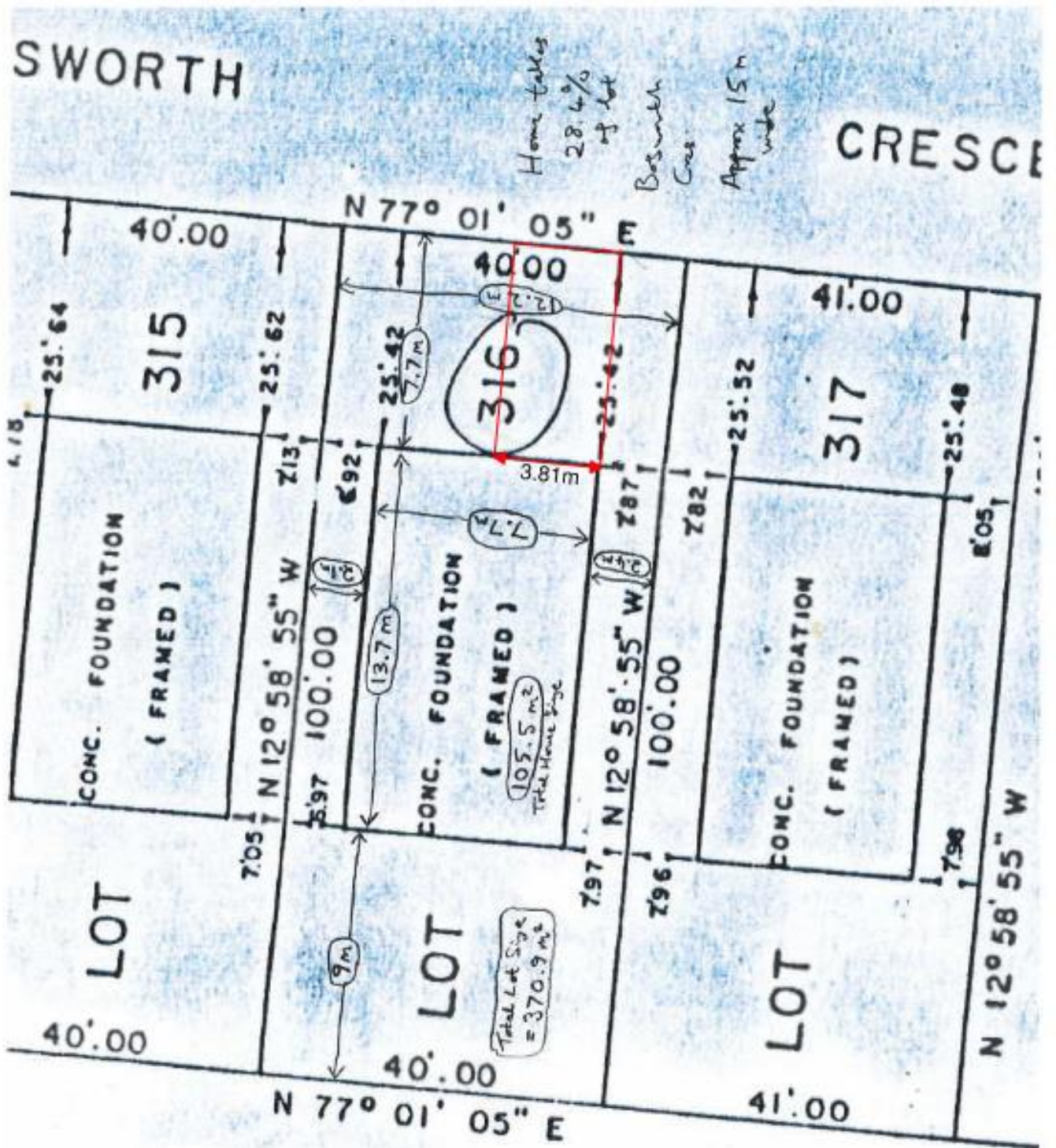
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 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 – Survey and Driveway Location/Measurements



Survey and Driveway Location/Measurements