

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 18, 2022

**SUBMITTED BY:** Tina Malone-Wright, Interim Manager, Development Review  
519-741-2200 ext. 7765

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

**WARD(S) INVOLVED:** Ward 1

**DATE OF REPORT:** October 7, 2022

**REPORT NO.:** DSD-2022-446

**SUBJECT:** Minor Variance Application A2022-116 - 67 Eton Drive

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## **RECOMMENDATION:**

### **Zoning By-law 85-1**

That Minor Variance Application A2022-116 for 67 Eton Drive requesting relief from Section 5.6A.4(d) of Zoning By-law 85-1, to permit a covered rear deck to have a rear yard setback of 6.9 metres instead of the minimum required 7.5 metres to facilitate the addition of a covered rear yard deck onto the existing dwelling generally in accordance with drawings prepared by Progressive Engineering Services Ltd. dated June 27, 2022, and drawings prepared by Bobicon Ltd. dated May 15, 2022, BE APPROVED.

## **REPORT HIGHLIGHTS:**

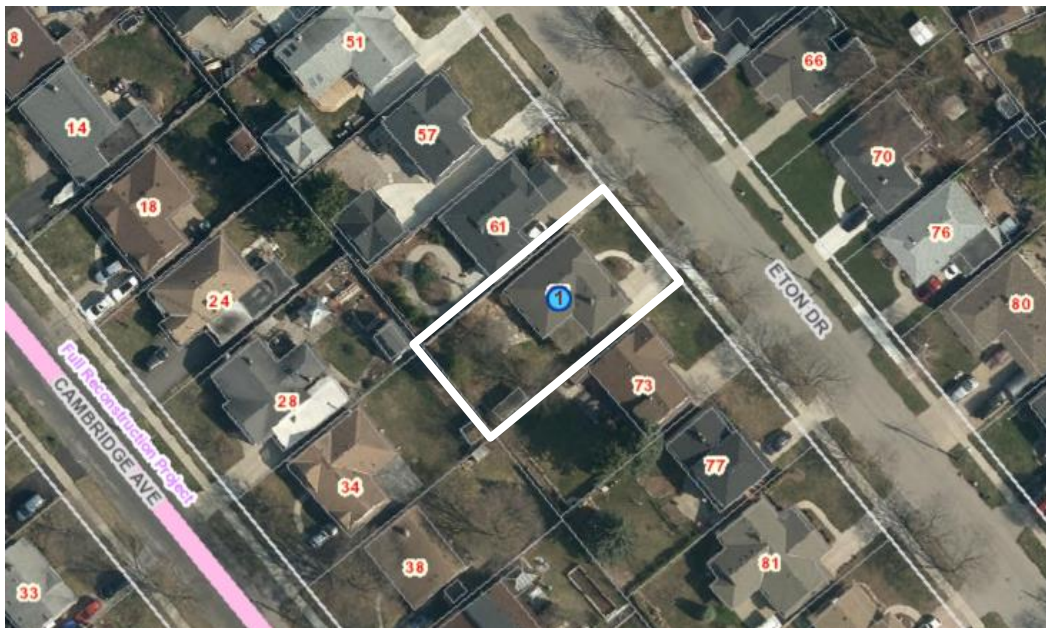
- The purpose of this report is to review a minor variance application to permit a rear covered deck to have a rear yard setback of 6.9 metres instead of the minimum required 7.5 metres to facilitate the addition of a covered rear yard deck onto the existing dwelling.
- The key finding of this report is that the requested minor variances meet 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 westerly side of Eton Drive, between Rosemount Drive and Heather Avenue. The subject property is located within the Rosemount Neighbourhood, which is predominantly comprised of low rise residential uses.



**Photo of Subject Property**



**Location Map: 67 Eton Drive**

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 Three Zone (R-3)', in Zoning By-law 85-1 and 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051, which is currently under appeal.

The purpose of the application is that the applicant is requesting relief from Section 5.6A.4(d) of Zoning By-law 85-1, to permit a covered rear deck to have a rear yard setback of 6.9 metres instead of the minimum required 7.5 metres to facilitate the addition of a covered rear yard deck onto the existing dwelling.

A minor variance is not required to Zoning By-law 2019-051 as the minimum required rear yard setback for a covered rear yard deck in this by-law is 4 metres.



The applicant intends to build a rear covered deck attached to the main dwelling, which is also under construction. While the deck itself is shown to be 7 metres to the rear lot line, the requested variance is meant to address the overhanging cover which will measure 6.9 metres to the rear lot line.



**Location of Requested Variances**

Planning Staff conducted a site visit on September 29<sup>th</sup>, 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. Subsections 'c' and 'd' specify that: modifications to existing structures are compatible in scale, massing, design, and character to adjacent properties and the streetscape; that modifications are sensitive to the exterior areas of adjacent properties; and that appropriate buffering or screening is provided to mitigate any adverse impacts, particularly with respect to privacy. Staff are of the opinion that the siting of the deck is compatible in scale and massing to the rear abutting property (34 Cambridge Avenue) as there are no dwelling structures directly abutting the rear lot line. The proposed rear yard covered deck space is a typical and natural extension of a single detached dwelling and a sufficient rear yard setback will still be provided. 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 intent of the 7.5 metre rear yard setback requirement in Zoning By-law 85-1 is to maintain both an adequate level of privacy and separation between abutting properties and an adequately sized outdoor amenity space in the rear yard. A 6.9 metre setback will still maintain an appropriate setback and an appropriately sized rear yard. Staff also note that when Zoning By-law 2019-051 comes into effect for the residentially zoned properties, the requested variance will no longer be necessary as it will permit a minimum rear yard setback of 4 metres for attached covered decks. The requested variance will maintain the intent of the Zoning By-law.

### Are the Effects of the Variances Minor?

Staff are of the opinion that the effects of the requested variance will be minor as the approval of a 6.9 metre rear yard setback will maintain an appropriate rear yard setback, not inhibit the functioning of the rear yard and will not be discernable to the public or by adjacent properties. The location, massing and design of the proposed rear deck will not have an impact on the adjacent properties or neighbourhood.

### Is/Are the Variances 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 is desirable and appropriate as it facilitate the construction of an appropriately sized covered rear yard deck space off of the existing single detached dwelling that will meet all other zoning requirements. It will provide a covered amenity area in addition to the open rear yard amenity area.

### **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 covered deck is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto: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.

### **Region of Waterloo Comments:**

No concerns.

### **GRCA Comments:**

No concerns.

### **CN Rail 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:**

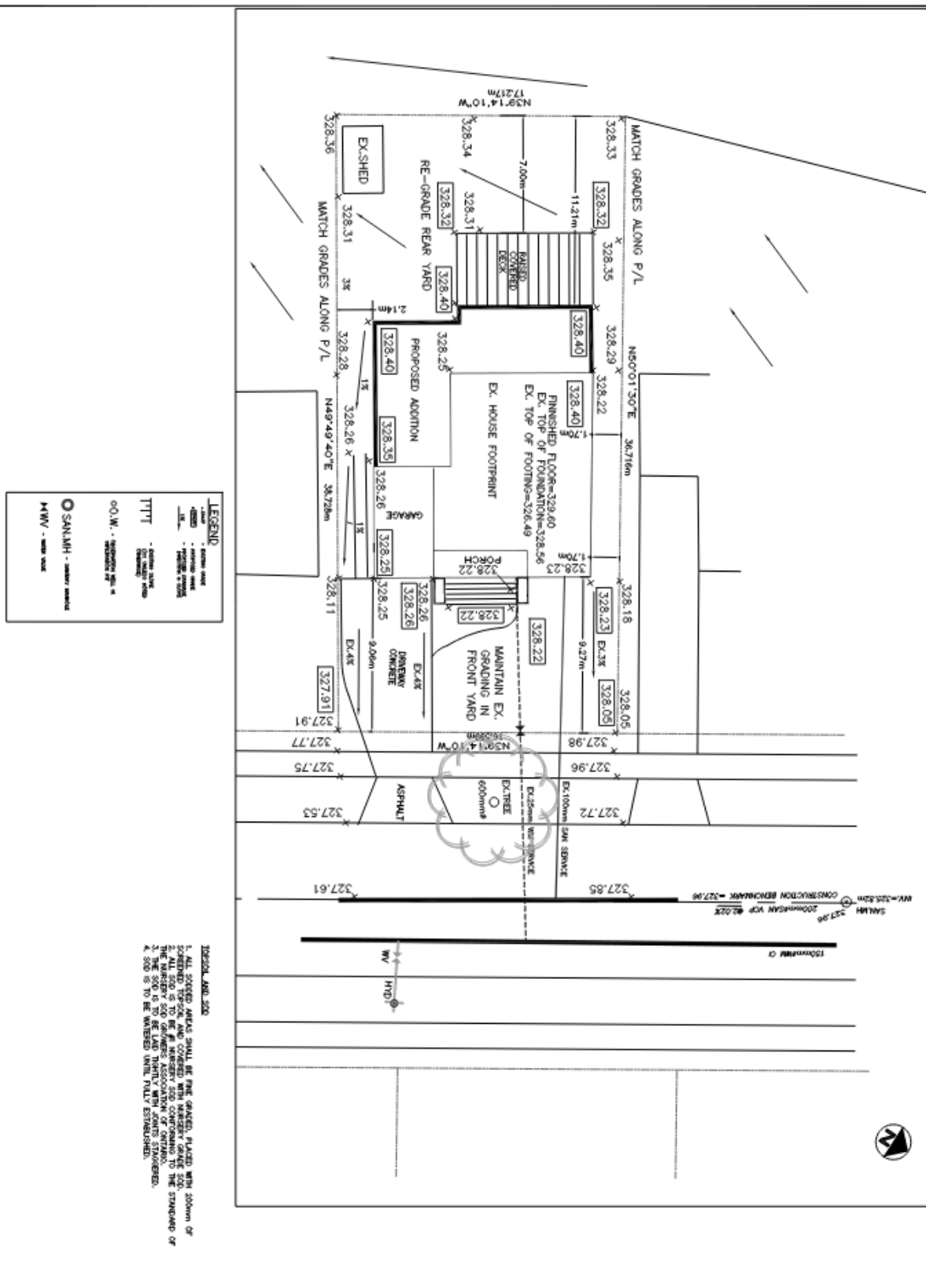
- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

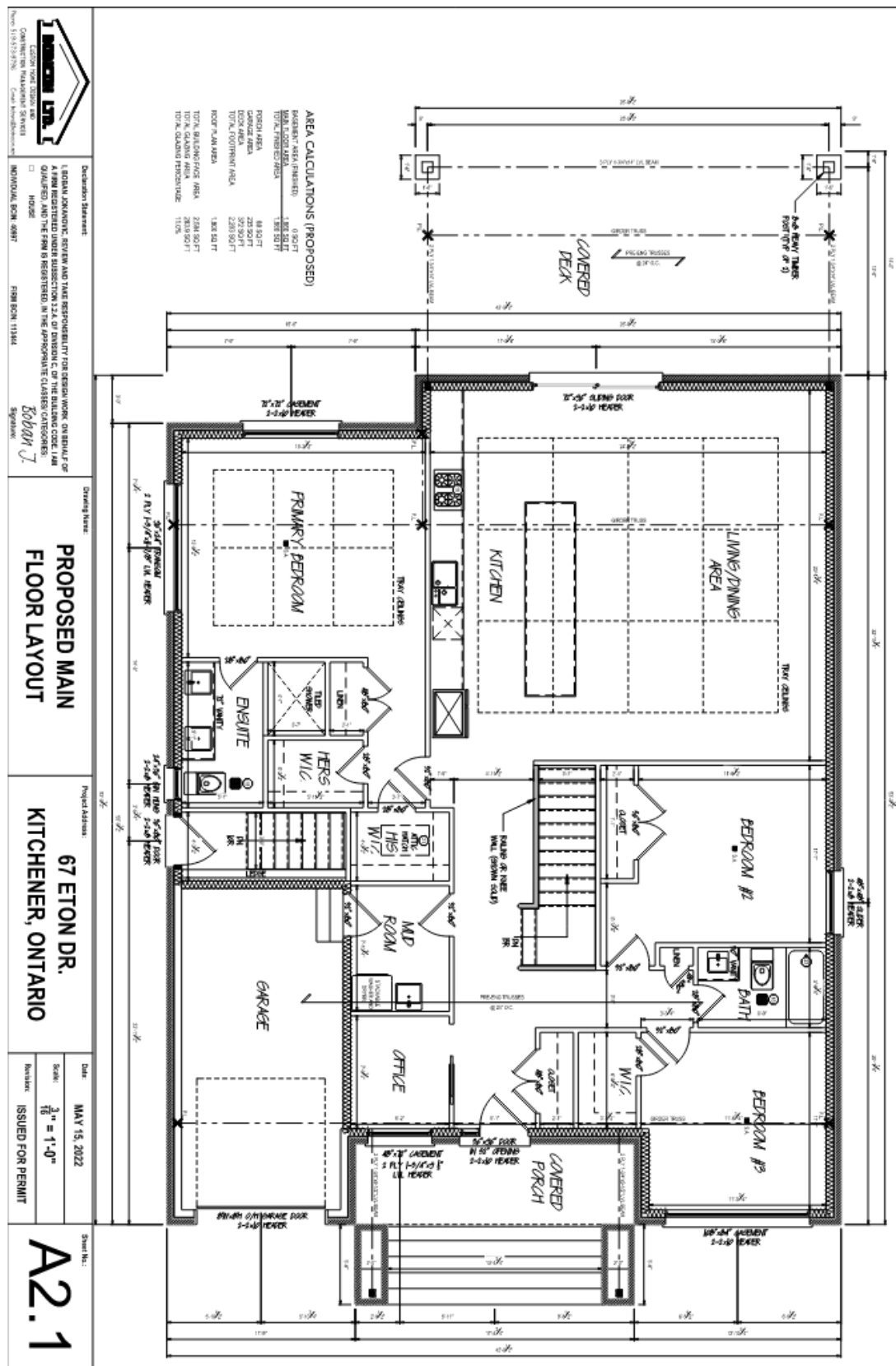
**ATTACHMENTS:**

Attachment 1: Grading Plan

Attachment 2: Proposed Main Floor Layout (Showing Rear Deck)

## Grading Plan





### Proposed Main Floor Layout (Showing Rear Deck)