

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: Brian Bateman, Senior Planner 519-741-2200 ext. 7869

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: October 7, 2022

REPORT NO.: DSD-2022-457

SUBJECT: Minor Variance Application A2022-125 - 120 Walker Street

RECOMMENDATION:
Zoning By-law 85-1

- A. That Minor Variance Application A2022-125 for 120 Walker Street requesting relief from Section 38.2.2 of Zoning By-law 85-1 to permit a rear yard setback of 3 metres instead of the minimum required 7.5 metres for each of the proposed semi-detached dwelling units, generally in accordance with a plan and drawings prepared by Chris Fernandes Design Corp., dated September 2022, submitted with Minor Variance Application A2022-125 (updated to remove the second pedestrian entrance on the street façade), BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2022-125 for 120 Walker Street requesting relief from Section 7.3, Table 7-3, of Zoning By-law 2019-051 to permit a rear yard setback of 3 metres instead of the minimum required 7.5 metres for each of the proposed semi-detached dwelling units, generally in accordance with a plan and drawings prepared by Chris Fernandes Design Corp., dated September 2022, submitted with Minor Variance Application A2022-125 (updated to remove the second pedestrian entrance on the street façade), 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 a minor variance to build a semi-detached dwelling so that each half of the semi-detached dwelling may have a rear yard setback of 3.0 metres.
- A variance that would have requested 2 doors at the front of each semi-detached dwelling unit is no longer required and is no longer being requested.

- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is within in the Centreville Chicopee Neighbourhood and is located at south-west corner of Kinzie Avenue and Walker Street. The subject property currently contains a detached dwelling. Surrounding land use is low rise residential including a recently constructed semi-detached dwelling next to the subject property. 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 (RES-4)' in Zoning By-law 2019-051, which is currently under appeal.

The applicant is wanting to demolish the existing dwelling and replace it with a duplex semi-detached dwelling and is requesting a rear yard setback of 3.0 metres. The applicant had also requested a minor variance to permit 2 doors be located at the front facade of each semi-detached dwelling unit but this minor variance is no longer required. Discussions with staff during the course of the application has resulted in a new design where only door for each unit is visible from the front façade. This change is reflected in the building elevations drawings provided below.

City staff conducted a site inspection on October 4, 2022.

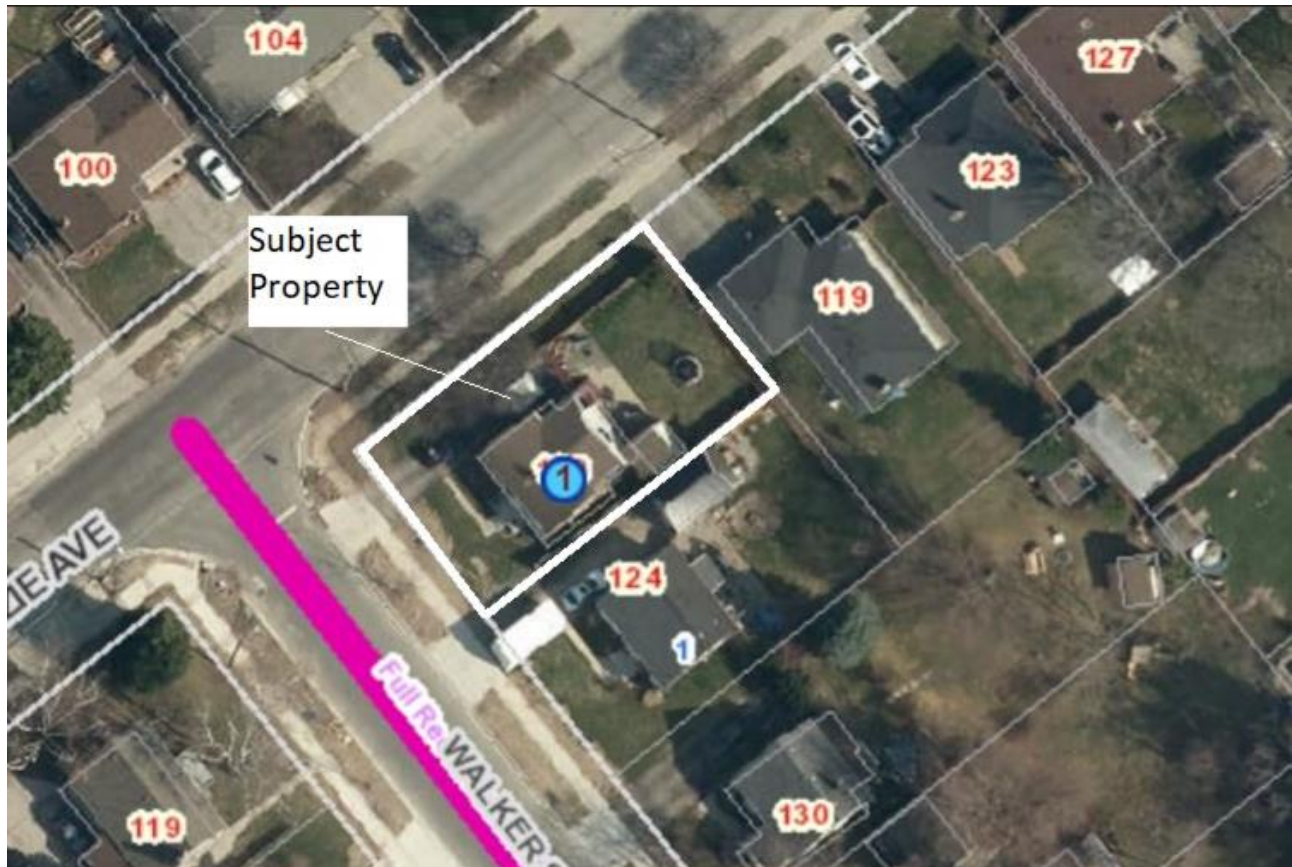


Figure 1: Location of Subject Property

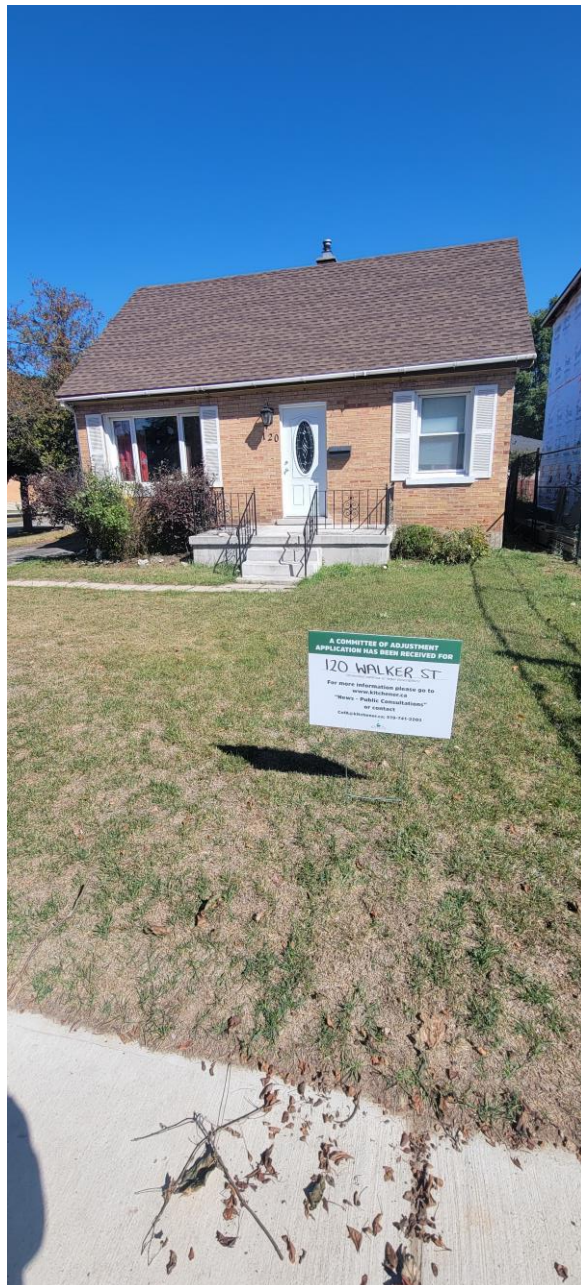


Figure 1: Front view of the subject property



FRONT ELEVATION



RIGHT ELEVATION

Figure 3: Proposed Front & Right Building Elevations



REAR ELEVATION



LEFT ELEVATION

Figure 4 – Rear and Left Building Elevations

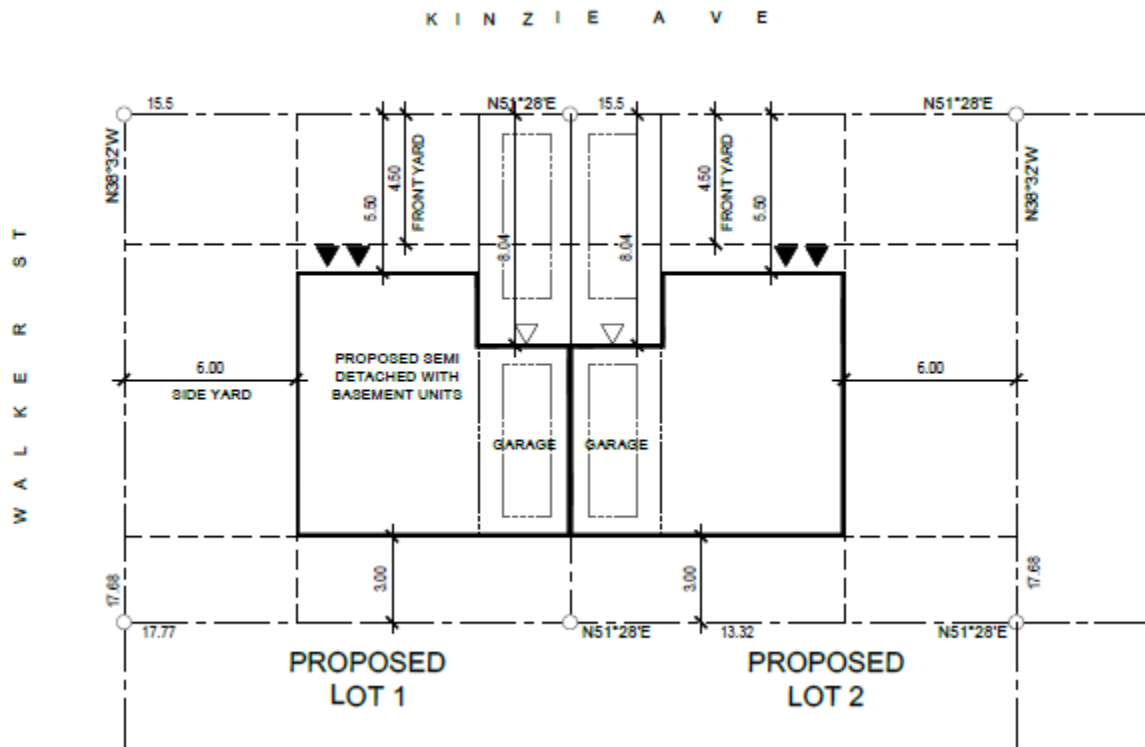


Figure 5 – Proposed Site Layout

REPORT:

Planning Comments:

General Intent of the Official Plan

The 2014 Official Plan contains policies related to the requested variances, such as:

4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:...

- d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.

The variance to reduce the minimum rear yard setback maintains the general intent and purpose of the Official Plan. The proposed rear building elevations show windows provided only on the main floor and visual impact is minimized to the affected property situated at 124 Walker Street as a result. Moreover, the subject dwelling will back onto the side of a recently constructed semi-detached dwelling at 124 Walker Street.

General Intent of the Zoning By-law

The variances to reduce the minimum rear yard setback maintains the general intent and purpose of the Zoning By-law.

The intent of minimum rear yard setback requirements is to ensure adequately sized outdoor amenity areas are provided and there is privacy with adjacent properties. As noted above, the subject semi-detached dwelling will back onto the side of a recently constructed semi-detached dwelling unit. Given window openings proposed only on the main floor, the reduced rear yard setbacks are sensitive to the exterior areas of the adjacent properties and overlook concerns mitigated. Furthermore, adequately sized amenity areas are proposed on the interior and exterior side yards as evidenced by patio doors provided on the right and left side building elevations. These patio doors will exit onto 6.0 metre wide interior and exterior side yards. It is not uncommon for residential corner properties to have side yards used for rear yard amenity space.

Are the Effects of the Variances Minor?

Planning staff is of the opinion that the variance is minor, in that it will not cause unacceptably adverse impacts on adjacent properties. No compatibility or privacy concerns are identified with the requested rear yard setback reductions, because of building design measures and orientation relative to adjacent properties. Amenity areas will be provided in both the interior and exterior side yards.

Are the Variances Desirable for the Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variance to reduce the minimum rear yard setback of 3.0 metres is appropriate for the desirable development of the lands. The applicant has demonstrated through building and site design, that potential impacts of privacy and overlook are minimized and that compatibility has been achieved.

In addition, the variances would facilitate redevelopment with duplex semi-detached dwellings, which represents sensitive intensification within an established neighbourhood.

Environmental Planning Comments:

Proposed development will require the removal of the existing trees onsite and possible impacts to a street tree. No apparent impacts to adjacent trees.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permits for the new duplexed semi-detached dwelling are obtained prior to construction.

Engineering Division Comments:

No concerns but note they will need to apply for a severance to create second lot to service the semi-detached home.

Parks/Operations Division Comments:

Two City-owned trees will be impacted by the proposed development. The proposed driveways on Kinzie Ave will be in conflict with one existing tree existing street tree. A second tree on Walker St should be protected in place. Please contact the above noted staff for direction.

As noted above, Park's staff has suggested that a street tree(s) could be impacted as a result of the proposed driveway locations. The Engineering Off Site Works process would be the appropriate process to assess this matter wherein the exact location of the driveway and impacts would be known. These concerns will be reviewed through the Building Permit Application and associated Engineering Off Site Works Process.

Transportation Planning Comments:

Ensure that the 4.57m x 4.57m driveway visibility triangles are provided and noted on the site plan. Also, that the internal garage dimensions of 3.04m x 5.50m are provided and noted on the site plan.

This will be reviewed and ensured through the Building Permit Application Process.

Region of Waterloo Comments:

No concerns.

GRCA

No objections

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 (ROP)*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*