

REPORT TO: Committee of Adjustment

DATE OF MEETING: December 13, 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 7

DATE OF REPORT: December 7, 2022

REPORT NO.: DSD-2022-489

SUBJECT: Minor Variance Application A2022-135 – 100 Monteagle Crescent

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-135 for 100 Monteagle Crescent requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1, to permit the required parking space to be located 2.6 metres from the street (property) line instead of the minimum required 6 metres, and from Section 38.2.2 of Zoning By-law 85-1 to permit an interior side yard of 1 metre instead of the minimum required 1.2 metres to facilitate the conversion of the existing carport into living space, generally in accordance with drawings prepared by Fine Line Drafting & Design, dated October 17, 2022, BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2022-135 for 100 Monteagle Crescent requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit the required parking space to be located 2.6 metres from the street (property) line instead of the minimum required 6 metres, and from Section 7.3, Table 7-3, of Zoning By-law 2019-051 to permit an interior side yard setback of 1 metre instead of the minimum required 1.2 metres, to facilitate the conversion of the existing carport into living space, generally in accordance with drawings prepared by Fine Line Drafting & Design, dated October 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 that the applicant is to review a Minor Variance Application to facilitate the conversion of the existing carport into living space.

The purpose of the application is that the applicant is 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 parking space to be located 2.6 metres from the street (property) line instead of the minimum required 6 metres, and relief from Section 38.2.2 of Zoning By-law 85-1 and Section 7.3, Table 7-3, of Zoning By-law 2019-051 to permit an interior side yard setback of 1 metre instead of the minimum required 1.2 metres, to facilitate the conversion of the existing carport into living space for the use of the single detached dwelling.

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 'e' further specify that any modifications to existing structures should be compatible in scale, massing, design and character to the existing streetscape, and 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 2.6 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. Additionally, permitting a side yard setback of 1 metre instead of the minimum required 1.2 metres would not impact the surrounding streetscape or abutting properties. The proposed variances 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-law 85-1 and 2019-051 is to ensure that a vehicle can be safely parked without impacting City and public right-of-ways, or access for the surrounding properties. The required setback also ensures clear visibility lines when exiting the driveway and allows enough space for a second legal parking space behind the first required space. While 2.6 metres is not sufficient for a second legal parking space, single detached dwellings are only required to provide one parking space, and the requested 2.6 metres would still ensure adequate visibility without impacting City and public right-of-ways or access to the neighbouring properties.

The intent of a 1.2 metre side yard setback requirement in both Zoning By-law 85-1 and 2019-051 is to ensure adequate separation and privacy between abutting properties and allow for access to the rear yard. A 1 metre side yard setback would still allow for access to the rear yard, and still maintains adequate separation between the abutting property. Staff note that the submitted elevations do not show any windows on the proposed addition facing the neighbouring property, and that the proposed addition would face a carport on the abutting property; there would be no impact to the privacy of the neighbouring properties. Staff are of the opinion that the proposed variances meet the general intent of the Zoning By-laws.

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

Staff are of the opinion that the effects of the requested variances are minor as the approval of an existing side yard setback deficiency of 0.2 metres will not be distinguishable and will not have a significant impact on the adjacent properties or neighbourhood. Regarding the reduced parking setback, there are no anticipated impacts to the pedestrian right-of-way, parking requirements, or neighbouring properties. Staff note that there are no sidewalks along Monteagle 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. Staff are of the opinion that the requested variances are minor in nature.

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

The requested variances are desirable for the appropriate development and use of the land as it would facilitate the conversion of the attached carport into a living space for the single detached dwelling while ensuring that an appropriate number of parking spaces for the subject property is provided.

Environmental Planning Comments:

No natural heritage or tree management concerns due to proposed development on existing footprint (carport).

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made to enclose the carport for habitable space.

Engineering Division Comments:

Engineering has no comment.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services supports the proposed parking setback of 2.69 metres from the required 6.0 metre setback from the property line.

Region of Waterloo Comments:

No comments.

GRCA 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:

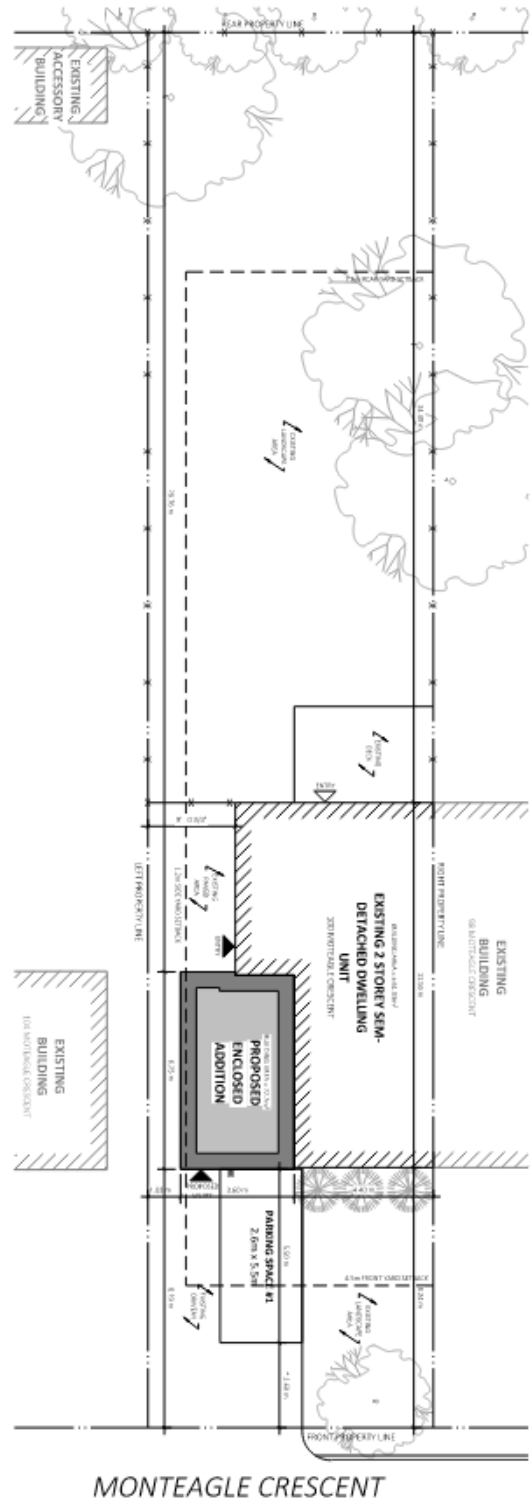
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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-laws 85-1 and 2019-051*

ATTACHMENTS:

Attachment A – Site Plan Showing Proposed Addition
Attachment B – Addition Elevations



1 SITE PLAN

$$T^{-1}ds$$

PROPERTY STATISTICS
100 MONTEAGLE CRESCENT, KITCHENER

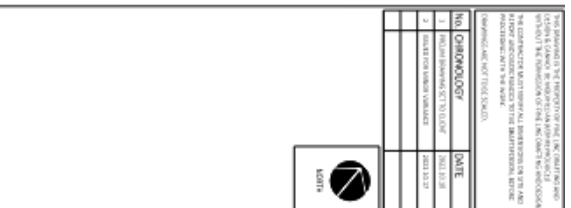
POLYMER LOT #A		NUMBER OF SAMPLES: 1007	
TEST NAME	ZONE REQUIRED	WETTING	
WATER COV. RATE	15% (10A)	41.6% w/	
WATER COV. RATE	20% (10A)	44.0% w/	
CRITICAL WETTING		34.0%	
CRITICAL WETTING		5.55%	
TEST METHOD	ZONE REQUIRED	WETTING	
TEST OF WETTING	3.6 (10A)	3.6 w/	
TEST NAME	ZONE REQUIRED	WETTING	
TEST OF WETTING	4.0 w/	61.0 w/	
WATER COV. RATE	7.5%	29.50%	
WATER COV. RATE	1.5 w/	4.03 w/	
WATER COV. RATE	0 w/	0 w/	
TEST NAME	ZONE REQUIRED	WETTING	
TEST OF WETTING	61.0 w/	22.2 w/	
WATER COV. RATE	2.85 w/		
TEST NAME	ZONE REQUIRED	WETTING	
TEST OF WETTING	1		
WATER COV. RATE	1.00 w/		
WATER COV. RATE	5.17 w/		

SITE PLAN NOTES

- [illegible]

SITE PLAN LEGEND

- [illegible]



FINE
LINE
DRAFTING
& DESIGN

we are not going to

design, and from these activities and research the survey set out in the Design Building Guide to for a few years.

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KOURTNEY FALLE

CARPORT ENCLOSURE
200 MONTREAL CRESCENT,
KITCHENER, ONTARIO N2M 1N1

SITE PLAN

SP.1

Site Plan Showing Proposed Addition

