

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: Tara Zhang, Planner, 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: December 2, 2022

REPORT NO.: DSD-2022-509

SUBJECT: Minor Variance Application A2022-143 - 10 Pattandon Ave

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2022-143 for 10 Pattandon Avenue requesting relief from Section 48.2.3 of Zoning By-law 85-1, to permit a Maximum Additional Building Floor Area in the 'Existing Use Zone (E-1)' of 38.6% (35.2 square metres) instead of the maximum permitted 25% (22.8 square metres) to facilitate the construction of an attached garage at the rear of the existing building, generally in accordance with drawings, prepared by Alex Josic, dated October 24th, 2022, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend the approval of Minor Variance A2022-143 to allow additional building floor area in the 'E-1' zone for the construction of an attached garage.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the westerly side of Pattandon Avenue close to the intersection of Pattandon Avenue and Borden Parkway.

It is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Open Space' on Map 12 - the Mill Courtland Woodside Park Neighbourhood Plan Secondary Plan.

The property is zoned 'Existing Use Zone (E-1)' in Zoning By-law 85-1.

The purpose of the minor variance application is to permit an increase in the amount of permitted additional floor area to facilitate the construction of an attached garage having a floor area of 35.2 square metres (38.6%) instead of the maximum permitted 22.8 square metres (25%). The applicant is proposing for the additional space to meet interior parking dimensions and to have sufficient space in the garage for everyday use.

City Planning staff conducted a site inspection of the property on November 25th, 2022.

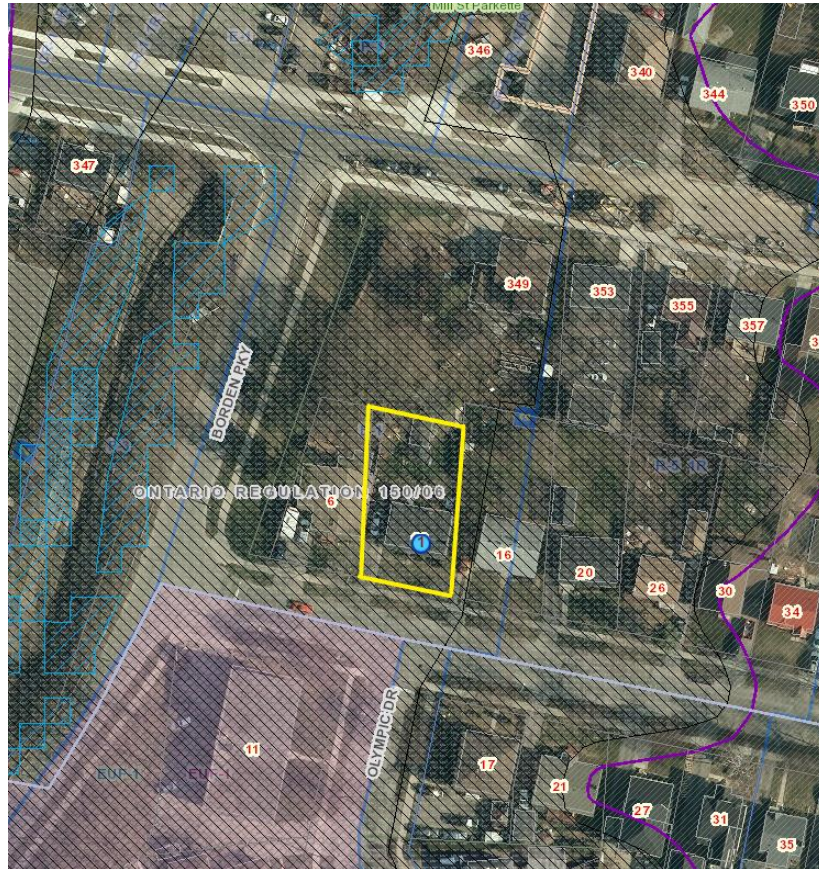
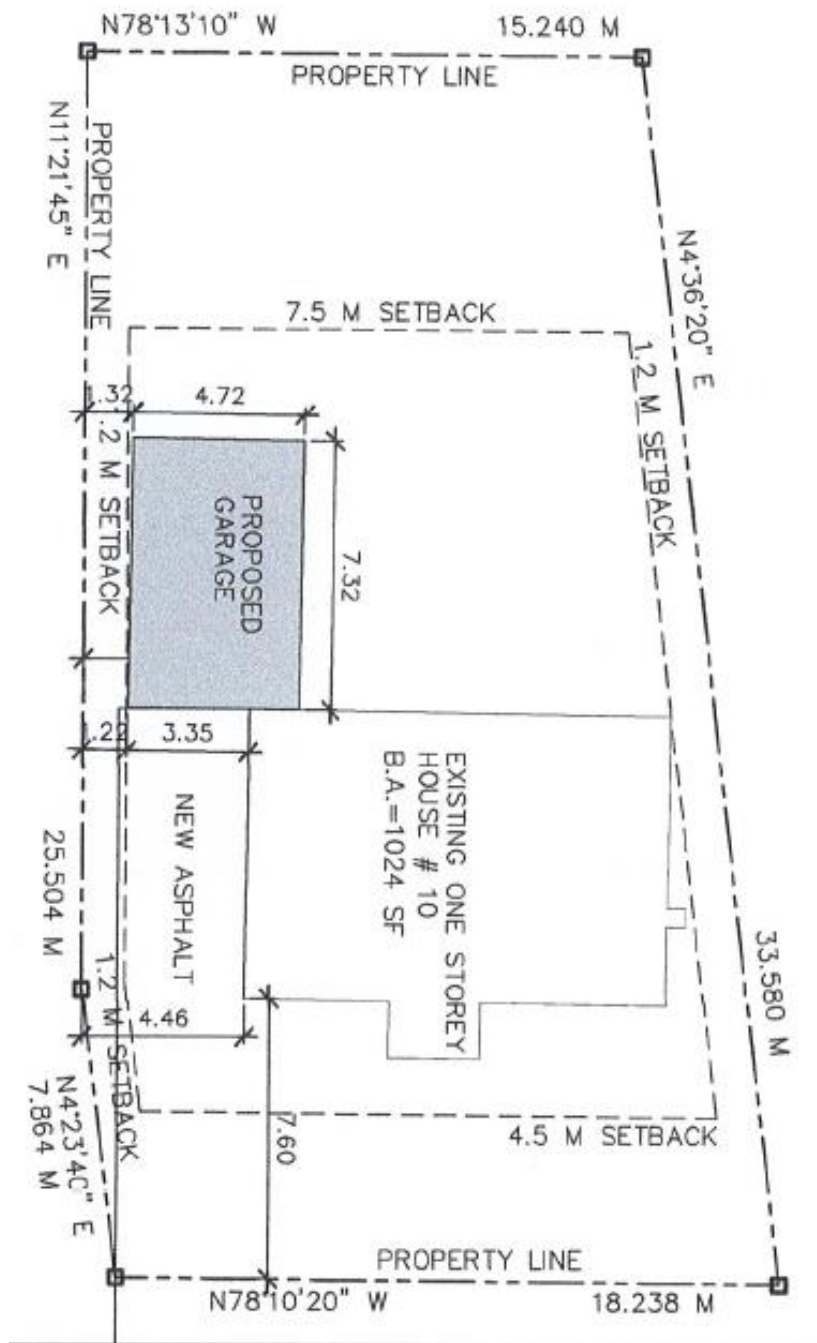


Figure 1: Location Map: 10 Pattandon Ave



Figure 2: Front view of subject property



PATTANDON AVE

Figure 3: Proposed garage on site plan

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 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Open Space' in Mill Courtland Woodside Park Secondary Plan in the 1994 Official Plan.

The Open Space designation in this Plan is intended to reserve lands for district or city scale recreational facilities as well as to identify areas unsuitable for development due to steep slopes, possibility of flooding or poor soils and are considered to be hazard lands. In Open Space areas also designated as Two-Zone Policy Areas, the intent of the Open Space designation is to recognize the danger associated with the floodway portion of the flood plain through prohibition of new urban development while recognizing the presence of existing urban development in the floodway. Existing development is zoned to permit all legally existing uses and will be subject to GRCA approval. Alternative uses may be permitted provided that the subsequent use is compatible with surrounding land use designations and no new dwelling units are created.

The Official Plan states that in a two-zone policy area development or site alteration is permitted provided the effects and risk to public safety are minor so as to be managed or mitigated in accordance with the Province's standards. The development or site alteration must be carried out in accordance with floodproofing standards, protection works standards, and access standards; new hazards are not created and existing hazards are not aggravated; and no adverse environmental impacts will result. The GRCA has indicated that minor additions or passive non-structural uses are generally permitted in the floodway if they do not affect flood flows and have no concerns with the garage in this respect.

Staff is of the opinion that as the garage is an extension of the existing single detached residential use and no new units are created the requested variance meets the intent of the Official Plan.

General Intent of the Zoning By-law

The zoning of the subject property is 'Existing Use Zone (E-1)' where only the existing use, 'as-is', is permitted to continue on the subject lands. Section 48.3.2 does permit minor additions and alterations to buildings existing on the date that the 'E-1' zone was applied to the lands subject to GRCA approval, only to a maximum of 25% of existing building floor area. Staff is of the opinion that as the addition can obtain a GRCA permit the increase in 12.4 square metres will meet the intent of the Zoning By-law.

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

The applicant is requesting to have an additional 12.4 square metres of building floor area (38.6%) to have a more useable attached garage. As the increase will not have negative impacts on the floodway, the effects of the requested variance will be minor.

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

Staff is of the opinion that the requested variance is desirable and appropriate for the use of the property as it will facilitate construction of an attached garage that will be useable in that it will be able to provide an adequately sized parking space and space for storage.

Environmental Planning Comments:

No natural heritage or tree management concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the garage 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. However, it should be noted that it appears a portion of the existing driveway encroaches onto the neighbouring property at 6 Pattandon Avenue.

GRCA Comments:*Recommendation*

The GRCA does not have concerns with the requested variance but will request that floodproofing and structure measures are included in the design. A GRCA permit is required prior to construction.

Documents Reviewed by Staff

Staff have reviewed the site plans (AFJ Building Design, revised October 24, 2022) submitted with this application.

GRCA Regulatory Comments

The GRCA has reviewed this application as per our Provincial delegated responsibility to review natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a public body under the Planning Act, and in accordance with Ontario Regulation 150/06, GRCA's Board approved policies, and our MOU with the Region of Waterloo. Information currently available at our office indicates that the subject lands contain the Shoemaker Creek floodplain. This floodplain is a Two-Zone Policy Area, and the portion of the floodplain affecting the property is designated as a floodway. The floodway is the inner portion of the floodplain where the deepest and fastest flows occur, and consequently where development is significantly restricted.

Minor additions or passive non-structural uses are generally permitted in the floodway if they do not affect flood flows. We have no concerns with the garage in this respect.

A GRCA permit is required prior to construction. As part of the application, we will request design details demonstrating that the garage is floodproofed appropriately, securely anchored to grade, and constructed to withstand hydrostatic pressures from flood flows.

Advisory Comment

This property does not meet GRCA's residential safe access standards for floodplain ingress/egress. We will not permit any additional dwelling units on the property.

This is considered a 'minor' minor variance application. Consistent with GRCA's 2022 approved fee schedule, we will invoice the applicant \$290 for our review. A separate fee will be required for a GRCA permit.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2763 ext. 2292 or theywood@grandriver.ca.

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:

There are no previous reports/authorities related to this matter.

- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (1994) Secondary Plans*
- *Zoning By-law 85-1*