

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: February 21, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Arwa Alzoor, Planning Technician, 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: February 3, 2023

REPORT NO.: DSD-2023-020

SUBJECT: Minor Variance Application A2023-020 - 66 Fallowfield Drive

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2023-020 for 66 Fallowfield Drive requesting relief from Section 7.3 table 7-2 of Zoning By-law 2019-051, to permit:

- i) An exterior side yard setback of 4 metres instead of the minimum required 4.5 metres to facilitate new exterior cladding and a small window bump out addition to the exterior wall of the existing dwelling; and
- ii) An exterior yard setback of 3 metres instead of the minimum required 4.5 metres to facilitate the addition of a new screened-in gazebo to be constructed on the existing rear deck;

in accordance with site plan prepared by Evolve Builders Group Inc., dated January 19, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow for renovations to the existing single detached dwelling which will not meet the minimum exterior side yard setback regulation.
- 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.
- Community engagement included circulation of the application via mail and notification by way of the Record and signage placed on the property.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located south of Block Line Rd and to the east of Homer Watson Blvd. It currently contains two-storey single detached house, with an attached garage and a deck in the rear yard. The property is a corner lot.

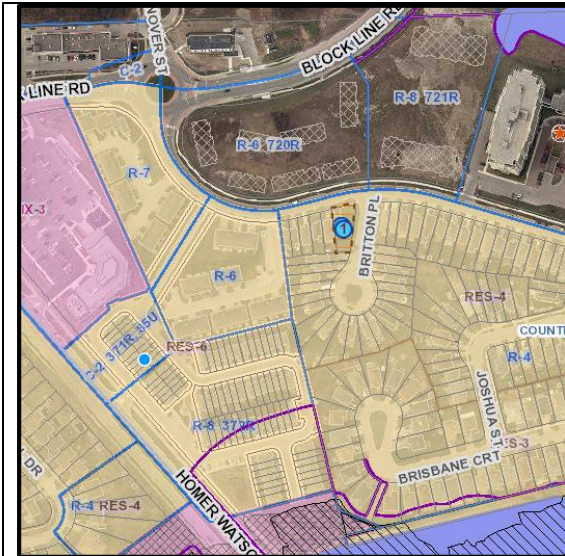


Figure 1: Location on zoning map

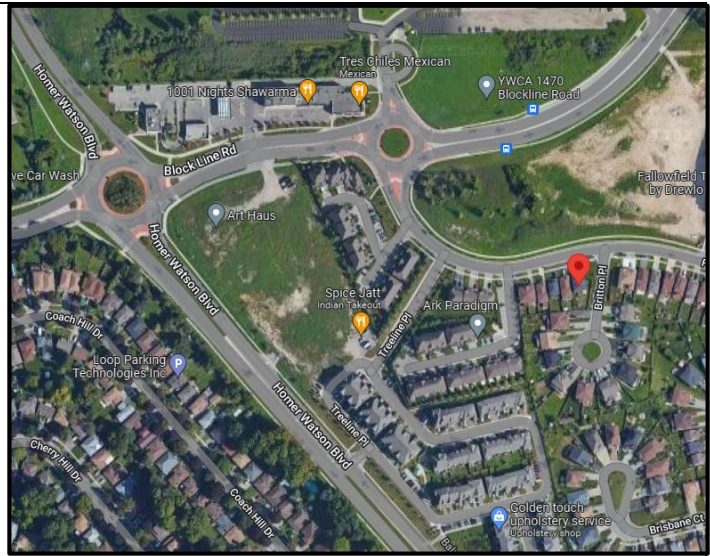


Figure 2: Location on Google Earth

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's Official Plan (2014). The property is zoned 'Low Rise Residential Four Zone (RES-4)' under Zoning By-Law 2019-51

The purpose of the application is to facilitate some alterations/additions to the exterior wall of the existing single detached dwelling and rear deck. The corner of the principal building was built right at the required side yard setback and any addition or alteration would result in a deficiency. The homeowner would like to increase the energy efficiency of the house by adding more insulation to the exterior wall. In addition, the owner is looking to have a boxed window on this side of the dwelling which will result in a setback of 4 metres from the exterior lot line at the closest point. The owner is also planning to enclose the existing deck in the back yard with a screened in gazebo that will be located 3 metres from the exterior side lot line at the closest point instead of the minimum required 4.5 metres.

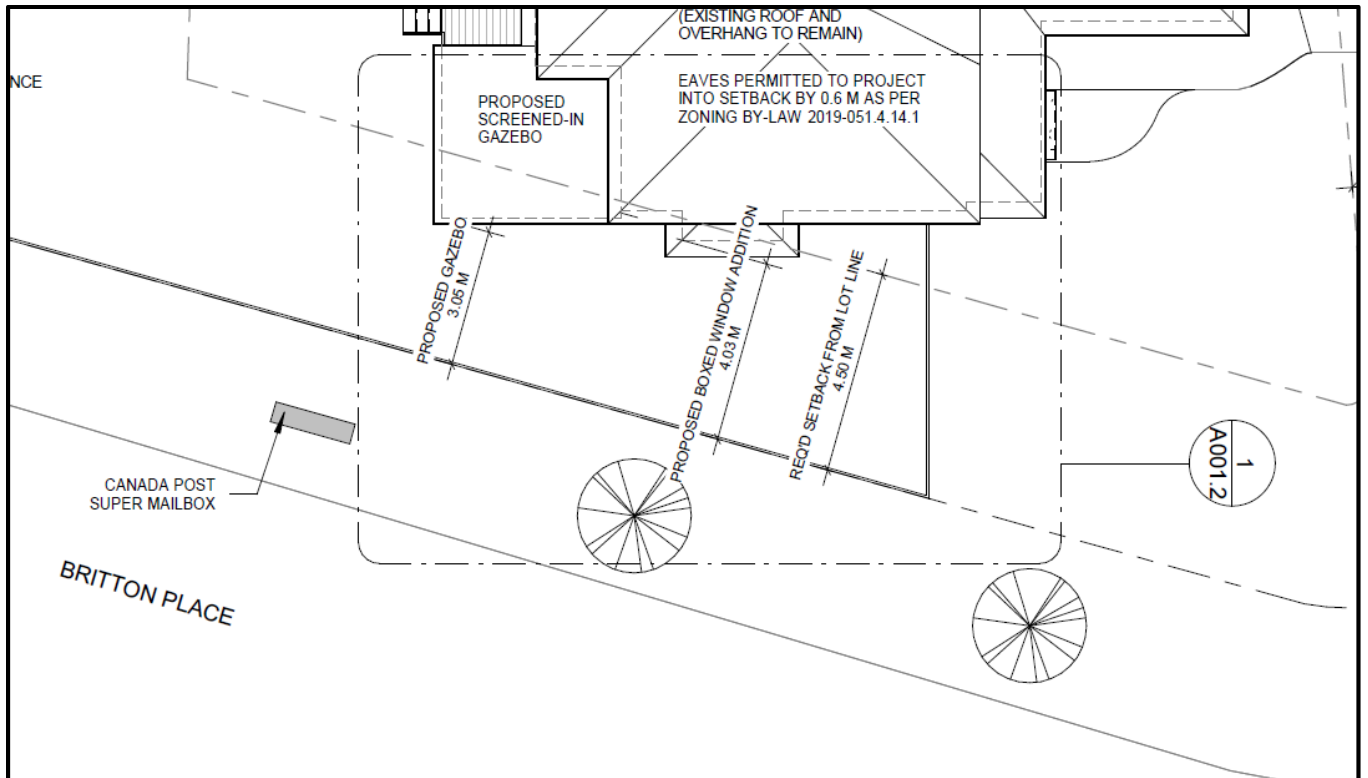
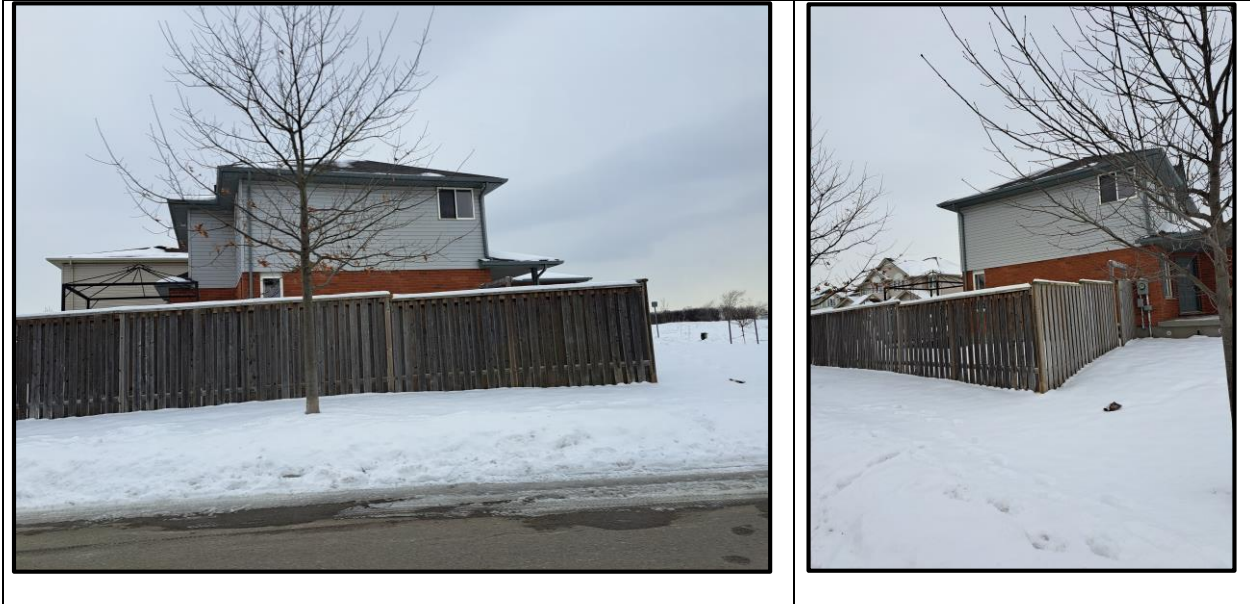


Figure 3- Excerpt from Site Plan to show the exterior side yard

Planning staff conducted a site inspection on Thursday, Feb. 2nd, 2023

Pictures from the site visit from the front and the exterior yard





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

In the City's Official Plan it states that: *"all additions and/or modifications to existing residential buildings and conversions in predominantly low density neighbourhoods should be compatible with and respect the massing, scale, design and physical character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site."*

The Low-Rise Residential land use designation permits a variety of low-density residential uses. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streets, and exterior areas.

The property currently contains a single detached dwelling and the proposal to add a boxed window to the side and enclose the rear/side deck with a gazebo is an appropriate alteration for the dwelling and subject property. As the built form will continue to be compatible in massing and scale and is an appropriate use of the property, 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 4.5 metres exterior setback is to ensure that there is a consistent streetscape for dwellings along the flanking street (Britton Place). As the majority of the dwelling will still be setback 4-4.5 metres from the exterior lot line and the 1.5 metre deficiency only affects the corner portion of the rear deck, sufficient exterior side yard and a consistent streetscape will continue to exist and the intent of the zoning by-law will be maintained.

Appropriate rear yard access and an exterior side yard will also still be maintained and will not be affected by these alterations and gazebo addition.

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

The requested variance can be considered 'Minor' as they will not adversely impact the streetscape or the surrounding properties. The deficiency of the setback of the dwelling of 0.5 metres will not be noticeable as the alterations/additions will be screened by a wood privacy fence and the gazebo will be setback a minimum of 3 metres at the shortest distance. The proposed changes to the exterior side wall and deck of the existing dwelling will not have a negative impact on the streetscape and adjacent dwelling units.

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

The requested variances for a reduced exterior side yard are desirable and appropriate as they will help improve the existing single detached dwelling while respecting the massing, scale, design, and physical character of the established neighbourhood with no negative impact on the abutting lots, the streetscape or traffic visibility.

Environmental Planning Comments:

No natural heritage concerns, or tree management 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 enclosed gazebo and window bump-out is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Ministry of Transportation Operation:

The Ministry of Transportation (MTO) has no objection to this application. The subject property is located beyond MTO limits of permit control and therefore MTO review, approval and permits will not be required.

Regional comments:

No concerns

Grand River Conservation Authority

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

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 2019-051*