

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
519-741-2200 ext. 7765

PREPARED BY: Kieran Luckhai, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: February 3, 2023

REPORT NO.: DSD-2023-068

SUBJECT: Minor Variance Application A2023-021 – 6 Cumberland Place

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2023-021 for 6 Cumberland Place requesting relief from Section 4.14.4 d) of Zoning By-law 2019-051, to permit a covered deck to be setback 0.7 metres from the side lot line instead of the minimum required 1.2 metres, in accordance with the drawings prepared by Craig Polach, dated January 6, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application requesting relief from section 4.14.4 d) of Zoning By-law 2019-051 to permit a covered deck to be setback 0.7 metres from the side lot line instead of the minimum required 1.2 metres.
- The key finding of this report is that the requested minor variance meets 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 north-east side of Cumberland Place, within the Forest Heights neighbourhood. The surrounding context of the subject property is primarily comprised of low-rise residential uses.

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 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to permit the extension of a covered deck 0.7 metres from the side lot line instead of the minimum required 1.2 metres.

City Planning staff conducted a site inspection on January 27, 2023.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.



Figure 1: Location Map: 6 Cumberland Place



Figure 2: Front view of 6 Cumberland Place

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 lands are designated '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-density residential uses. 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 is of the opinion that the proposed covered deck and its siting will be compatible in scale and massing with the existing dwelling and with the dwellings on the side abutting properties (268 and 272 Rolling Meadows Drive). The requested side yard setback will maintain the overall low rise residential character of the surrounding neighbourhood, therefore maintaining the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 1.2 metre side yard setback required in the Zoning By-law 2019-051, is to ensure adequate access to the rear of the property while maintaining privacy and separation from abutting properties. The 0.7 metre setback that is a result from the proposed covered deck extension will still permit an appropriate means of entry. Given the proposed structure is a covered deck, staff are of the opinion that a 0.7 metre setback from the side lot line will be an appropriate setback and meet the intent of the regulation. Therefore, staff is of the opinion that the reduction in the side yard setback being requested meets the general intent of the zoning by-law.

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

The requested variance to reduce the side yard setback by 0.5 metres is minor in nature. Staff is of the opinion that the requested reduction in setback will allow for the extension of a covered deck that is compatible with the existing uses of the property and will not negatively impact any of the adjacent properties or the surrounding neighbourhood. Appropriate rear and side yard access will continue to be accommodated.

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

The requested variance is desirable for the appropriate development and use of the land and building as the proposed deck is compatible with the form and scale of the surrounding properties. The reduced side yard setback will not infringe on the privacy of abutting properties, while allowing adequate access to the rear yard. As such, the requested variance is considered desirable in order to facilitate the extension of a covered deck.

Environmental Planning Comments:

No natural heritage features/functions, no Tree Management Policy concerns (no trees in subject area).

Heritage Planning Comments:

No concerns

Building Division Comments:

The Building Division has no objections to the proposed variance. A building permit has already been issued for the new roof structure.

Engineering Division Comments:

No concerns

Parks/Operations Division Comments:

No concerns

Transportation Planning Comments:

No concerns

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Proposed Drawing

Attachment B – Survey of Subject Property