

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 18, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: April 5, 2023

REPORT NO.: DSD-2023-177

SUBJECT: Minor Variance Application A2023-042 – 100 Monteagle Crescent

RECOMMENDATION:

That Minor Variance Application A2023-042, for 100 Monteagle Crescent requesting relief from Section 5.4, Table 5-3 of Zoning By-law 2019-051, to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 4.5 metres, and to permit a driveway setback from the side lot line of 0 metres instead of the required side yard setback of 1.0 metres, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for a requested driveway width of 5.2 metres, whereas a maximum of 4.5 metres is permitted, and for a requested driveway setback from the side lot line of 0 metres whereas 1.0 metres is required.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the northerly side of Monteagle Crescent, within the Forest Heights neighbourhood. The surrounding context of the subject property is primarily comprised of low-rise residential uses.

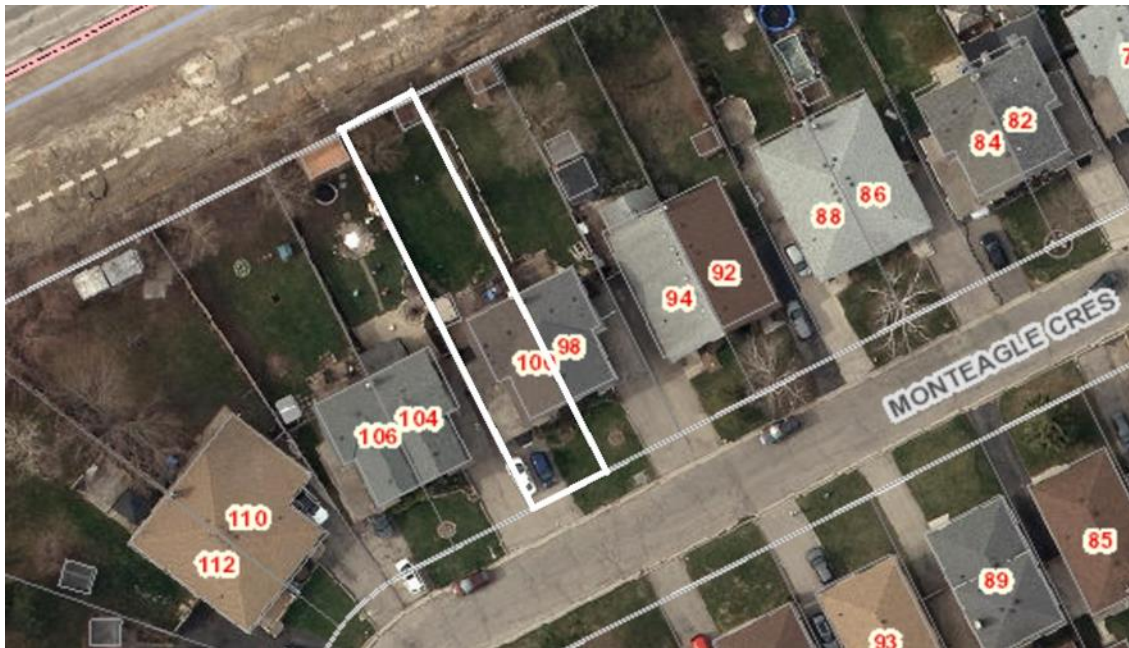


Figure 1 - Subject property – 100 Monteagle Crescent

The subject property is identified as 'Community Area' 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 Four Zone (RES-4)' in Zoning By-law 2019-051.



Figure 2 - Front view – 100 Monteagle Crescent

The purpose of this report is to review a minor variance application for a requested driveway width of 5.2 metres (57% of the lot width), whereas a maximum of 4.5 metres (50% of the lot width) is

permitted, and for a requested driveway setback from the side lot line of 0 metres whereas 1.0 metres is required.

It should be noted that this property previously came forward to the Committee of Adjustment at the December 13th, 2022 meeting. The Committee approved minor variances to permit a side yard setback of 1.0 metres instead of the minimum required 1.2 metres and to permit the required parking space to be located 2.6 metres from the street/property line instead of the minimum required 6 metres, to enclose an existing carport to convert to living space.

The applicant has now stated the intent of the renovations is to establish a hair salon as a home business within the building on the subject property. The applicant is required to provide two (2) parking spaces; one parking space for the residential use, and one parking space for the home business. This will require a driveway having a width of 5.2 metres, 2.6 metres for each parking space. The existing driveway is 4.5 metres in width and located 0 metres from the side lot line. In order to provide for 2 parking spaces side by side, it is necessary to recognize the location of the driveway from the side lot line and to also widen the driveway an additional 0.7 metres. The requested variances are to permit 2 parking spaces side by side within the driveway on the property.

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

Staff is of the opinion that the requested variances do not meet the intent of the Official Plan.

Specifically, Section 13.C.8.4 of the 2014 Official Plan states:

“All parking area or facilities will be designed, constructed and maintained:

- d) to minimize negative impacts on the environment;
- f) to result in aesthetically acceptable parking areas which blend into the general environment of the area.”

Planning staff is of the opinion that the proposed variance that will widen the driveway on the semi-detached lot, does not minimize negative impacts on the environment. It also does not provide aesthetically acceptable parking areas within the surrounding context of the neighbourhood.

The variances do not meet the intent of the Official Plan.

General Intent of the Zoning By-law

The purpose of the maximum driveway width is to ensure that the driveway and the required parking, and presence of vehicles, do not dominate the front yard of the dwelling and the streetscape while allowing for landscaping, green space, and areas for natural water infiltration to occur. The applicant has already received approval for the parking space in the carport to be enclosed and the parking space in the driveway to be the legal parking space. It was shown at the time of the requested variance that the driveway would remain as existing, with no changes required for an additional space.

The purpose of the side yard setback for driveway space is to ensure adequate separation from the property line to ensure that vehicles and access to the vehicles do not encroach or require encroachment across the property line or onto adjacent properties. The property shares the driveway

with the neighbouring semi-detached dwelling. Consequently, a parking space located 0 metres from the property line would most likely cause encroachments of pedestrians and the vehicles across the property line due to the shared nature of the driveway.

The requested variance for an increase in permitted driveway width to 5.2 metres instead of the maximum permitted 4.5 metres does not meet the general intent of the Zoning By-law. The property has a maximum permitted driveway width of 50% of the lot width whereas the driveway is proposed to be 57% of the lot width.

The variances do not meet the intent of the Zoning By-law.

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

The variances are not considered minor. The variances to recognize and create a wider driveway in this location will facilitate encroachments and impact adjacent properties. In order to have the driveway setback from the side lot, to avoid possible encroachments, would result in an even wider driveway that is oversized for the lot and which would impact the aesthetics of the lot and the surrounding neighbourhood.

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

The variances are not desirable for the appropriate development of the land. Instead, the variances could create unacceptably adverse impacts to the adjacent property, to the environment, and to the streetscape. The proposed driveway width for the lot is not appropriate for the context of the existing neighbourhood. Ideally, consideration should have been given to the required parking for a dwelling unit and home business at the time of the initial minor variance application to determine if there was an ability to facilitate the home business in the existing dwelling or in an addition at the rear.

Environmental Planning Comments:

No environmental planning concerns.

Heritage Planning Comments:

Heritage has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no comments on this application.

Parks/Operations Division Comments:

Parks has no concerns or comments.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed driveway widening.

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.

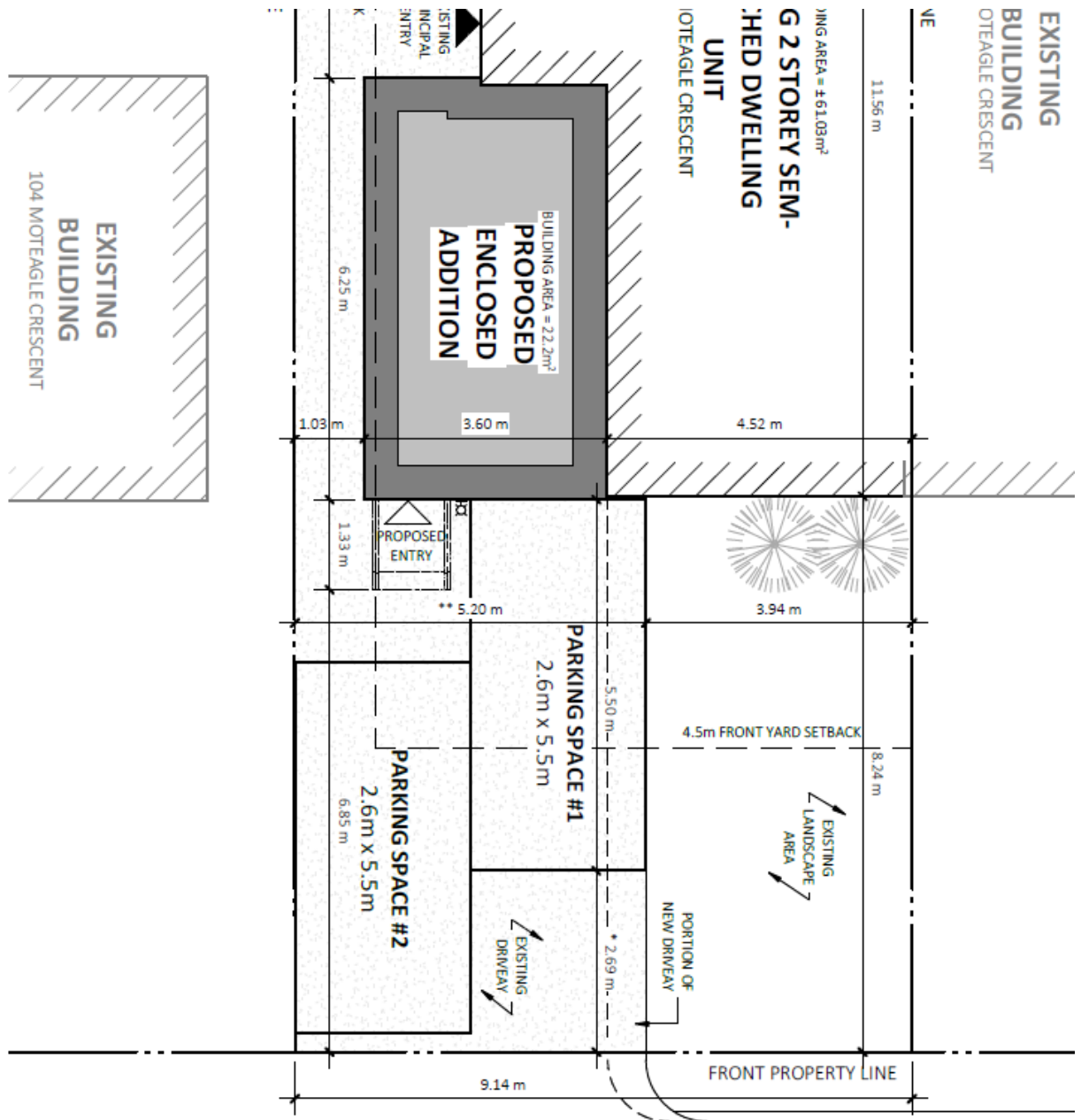
PREVIOUS REPORTS/AUTHORITIES:

- *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*
- *DSD-2022-489 – Minor Variance Application A2022-135*

ATTACHMENTS:

Attachment A – Proposed Driveway Widening

Attachment A



Proposed driveway widening – 100 Monteagle Cres