

REPORT TO: Committee of Adjustment

DATE OF MEETING: May 16, 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 9

DATE OF REPORT: May 3, 2023

REPORT NO.: DSD-2023-203

SUBJECT: Minor Variance Application A2023-056 – 17 Brock Street

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2023-056 for 17 Brock Street requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 39.2.1 to have a side yard setback of 0.3 metres instead of the minimum required 1.2 metres; and
- ii) Section 39.2.1 to have a rear yard setback of 2.4 metres instead of the minimum required 7.5 metres;

to facilitate alterations to change the roof type/style of the existing attached garage from a shed style to a pitched shaker style, generally in accordance with drawings prepared by Van Harten Surveying, dated May 30, 2022, and h11 design, dated March 30, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application requesting relief from Section 39.2.1 of Zoning By-law 85-1 to facilitate alterations to change the roof type of the existing attached garage from a shed style to a pitched shaker style.
- 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 south side of Brock Street, within the Victoria Park 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 Conservation' on Map 14 – Victoria Park Neighbourhood Plan for Land Use in the City's 1994 Official Plan.

The property is zoned 'Residential Zone Five (R-5)' in Zoning By-law 85-1.

The purpose of the application is to permit an attached garage to have a side yard setback of 0.3 metres instead of the minimum required 1.2 metres and to have a rear yard setback of 2.4 metres instead of the minimum required 7.5 metres to facilitate alterations to change the roof type of the existing attached garage from a shed style to a pitched shaker style.

City Planning staff conducted a site inspection on April 19, 2023.



Figure 1: Location Map: 17 Brock Street



Figure 2: Front View: 17 Brock Street

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 'Low Rise Conservation' in the Victoria Park Secondary Plan in the City of Kitchener's 1994 Official Plan. This land use designation permits low density housing types including single detached dwellings, duplex dwellings, semi-detached dwellings, multiple dwellings to a maximum of three units, small lodging houses, small residential care facilities, home businesses, and private home day care. The requested variance to permit reduced rear and side yard setbacks for the existing single detached dwelling is appropriate and continues to maintain the low-density character of the property and surrounding neighbourhood, which is characterized by a variety of lot sizes and built form options. The general intent of the Official Plan will be maintained.

General Intent of the Zoning By-law

The intent of the 1.2 metre side yard setback is to ensure adequate access to the rear of the property while maintaining privacy and separation from abutting properties. The intent of the 7.5 metre setback is to provide adequate amenity space in the rear yard. The reduced side yard setback of 0.3 and rear yard of 2.4 is only applicable to the existing attached garage and majority of the dwelling meets zoning requirements. There will still be side yard access on the other side of the dwelling and a sufficient amenity space in the rear yard behind the dwelling. Accordingly, the intent of the zoning by-law will be maintained.

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

The reductions of the side and rear yard setbacks are considered minor. The alteration/change in roof type for the attached garage maintains the same building footprint, only altering the roofing type. All setbacks remain the same as the prior use. Staff is of the opinion that the requested variance will not negatively impact the adjacent properties or surrounding neighbourhood.

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

The proposed variances are desirable and appropriate as they will facilitate alterations to the roof type of the existing attached garage, enhancing the architectural character of the garage and supporting the built form found in the Cultural Heritage Landscape.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 17 Brock Street is located within the Victoria Park Area CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Victoria Park Area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Victoria Park Area CHL, please visit the following link: www.kitchener.ca/npr.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the renovations to the garage is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

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 85-1*

ATTACHMENTS:

- Attachment A – Site Survey
- Attachment B – Site Plan
- Attachment C – Floor Plans
- Attachment D – Elevation Drawings