

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
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PREPARED BY: Ben, Brummelhuis, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: April 6, 2023

REPORT NO.: DSD-2023-148

SUBJECT: Minor Variance Application A2023-050 – 92 Arnold Street

RECOMMENDATION:

That Minor Variance Application A2023-050 for 92 Arnold Street requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a front yard setback of 3 metres instead of the minimum required 6.55 metres, to facilitate the enclosure of an existing covered front porch into living space, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit a front yard setback of 3 metres to facilitate the enclosure of an existing front porch into a mud room.
- The key finding of this report is the minor variance meets the four tests of the Planning Act.
- 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 west of the intersection of Arnold Street and Lancaster Street West, and south of Arnold Park and contains a one and a half storey single detached dwelling.



Figure 1 – Aerial Photo of the Subject Property

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.

The purpose of the application is to review a minor variance application to permit the enclosure of an existing covered porch into a mud room. The subject property currently has a covered porch that projects into the front yard. The applicant is proposing to enclose the existing porch and convert the space into a mud room. The applicant took extensive measures to search for an accurate survey of the subject property but was unsuccessful. Staff used all available tools to determine an estimate of the abutting property's setbacks and the existing location of the front porch from the front property line. Upon review of the estimate, additional leniency was provided in the requested setback reduction to accommodate for any errors in calculation using this tool.

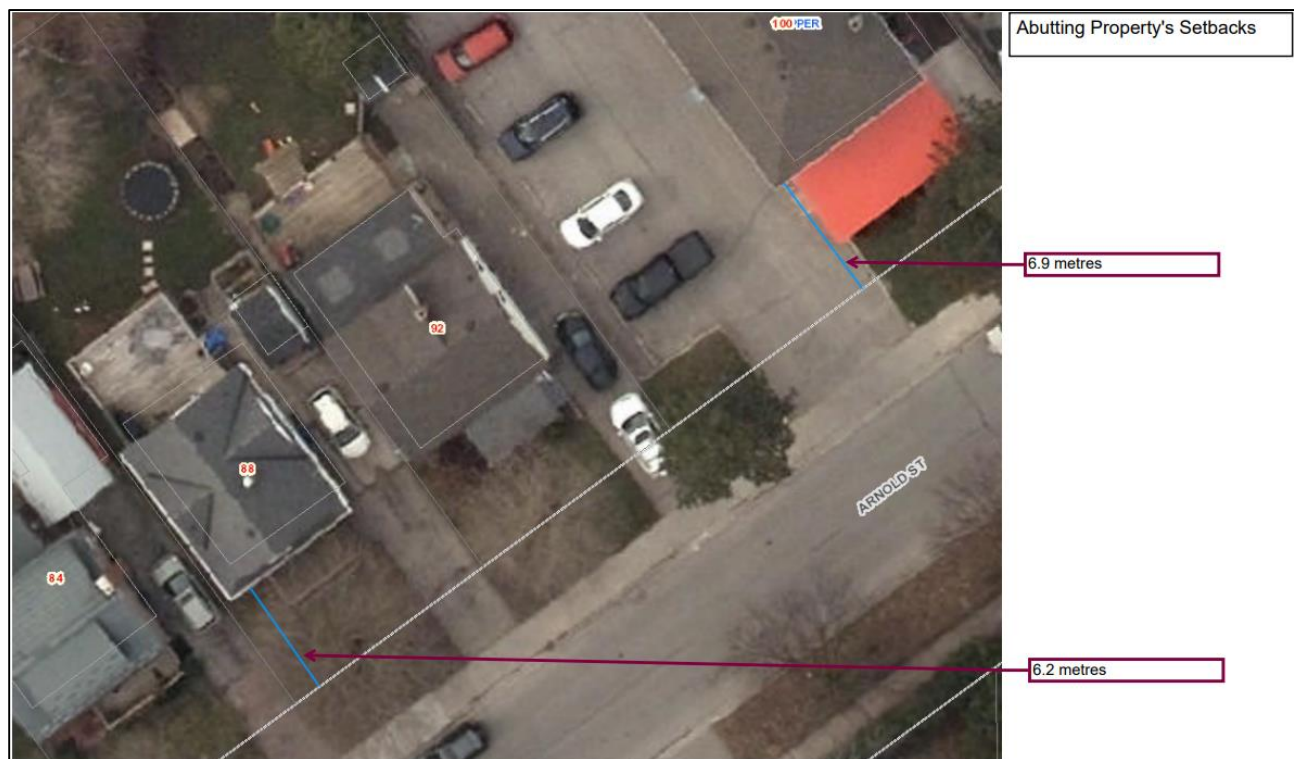


Figure 2 – Setbacks of Abutting Lands

Staff visited the subject property on March 29, 2023.



Figure 4 – View of Site (March 29, 2023)

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 'Low Rise Residential' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to permit a variety of low density residential uses with an emphasis on compatibility with the built form, height, massing, scale, and design. The Low Rise Residential policy supports a cohesive relationship of the principal buildings with the streets and within the neighbourhood. The subject property is a single detached home, similar in height, massing, scale, and design to the surrounding neighbourhood. Therefore, the requested variance to enclose the covered front porch meets the general of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that bases a minimum and maximum front yard setback on the setbacks of the adjacent properties is to ensure that new developments and front yard additions do not disrupt the character of an established neighbourhood with a consistent streetscape. The proposed enclosure will not adversely impact the consistency of the building line of the streetscape and the surrounding neighbourhood as the setback of the front porch is already existing and established. Therefore, the requested variance meets the general intent of the Zoning By-law.

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

The established front yard setback of the covered front porch is not changing. The proposed enclosed porch area will still maintain an adequate front yard setback, similar to the abutting properties. Therefore, the effects of the variance are considered minor.

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

The variance to enclose a covered front porch is appropriate and desirable as it will facilitate additional living space, a mud room, to the existing dwelling. Therefore, staff are of the opinion that the variance is appropriate for the use of the land and building on the subject property.

Environmental Planning Comments:

Environmental Planning has no natural heritage concerns or tree management concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

Parks and Operations has no concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

GRCA Comments:

GRCA has no concerns.

Region of Waterloo Comments:

The Region of Waterloo has 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*