

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: July 18, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: June 30, 2023

REPORT NO.: DSD-2023-302

SUBJECT: Minor Variance Application A2023-086 – 59 Graber Place

RECOMMENDATION:

That Minor Variance Application A2023-086 for 59 Graber Place requesting relief from Section 4.15.7 b) of Zoning By-law 2019-051, to permit accessory outdoor storage areas for a public utility in a yard abutting a residential zone in accordance with Section 4.18 of Zoning By-law 2019-051, and generally in accordance with drawings prepared by GSP Group, dated October 2022 and, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report to review an application for a minor variance to permit the use of land in yards abutting residential zones for outdoor storage.
- The key finding of this report is that 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 on Graber Place between Dreger Avenue and Conestoga Expressway. The current use of the lands is for a hydroelectric power station which supplies power to the surrounding neighbourhood.



Figure 1: Subject Site – 59 Graber Pl



Figure 2: Location of Outdoor Storage Areas

The subject property is identified as 'Green Areas' on Map 2 – Urban Structure and is designated 'Open Space' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Open Space Greenways Zone (OSR-2)' in Zoning By-law 2019-051.

The application is requesting relief from section 4.15.7 b) in Zoning By-law 2019-051 to permit accessory outdoor storage areas in a yard abutting a residential zone, which is currently not a permitted use. The minor variance to permit accessory outdoor storage areas in a yard abutting a residential zone is to allow the storage of hydroelectric-related materials on the subject site. The minor variance will support the continued operations of the public utility on the subject site.

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 'Open Space' in the City's Official Plan. This designation permits essential public services, including the current hydroelectric power station. The general intent of the 'Open Space' land use is to provide lands for parks and other open space uses such as public utility to deliver key infrastructure and services to the City. The minor variance would support the continued operations of the public utility and the delivery of key services to the Stanley Park neighbourhood. Staff is of the opinion that the minor variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'OSR-2' in Zoning By-law 2019-051. The purpose of the OSR-2 zone is to provide for green space and buffers as a part of a comprehensive and connected open space system. The zone permits land uses that are not park or active recreation, but which form part of the overall open space system. Section 4.15.7 b) states that public utilities may be permitted within any zone, but accessory outdoor storage shall not be located within any yard abutting a residential zone. The intent is to ensure adequate separation of uses between the public utility use and the residential use, and to ensure that the public utility causes minimal interference with the privacy and enjoyment of neighboring residential properties. In this case, the edge of the property is lined with trees, creating a privacy barrier between residential dwellings and the subject site. The drawings in 'Attachment A' also show that setbacks between the storage area and residential lot lines range between 40.3 and 67.2 metres, which are large enough to minimize impact of accessory outdoor storage on the adjacent residential properties. Staff is of the opinion that the minor variance meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the effect of the variance is minor. The drawings in 'Attachment A' show that the accessory outdoor storage areas are set back at least 40.3 metres and at most 67.2 metres from adjacent residential properties, which will ensure that noise impacts are minimized. The Owner will need to ensure that a 'Visual Barrier' in accordance with Section 4.18 in Zoning By-law 2019-051 is provided.

“4.18 VISUAL BARRIER

Where a visual barrier is required, it shall be a minimum height of 1.8 metres above ground level, and shall be an opaque screen consisting of materials such as a wall, fence, trees, shrubs, and/or earth berms.”

As shown in 'Figure 2' above, the property line between the adjacent residential properties is lined with trees, which will eliminate any visual interferences that the accessory outdoor storage may

present on the neighbouring properties and satisfy Section 4.18. The Visual Barrier will need to be maintained to ensure the Minor Variance does not become null and void.

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

Staff is of the opinion that the variance desirable for the appropriate development of the land. The accessory outdoor storage will support the continued operation of the hydroelectric power station on the subject site. The hydroelectric power station is an essential public utility which provides power to the Stanley Park neighbourhood. The accessory outdoor storage areas are also set back at least 40.3 metres from adjacent residential properties, which will minimize visual and noise impacts on the adjacent neighbourhood.

Environmental Planning Comments:

Grand River Conservation Authority has noted that some of the proposed outdoor storage is within the area regulated by the GRCA under O. Reg. 150/06. The proposed outdoor storage is adequately set back from the natural hazard features. As such, the GRCA has no objection to the approval of the minor variance application.

Heritage Planning Comments:

No comments.

Building Division Comments:

No comments.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

No comments.

Region of Waterloo Comments:

Although there are no conditions for this application, the staff note that there are noise-sensitive land uses, specifically the backyards of many residential dwellings, in the immediate vicinity of the subject lands, which may have impacts from the noise from the proposed storage related activities. The staff recommend that the City staff look into this as deemed appropriate.

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:

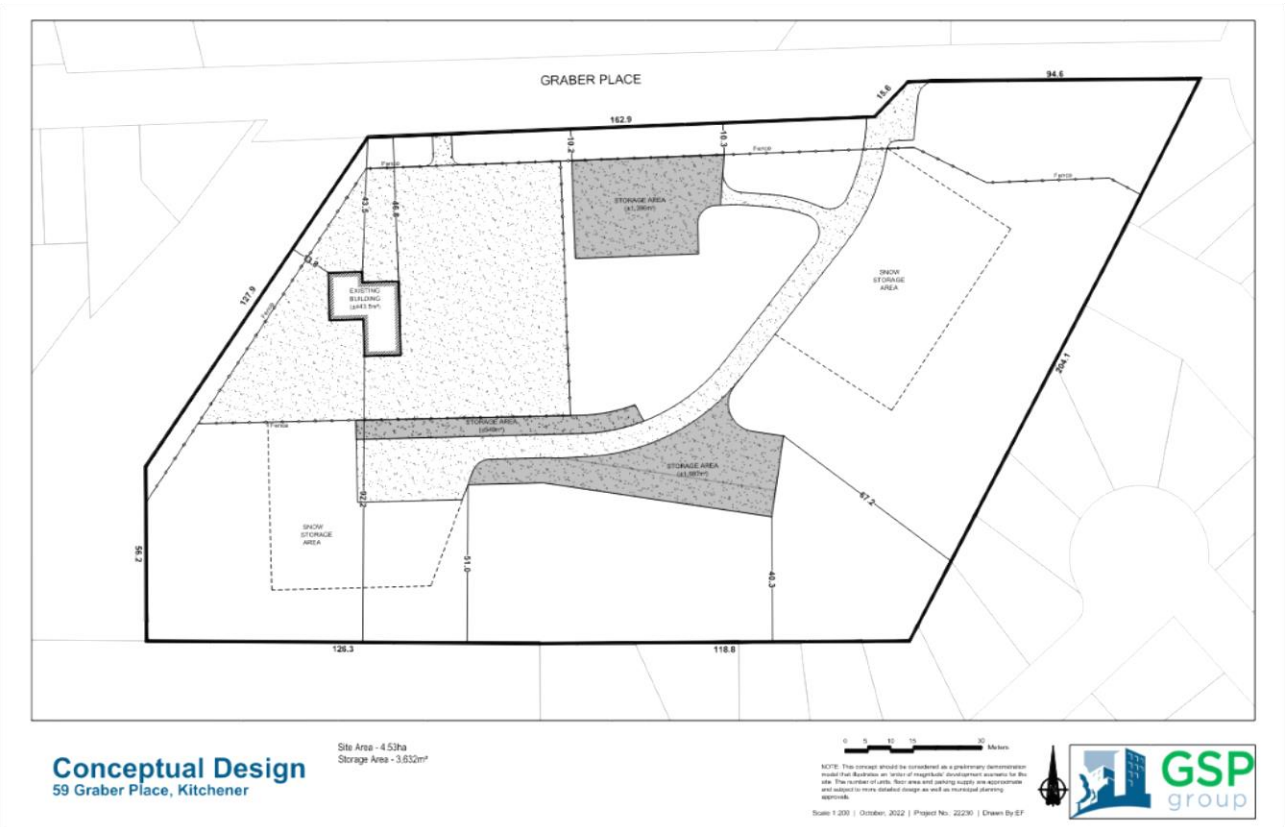
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find

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 – Site Plan