

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 15, 2023

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

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: July 28, 2023

REPORT NO.: DSD-2023-341

SUBJECT: Minor Variance Application A2023-088 – 52 Earl Street

RECOMMENDATION:

That Minor Variance Application A2023-088 for 52 Earl Street requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 5.5 metres instead of the minimum required 7.5 metres, to facilitate the construction of an addition to the rear of the existing single detached dwelling, generally in accordance with drawings prepared by Imagine Inc., dated June 15, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a proposed addition to the rear of an existing single detached dwelling.
- 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 a rectangular corner lot located at the intersection of Earl Street and Claremont Avenue.

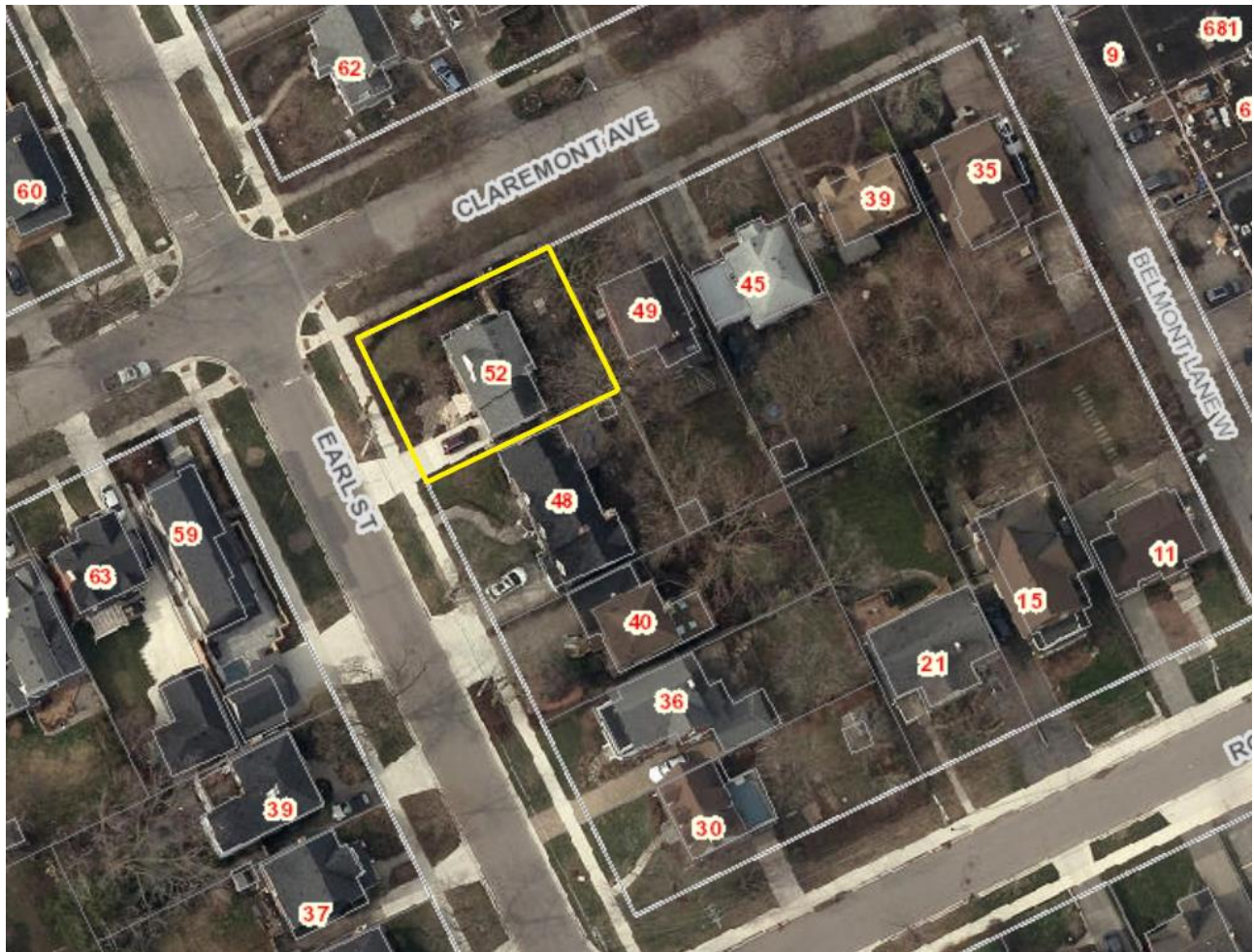


Figure 1 – Aerial Photo of Subject Property

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)' and is located within 'Appendix C – Central Neighbourhoods' and 'Appendix D – Established Neighbourhood Area' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance application to facilitate the construction of a proposed addition attached to the rear of an existing single detached dwelling. The proposed one-storey addition will provide an extension of the existing kitchen space and new sitting area, as well as an uncovered deck is also proposed at the rear of the new addition. The addition is proposed to be 24 square metres in area, and 4.9 metres in height. The existing rear yard setback from the subject property is approximately 9.1 metres, and the proposed addition has a length of 3.6 metres, which would reduce the rear yard setback to 5.5 metres. Accordingly, a minor variance is requested to permit a rear yard setback of 5.5 metres, instead of the minimum required 7.5 metres indicated in Section 7.3, Table 7-2 of Zoning By-law 2019-051. A minor variance is not required for the proposed uncovered deck as it will comply with the Zoning By-law.



Figure 2 – Proposed Site Plan

Staff visited the subject property on July 26, 2023.



Figure 3 – Front View of Subject Property



Figure 4 – Rear Yard of Subject Property, Proposed Location of Addition

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. This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. It is the opinion of staff that the existing use and proposed one-storey addition conforms to the land use designation. Accordingly, the variance to facilitate the addition will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the rear yard setback requirement is to ensure that there is an adequate separation from adjacent properties with respect to privacy concerns, and that there is appropriate amenity space for residents. It is the opinion of staff that the requested 5.5 metre setback will still provide adequate privacy from adjacent property and an adequate amenity area. With the subject property being a corner lot, the existing provision of amenity space is enhanced. The variance to permit a reduced rear yard setback for a one-storey addition will meet the intent of the Zoning By-law.

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

Staff is of the opinion that the requested variance is minor, as any privacy concerns related to adjacent properties are minimal, the reduced rear yard setback does not have any significant impacts to adjacent properties or the overall neighbourhood. The proposed uncovered deck at the rear of the addition will comply with Zoning By-law 2019-051.

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

Planning staff is of the opinion that the variance to reduce the minimum rear yard setback is appropriate for the desirable development of the lands as it will facilitate the expansion of interior living space on the main floor of the dwelling, increasing the functioning and desirability of the residential property.

Environmental Planning Comments:

Environmental Planning has no 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 52 Earl St. is located within the Westmount East & West Neighbourhood CHL. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

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

Engineering Division Comments:

Engineering Division has no concerns with this application.

Parks/Operations Division Comments:

Parks/Operations Division have no concerns with this application.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The Region of Waterloo has no concerns with this application.

Grand River Conservation Authority Comments:

The GRCA have no concerns with this 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 2019-051*