

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: Joanne McCallum, Coordinator, Planning & Zoning Services,
519-741-2200 ext. 7075

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: August 2, 2023

REPORT NO.: DSD-2023-345

SUBJECT: Minor Variance Application A2023-091 – 181 Weber St. E.

RECOMMENDATION:

That Minor Variance Application A2023-091 for 181 Weber Street East requesting relief from the following sections in Zoning By-law 85-1:

- i) Sections 5.6A.4 d), 44.3.2 and 39.2.1 to permit a front yard setback of 2.6 metres instead of the minimum required 3.8 metres to facilitate the reconstruction of a covered front porch and a second storey addition; and
- ii) Section 44.3.2 and Section 39.2.1 to permit a rear yard setback of 6.8 metres instead of the minimum required 7.5 metres to facilitate the construction of a rear yard, single storey addition;

generally in accordance with the drawings prepared by Eagleview Construction, dated June 26, 2023, submitted with Minor Variance Application A2023-091, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the reconstruction of a covered front porch and second storey addition; and to permit the construction of a rear yard, single storey addition.
- The key finding of this report is that the requested variances meet the 4 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 information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located at 181 Weber Street East, near the corner of Weber Street East and Betzner Avenue North. The current use of the building is a single detached dwelling.



Figure 1: Location of Subject Property



Figure 2: Photo of the Front of the House

The subject property is identified as Major Transit Station Area' on Map 2 – Urban Structure in the City's 2014 Official Plan. The subject property is designated 'Low Density Commercial Residential' and is located in a Special Policy Area on Map 10 – King Street East Neighbourhood Plan for Land Use in the City's 1994 Official Plan. Policy 13.2.3.2 is a special policy that is applicable to the redevelopment of lands fronting onto side streets running south of Weber Street East and is not applicable to this minor variance application.

The property is zoned 'Commercial Residential One Zone (CR-1)' in Zoning By-law 85-1.

The application is requesting relief from Section 5.6A d) and Section 39.2.1 of Zoning By-law 85-1 to permit a front yard setback of 2.6 metres rather than the minimum required 3.8 metres for lands identified on Appendix 'H' to facilitate the reconstruction of the existing covered front porch using the same footprint. The existing porch has been noted to have structural insufficiencies and is required to be rebuilt to meet current Building Code requirements.

To facilitate the construction of a small home office space, the applicant is planning is to enclose half of the existing second floor balcony above the reconstructed front porch. The application is requesting relief from Section 44.3.2 and Section 39.2.1 of Zoning By-law 85-1 to permit a front yard setback of 2.6 metres rather than the minimum required 3.8 metres for lands identified in Appendix 'H'.

To facilitate the construction of a family room and powder room on the ground floor at the back of the existing dwelling, the application is requesting relief from Section 44.3.2 and 39.2.1 of Zoning By-law 85-1 to permit a rear yard setback of 6.8 metres rather than the minimum required 7.5 metres.

Staff recognize that this is an older property, and many driveways are located on the property line. If this becomes an issue in the future, it will be a matter to settle between neighbours. According to details noted on the survey, there are no easements on this property. It is recommended that the property owners get an easement for the use of the shared driveway.

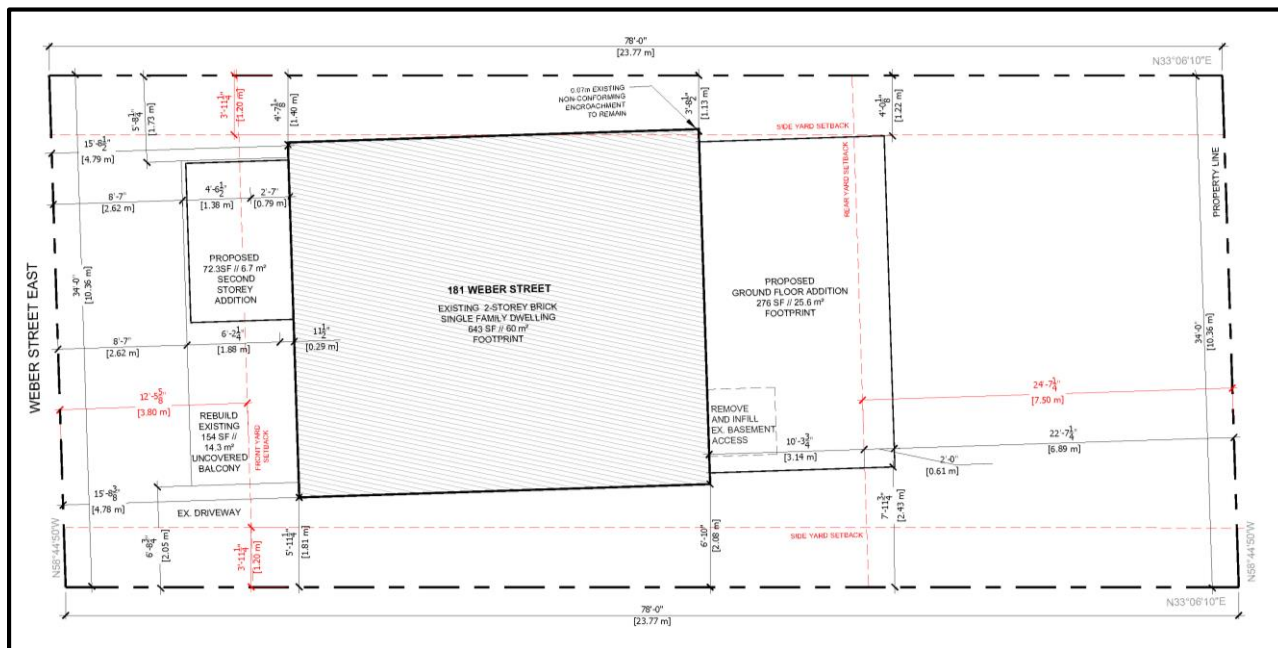


Figure 3: Proposed Site Plan showing front and rear yard alterations

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 Density Commercial Residential' in the King Street East Neighbourhood Plan for Land Use under the 1994 Official Plan (OP). Low Density Commercial Residential areas are intended to support a mix of residential uses including single detached dwellings, as well as some commercial uses.

The subject property is also located in a Major Transit Station Area (MTSA) in the 2014 Official Plan. MTSA's provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels. Developments within MTSA's provide connectivity of various modes of transportation to the transit system and have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Staff is of the opinion that the proposed variances to reduce front and rear yard setbacks for a single detached dwelling maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'Commercial Residential One Zone (CR-1)' in Zoning By-law 85-1. The intent of the front yard setback for lands identified in Appendix 'H' – Residential Intensification in Established Neighbourhoods Study (RIENS) Area is to ensure any new buildings or additions to buildings will blend in with the surrounding neighbourhood. The subject property and its abutting properties have similar front yard setbacks to the principal dwelling, as well as the projections of the front porches. Staff is of the opinion that a front yard setback of 2.6 metres rather than the minimum required 3.8 metres to facilitate the reconstruction of the front porch and construct a small second storey addition above the reconstructed porch is in keeping with the general intent of the Zoning By-law as the alterations will still maintain similar setbacks to the adjacent properties.

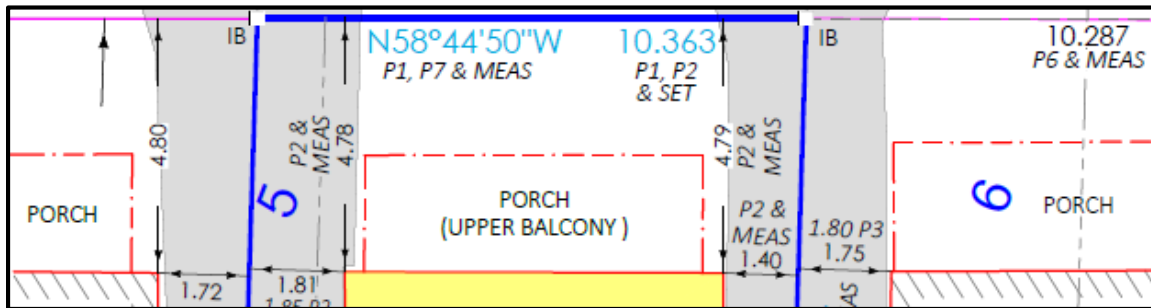


Figure 4: Image showing adjacent property dwelling and porch setbacks

The intent of the 7.5 metre rear yard setback is to allow for adequate amenity space and maintain privacy and separation from abutting properties. The addition to the back of the dwelling will comply with side yard setbacks. The addition will be a single storey addition and will have minimal impact to abutting properties. Staff is of the opinion that the rear yard setback of 6.8 metres will provide sufficient amenity space and continue to maintain privacy and separation from abutting properties.

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

The front yard alterations will be keeping in line with the front yard and porch setbacks of the adjacent properties. The rear yard setback will continue to accommodate adequate amenity space and separation from abutting properties. Staff is of the opinion that the reductions of the front yard and rear yard setbacks are minor.

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 variances to reduce the minimum front and rear yard setbacks are appropriate for the desirable development and use of the lands as they will facilitate the construction of a family room and powder room on the ground floor, home office space on the second floor; thereby expanding the interior living space of the dwelling and increasing the functioning and desirability of the residential property.

Environmental Planning Comments:

There is a conifer tree in the rear yard of the subject property that may be impacted with the construction of the addition. The applicant is advised to ensure the rear yard conifer is not in shared ownership. If it is in shared ownership the owner is suggested to follow the practices of the Tree Management Policy to be a good neighbour.

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 181 Weber St. E. is located within the Central Frederick 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:

No comment.

Parks and Cemeteries Comments:

No concerns, no comments.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Region of Waterloo Comments:

There are no concerns for the application to keep the existing setbacks due to the existing conditions of the building. However, the owners are advised that at the future development application stage on the subject property, a dedicated road widening of approximately 3.05 metres may be required to comply with the ROP Designated Road width of 26.213 metres, and the existing building will be encroaching within the Regional right-of-way. Under any future development application stage, an encroachment agreement may also be required to keep the existing building with the existing setbacks. Staff strongly advise that the applicants consider doing the building addition fronting Weber Street accordingly such that the building does not encroach into future Regional right-of-way.

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 (1994)*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

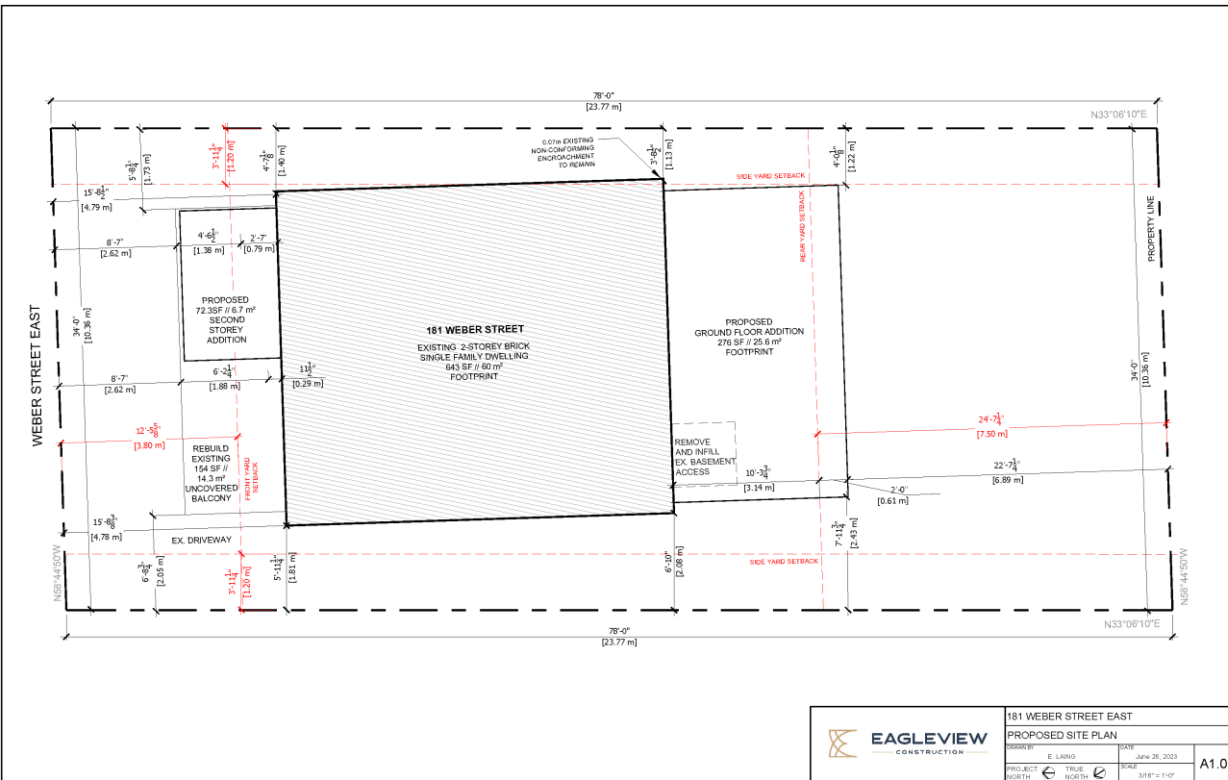
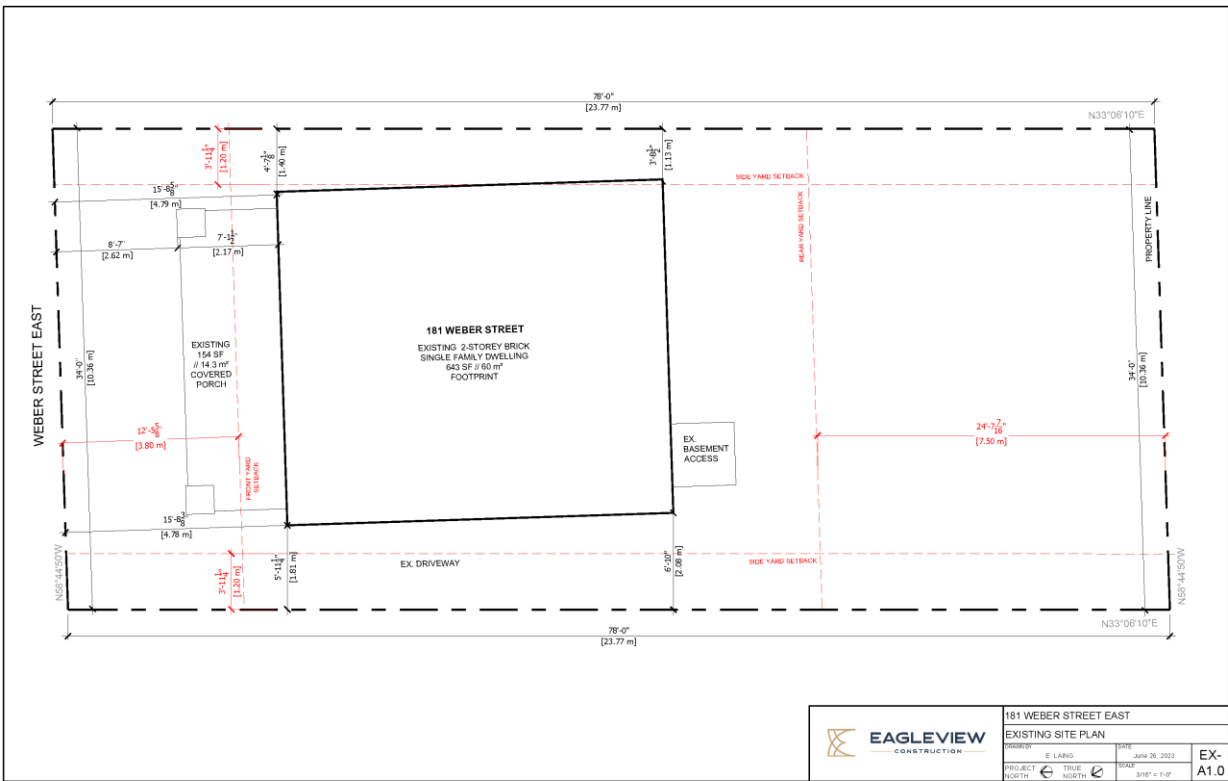
Attachment A – Survey

Attachment B – Existing and Proposed Site Plan

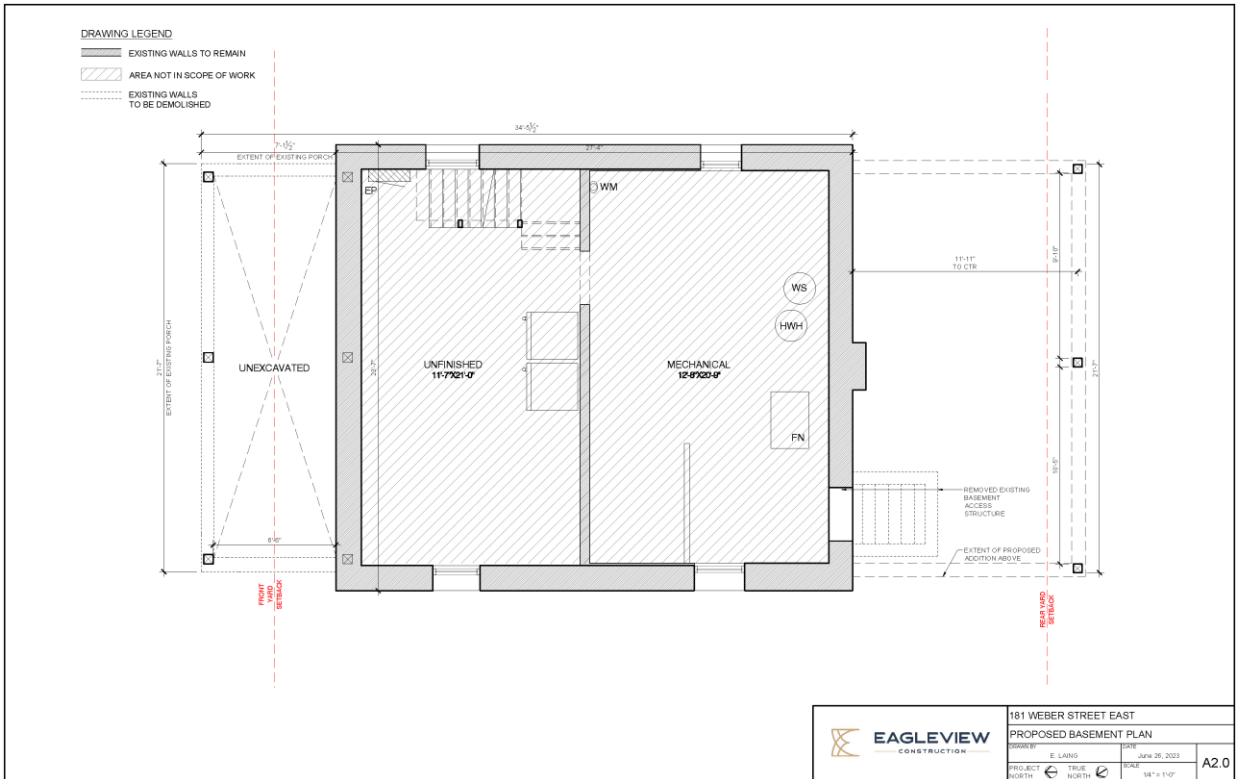
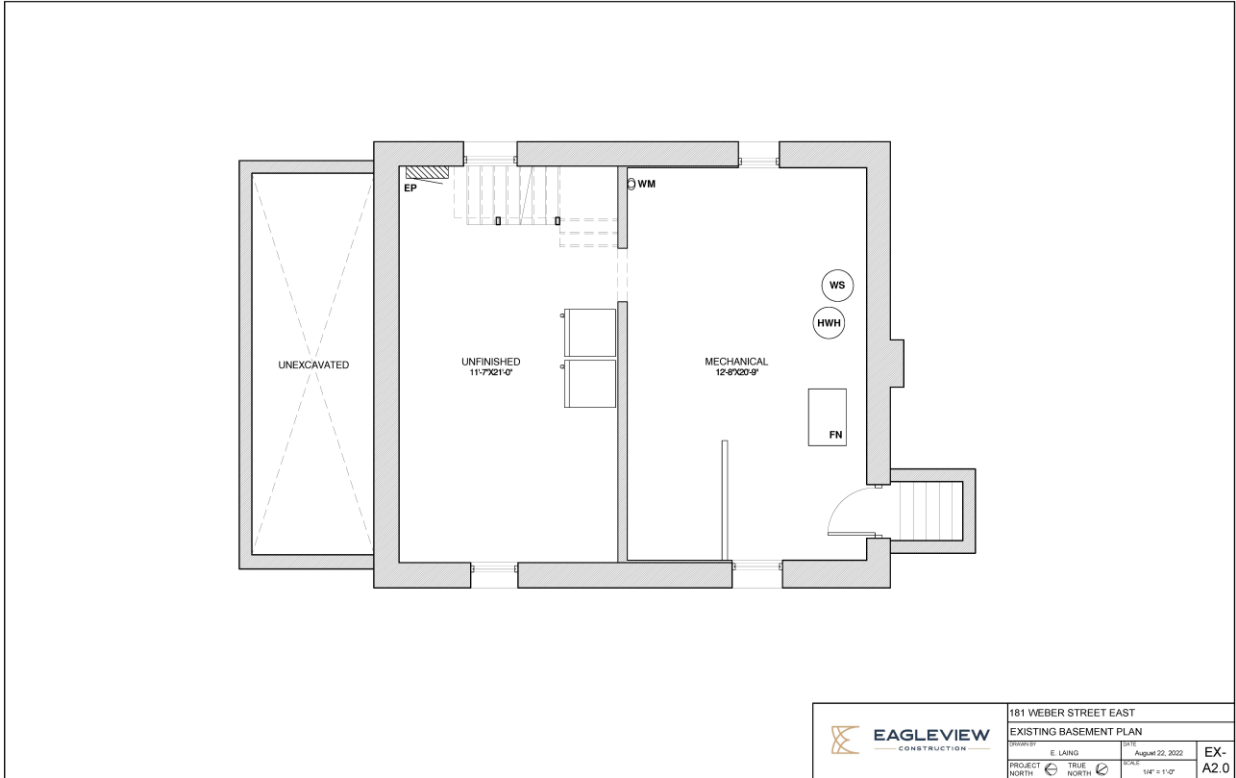
Attachment C – Existing and Proposed Basement, Floor and Roof Plans

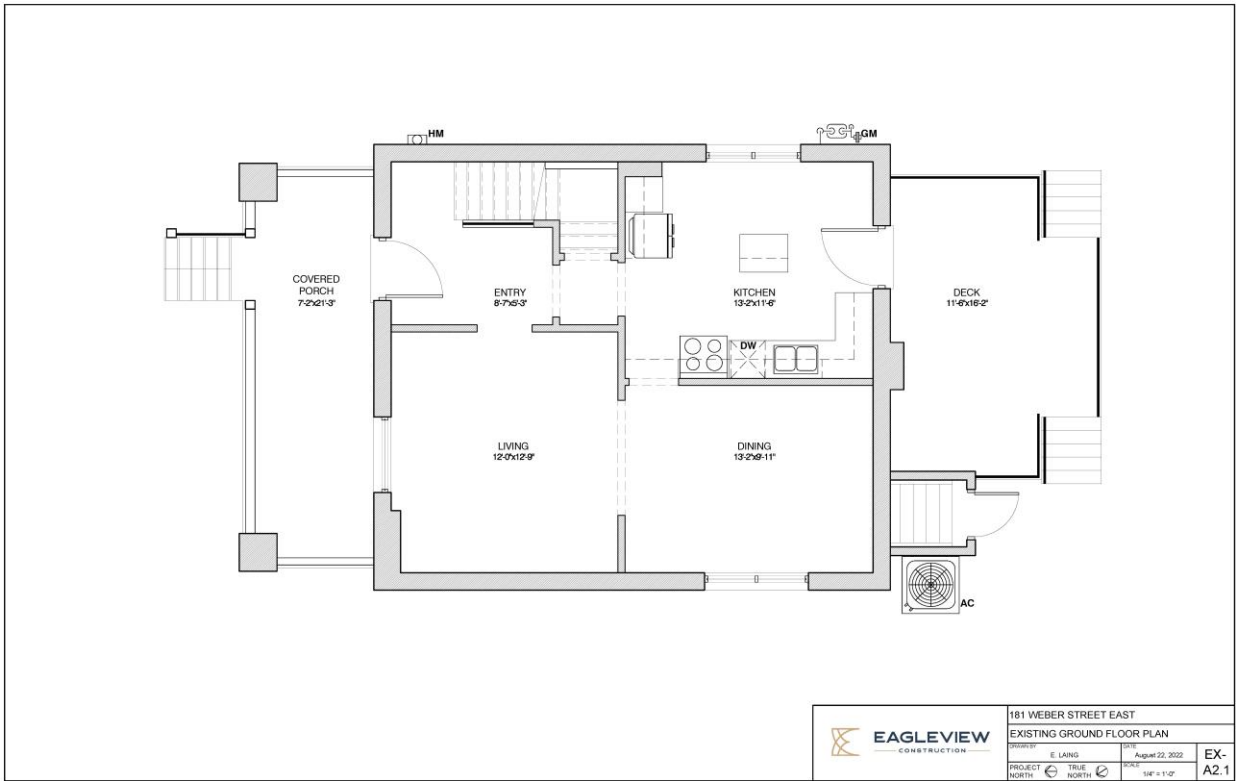
Attachment D – Existing and Proposed Elevations

Attachment B – Existing and Proposed Site Plan

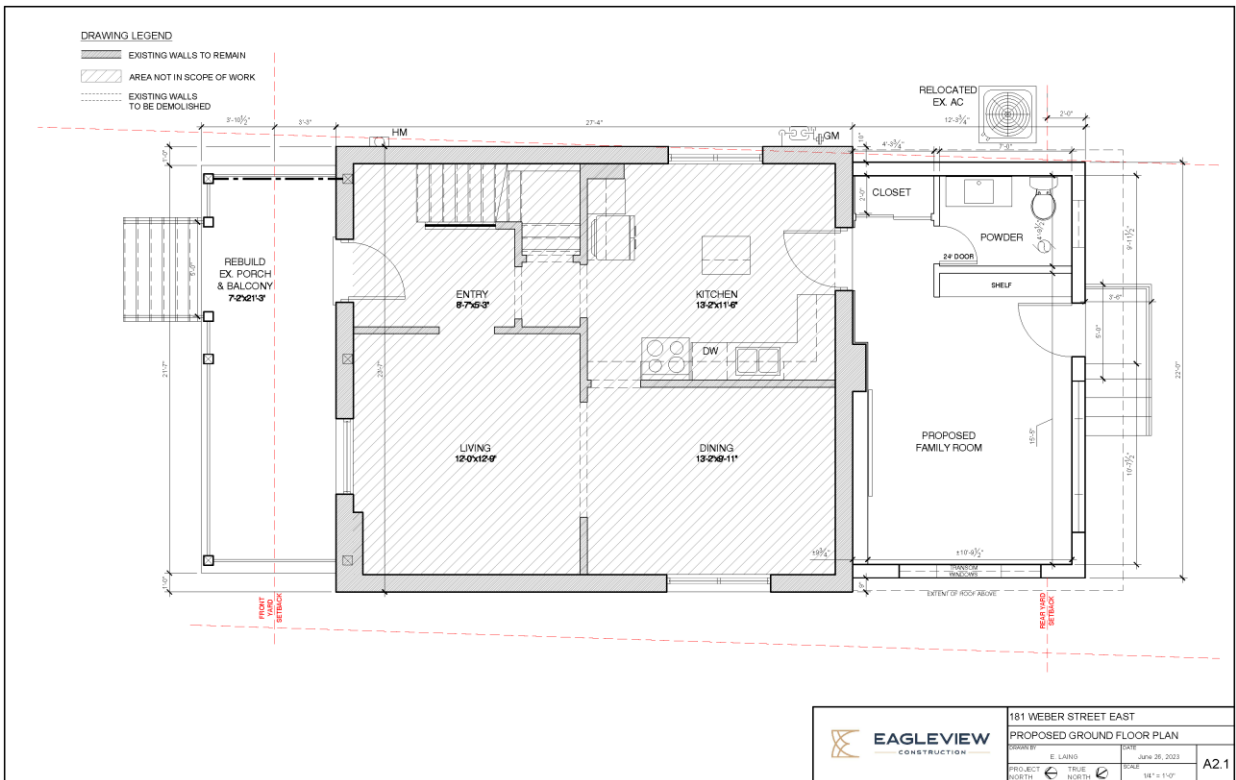


Attachment C – Existing and Proposed Basement, Floor and Roof Plans

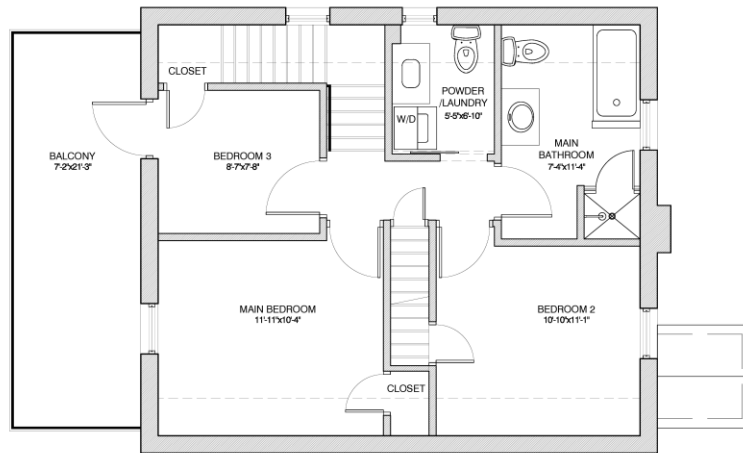




 EAGLEVIEW CONSTRUCTION	181 WEBER STREET EAST		
	EXISTING GROUND FLOOR PLAN		
	DESIGNED BY	E. LABIS	DATE August 22, 2022
	PROJECT	TRUE NORTH	SCALE 1/8" = 1'-0"
			EX-A2.1

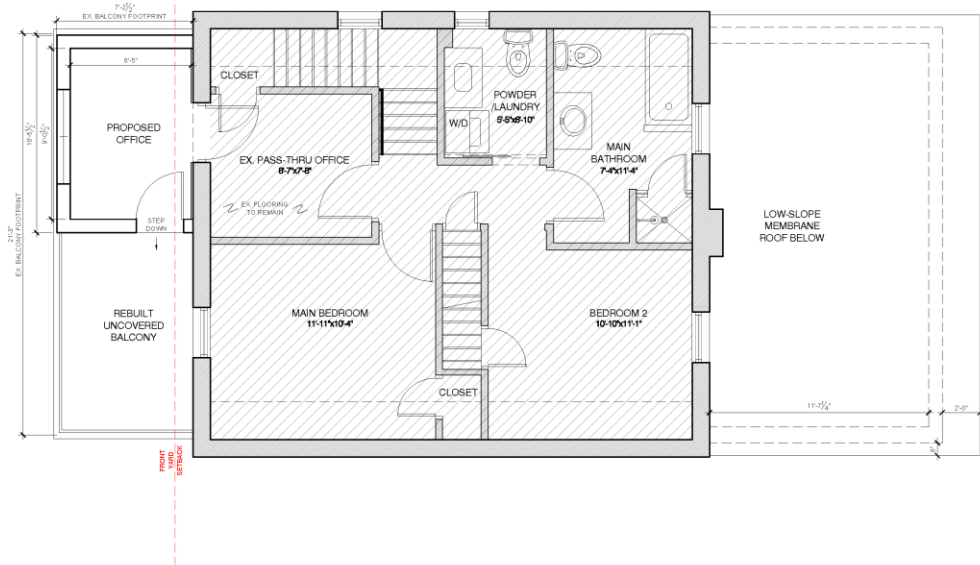


 EAGLEVIEW CONSTRUCTION	181 WEBER STREET EAST		
	PROPOSED GROUND FLOOR PLAN		
	DESIGNED BY	E. LABIS	DATE June 26, 2023
	PROJECT	TRUE NORTH	SCALE 1/8" = 1'-0"
			A2.1

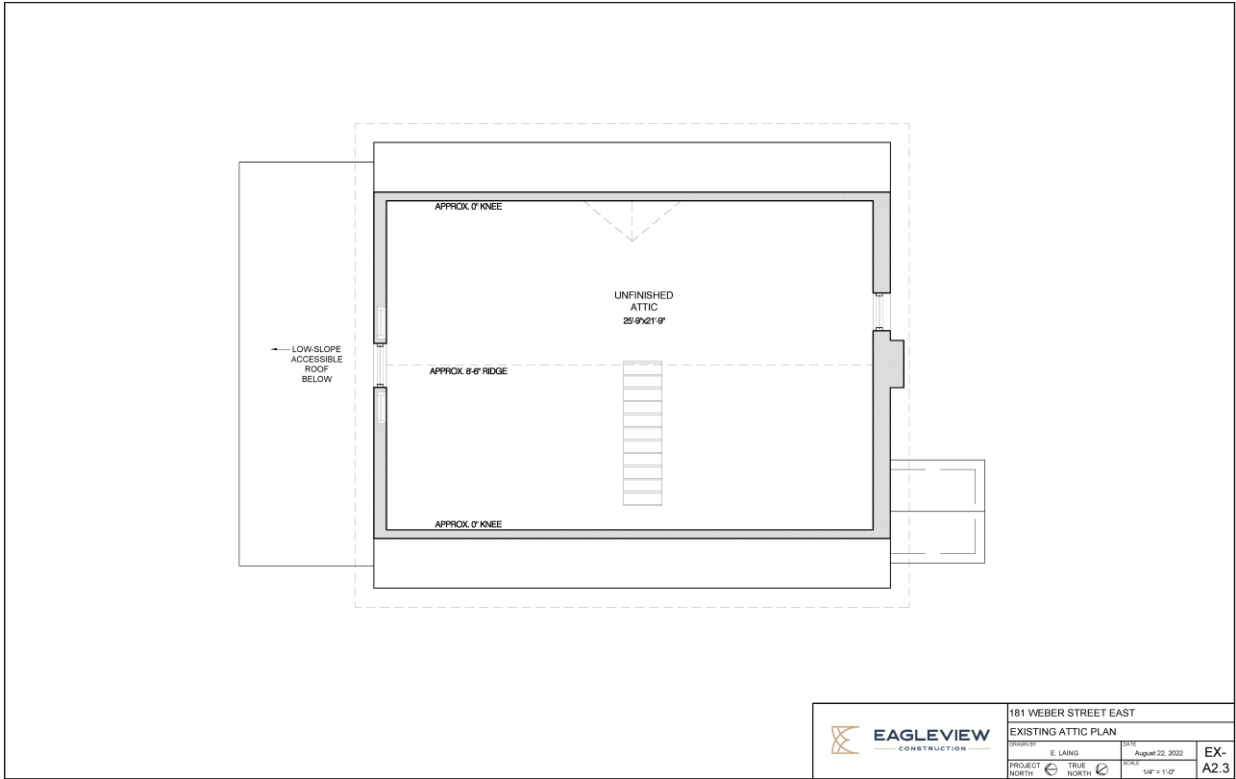


		181 WEBER STREET EAST	
		EXISTING SECOND FLOOR PLAN	
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PROJECT NORTH	TRUE NORTH	SCALE	1/8" = 1'-0"
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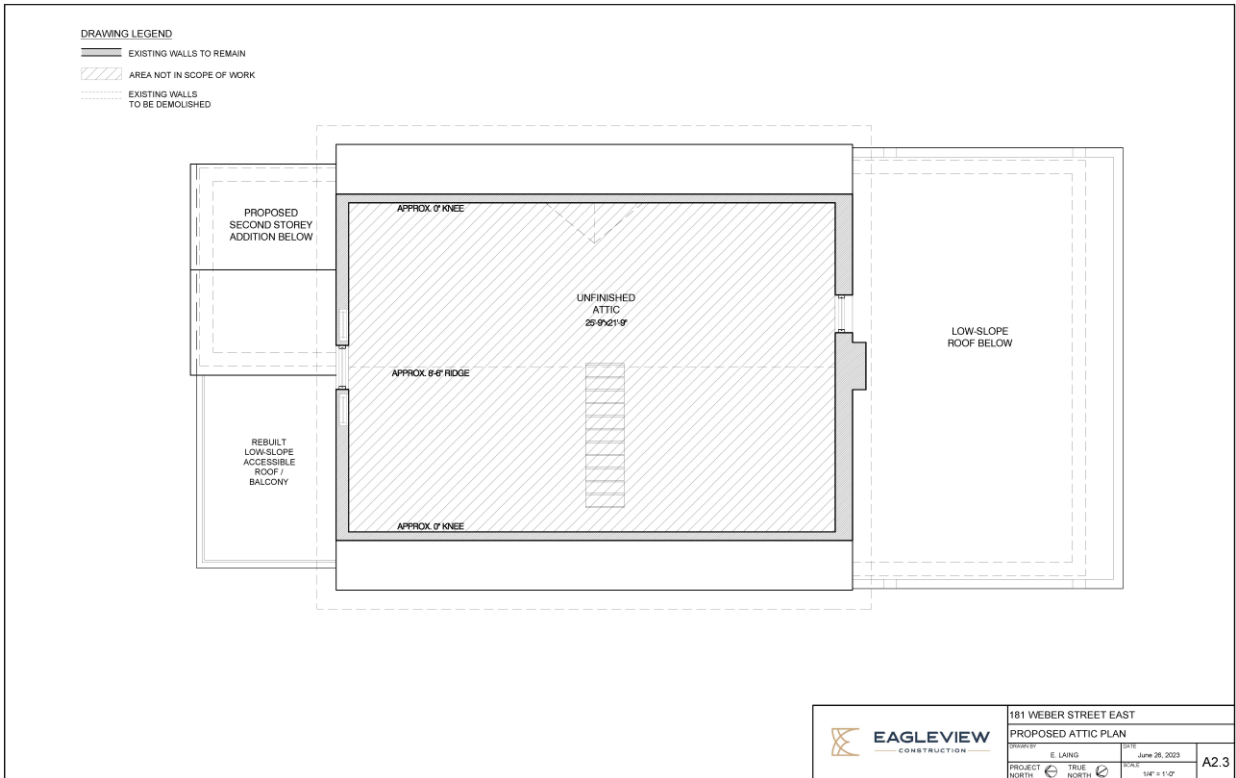
- DRAWING LEGEND**
- EXISTING WALLS TO REMAIN
 - AREA NOT IN SCOPE OF WORK
 - EXISTING WALLS TO BE DEMOLISHED



		181 WEBER STREET EAST	
		PROPOSED SECOND FLOOR PLAN	
DESIGNED BY	E. LANG	DATE	JUNE 26, 2023
PROJECT NORTH	TRUE NORTH	SCALE	1/8" = 1'-0"
			A2.2

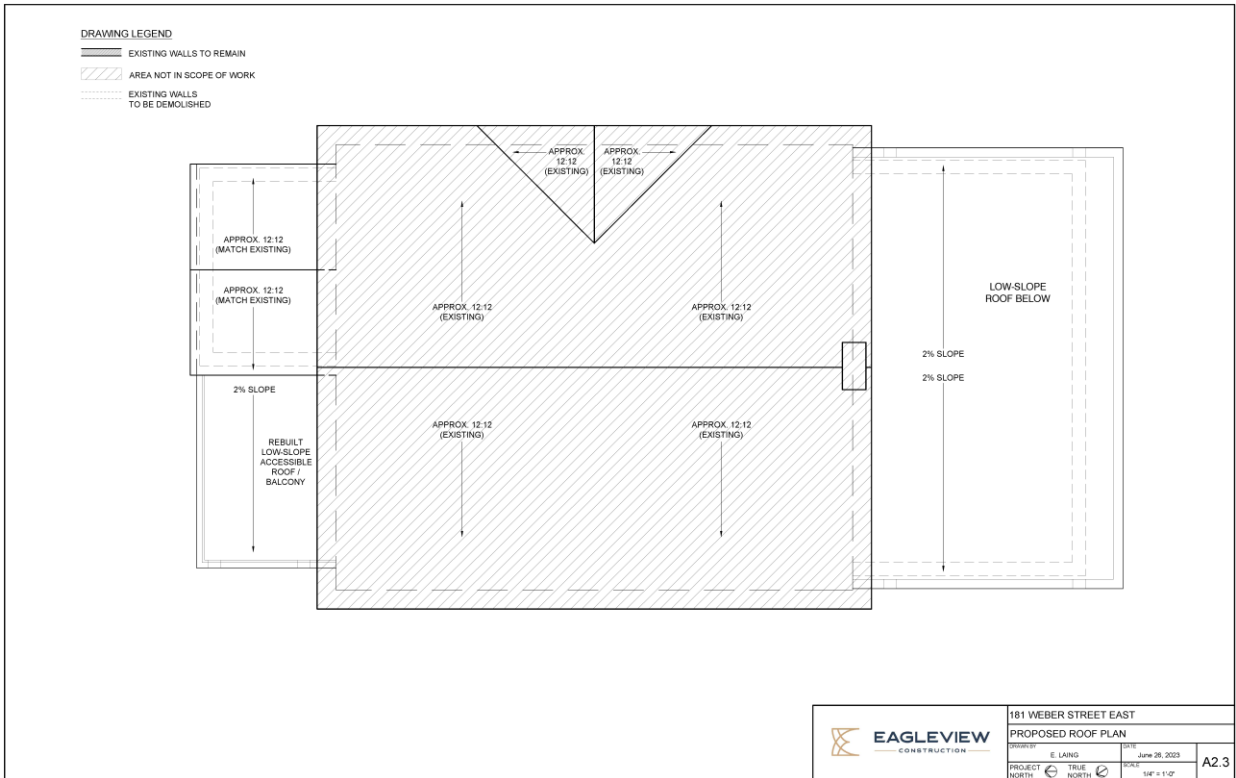
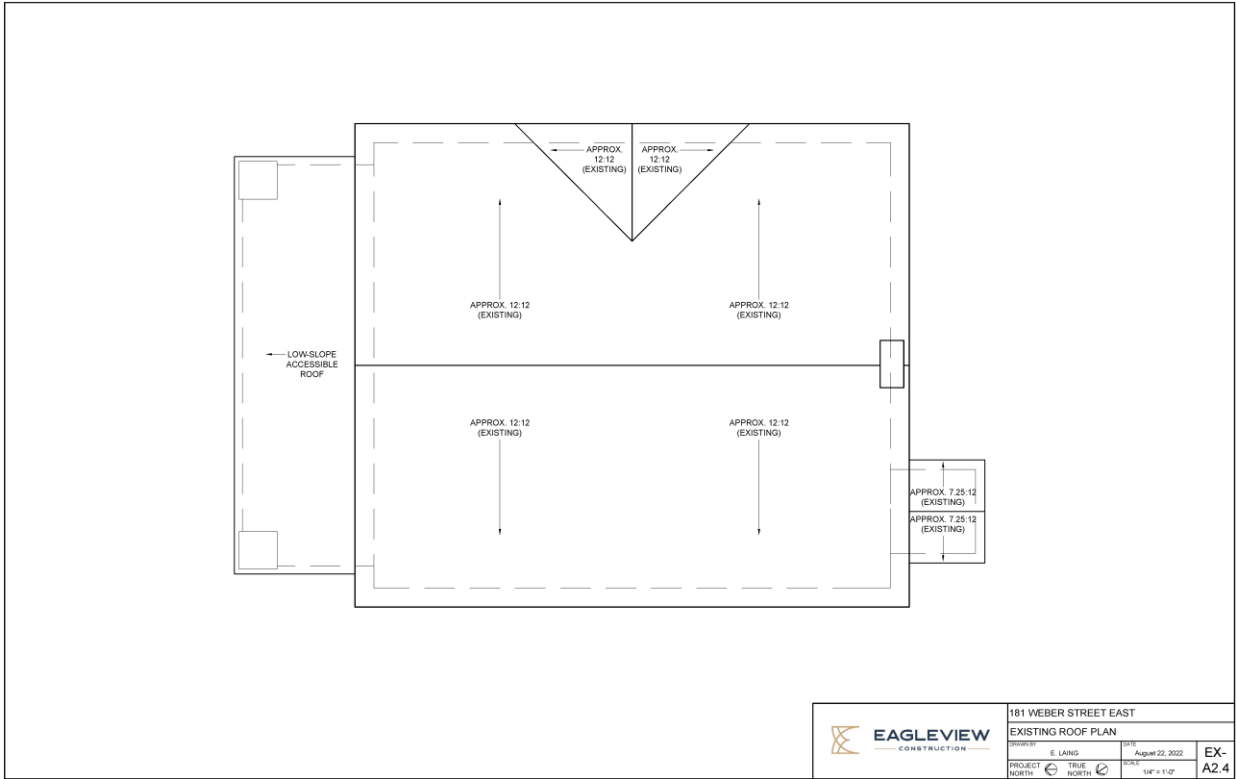


EAGLEVIEW CONSTRUCTION		181 WEBER STREET EAST	
		EXISTING ATTIC PLAN	
DRAWN BY	E. LANG	DATE	August 22, 2022
PROJECT	TRUE NORTH	SCALE	1/4" = 1'-0"
			EX-A2.3

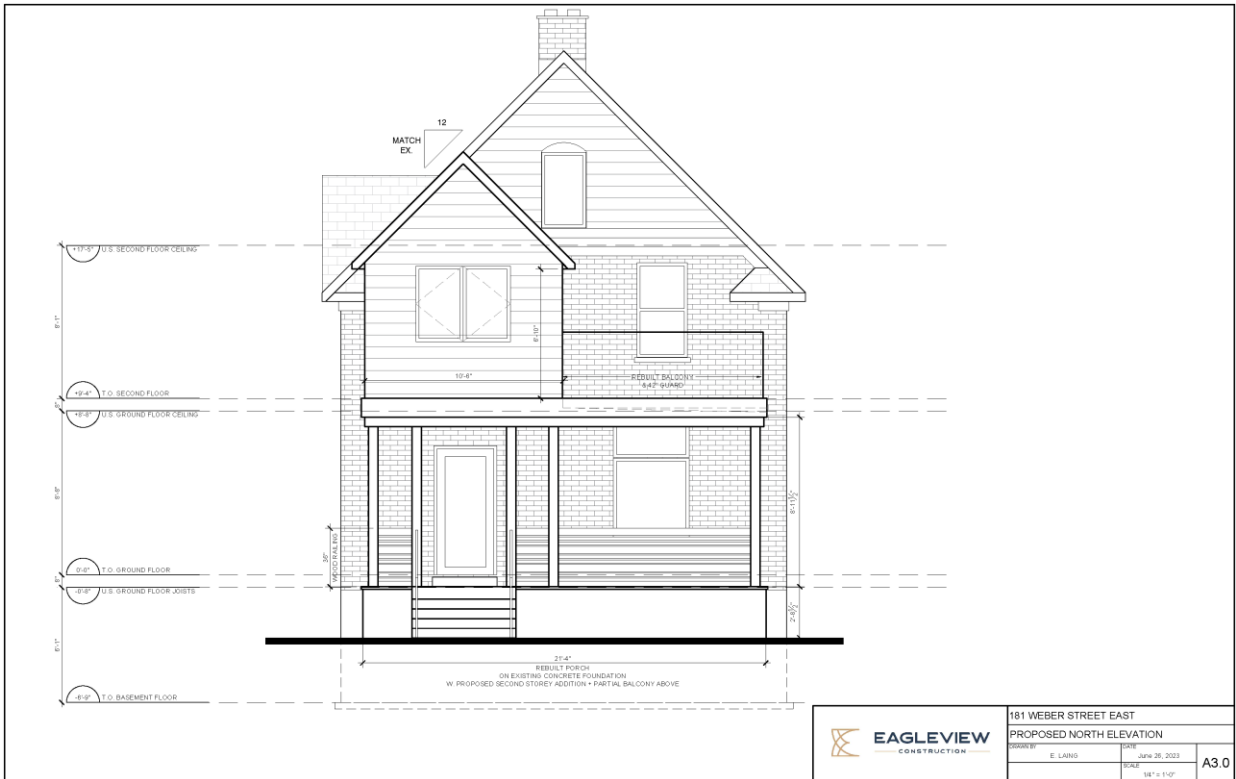


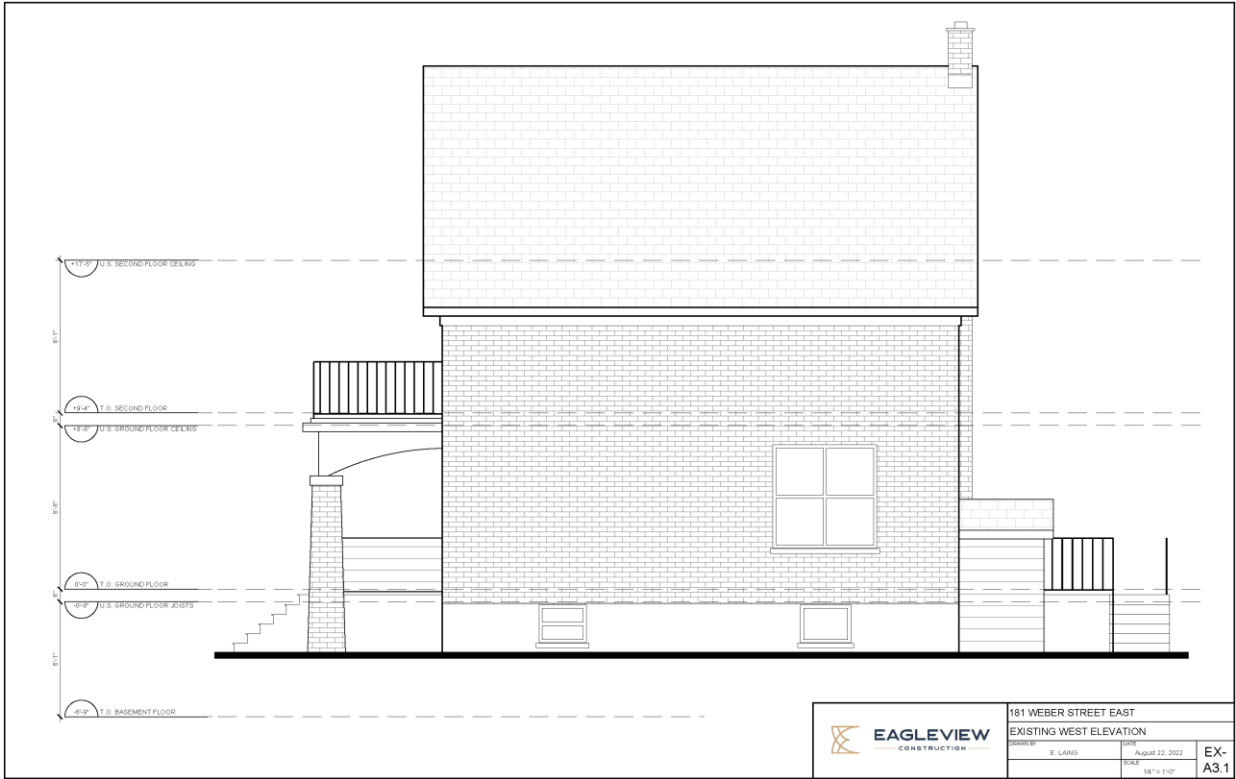
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EAGLEVIEW CONSTRUCTION		181 WEBER STREET EAST	
		PROPOSED ATTIC PLAN	
DRAWN BY	E. LANG	DATE	June 26, 2023
PROJECT	TRUE NORTH	SCALE	1/4" = 1'-0"
			A2.3

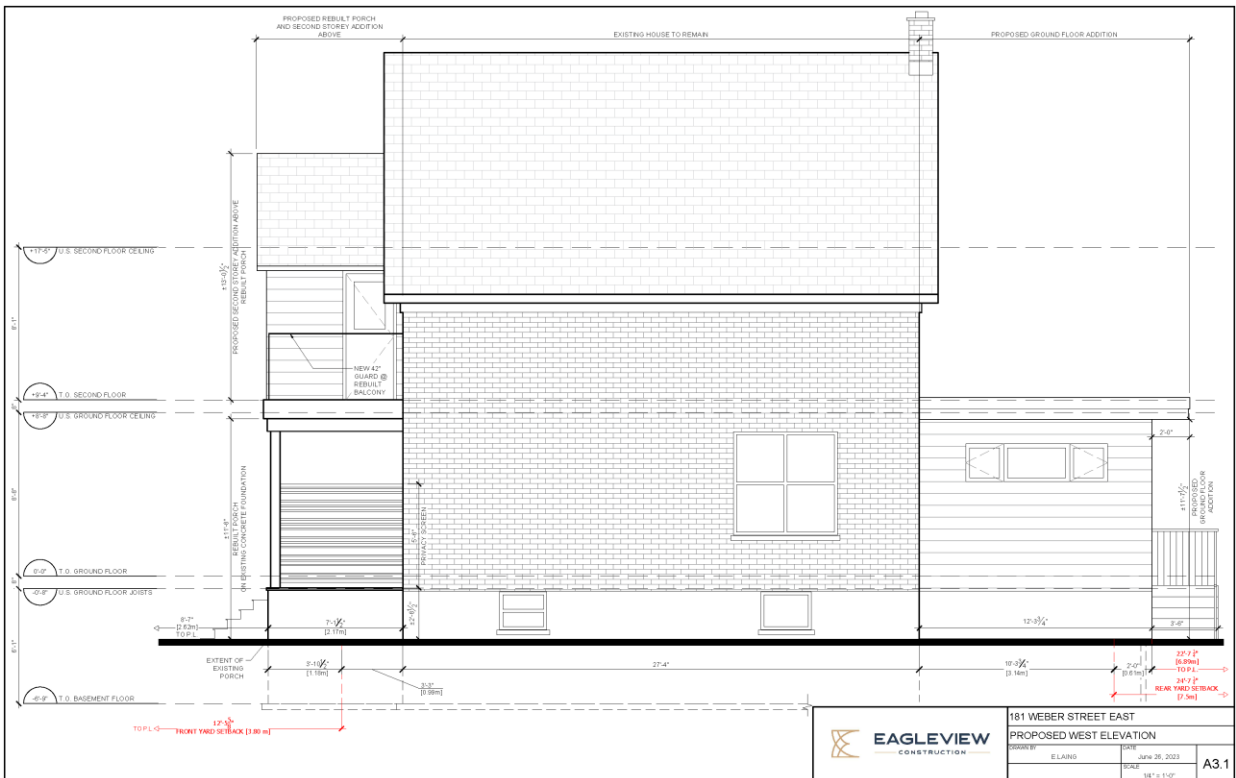


Attachment D – Existing and Proposed Elevations

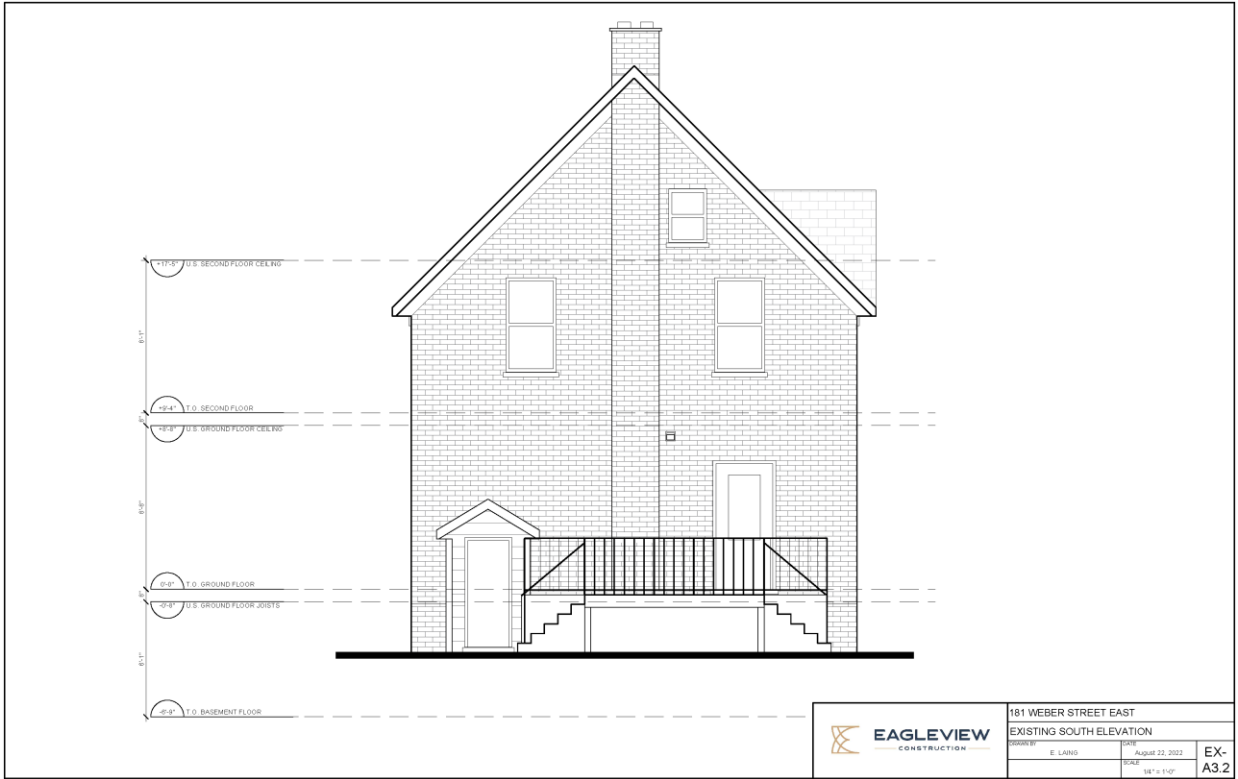




EAGLEVIEW CONSTRUCTION	181 WEBER STREET EAST	
	EXISTING WEST ELEVATION	
DESIGNED BY	E. LARNS	DATE
		August 23, 2022
		SCALE
		1/8" = 1'-0"
		EX-A3.1



EAGLEVIEW CONSTRUCTION	181 WEBER STREET EAST	
	PROPOSED WEST ELEVATION	
DESIGNED BY	E. LARNS	DATE
		June 26, 2023
		SCALE
		1/8" = 1'-0"
		A3.1



EAGLEVIEW CONSTRUCTION		181 WEBER STREET EAST	
		EXISTING SOUTH ELEVATION	
DESIGNED BY	E. LARIS	DATE	August 23, 2021
		SCALE	1/8" = 1'-0"
			EX-A3.2



EAGLEVIEW CONSTRUCTION		181 WEBER STREET EAST	
		PROPOSED SOUTH ELEVATION	
DESIGNED BY	E. LARIS	DATE	June 26, 2021
		SCALE	1/8" = 1'-0"
			A3.2



EAGLEVIEW CONSTRUCTION	181 WEBER STREET EAST		EX-A3.3
	DRAWN BY: E. LARIS DATE: August 23, 2022 SCALE: 3/8" = 1'-0"	EXISTING EAST ELEVATION	



EAGLEVIEW CONSTRUCTION	181 WEBER STREET EAST		A3.3
	DRAWN BY: E. LARIS DATE: June 26, 2023 SCALE: 3/8" = 1'-0"	PROPOSED EAST ELEVATION	