

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** November 21, 2023

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

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

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** November 7, 2023

**REPORT NO.:** DSD-2023-502

**SUBJECT:** Minor Variance Application A2023-130 – 55 Roxborough Ave.

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## RECOMMENDATION:

That Minor Variance Application A2023-130 for 55 Roxborough Avenue requesting relief from Section 5.4, Table 5-2 a) of Zoning By-law 2019-051, to permit an attached garage to project 1.7 metres from the habitable portion of the dwelling whereas the Zoning By-law does not permit attached garages to project beyond the habitable portion, to facilitate the construction of a new attached garage onto the existing dwelling, generally in accordance with drawings prepared by Tri-City Drafting and Design Services, dated August 2023, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a new attached garage onto the existing 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 located at the intersection of Roxborough Avenue and Farnham Avenue. The subject property currently contains a Single Detached Dwelling.



**Figure 1 – Ariel 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The property falls under 'Appendix C - Central Neighbourhood Area' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance in order to facilitate the construction of a new attached garage onto the existing dwelling. The subject property currently contains a Single Detached Dwelling, with one-storey storage area attached to the right of the existing dwelling. The one-storey storage area is approximately 10.6 square meters in area and does not project in front of the existing dwelling. The proposed attached private garage, containing 1 parking space, will replace the existing one-storey storage area and will be approximately 19.6 square meters in area. The proposed attached private garage meets the Zoning By-law requirements for parking space dimensions, as it is approximately 3.2 metres by 5.8 metres. It will be located approximately 7.4 metres from the street (property) line.

The proposed attached private garage will project 1.7 metres beyond the front façade of the existing dwelling. The subject property falls under Appendix C – Central Neighbourhood Area, and Zoning By-law 2019-051 Section 5.4, Table 5-2 a) does not

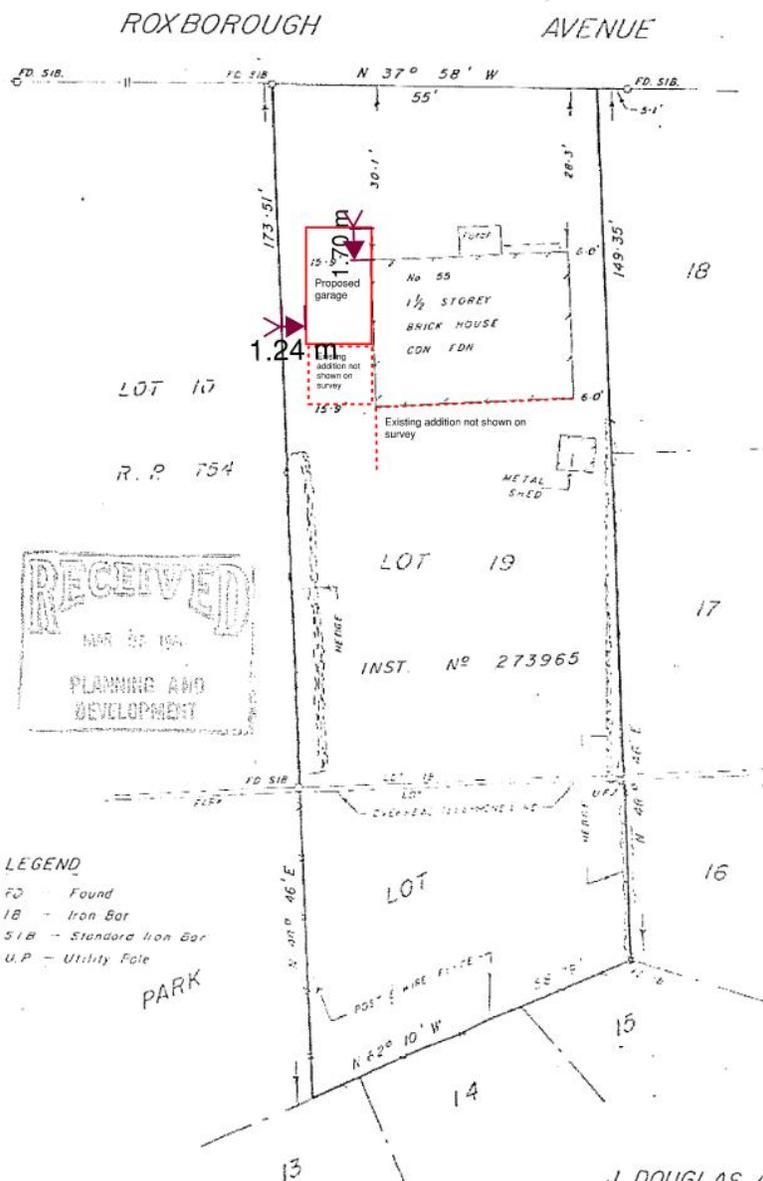
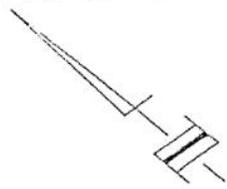
permit an attached private garage on a Single Detached Dwelling to project beyond the front façade of the habitable at grade portion of the dwelling unit. Accordingly, a minor variance is requested to permit the proposed attached private garage to project 1.7 metres beyond the front façade of the existing dwelling.

Staff conducted a visit to the subject property on November 1<sup>st</sup>, 2023.



**Figure 1 – Photo from Site Visit**

Plan Showing LOCATION OF BUILDINGS  
 on LOT 19 and PART of the PARK LOT  
 REG. PLAN B31  
 City of Kitchener  
 Scale 1" = 20'  
 1975



RECEIVED  
 MR. B. W.  
 PLANNING AND  
 DEVELOPMENT

LEGEND  
 FD - Found  
 IB - Iron Bar  
 SIB - Standard Iron Bar  
 U.P. - Utility Pole

THIS PLAN DOES NOT PURPORT TO  
 REPRESENT A COMPLETE SURVEY  
 CONDUCTED IN ACCORDANCE WITH  
 ALL REGULATIONS MADE UNDER  
 THE SURVEYS ACT AND THE REGISTRY ACT.

PLAN FOR -  
 RICHARD SCHMIDT

J. DOUGLAS /  
 ONTARIO LAND SURVEYOR

PER *Douglas R. Box*

DATED JULY 22, 1975  
 KITCHENER, ONTARIO

Figure 2 – Site Plan

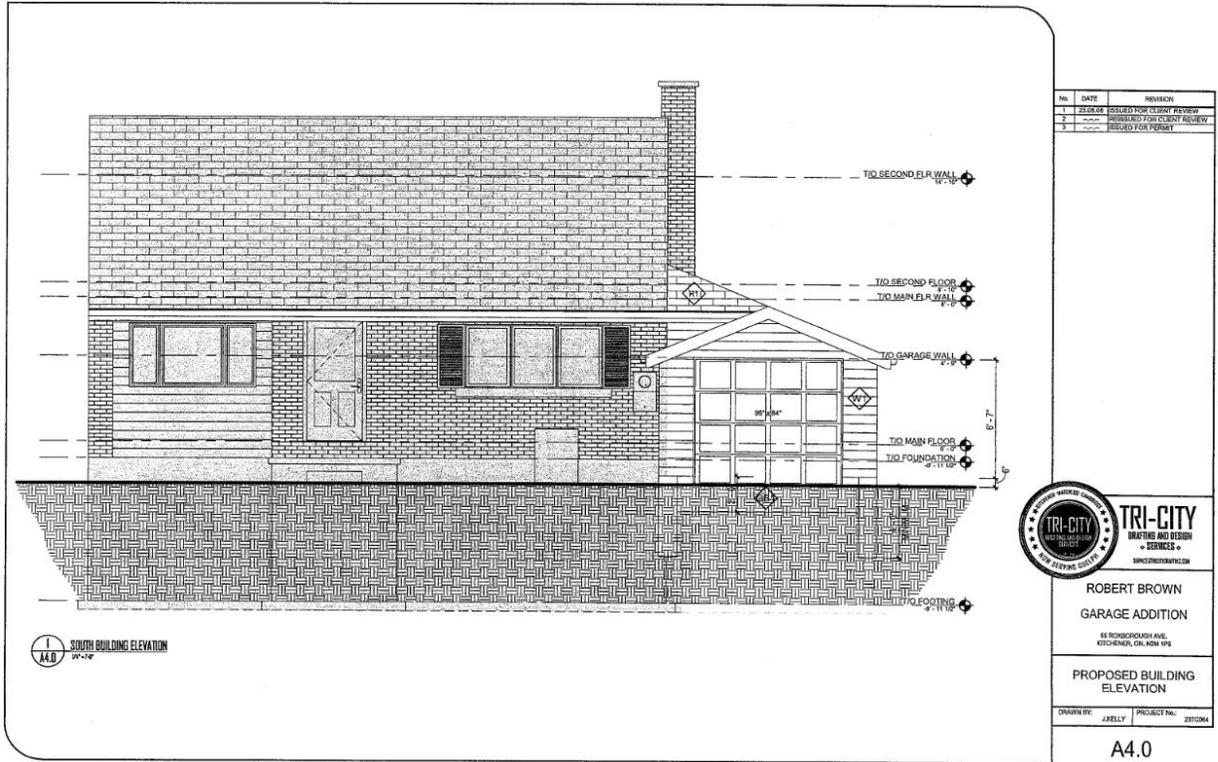
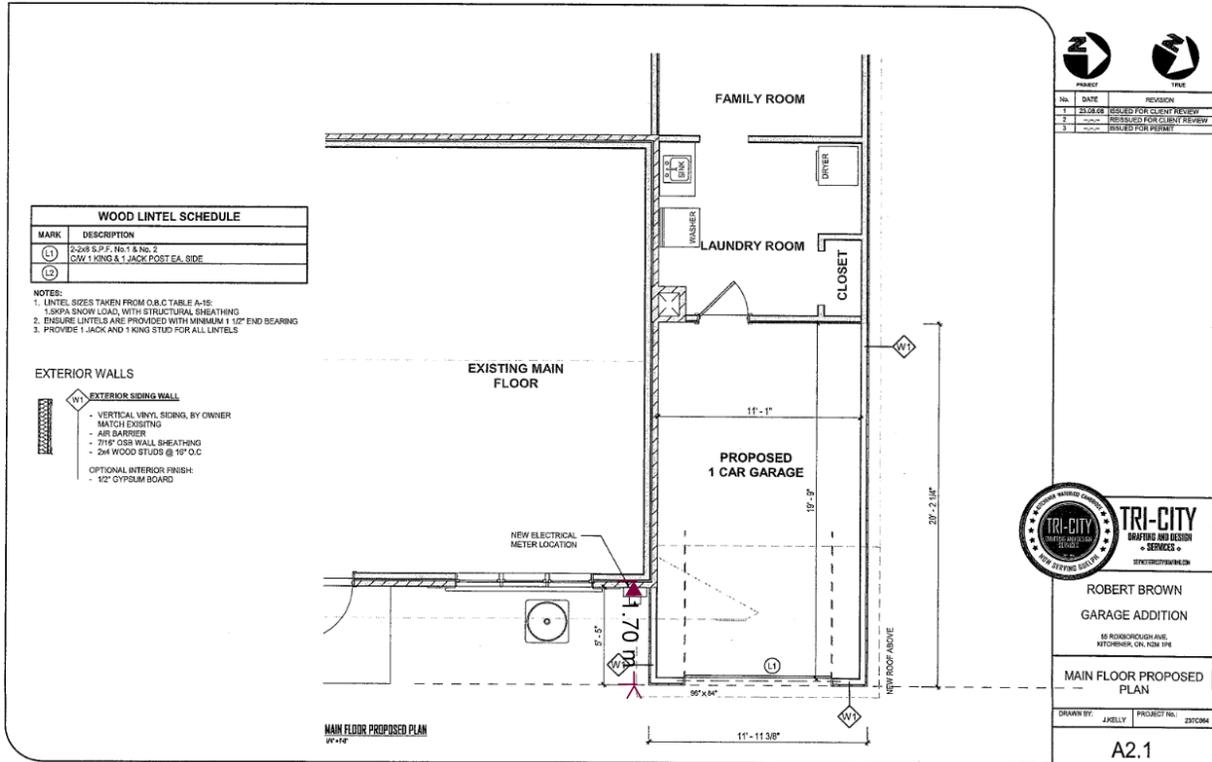


Figure 3 – South Building Elevation



**Figure 4 – Main Floor Proposed Plan**

**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 permits single detached dwellings, additional dwelling units (attached and detached), semi-detached dwellings street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing. 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 as there will be no changes to the existing use, the variances to facilitate the attached garage will meet the general intent of the Official Plan.

### General Intent of the Zoning By-law

The intent of not permitting an attached private garage to project beyond the front façade of the habitable portion of the dwelling within Central Neighbourhoods Area is to ensure that new development does not disrupt the character of the Central Neighbourhoods Area. Staff are of the opinion that the proposed design of the attached garage is in line with the existing dwelling and surrounding neighbourhood, as shown in Figure 3. As such, the variances to facilitate the attached garage meet the general intent of the Zoning By-law.

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

Planning staff is of the opinion that the requested variance is minor, as the projection of 1.7 metres will not adversely impact the character of the neighbourhood, streetscape, and adjacent properties.

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

Staff are of the opinion that the variance is appropriate for the development or use of the land, as its proposed location will allow the retention of an existing laundry room at the rear and the provision of an enclosed parking space. The applicant has demonstrated through building and site design that the proposed addition will not have adverse impacts on the adjacent properties and will be compatible with the character of the neighbourhood.

### **Environmental Planning Comments:**

Environmental Planning has no concerns.

### **Heritage Planning Comments:**

Heritage Planning has no concerns.

### **Building Division Comments:**

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the attached garage and it is currently under review.

### **Engineering Division Comments:**

Engineering Division has no concerns.

### **Parks/Operations Division Comments:**

Parks/Operations Division staff have no concerns.

### **Transportation Planning Comments:**

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

### **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*