

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 20, 2024

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

**PREPARED BY:** Kirsten Hoekstra, Student Planner, 519-741-2200 ext. 7078

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** August 7, 2024

**REPORT NO.:** DSD-2024-353

**SUBJECT:** Minor Variance Application A2024-060 – 95 Brunswick Avenue

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## RECOMMENDATION:

That Minor Variance Application A2024-060 for 95 Brunswick Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.7 b) to permit a covered front porch to be setback from the front lot line 2.4 metres instead of the minimum required 3 metres; and
- ii) Section 7.6 a) to permit a front yard setback of 3 metres instead of the minimum required 5.7 metres;

to permit a front yard addition and porch to the existing dwelling, generally in accordance with drawings prepared by AK-architect, dated July 4, 2024, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the development of a front yard addition and porch with a reduced front yard setback and a reduced covered front porch setback.
- The key finding of this report is that the requested minor variances meet all 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 the west side of Brunswick Avenue near the intersection of Hartwood Avenue and Brunswick Avenue. It is located in the Fairfield neighbourhood which is primarily comprised of low-rise residential uses.



**Figure 1 – Aerial photo of 95 Brunswick Avenue (Outlined in Red).**

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 purpose of the application is to review minor variances to permit reduced front yard setbacks to facilitate the construction of a front yard addition and porch.

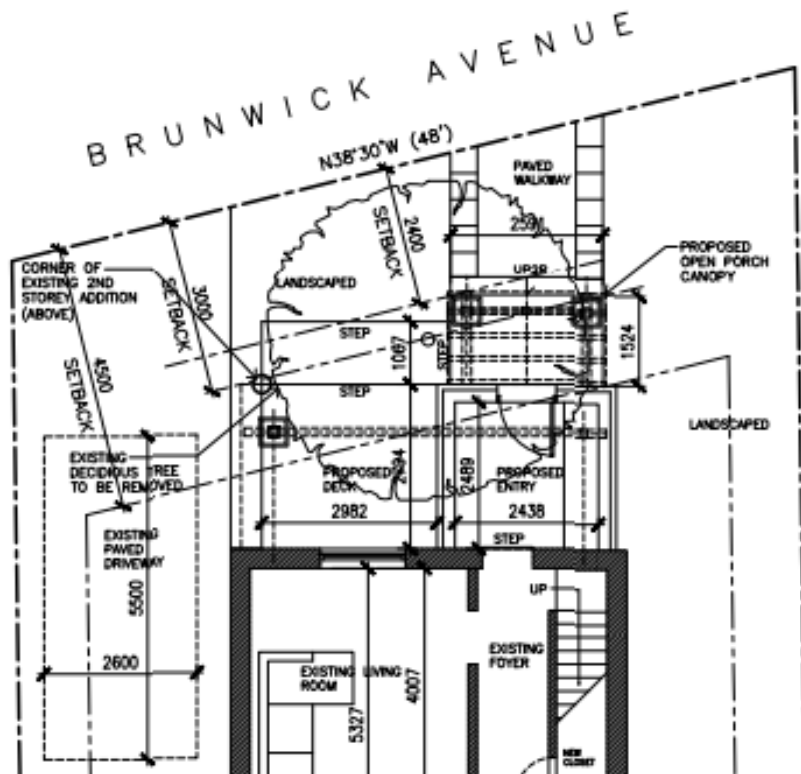


Figure 2 – Proposed Site Plan.

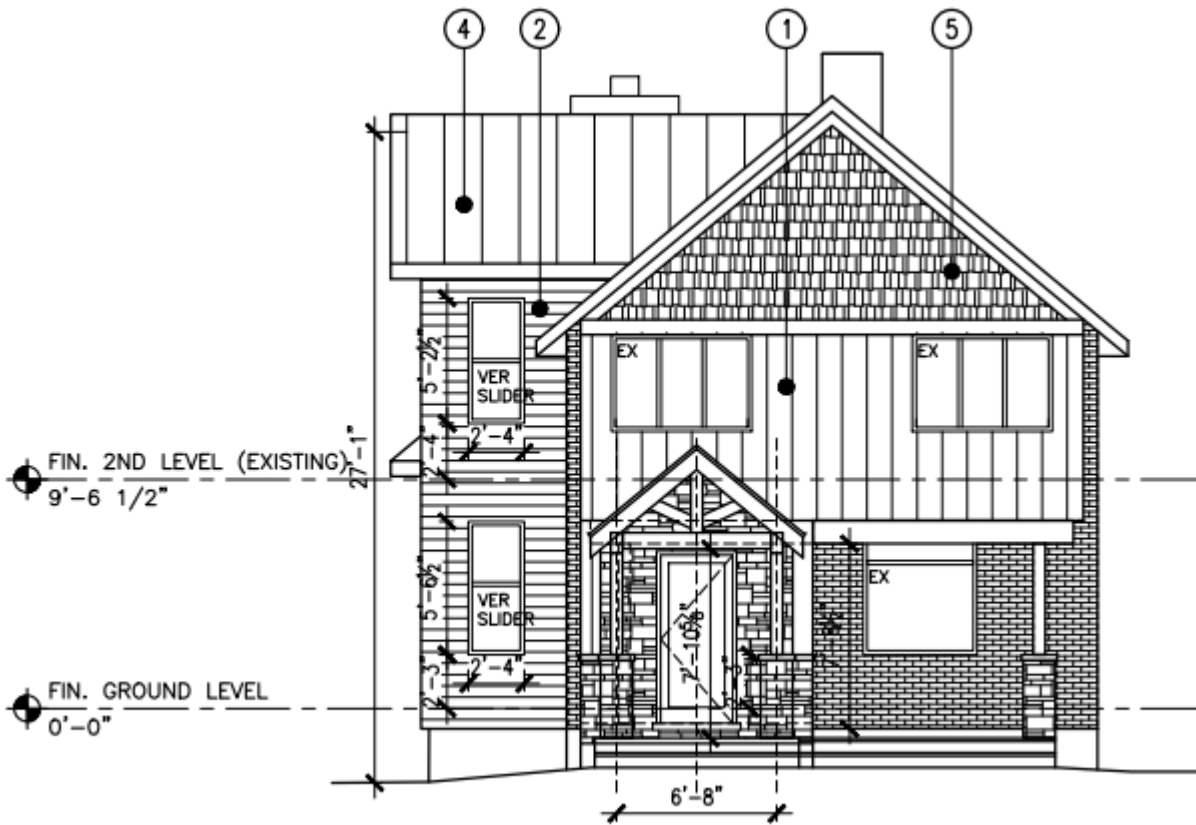


Figure 3 – Proposed front elevation.



**Figure 4 – Proposed rendering of front addition and porch.**

Planning Staff conducted a site visit on July 30, 2024.



**Figure 5 – Site photo of 95 Brunswick Avenue.**



**Figure 6 – Existing front yard setback.**

## **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 general intent of the Official Plan designation Low Rise Residential on Map 3 – Land Use is to emphasize compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types while maintaining the low-density character of the neighbourhood. The proposed addition and porch are an appropriate use on residential properties and will not significantly change the existing massing, height, or other design characteristics of the dwelling. Thus, Planning Staff are of the opinion that the requested reduced front yard setback and covered front porch setback will maintain the general intent of the Official Plan.

#### General Intent of the Zoning By-law

**Front yard setback:** The intent of the front yard setback regulation is to ensure buildings have a consistent setback to the property line to maintain a coherent streetscape. The

subject property and its abutting properties have similar front yard setbacks to the principal dwelling. Staff note that the existing addition partly encroaches over the required front yard setback, leaving the property with an existing front yard setback of approximately 3 metres. Therefore, Staff are of the opinion that the proposed setback of 3 metres is keeping within the general intent of the Zoning By-law.

**Covered front porch setback:** The intent of the covered front porch setback is to ensure a consistent setback to the property line to maintain a coherent streetscape. The requested reduced setback of 2.4 metres will not have any significant adverse impacts to the streetscape. Thus, Staff are of the opinion that the proposed covered front porch setback of 2.4 metres maintains 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 of a 3 metres front yard setback is minor, as the existing addition already encroaches on the required setback so there are no expected significant adverse impacts to streetscape. Additionally, staff note that due to the subject properties' irregular lot shape, the western corner of the proposed addition is the only location that requires the reduced setback. Further, the requested covered front porch setback is not anticipated to cause any significant adverse impacts to the streetscape. Staff is thus of the opinion that the effects of the variances will be 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 front yard setback and the covered front porch setback is appropriate for the desirable use of the lands as it will increase the functionality and desirability of the residential property. The proposed scale, massing, and height of the covered porch and addition are compatible with the existing dwelling on the property and will not negatively impact the existing character of either the subject property or the surrounding area.

**Environmental Planning Comments:**

No concerns.

**Heritage Planning Comments:**

No heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permits for the addition to the single detached dwelling is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No requirements.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Enova Comments:**

Addition must meet the 5.5m setback from the centre running line of the overhead primary lines. See specification D11111.

**GRCA**

GRCA has no objection to the approval of the above 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*