

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2024

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

PREPARED BY: Arwa Alzoor, Planner, 519-741-2200 ext. 7847

WARD(S) INVOLVED: 8

DATE OF REPORT: August 29, 2024

REPORT NO.: DSD-2024-386

SUBJECT: Minor Variance Application A2024-074 - 177 Esson Street

RECOMMENDATION:

That Minor Variance Application A2024-074 for 177 Esson Street requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.14.7 b) to permit the front porch to be setback 2 metres from the street line instead of the minimum required 3 metres;
- ii) Section 4.14.10 to permit steps, that exceed 0.6 metres above grade, to be setback 1 metre from the street line instead of the minimum required 3 metres; and
- iii) Section 4.5 a) to permit a portion of the porch, 0.98 metres in height, to be located within the Driveway Visibility Triangle (DVT) instead of the maximum permitted height of 0.9 metres permitted in the Driveway Visibility Triangle (DVT);

to facilitate the reconstruction of the front porch and steps in the front yard of the subject property, generally in accordance with the drawings prepared by the owner and the drawings submitted to the building permit prepared by Nathan Siemon, dated July 9, 2024, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow for the reconstruction of the front porch and steps in the front yard of the subject property.
- The key finding of this report is that the requested minor variances meet 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

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

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 in the Westmount neighbourhood, north of Union Boulevard and east of Belmont Avenue West. It currently contains a two-story Single-Detached Dwelling with a detached garage in the rear yard.

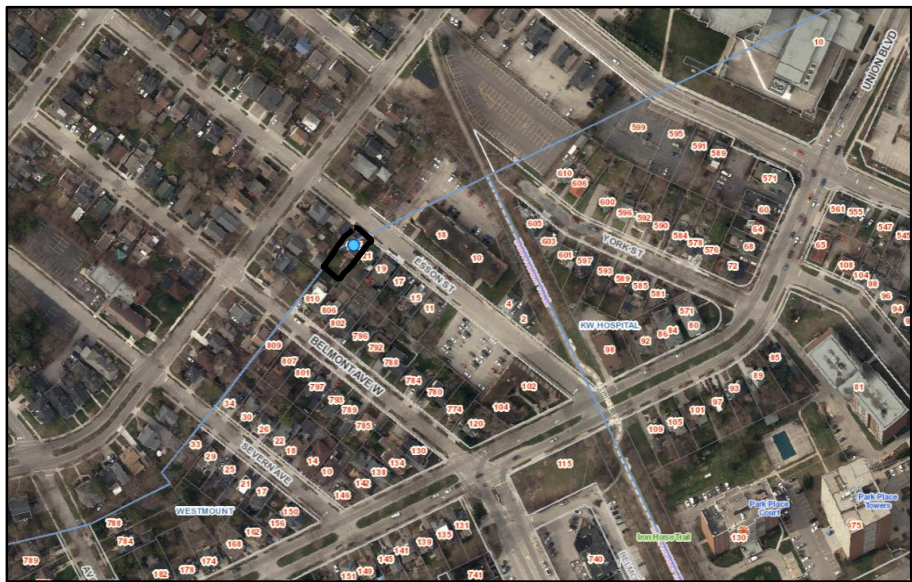


Figure 1: Location Map.

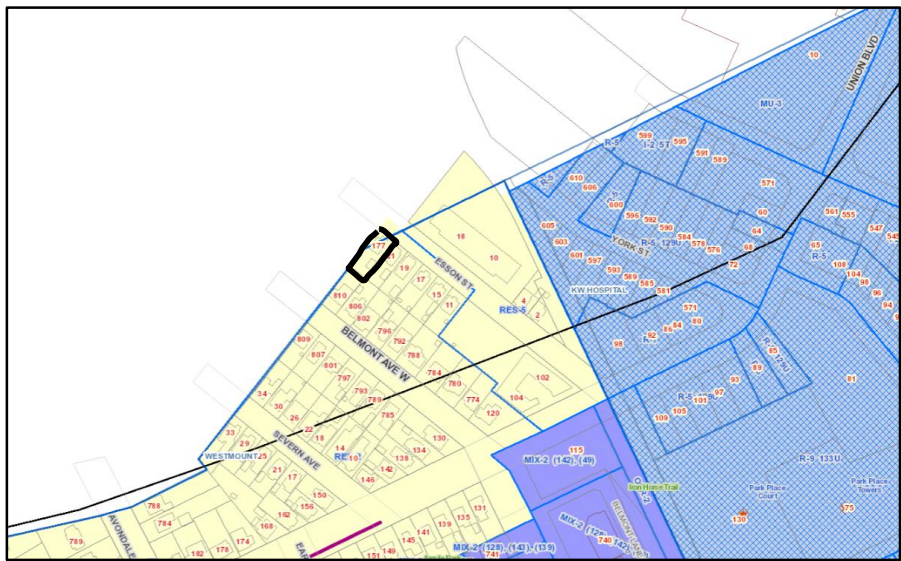


Figure 2: Zoning Map.

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)' in Zoning By-law 2019-051.

The purpose of the application is to review minor variances to allow for the reconstruction of the front porch and steps in the front yard of the subject property. The existing house had an enclosed porch that the current owner wants to reconstruct. The newly constructed front porch and steps will result in the following variances:

- The front porch is 2 metres from the front lot line.
- The front steps are 1 metre from the front lot line.
- Part of the front porch exceeds the height permitted in the Driveway Visibility Triangle (DVT).

Planning staff conducted a site inspection on Thursday, August 28th, 2024.



Figure 3: A photo of the front of the house.



Figure 4: A photo of the driveway, the south side.



Figure 5: A photo of the north side.

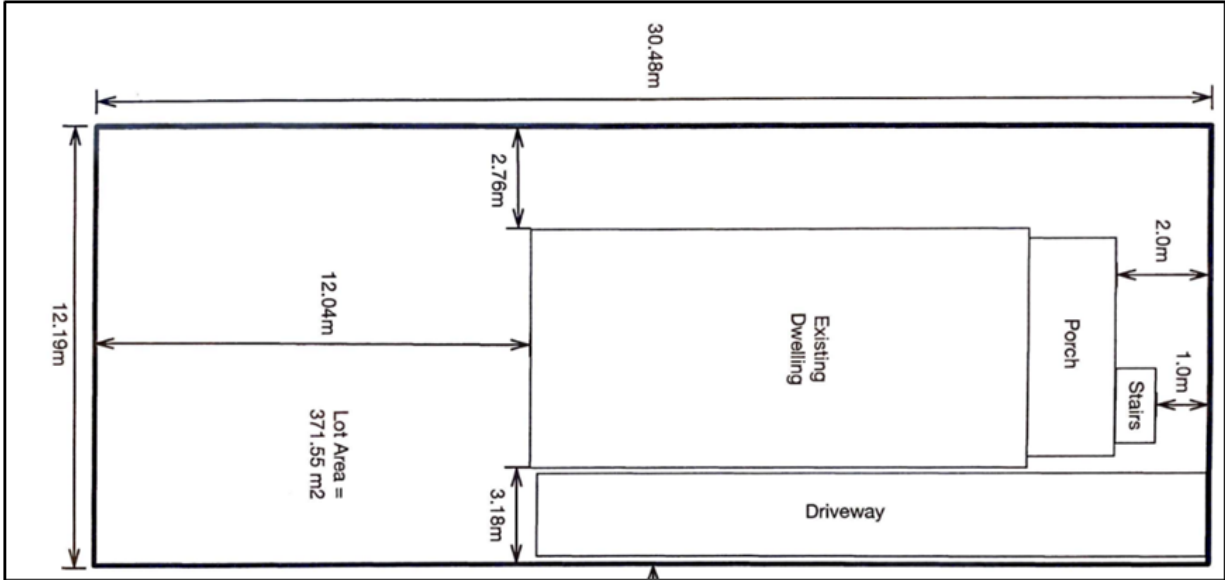


Figure 6: The proposed site plan drawing.

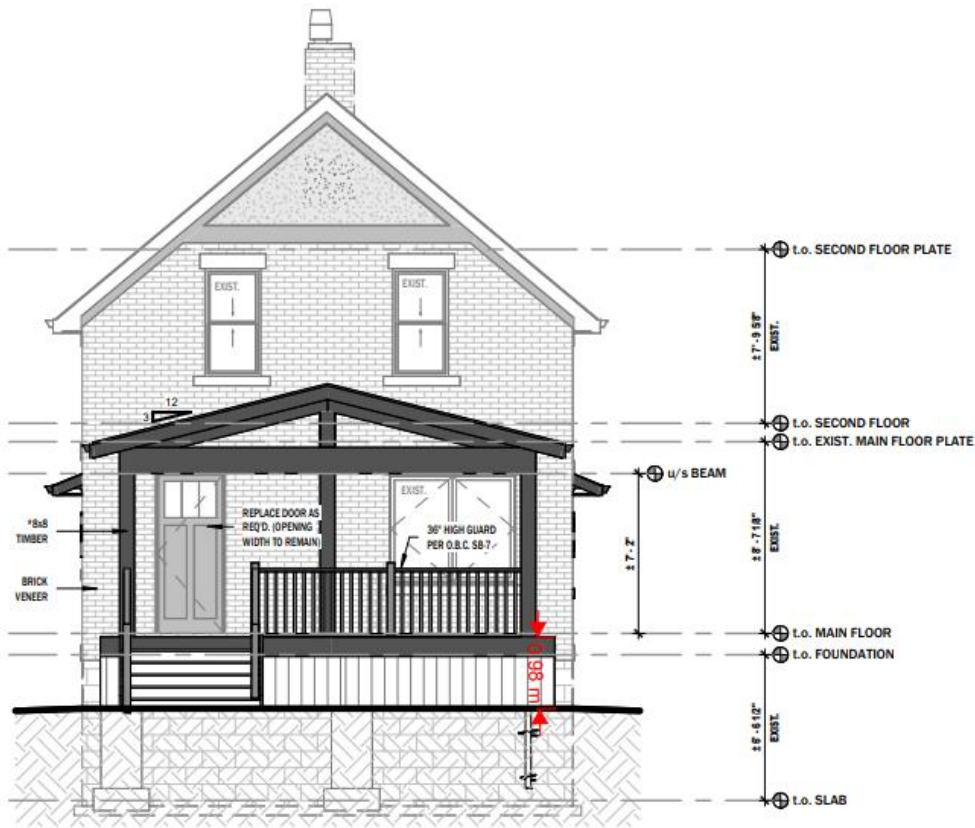


Figure 7: Front of the Dwelling – Proposed North Elevation.

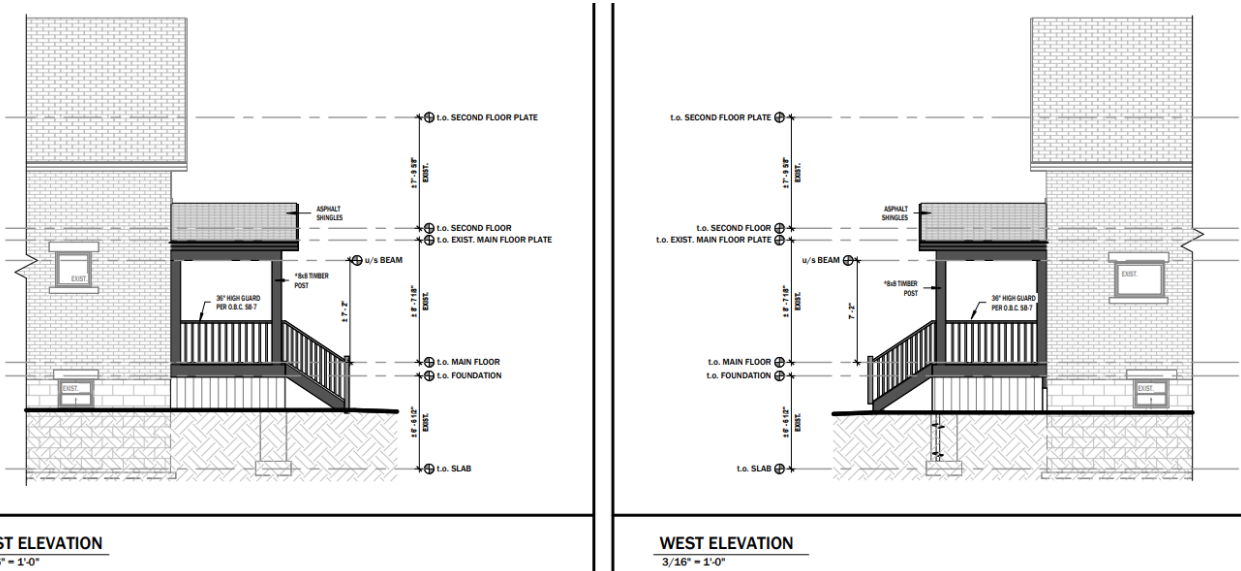


Figure 8: Proposed East and West Elevations.

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 the 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. The variances will facilitate the replacement of an existing porch on a permitted residential use and will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The Zoning By-law contains regulations to permit the projection of a porch and front steps into the front yard setback. The intent of these regulations is to encourage designs that enhance outdoor living spaces, support the extension of residential outdoor living area and allowing interaction between residents and the neighbourhood. The height of the porch is limited to maintain the streetscape and to ensure that the porch and steps are accessible to the street and not a barrier for the sidewalk and/or driveway.

The proposed front porch will be built on the existing foundation of the previous porch, maintaining the property's current character and design. Though the front porch is proposed to be 2 metres from the front lot line rather than the required 3 metres, it will be unenclosed and located similarly with other properties in the area. Its design will not overwhelm the streetscape, as it will be in line and compatible with adjacent properties.

In addition, with the height of the front door and proposed front porch, the height of the steps will be slightly higher than 0.6 metres in height, requiring a 3 metre setback. As the steps do not extend across the entire length of the front porch, staff are of the opinion that a proposed setback of 1 metre for the steps is appropriate to support the front porch.

While a portion of the porch is within the Driveway Visibility Triangle (DVT), only a small portion is above 0.9 metres but below 1.0 metres in height. Transportation planning did not have concerns with it based on the location of the existing home. Therefore, it will not create a major obstruction to driving. It will also improve the situation, as the new proposed porch will be open while the previous one was enclosed.

Based on the above, it is staff's opinion that the variances meet the general intent of the Zoning By-law.

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

The requested variances to permit the front porch to be located 2 metres instead of 3 metres and for the front steps to be located 1 metre instead of 3 metres, can be considered minor in nature as the variances will not negatively affect neighbouring properties. The porch's reduced setback maintains a reasonable distance from the street, ensuring it does not encroach into the right-of-way or create privacy concerns. The porch portion within the Driveway Visibility Triangle (DVT) is 0.98 metres in height, while obstructions up to 0.9 metres are permitted. The porch's open, low-profile structure ensures that visibility for vehicles and pedestrians will not be compromised.

The front porch will be built on the existing footprint width of the removed enclosed porch and extend across the front of the dwelling. The built form of the porch will also match the

neighbourhood characteristics, and the part of the porch within the driveway visibility triangle will not create any additional barrier for visibility.

It is the staff's opinion that the effects of the above-mentioned variances may be considered minor.

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 variances are appropriate and desirable as they will facilitate the reconstruction of an existing front porch and will improve the front elevation of the existing house.

Environmental Planning Comments:

There are no natural heritage features or functions and no trees in the work zone. No concerns.

Heritage Planning Comments:

The property is located adjacent to the Westmount East & West Neighbourhood Cultural Heritage Landscape. 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. Staff have no comments or concerns regarding this application.

Building Division Comments:

The Building Division has no objections to the proposed variance. An application has been made for the replacement of the front porch.

Engineering Division Comments:

No concerns

Parks/Operations Division Comments:

No concerns, no comments

Transportation Planning Comments:

Based on the location of the existing home, Transportation Services have no concerns with this minor encroachment into the driveway visibility triangle.

The region of Waterloo Comments:

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*