

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: October 15, 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 1

DATE OF REPORT: October 2, 2024

REPORT NO.: DSD-2024-446

SUBJECT: Minor Variance Application A2024-082 – 685 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2024-082 for 685 Frederick Street requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2 e) to permit an unobstructed walkway to have a width of 1 metre instead of the minimum required 1.1 metres; and
- ii) Section 7.3, Table 7-2, to permit an interior side yard of 1 metre instead of the minimum 1.2 metres;

to recognize the location of the existing building and permit the development of an Additional Dwelling Unit (ADU) (Detached and Attached), generally in accordance with drawings prepared by Mechways Inc., submitted with Minor Variance Application A2024-082, **BE REFUSED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to recognize the location of the existing primary dwelling and proposed Additional Dwelling Unit (ADU) (Attached) and a reduced unobstructed walkway to permit the use of detached structure for an Additional Dwelling Unit (ADU) (Detached) (for a total of 3 dwelling units on the property).
- The key finding of this report is that the variances do not align with applicable policies and that the variances do not meet all four tests of a minor variance. Staff is recommending the refusal of the subject application.
- 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 on the south side of Frederick Street near the intersection of Lois Street and Frederick Street in the Rosemount neighbourhood. This neighbourhood is primarily comprised of low-rise residential dwellings and natural area. The site currently contains a single detached dwelling with a detached structure proposed to be used as an Additional Dwelling Unit (ADU) (Detached).

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.



Figure 1 – Location of subject property (outlined in Red)

The purpose of the application is to recognize the location of the existing primary building to permit the development of an Additional Dwelling Unit (Attached) and to legalize the existing unobstructed walkway to the proposed Additional Dwelling Unit (ADU) (Detached).

685 Frederick Street was previously subject to Minor Variance Application A2023-082. The requested and approved variance was for a reduced easterly side yard setback to legalize the existing single detached dwelling. This was to allow for the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property. It was noted in the Zoning Occupancy Certificate needed for the Building Permit and in Report DSD-2023-31, discussing the minor variance, that the attached garage would be demolished and rebuilt to meet the required side yard setback and to allow for the

unobstructed 1.1 metre walkway to be placed on the west side of the property. As such a variance to permit a reduced side yard setback on the east side was only requested at this time.

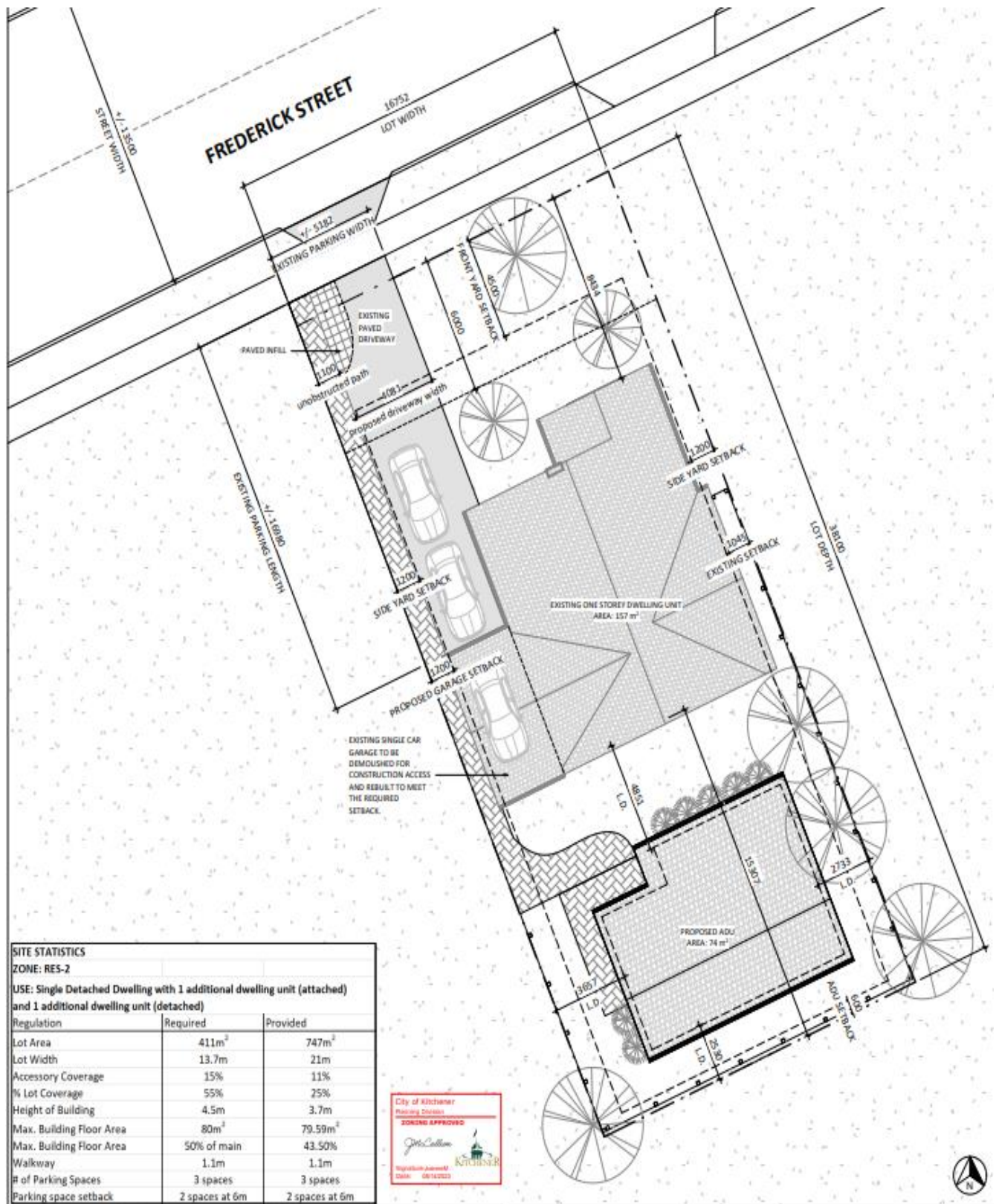


Figure 2: Zoning Approved Site Plan from Minor Variance Application A2023-082

During the zoning review of Building Permit Application # 24 118305, which was submitted to permit the conversion of the Single Detached Dwelling into a Duplex, Planning Staff noted that the attached garage had not been demolished and the existing side yard setback and walkway do not meet zoning regulations. The applicant is now requesting minor variances in lieu of demolishing the attached garage, to permit the detached structure in the rear yard to be used as a dwelling and to facilitate the conversion of the single detached dwelling to a duplex.

Additionally of note, during a site visit conducted by staff on September 26, 2024, it was identified that an existing utility meter encroaches into the proposed unobstructed walkway which was not identified on the submitted site plan. Potential further obstruction by an existing fence and tree were also identified by Planning Staff. Fire Prevention has advised that they are not supportive of the proposed reduction in the obstructed walkway width to a width of 1 metre.

Staff also note that the existing pad of pavers adjacent to the driveway shown in Figure 4 is not to be used as a parking spot. Driveways must be composed of a consistent material that is distinguishable from other ground cover or surfacing. The existing pad would not meet zoning regulations for a parking space.

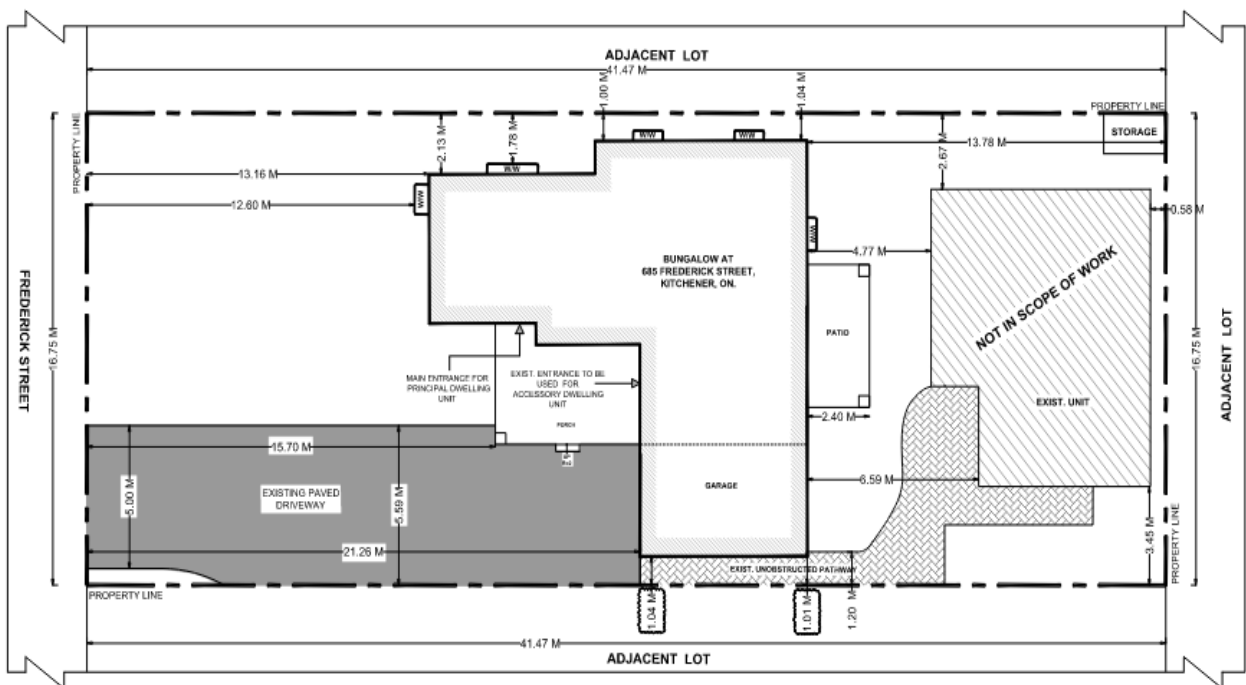


Figure 3: New Proposed Site Plan.

Planning Staff Conducted a site visit on September 26, 2024.



Figure 4: Existing view of 685 Frederick Street from the sidewalk.



Figure 5: Existing side yard setback and unobstructed walkway to additional dwelling unit (detached).

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 intent of the 'Low Rise Residential' designation is to accommodate a diverse range of low-rise housing types while maintaining the low-density character of the neighbourhood. This designation encourages residential intensification and redevelopment including additional dwelling units to respond to changing housing needs and as a cost-effective

means to reduce infrastructure and service costs. As, the requested reduced interior side yard setback and walkway width would facilitate the development of an additional dwelling unit (Detached and Attached), the general intent of the Official Plan is maintained.

General Intent of the Zoning By-law

The intent of the interior side yard setback and the unobstructed walkway width regulation is to ensure that a property has sufficient setback from adjacent properties and a functional point of access to the rear yard. The unobstructed walkway width requirement of 1.1 metres is to allow for fire and emergency access, as well, is to ensure residents and visitors can easily find and access a dwelling unit, when there are two or three additional dwelling units, on site. The intent of both regulations is to ensure the functionality of the site and to maintain a clear path of travel to the rear yard. Staff note that the proposed location for the unobstructed walkway to the Additional Dwelling Unit (Detached) appears to be encumbered by a utility meter and possibly, an encroaching fence.

Staff are of the opinion that the proposed side yard setback and unobstructed walkway of 1 metre, or less, would not adequately accommodate these purposes, and as a result, the proposed variances do not meet the general intent of the Zoning By-law.

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

The location of the unobstructed path of travel with a reduced interior side yard setback are considered not sufficient to ensure adequate access to the rear yard is available in case of an emergency. Staff have determined that as both variances do not meet the intent of the zoning By-law and do not ensure sufficient rear yard access. The variances are not considered to be minor in nature.

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 variances to permit a reduced side yard setback and unobstructed walkway are not desirable and appropriate for the site as it would limit the functionality and ability of emergency services, residents, and visitors to access the existing Additional Dwelling Unit (ADU) (Detached) in the rear of the property.

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. An application has been made to convert the existing single detached dwelling into a duplex.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority (GRCA) Comments:

GRCA has no objection to the approval of the above application.

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*
- *DSD-2023-311*