

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 19, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Kirsten Hoekstra, Student Planner, 519-783-8936

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: November 6, 2024

REPORT NO.: DSD-2024-478

SUBJECT: Minor Variance Application A2024-097 – 593 Ephraim Street

RECOMMENDATION:

That Minor Variance Application A2024-097 for 593 Ephraim Street requesting relief from Section 4.1 e) of Zoning By-law 2019-051 to permit a portion of an accessory building/structure to be located in the front yard, whereas the Zoning By-law does not permit accessory buildings/structures to be located in the front yard, to legalize the location of an existing shed, generally in accordance with drawings by Holger Fischer, submitted with Minor Variance Application A2024-097, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit a portion of an accessory building/structure to be located in the front yard.
- The key finding of this report is that the requested variance meets 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 south side of Ephraim Street, near the intersection of River Road East and Ephraim Street, in the Rosemount neighbourhood.



Figure 1 – Location of subject property (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 recognize an existing shed (accessory building) within the front yard of a single detached dwelling.

Staff have been advised that the applicant received building approval for the subject shed in July of 2024. Zoning staff noted on the plans that the shed is not permitted within the front yard. However, staff have been advised that the applicant missed this regulation and that the shed was built at this location because of an existing smaller shed located 0.9 metres behind the new one. To meet this regulation the applicant would have to relocate the old shed and pour a new concrete pad for the new shed. As such a variance has been requested.

Staff also note that there is an existing building permit for this property from 2021 for a new front porch. The applicant has advised staff that construction for this porch is underway and planned to be continued in the spring. The proposed porch will project approximately 2.1 metres into the front yard and staff noted during a site visit that footings have been placed.

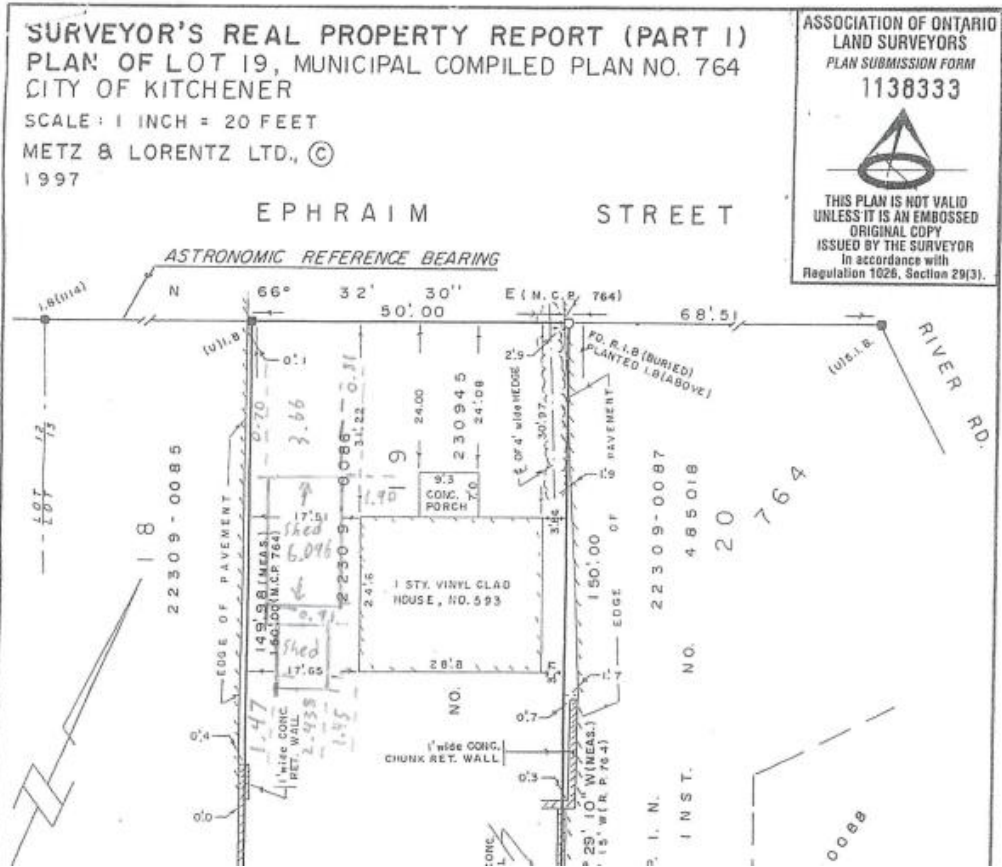


Figure 2 – Survey plan for 593 Ephraim Street showing the location of the new shed.

Planning Staff conducted a site visit on October 31, 2024.



Figure 3 – View of 593 Ephraim Street from the street.



Figure 4: Existing setback of the shed into the front yard.



Figure 5: Existing rear setback (approximately 0.9 metres) of the new shed to the pre-existing smaller shed



Figure 6: Photo showing the alignment of the shed to the footings of the proposed front porch.

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 Low-Rise Residential designation is to ensure 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 accessory building is one-storey and does not detract from the low-rise character of the neighbourhood. Additionally, the use of the property as a single detached dwelling is not proposed to change as part of this application. Thus, Planning Staff are of the opinion that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that prohibits accessory buildings and structures in the front yard is to maintain an aesthetically pleasing streetscape, and to preserve visibility triangles

for movement of pedestrians, cyclists, and motorists. Staff note that the structure protrudes into the front yard only slightly by 1.9 metres and would generally be in line with the planned development of a new front porch that is proposed to project into the front yard by approximately 2.1 metres. Additionally, the shed is well set back from the street line (approximately 7.5 metres). With regards to visibility, staff have confirmed the structure is outside of any Driveway Visibility Triangles (DVTs) on the subject lands or neighbouring lands. Therefore, Staff are of the opinion that the requested variance meets the intent of the zoning by-law.

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

The accessory building does not cause any loss of functionality or use of the subject lands or the abutting lands. Additionally, the aesthetic effects are minor in the opinion of staff. Thus, Planning Staff is of the opinion that the effects of the variance are minor in nature.

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

The requested variance to recognize an existing accessory building in the front yard of an existing single detached dwelling is considered appropriate for the use of the land, as it provides additional on-site storage. The use of the subject property as a single detached dwelling is maintained, and the accessory building does not prevent the use or future redevelopment of abutting lands.

Environmental Planning Comments:

No environmental comments or concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning 2019-051*