

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 10, 2024

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

PREPARED BY: Sean Harrigan, Senior Planning Technician, 519-783-8934

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: November 29, 2024

REPORT NO.: DSD-2024-533

SUBJECT: Minor Variance Application A2024-112 – 578 Guelph Street

RECOMMENDATION:

That Minor Variance Application A2024-112 for 578 Guelph Street requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 7.3, Table 7-2, to permit a front yard setback of 5.1 metres instead of the minimum required 6.6 metres; and
- ii) Section 4.14.10.a) to permit an interior side yard setback of 0.1 metres for at-grade stairs instead of the minimum required 0.5 metres;

to facilitate the development of a ground supported balcony for the second floor dwelling unit and unobstructed walkway for an Additional Dwelling Unit (ADU) (Detached) in the rear yard, generally in accordance with drawings prepared by Bobicon Ltd., dated November 11, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to allow for a reduced front yard setback for a ground supported balcony and a reduced interior yard setback for stairs located at grade which form part of an unobstructed walkway.
- The key finding of this report is that the proposed minor variances satisfy the four tests in the Planning Act and staff recommend approval of the 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 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 north side of Guelph Street between Floyd Street and St. Leger Street. The property previously contained a single detached dwelling and detached garage which have recently been demolished to facilitate a severance application (B2024-010). The severance application was approved on June 18, 2024, and the applicant is working towards clearing conditions imposed on the application. A single detached dwelling with one (1) Additional Dwelling Unit (ADU) (Attached) and one (1) Additional Dwelling Unit (ADU) (Detached) is currently being constructed on the Retained Parcel/Lot.



Figure 1: Location Map - 578 Guelph Street (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 property also falls within 'Appendix C – Central Neighbourhoods Area' and 'Appendix D – Established Neighbourhoods Area' in Zoning By-law 2019-051.

The purpose of the minor variance application is to facilitate the construction of a ground supported balcony in the front yard above the front porch and at-grade stairs located within the side yard. The ground supported balcony will provide additional amenity space for the Additional Dwelling Unit (ADU) (Attached) located on the second floor while the at-grade stairs will form part of a required 1.1 metre wide unobstructed walkway leading to the Additional Dwelling Unit (ADU) (Detached) in the rear yard.

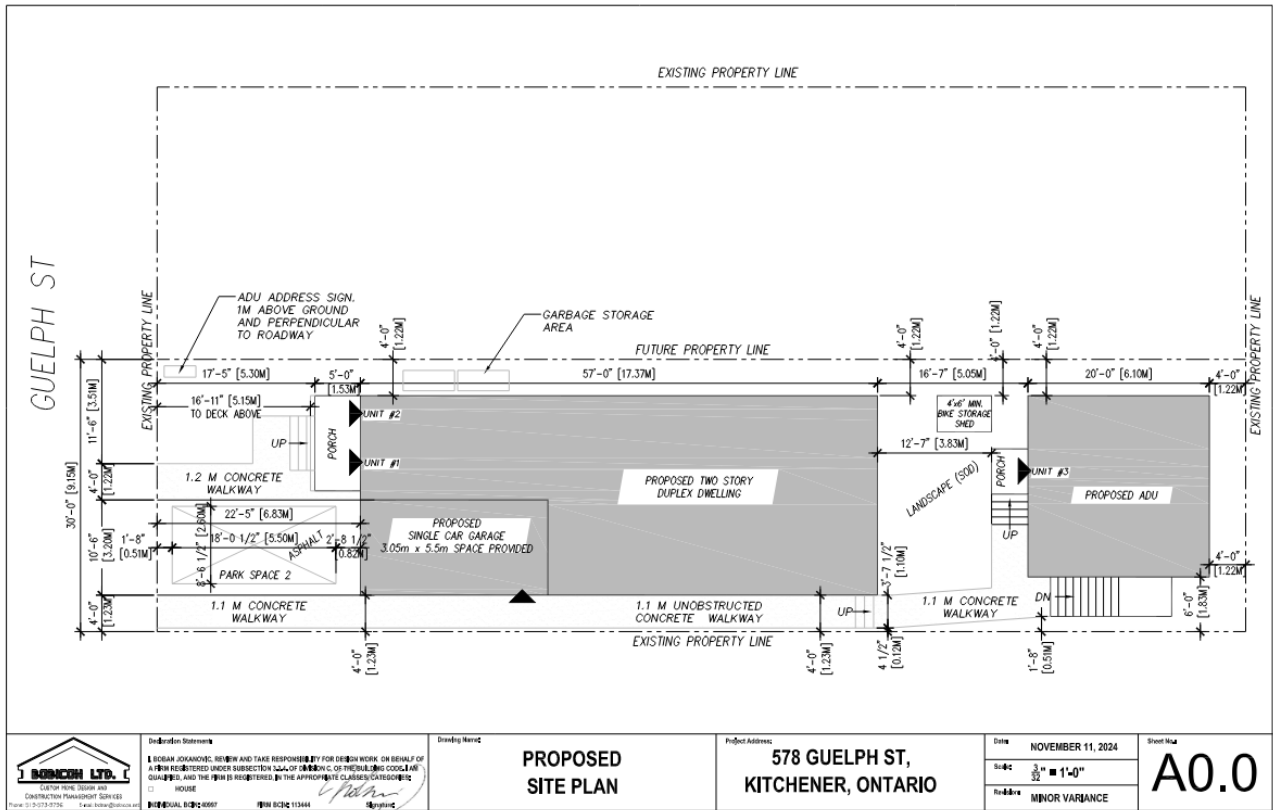


Figure 2: Proposed Site Plan

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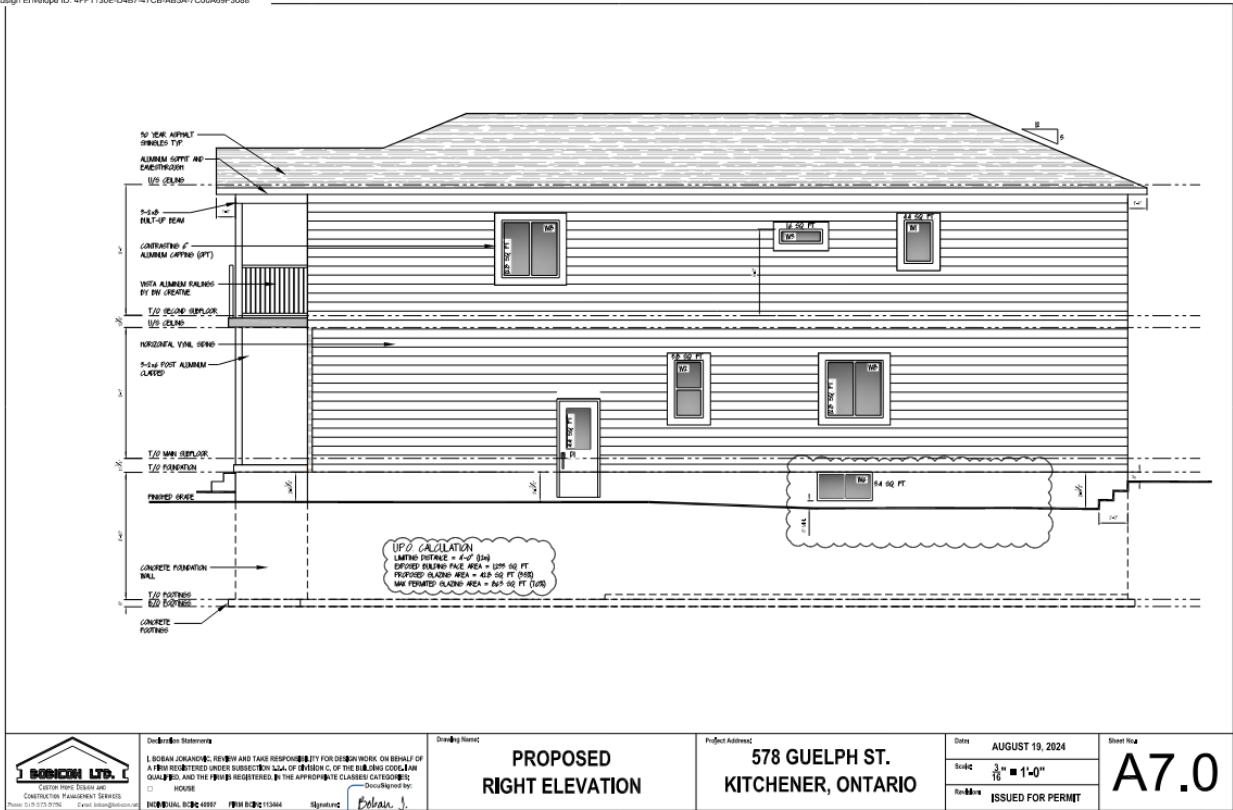


Figure 3: Proposed Building Elevation



Figure 4: Proposed Single Detached Dwelling Under Construction



Figure 5: Streetscape Left of the Subject Property



Figure 6: Streetscape Right of Subject Property



Figure 7: Streetscape Directly Opposite Subject Property

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' land use designation is to support a high quality of life while ensuring that existing and new residential areas are walkable and supported by all modes of transportation. To this regard, the proposed reduced front yard setback is required to accommodate a ground supported balcony directly above the front porch. This balcony provides additional amenity space which contributes to the high quality of life while also helping to activate the streetscape thereby supporting walkability. The proposed steps within the side yard also contributes to a high quality of life by providing a stable path from the street the principal entrance of the additional dwelling unit (detached). Furthermore, Official Plan policy 4.C.1.8.b) states that where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports the character of the streetscape and neighbourhood. To this regard, the habitable portion of the dwelling adheres to the required front yard setback and the massing of the ground supported balcony supports the existing character of the streetscape and neighbourhood. As such, staff are satisfied that the proposed variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The subject property falls within 'Appendix D – Established Neighbourhoods Area' in Zoning By-law 2019-051. Properties within this area must have a front yard setback within 1 metre of the average existing front yard setbacks of the two abutting properties. The general intent of this regulation is to help ensure a consistent streetscape and that new development does not appear out of place when compared to abutting properties. To this regard, staff are satisfied that the proposed front yard setback of 5.15 metres maintains the general intent of this regulation. As shown on Figure 2, the habitable portion of the dwelling adheres to the current required front yard setback of 6.61 metres while the ground supported balcony projects slightly beyond the front facades of the adjacent properties. Staff are satisfied that this massing is consistent with the existing streetscape and will not appear out of place in this neighbourhood.

The general intent of Zoning By-law 2019-051 Section 4.14.10.a) and the requirement for a 0.5 metre side yard setback for steps located at grade is to ensure sufficient room for drainage swales usually located at along the interior lot lines. The applicant provided a grading plan as part of their building permit which shows the primary means of drainage will occur along the western side of the house and not where the steps are proposed. As such, staff are satisfied that the proposed variances maintain the general intent of the Zoning By-law.

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

Staff are satisfied that the potential effects of the proposed minor variances are minor in nature. As mentioned above, the habitable portion of the dwelling will adhere to the current required front yard setback and the ground supported balcony does not negatively impact the existing streetscape character. The proposed steps within the side yard negatively impact drainage contribute to a higher quality pathway between the street and additional dwelling unit (detached) and do not negatively impact drainage.

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

The proposed minor variances are considered desirable for the proposed development of the land. The reduced front yard setback will permit a ground supported balcony above the front porch will provide additional amenity space while still maintaining a consistent streetscape. The proposed at grade steps within the side yard will enhance the required unobstructed walkway and make it easier to travel over the grade change between the front and rear yards.

Environmental Planning Comments:

There are no natural heritage features/functions and no Tree Management Policy concerns. Applicant should be advised that arborist advice should be sought to ensure no impact to spruce tree at front and no impact to neighbour's or shared-ownership trees in rear yard during construction of the detached additional dwelling unit. There is no requirement to retain the front-yard spruce tree. However, the City-owned boulevard tree must be protectively fenced and retained.

Heritage Planning Comments:

Heritage Planning staff have no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided revised drawings are submitted for the issued permit and the proposed stairs are completely located on the property, including any footings.

Engineering Division Comments:

Applicant to ensure an unobstructed shared property line swale is maintained on the east side.

The side yard currently accommodates overland stormwater flows from the rear yard. A sidewalk is required to the rear yard in accordance with the Zoning By-law. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Parks/Operations Division Comments:

There has been a previous Committee of Adjustment application for Severance B2024-010 and through that application Parkland Dedication has been assessed and required as a condition of deed endorsement. Along with that application the removal of street trees on 578 and 573 Guelph Street were approved and invoices issued. The Parkland Dedication and Urban Forestry Compensation fees are outstanding and required.

Transportation Planning Comments:

Transportation Services have no concerns with this 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 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*