

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

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

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: January 8, 2025

REPORT NO.: DSD-2025-020

SUBJECT: Minor Variance Application A2025-002 – 72 Strange Street

RECOMMENDATION:

That Minor Variance Application A2025-002 for 72 Strange Street requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an interior side yard setback of 0.6 metres instead of the minimum required 1.2 metres, to facilitate the construction of a two (2) storey addition at the rear of the existing detached dwelling, in accordance with drawings prepared by Groen Design & Drafting Services, submitted with Minor Variance Application A2025-002, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the development of a rear yard addition with a reduced interior side yard setback.
- The key finding of this report is that the requested minor 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 north-east side of Strange Street and Waverly Road. It is in the Cherry Hill neighbourhood which is primarily comprised of low-rise residential uses.



Figure 1: Location Map – 72 Strange 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 purpose of the application to review a minor variance application to permit the development of a rear yard addition with a reduced interior side yard setback.

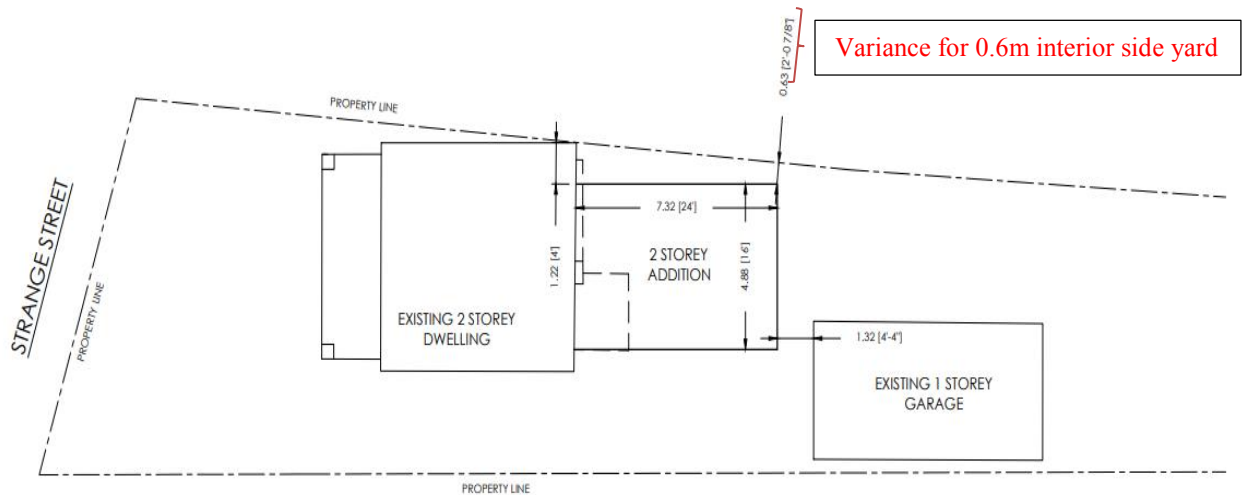


Figure 2: Proposed Addition Site Plan

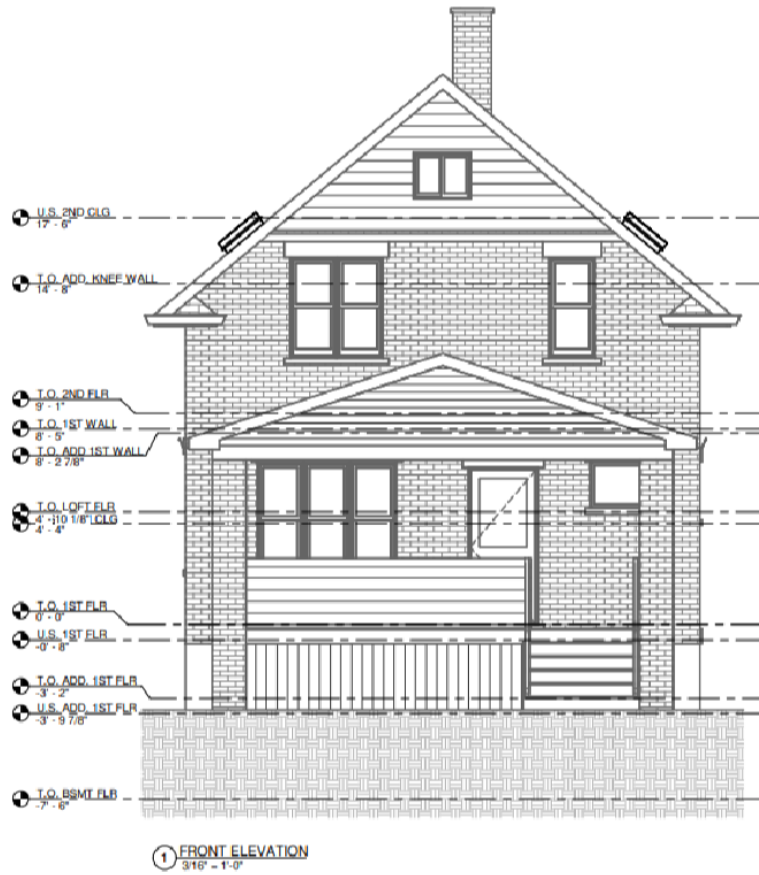


Figure 3: Front Elevation of Existing Dwelling

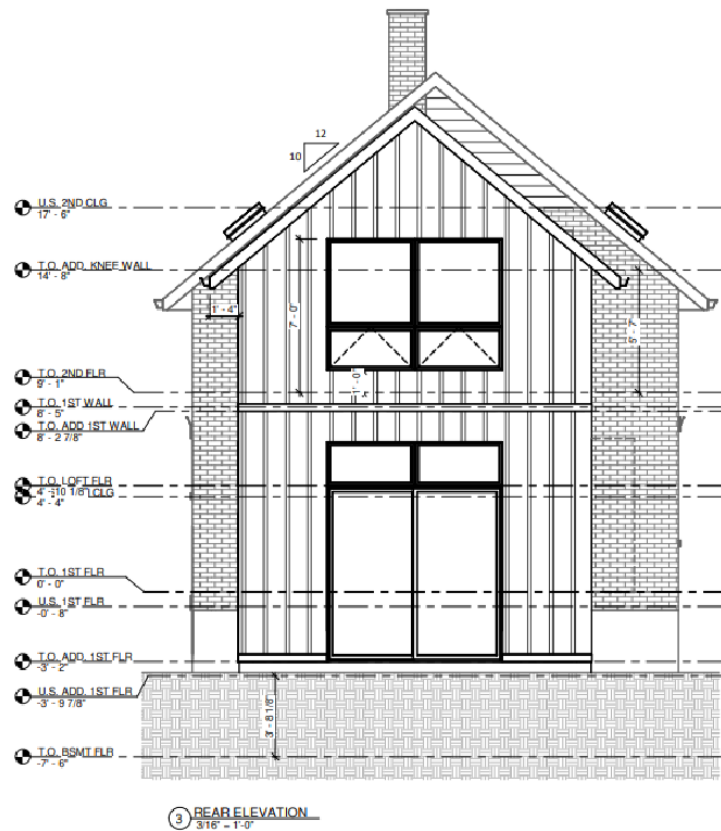


Figure 4: Rear Elevation of Proposed Addition



Figure 5: Left Elevation of Proposed Addition

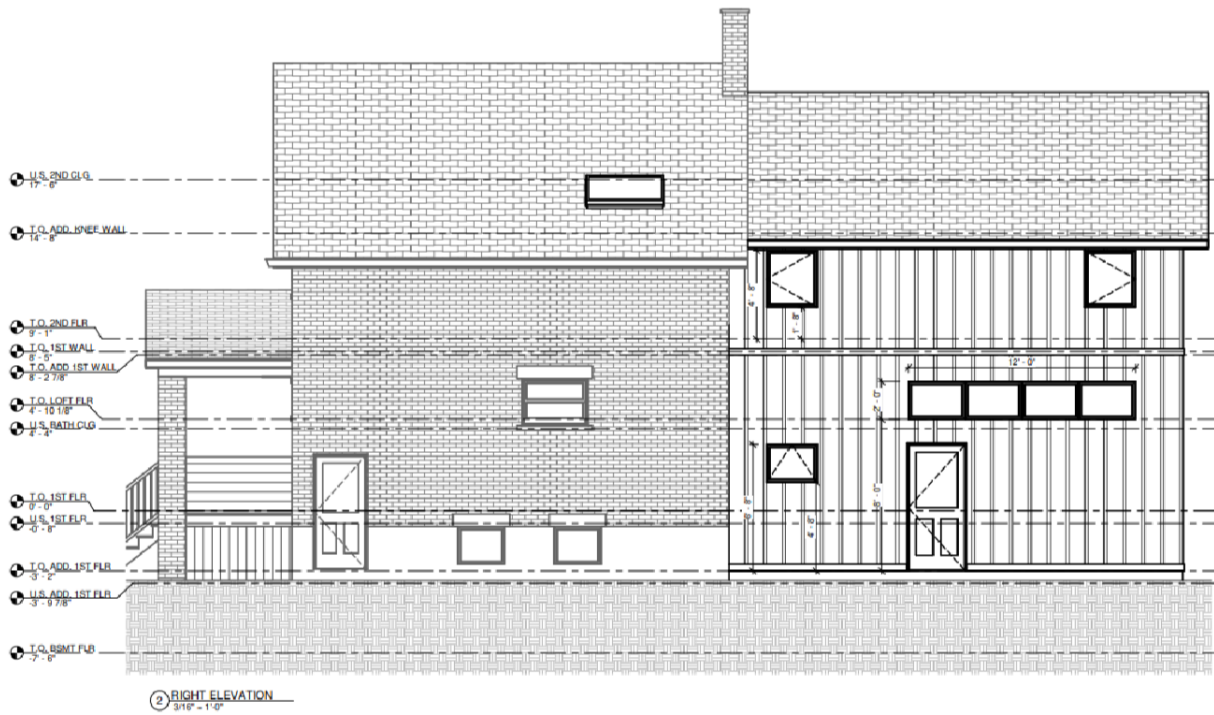


Figure 6: Right Elevation of Proposed Addition

Planning Staff conducted a site visit on January 3, 2025.



Figure 7: Existing Site Conditions as of January 3, 2025



Figure 8: Access on the East Side of 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 subject property is designated as 'Low Rise Residential' within the City's Official Plan. This designation emphasises the importance of ensuring compatibility in building form with regard to the massing, scale, and design, which is essential for facilitating the successful integration of diverse building types. Furthermore, it emphasizes the relationship between residential structures and adjacent buildings, streets, and public spaces. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to be able to construct a rear yard addition meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the interior side yard setback requirement is to ensure adequate spacing between the structures for light, air circulation, maintenance access and privacy. The proposed setback of 0.6m will still provide sufficient separation between the properties. The property has sufficient space for maintenance access on the east side where greater clearance is provided between the dwelling and the property boundary. Additionally, the absence of windows on the left (west) side of the addition prevents overlooking and maintains the privacy of the neighbouring properties. Therefore, Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

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

The reduced setback is minor in nature as it does not introduce significant impacts on the neighbouring property and will not impact the streetscape. The proposal is consistent with the scale and character of the neighbourhood and does not result in undue shadowing and privacy concerns. The proposed addition is a natural extension of the existing dwelling and blends seamlessly with the surrounding landscape. The appearance is compatible from adjacent viewpoints and is visually consistent with the surroundings.

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 variance is desirable for the appropriate development of the lands as the reduced setback will allow the addition to be constructed in close alignment with the existing building. This will enhance the functionality and usability of the primary dwelling by allowing the natural expansion living space, making it more practical and accessible for daily use. The proposed addition will improve the functionality of the dwelling on the property as well as maintain compatibility with the established streetscape and neighbourhood character.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the addition to the single detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

No comments or concerns

Transportation Planning Comments:

No comments or concerns.

Grand River Conservation Area (GRCA) Comments:

No comments or concerns.

Region of Waterloo Comments:

No comments or 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 By-law 2019-051*