

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: February 24, 2025

REPORT NO.: DSD-2025-090

SUBJECT: Minor Variance Application A2025-013 - 160 Grand River Blvd.

RECOMMENDATION:

That Minor Variance Application A2025-013 for 160 Grand River Boulevard requesting relief from Section 11.3, Table 11-2, of Zoning By-law 2019-051 to permit an accessory building to be located 2.3 metres from the west side lot line and 5.1 metres from the south side lot line instead of the minimum required 7.5 metres to recognize the location of an existing accessory shed proposed to be used for storage of snow clearing and yard maintenance materials and equipment in accordance with Site Plan Application SP24/039/G/AA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to recognize an accessory building to be located closer to the lot line than required
- The key finding of this report is that 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 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 Centreville Chicopee neighbourhood north of King Street East and east of Marrison Road.



Figure 1: Location Map of the Subject Property



Figure 2: Zoning Map of The Subject Property

The subject property is identified as a 'Community Areas' on Map 2 – Urban Structure and is designated 'Institutional' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Neighbourhood Institutional Zone (INS-1)' in Zoning By-law 2019-051.

The purpose of this application is to recognize an existing 12-square-metre shed that was added for salt storage as part of the property's development. The shed placement resulted in non-compliance with the required setbacks, as the property abuts a low-rise residential zone.

The site currently contains a place of worship (church) with an associated religious school and has recently gone through improvements through two site plan applications. Site Plan Application SP23/052/G/AA proposed the construction of a storage garage behind the main building and updated water service, which has received conditional approval. The most recent Site Plan Application SP24/039/G/AA seeks to recognize the existing front fence, deep well waste collection area, and shed.

Although the shed is too small to require a building permit, it must comply with the zoning by-law's setback requirements. Since the property abuts a low-rise residential zone, the minimum required yard setback is 7.5 metres. The shed, however, is located 5.1 metres from the south lot line and 2.3 metres from the west side lot line, resulting in the need for a minor variance.

Planning staff went to a site visit on February 28th, 2025



Figure 3: Picture of The Storage Shed in Relation to the Abutting Residential Property



Figure 4: Front Photo of The Subject Property with The Minor Variance Sign

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 Official Plan, under Section 15.D.7, states that the institutional use of land designation is intended for community or regional institutional uses, such as secondary and post-secondary educational facilities, long-term care facilities and social, cultural and administrative facilities. This land use designation also includes small-scale institutional

uses compatible with surrounding uses such as public and private elementary schools, libraries, daycare centres, and places of worship.

Additionally, Section 11.C.1.33(c) of the Official Plan refers to the minimization of adverse impacts on site, onto adjacent properties (mainly where sites are adjacent to sensitive land uses)

The proposed shed is intended for institutional use to store salt for the winter. It is relatively small, measuring 12 square metres and approximately 3.0 metres in height. Furthermore, a fence along the property line helps mitigate any visual impact on adjacent properties. Given these factors, the proposed minor variance maintains the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'Neighbourhood Institutional', which permits institutional uses, including places of worship and associated accessory structures. The Zoning By-law setback requirements intend to ensure compatibility with adjacent properties, minimize land use conflicts, and maintain an appropriate separation between buildings and property lines. The minimum yard setback abutting a lot with a low-rise residential zone is 7.5, which preserves adequate separation, reduces visual impact, and maintains privacy for neighbouring residential properties.

The proposed accessory structure is relatively small (12 square metres) and has a height of approximately 3.0 metres. Although it is located 5.1 metres from the south lot line and 2.3 metres from the west lot line, its impact is minimized considering its small size and the nature of the use for salt storage, which does not generate noise. In addition to the required fence between the subject property and the residential zone, it provides a visual barrier to mitigate the negative impact. Based on the above, Planning staff is of the opinion that the requested variance is appropriate and meets the general intent of the Zoning By-law.

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

The shed is a small accessory structure (12 square metres, 3.0 metres in height) with a limited visual and functional impact on adjacent properties. The existing fence helps mitigate visibility, and the shed's use for salt storage does not generate noise or other disturbances. Therefore, the effects of the variance are minor.

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

The proposal allows for the efficient operation of the institutional use by providing a dedicated storage space for salt necessary for winter maintenance on the property. Therefore, staff is of the opinion that the variance is desirable and appropriate for the use of the land.

Environmental Planning Comments:

Tree Management was addressed through the Site Plan Application

Heritage Planning Comments:

No concerns. However, the applicant is advised that the subject property is located adjacent to the Walter Bean Trail Cultural Heritage Landscape.

Building Division Comments:

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

Engineering Division Comments:

No concerns

Parks and Cemeteries/Forestry Division Comments:

No concerns

Transportation Planning Comments:

Transportation Services have no concerns with this application.

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*