

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 16, 2022

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Julian Lee, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: August 5, 2022

REPORT NO.: DSD-2022-377

SUBJECT: Minor Variance Application A2022-098 – 407 Ottawa Street South

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-098 for 407 Ottawa Street South requesting permission under Section 45(2)(a)(i) of the Planning Act to permit the enlargement or extension of a legal non-conforming use to facilitate the construction of a detached garage, having a building floor area of 50.03 square metres, in the rear yard of a property containing an existing single detached dwelling, generally in accordance with drawings prepared by Gerard O'Rourke, dated June 2, 2022, **BE APPROVED**.

REPORT HIGHLIGHTS:

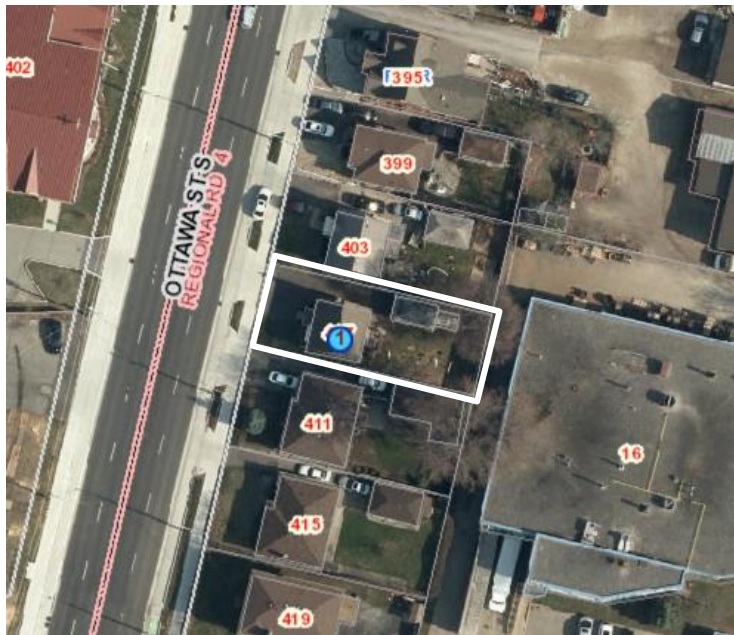
- The purpose of this report is to review and make recommendations with respect to the requested application for permission for 407 Ottawa Street South.
- Staff recommend that the application be approved.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located within the Southdale neighbourhood on the eastern side of Ottawa Street South. The subject lot currently contains a single detached dwelling and detached garage and is directly abutting single detached dwellings to the sides, and commercial/light industrial businesses to the rear. The surrounding context is comprised of light industrial, residential, and institutional uses.

The subject property is identified as 'Major Transit Station Area on Map 2 – Urban Structure and is designated 'General Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1.



Location of Subject Property



Location of Proposed Variance



Photo of Subject Property

The purpose of the application is that the applicant is seeking permission under Section 45(2)(a)(i) of the Planning Act to permit the enlargement or extension of a legal non-conforming use. In this case, permission would facilitate the construction of a detached garage as an extension of the existing single detached dwelling, to replace the existing detached garage, which is unusable due to disrepair.

Planning staff conducted a site visit on July 25, 2022.

REPORT:

Planning Comments:

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(i). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

Is Approval in the Public Interest?

Staff are of the opinion that the approval of this application is in the public interest as it would result in the construction of a new detached garage that will support the existing use on site. The proposed detached garage would replace the unusable existing detached garage on the subject property and provide a secure structure to accommodate the property's parking space requirements. While the location of the proposed garage is visible from the public right-of-way, staff are of the opinion that replacing the existing detached garage with a functional garage would increase the visual appeal of the streetscape and preserve ease of access for pedestrians along Ottawa Street South.

Any Adverse or Unacceptable Impacts?

Staff are of the opinion that permitting the construction of a detached garage on the subject property will not create any adverse or unacceptable impacts. The proposed detached garage is compliant with all applicable setbacks and height restrictions and will not infringe on the privacy of adjacent properties as the structure is not intended for habitation. Staff note that the proposed garage would be of similar dimensions to the existing garage structure, and consistent with the surrounding context, as detached garages on adjacent properties are of similar height, massing, and siting to what is being proposed.

Environmental Planning Comments:

No natural heritage or tree management policy concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided 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:

Engineering has no comment.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services has no concerns with the proposed application.

Region of Waterloo Comments:

No concerns.

GRCA 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.

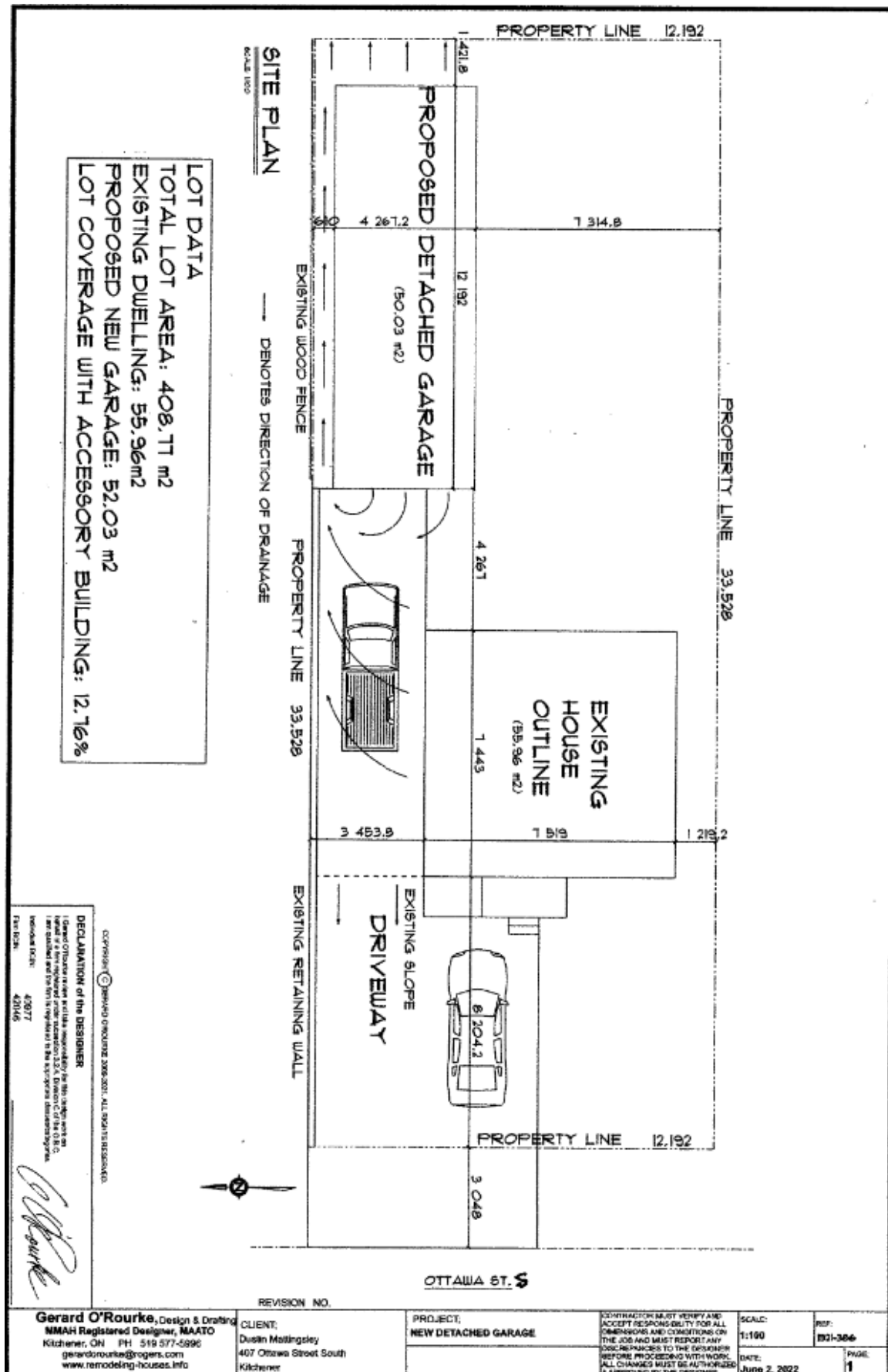
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

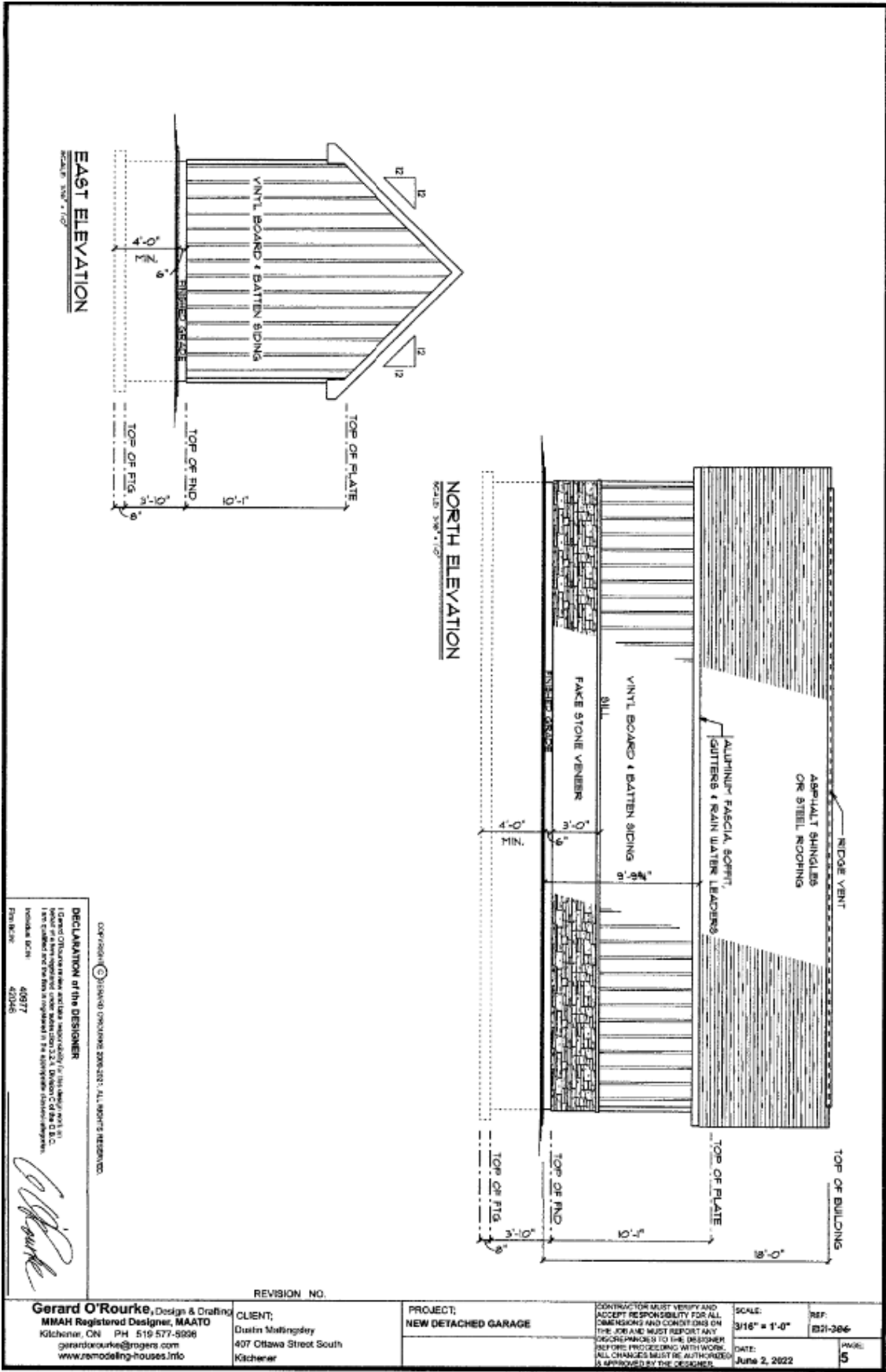
ATTACHMENTS:

- Attachment 1 – Site Plan of Subject Property
- Attachment 2 – North and East Elevations of Proposed Garage
- Attachment 3 – South and West Elevations of Proposed Garage
- Attachment 4 – Survey of Subject Property

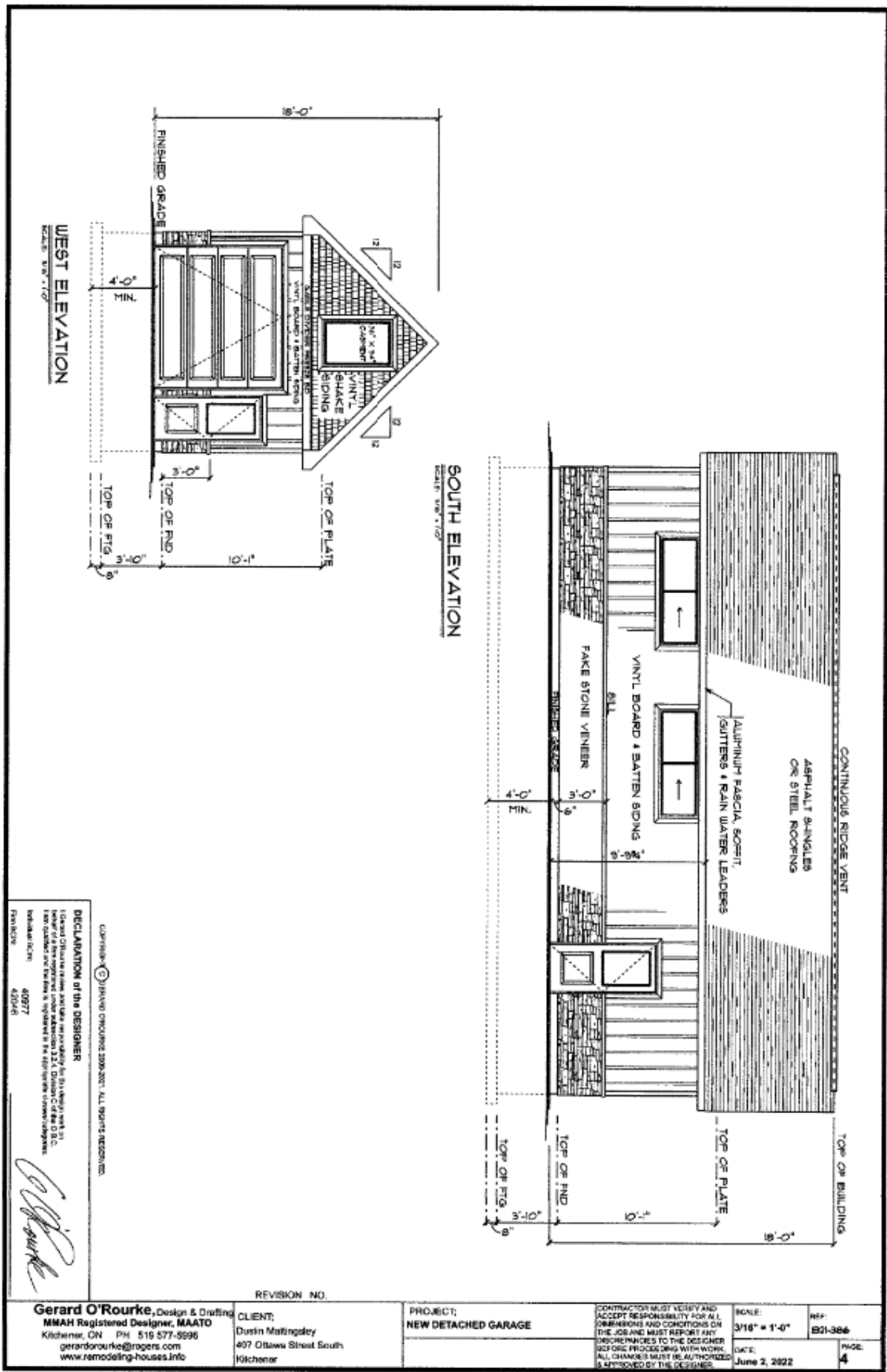
Site Plan of Subject Property



North and East Elevations of Proposed Detached Garage



South and West Elevations of Proposed Detached Garage



Dustin Hoffingdy

PLAN SHOWING
PART OF LOT 19
REG. PLAN 384
CITY OF KITCHENER
SCALE 1" = 30'

LOT 10
REG. PL. 870

LOT 11
REG. PL. 870

LOT 19 REG. PL. 384

LOT 1
REG. PL. 870

CORNER MOCK
GARAGE

OTTAWA ST.

10' MEASUREMENT

W. HARVEY HALL
ATTORNEY AT LAW
KITCHENER, ONTARIO

OCT 1, 1963

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