

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 20, 2022

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

PREPARED BY: Emily Clarkson, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-424

SUBJECT: Minor Variance Application A 2022-110 - 6 Marianne Dorn Trail
Owner: Suresh Kumar Soundararajan, Gowri Krishnasamy
Agent: Rodney Friesen

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-110 for 6 Marianne Dorn Trail requesting relief from Section 5.6.1 b) of Zoning By-law 85-1, to allow exterior stairs to have a side yard setback of 0.29 metres instead of the minimum required setback of 0.75 metres to construct a new set of stairs in a side yard to facilitate the addition of a second dwelling unit (additional dwelling unit (attached)) in the single detached dwelling, generally in accordance with drawings prepared by Fine Line Drafting & Design, dated June 25th, 2022, BE APPROVED.

Zoning By-law 2019-051

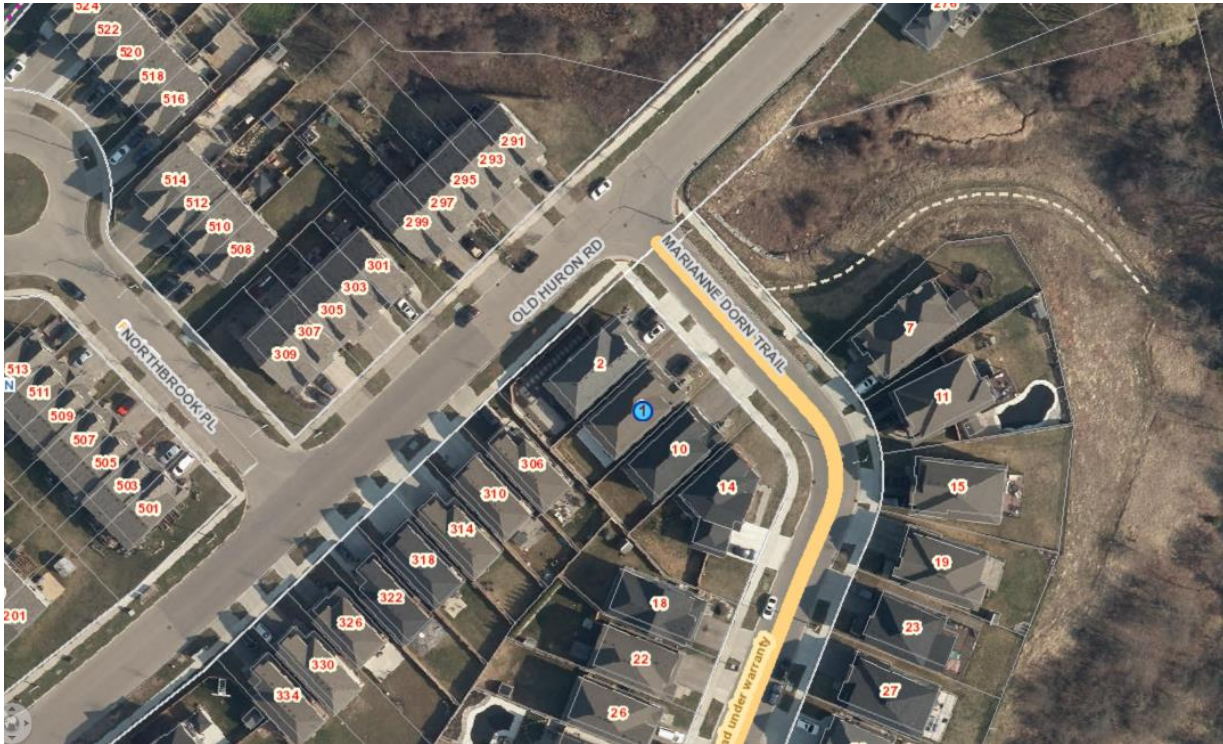
- B. That Minor Variance Application A2022-110 for 6 Marianne Dorn Trail requesting relief from Section 4.14.10 b) of Zoning By-law 2019-051, to allow exterior stairs to have a side yard setback of 0.29 metres instead of the minimum required setback of 0.75 metres to construct a new set of stairs in a side yard to facilitate the addition of second dwelling unit (additional dwelling unit (attached)) in the single detached dwelling, generally in accordance with drawings prepared by Fine Line Drafting & Design, dated June 25th, 2022, BE APPROVED, subject to the following:

This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a new set of exterior stairs in a side yard, to allow access to the addition of a second dwelling unit in the single detached dwelling.

- The key finding of this report is that the requested minor variance meets the 4 tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.



Location Map of 6 Marianne Dorn Trail (subject property).

BACKGROUND:

The subject property is located on the northwest side of Marianne Dorn Trail and is located near the intersection of Marianne Dorn Trail and Old Huron Road. The subject property currently contains a two-storey single detached house with an attached garage. The area is predominately a low-rise low-density residential neighborhood.

The subject property is identified as 'Community Area' 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 'Residential Four Zone (R-4)' in Zoning By-law 85-1, and 'Low Rise Residential Three Zone (RES-3)' in Zoning By-law 2019-051, which is currently under appeal.

The purpose of the subject minor variance application is to facilitate the development and construction of external side yard stairs, to allow access to an additional dwelling unit attached (Duplex) in the existing single detached home on the subject property. Specifically, the variance is as follows:

- to permit a side yard setback of 0.29 metres for exterior stairs instead of the minimum required 0.75 metres.

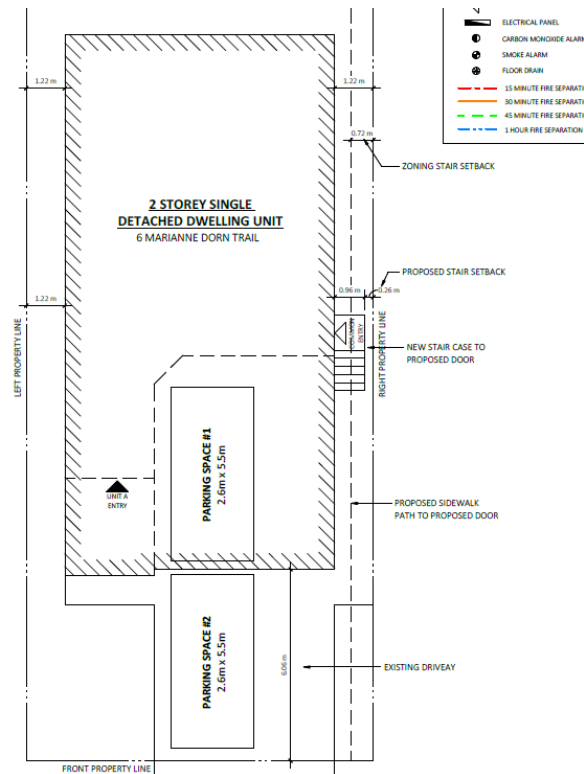
Planning staff conducted a site inspection on August 30, 2022.



Site visit Photo of 6 Marianne Dorn Trail (subject property).



Photo showing space between neighbouring property and existing dwelling, right side yard.



Site Plan submitted showing proposed stair setback reduction.

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

In the City's Official Plan, the intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streets, and exterior areas. The property is presently developed with a 2-storey, single detached dwelling. The exterior stairs will facilitate a gentle intensification of the subject property, which use is supported by Official Plan policy. Therefore, it is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

In Zoning By-law 2019-051 steps that do not exceed 0.6 metres above ground level may be permitted in any side yard. In this case the steps are proposed to be greater than 0.6 metres (two feet) in height.

The general intent and purpose of the by-law requirement for a minimum 0.75 metre interior side yard setback for steps in Zoning By-law 85-1 and for steps that exceed 0.6 metres in height in Zoning By-law 2019-051 is to ensure an appropriate access can be maintained to the rear yard and that there is adequate buffering and minimal impacts between buildings. The rear yard is accessible from the other side yard and the adjacent building is not anticipated to be negatively impacted by the addition of the exterior stairs.

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

The requested variance can be considered minor since it is not anticipated to cause unacceptably adverse impacts on adjacent properties. The variance will allow for the construction of exterior stairs to access an existing side entrance door that allow a proposed duplex use of the property while not negatively impacting neighbouring lots. Appropriate rear yard and side entrance access continues to be accommodated and the separation to the adjacent dwelling remains sufficient.

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

The requested variance to permit a reduction in the side yard setback will facilitate the construction of exterior stairs to access the side entrance door of a proposed second dwelling to allow for an additional dwelling unit (attached) and allow a form of gentle intensification.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made for the Additional Dwelling Unit (ADU) (Attached) and is currently under review.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

No comments.

Grand River Conservation Authority (GRCA) Comments:

Recommendation

GRCA has no objection to the above-noted minor variance application.

Documents Reviewed by Staff

GRCA staff have reviewed the following documents submitted with this application, received on August 26, 2022, from the City of Kitchener:

- Application for Minor Variance (City of Kitchener, July 26, 2022); and
- Drawings - General Information & Site Plan; Floor Plans; and Second Floor, Section and Elevation (Fine Line Drafting & Design, revised June 25, 2022).

GRCA Comments

GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our MOU with the Region of Waterloo and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains a portion of the regulated allowance to slope erosion and slope valley located east of the property. A copy of our resource mapping is attached.

Due to the presence of the above-noted features, a portion of the subject property is regulated by the GRCA under Ontario Regulation 150/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development within the regulated area on the subject property will require the prior issuance of a permit pursuant to Ontario Regulation 150/06.

The existing and proposed use of the subject property is residential. We understand the purpose of this application is to permit a reduced side yard setback for exterior stairs to facilitate the addition of a second dwelling unit in the existing detached dwelling. Based on the circulated plans, GRCA staff do not anticipate natural hazard impacts as a result of this application. We have no objection to this minor variance and a GRCA permit is not required.

Consistent with GRCA's 2022 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$290 for the GRCA's review of this application.

Should you have any questions, please contact me at jconroy@grandriver.ca or 519-621-2763 ext.2230.

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-laws 85-1 and 2019-051*

ATTACHMENTS: Attachment A – Plans included with application

1. CONTRACTOR TO REVIEW THE CONSTRUCTION DRAWINGS AND REPORT ANY ERRORS OR OMISSIONS TO THE ARCHITECT IMMEDIATELY. THE CONTRACTOR SHALL NOT PROCEED WITHOUT NOTIFICATION, IF CHANGES ARE MADE WITHOUT THE APPROVAL OF THE DESIGNER, WILL VOID ALL RESPONSIBILITY AND LIABILITY OF THE DESIGNER.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL THE NECESSARY PERMITS FOR THE CHANGING OF THE EXISTING BUILDING, THE CONSTRUCTION OF THE CHANGING BUILDING CODES AND ALL OTHER CODES, AND REQUIREMENTS OF THE JURISDICTION HAVING JURISDICTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH ALL BUILDING CODES AND ALL OTHER CODES, AND REQUIREMENTS OF THE JURISDICTION HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL THE NECESSARY PERMITS FOR THE CHANGING OF THE EXISTING BUILDING, THE CONSTRUCTION OF THE CHANGING BUILDING CODES AND ALL OTHER CODES, AND REQUIREMENTS OF THE JURISDICTION HAVING JURISDICTION.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO:
 - a. VERIFY AND CHECK ALL DIMENSIONS PRIOR TO DURING CONSTRUCTION.
 - b. WHERE DIMENSIONS DO NOT CONFORM WITH THE BUILDING REQUIREMENTS OF THE DESIGNER PRIOR TO EXECUTION OF THE WORK.
 - c. ADVISE THE ARCHITECT IMMEDIATELY, WITH REASONS AND STATE AS TO HOW THE CONTRACTOR SHALL MAKE CORRECTIONS TO THE BUILDING REQUIREMENTS OF THE DESIGNER PRIOR TO EXECUTION OF THE WORK.
4. BUILDING REQUIREMENTS REGARDING QUALITY OF MATERIALS, WORKMANSHIP, AND CONSTRUCTION SHALL HAVE PRECEDENCE OVER ANY REQUIREMENTS OF BUILDING CODES OR ANY OTHER CODES, AND REQUIREMENTS OF THE JURISDICTION HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL THE NECESSARY PERMITS FOR THE CHANGING OF THE EXISTING BUILDING, THE CONSTRUCTION OF THE CHANGING BUILDING CODES AND ALL OTHER CODES, AND REQUIREMENTS OF THE JURISDICTION HAVING JURISDICTION.
5. PRIOR TO CONSTRUCTION, A BUILDING PERMIT MUST BE OBTAINED FOR THE SCOPE OF WORK, PROCEEDING WITHOUT A BUILT BUILDING PERMIT WILL VOID ALL RESPONSIBILITY AND LIABILITY OF THE DESIGNER.
6. THE USE OF THE TRADE SHALL BE RESTRICTED TO THE ORIGINAL PROJECT FOR WHICH THEY WERE CREATED FOR.

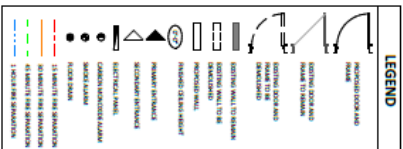
WOOD FRAME CONSTRUCTION:

[illegible]

2. AS PER SECTION 3.4.
3. ALL FLOOR LEVELS SHALL BE EQUIPPED WITH AN INTERCONNECTED SMOKE DETECTOR SYSTEM FOR ALL UNITS.
4. SMOKE DETECTOR SHALL BE INSTALLED IN EACH UNIT AND IN THE COMMON AREAS.
5. STAIRS MUST HAVE A LIGHT CONTROLLED BY A 3-WAY SWITCH AT THE TOP AND BOTTOM OF THE STAIR.
6. CONTRACTOR TO PROVIDE A KEY SWITCH CONTROLLED BY THE ELECTRICAL WIREMAN FOR EACH APARTMENT UNIT.
7. ALL APARTMENT UNITS SHALL BE PROVIDED WITH A 3-WAY SWITCH AT THE ENTRY TO THE UNIT.
8. RECEPTACLES SHALL BE LOCATED ALONG THE WALLS ACCORDING TO THE REQUIREMENTS OF THE CANADIAN ELECTRICAL CODE.
9. THE ELECTRICAL CONTRACTOR SHALL WORK WITH THE OWNER IN SELECTING THE APPROPRIATE LOCATION FOR LIGHT FIXTURES AND SWITCHES.

[illegible]

1. ALL SPOKE AND HUBS MUST BE INTERCONNECTED THROUGHOUT THE UNIT AND SHALL HAVE A VISIBLE SIGNALING COMPONENT IN ADDITION TO THE THERMAL PATTERNS IN CONFORMANCE WITH 3.2.1.1.
2. A 15 MINUTE CONTINUOUS NONHEATICAL FIRE SEPARATION IS REQUIRED BETWEEN EACH UNIT.
3. AND COMMON SPACE.
4. CONTINUOUS VERTICAL FIRE SEPARATION IS REQUIRED BETWEEN EACH UNIT AND COMMON SPACE.
5. PROVIDE STRUTTERS SUITABLE TO COVER ALL AREAS WITHIN THE FINISHED ROOM AND AROUND ALL OBSTRUCTIONS IF CONTINUOUS FIRE SEPARATION CANNOT BE ATTAINED BETWEEN UNIT AND UNIT. FIRE DOORS TO BE INSTALLED IN ACCORDANCE WITH 3.2.1.2 OF THE CONRAD BUILDING CODE.




No.	CHRONOLOGY	DATE
1	PHYSIC DRAGGING SET TO CLIENT	2022-04-28
2	GOED TO HIGH BUILDING PROJECT	2022-04-30
3	GOED TO HIGH WINDON VANDERBILT	2022-05-22

NO.	REVISIONS	DATE
001	CLIENT REQUESTED REVISIONS	2022-08-25

FINE LINE
DRAFTING
& DESIGN

REBECCA FRIEDMAN
518.875.4399
rebecca@fineanddesign.com
www.fineanddesign.com

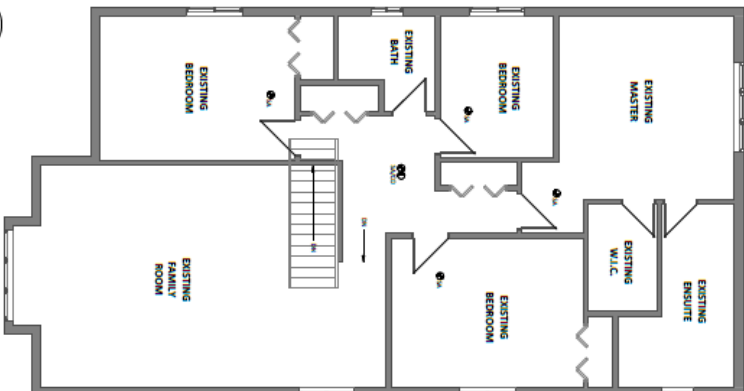
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.


Elizabeth Fagan
Principal (NCR) 2140815
FTE: NCR: 1.000000

SECONDARY UNIT ADDITION
6 MARIANNE DORN TRAIL,
KITCHENER, ON N2R 3L4

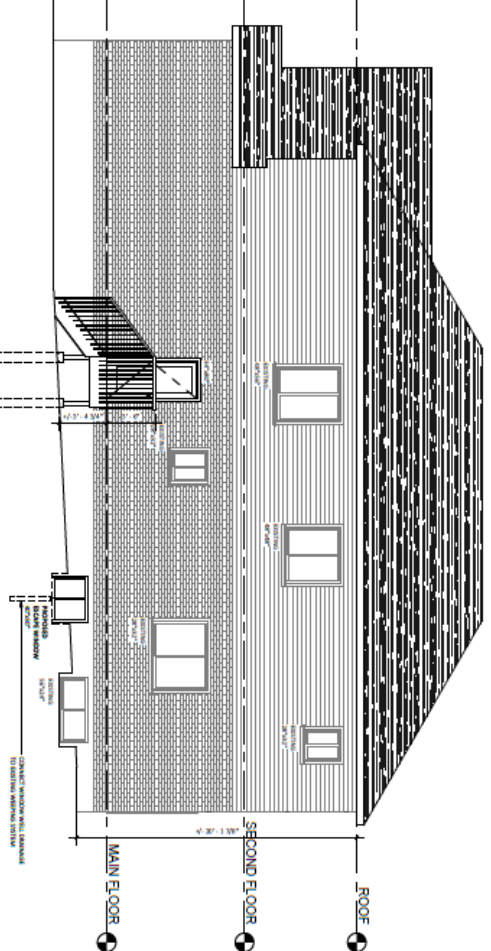
GENERAL INFORMATION & SITE PLAN

[illegible]



1 SECOND FLOOR PLAN
UNIT A + 1,423 sq. ft.
20'0" x 12'0"

2 RIGHT ELEVATION
20'0" x 12'0"



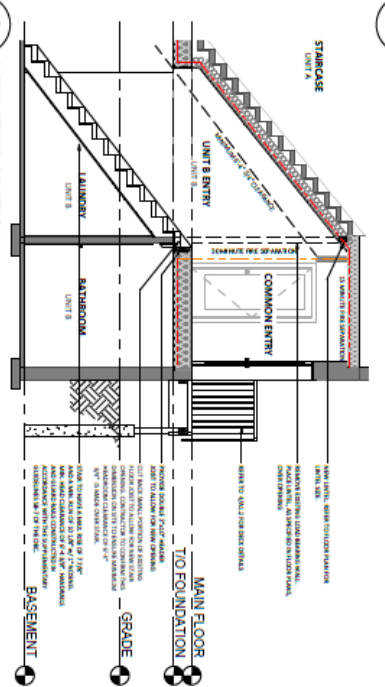
SPATIAL SEPARATION CALCULATIONS					
ELEVATION	E.A.B.	LANDING	PROPOSED	REMARKS	UNIT NO.
RIGHT	1.125	1.2	7		7

SQUARE FOOTAGE

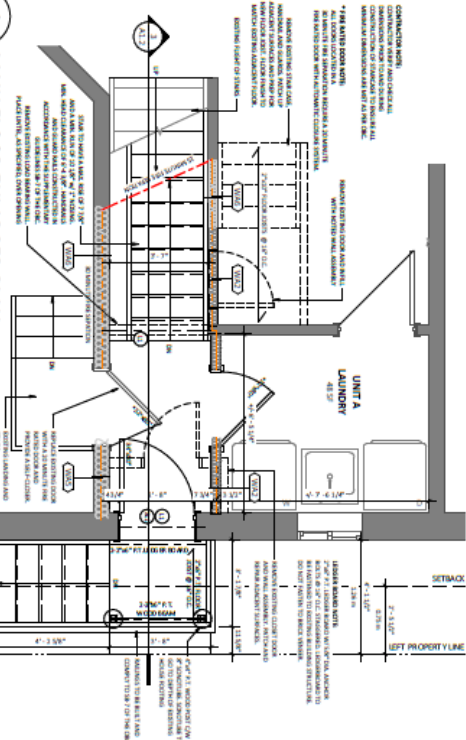
SQUARE FOOTAGE BREAKDOWN	
UNIT A (PRIMARY UNIT)	2,400 sq. ft.
UNIT B (SECONDARY UNIT)	1,423 sq. ft.
COMMON AREAS	423 sq. ft.
TOTAL	4,246 sq. ft.

FINE DRAFTING & DESIGN

3 NEW STAIR SECTION
12'0" x 12'0"



4 MAIN FLOOR ENLARGED PLAN
20'0" x 12'0"



THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND SHALL REMAIN HIS OR HER SOLE PROPERTY. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS STRICTLY PROHIBITED. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED A BREACH OF CONTRACT AND SUBJECT TO LEGAL ACTION.

DATE: 2023.06.25
PROJECT: A1.2
DRAWN BY: A1.2
CHECKED BY: A1.2

SECOND FLOOR, SECTION AND ELEVATION

2023.06.25
A1.2