

Staff Report



Development Services Department

www.kitchener.ca

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

WARD(S) INVOLVED: Ward(s)

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-427

SUBJECT: Minor Variance Application A2022-115 - 224 Jeffrey Place

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2022-115 for 224 Jeffrey Place requesting relief from:

- a) Section 4.14.7 of Zoning By-law 2019-051, to permit a front porch to have a depth of 1.2 metres instead of the minimum required 1.5 metres;
- b) Section 5.4, Table 5-2, b) i) of Zoning By-law 2019-051 to permit an attached garage to project beyond the front façade of the habitable portion of the dwelling unit by 4.6 metres instead of the maximum permitted 1.8 metres; and
- c) Relief from section 5.4, Table 5-2, b) iii) to permit a private garage to project beyond the front porch;

to facilitate the construction of a new single detached dwelling, generally in accordance with drawings prepared by Orchard Design Studio Inc., dated June 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 variances requesting relief from Section 4.14.7; Section 5.4, Table 5-2, b) i); and Section 5.4, Table 5-2, b), iii) of Zoning By-law 2019-051 to permit a front porch to have a depth of 1.2 metres instead of the minimum required 1.5 metres, and to permit the attached garage to project beyond the front façade of the dwelling unit by 4.6 metres rather than the maximum permitted 1.8 metres and beyond the front of a porch to facilitate the construction of a new single detached dwelling.

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

BACKGROUND:

The subject property is located on the southerly side of Jeffrey Place, between Fallowfield Drive and Anastasia Drive. The subject property is located within the Country Hills East Neighbourhood, which is comprised of a mix of single detached, duplex, and multiple dwellings.



Location Map – 224 Jeffrey Place



Photo of Subject Property

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 'Residential Four Zone (R-4)' in Zoning By-law 85-1 and 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051, which is currently under appeal.

The purpose of the application is to request relief from the following:

- a) Section 4.14.7 of Zoning By-law 2019-051, to permit a front porch to have a depth of 1.2 metres instead of the minimum required 1.5 metres;
- b) Section 5.4, Table 5-2, b) i) of Zoning By-law 2019-051 to permit an attached garage to project beyond the front façade of the habitable portion of the dwelling unit by 4.6 metres instead of the maximum permitted 1.8 metres; and
- c) Relief from section 5.4, Table 5-2, b) iii) to permit a private garage to project beyond the front of a porch to facilitate the construction of a new single detached dwelling.

Staff note that the adjacent properties along Jeffrey Place have already been constructed to similar specifications but were completed prior to the approval of Zoning By-law 2019-051.

Planning Staff conducted a site visit on August 29, 2022.

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 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 intent of the Low Rise Residential designation is to accommodate a diverse range of low rise housing types while maintaining the low density character of the neighbourhood. Staff are of the opinion that permitting the requested variances would not impact the low rise residential character of the surrounding neighbourhood as they would facilitate the construction of a new single detached dwelling, which use is contemplated in this land use designation. Staff note that the adjacent single detached dwellings were constructed with similar specifications to their garages and porches; as such, there would be no impact to the newly established community and would therefore maintain the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of a maximum garage projection in Zoning By-law 2019-051 is to ensure that the overall design of the garage and dwelling does not impact the streetscape of the already established neighbourhood. As the adjacent single detached dwellings in the surrounding community were recently constructed with similar specifications, the subject property would not deviate from the existing character of the streetscape. The intent of the minimum 1.5 metre front porch depth in Zoning By-law 2019-051 is to ensure usability to activate the streetscape; a deficiency of 0.3 metres will still maintain the usability of the front porch. Staff are of the opinion that the requested variances meet the intent of the Zoning By-law.

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

Staff are of the opinion that permitting a shallower front porch and the garage to project further than the maximum permitted 1.8 metres and past the front porch would not result in any significant impacts to the function of the subject property or the character of the surrounding community. While a garage projection exceeding the maximum by 2.8 metres is discernable from the public realm, adjacent properties possess similar designs that are generally compatible with the surrounding streetscape. Additionally, the depth deficiency of 0.3 metres will not have a significant impact on the usability of the front porch; therefore, Staff are of the opinion that the effects of the requested variances are minor in nature.

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

The requested variances are desirable for the appropriate development and use of the land as they would facilitate the construction of a new single detached dwelling in a style, massing, and scale similarly compatible to the adjacent single detached dwellings along Jeffrey Place.

Environmental Planning Comments:

The property is subject to a tree saving area in the rear. As the proposed variances do not impact the tree saving area Environmental Planning staff has no concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made for the single detached dwelling unit and it is currently under review.

Engineering Division Comments:

Engineering has no comments.

Parks/Operations Division Comments:

No comments.

Hydro One Comments:

No comments or concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

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 12, 2022)
- Plan of Subdivision (Van Harten Surveying Inc., 2020)
- Sketch for Building Permit Application (Van Harten Surveying Inc., April 25, 2022)
- Elevation Drawing (Orchard Design Studio Inc., June 2022)
- Main Floor Plan (Orchard Design Studio Inc., May 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 part of the regulated allowance to floodplain located just south of the property. A copy of our resource mapping is attached. Due to the presence of the floodplain, 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. We understand that the subject property is currently a vacant residential lot, proposed for the construction of a new single detached dwelling. As such, the applicant is seeking relief from zoning by-law regulations pertaining to the attached garage and front porch depth. Based on the circulated sketch, the proposed development will be located outside of GRCA's regulated area. GRCA has no objection to this minor variance application 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.

Region of Waterloo Comments:

No comments

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:

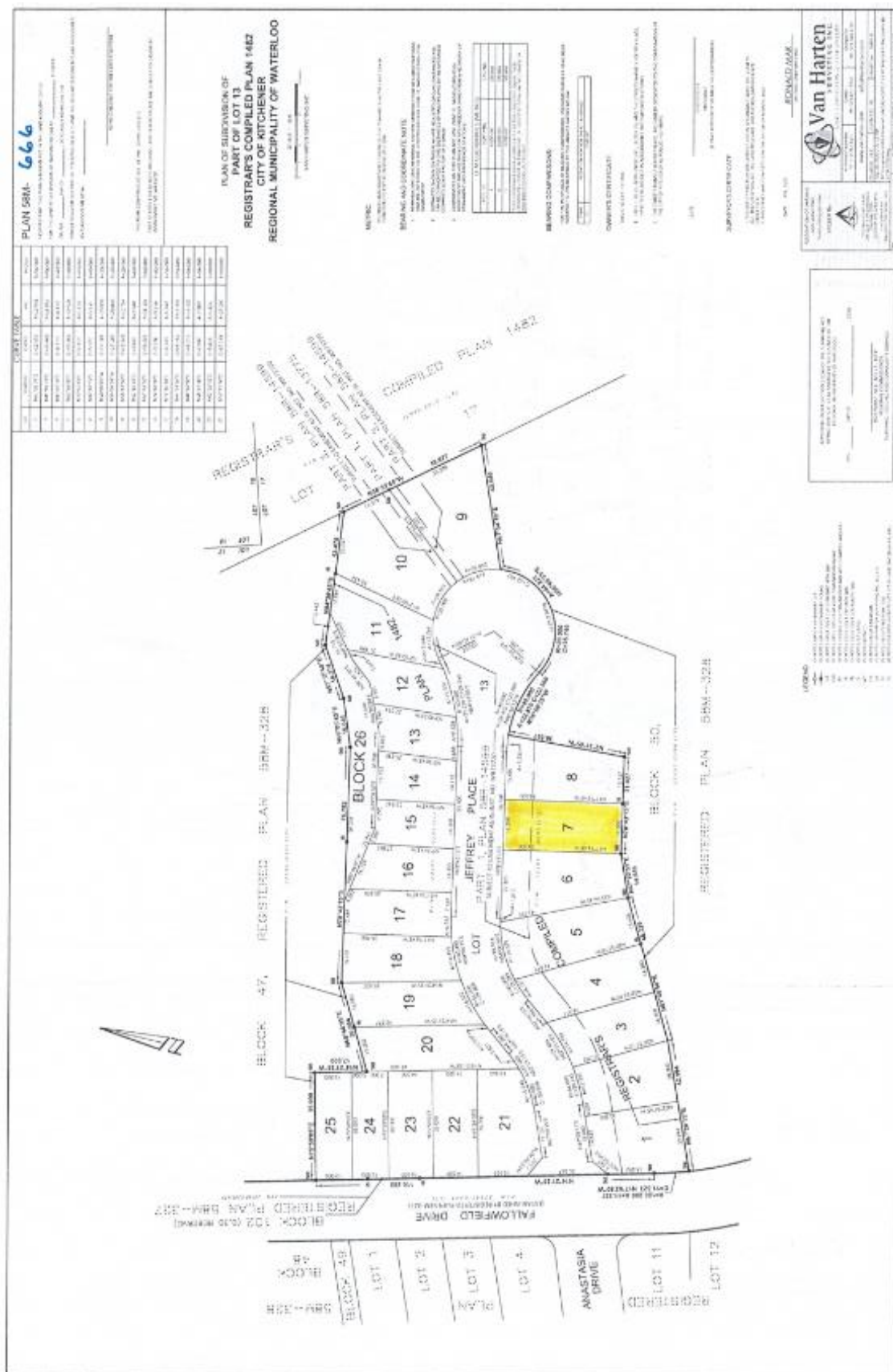
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 2019-051*

ATTACHMENTS:

Attachment A – Registered Plan of Subdivision
Attachment B – Survey of Subject Property
Attachment C – Front Elevations
Attachment D – Floor Plan



Registered Plan of Subdivision

**SKETCH FOR BUILDING PERMIT APPLICATION
LOT 7, REGISTERED PLAN 58M-666
224 JEFFREY PLACE, CITY OF KITCHENER**

SCALE: 1 - 250

CAUTION: - THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
- IT IS THE BUILDER'S RESPONSIBILITY TO ENSURE PROPOSED FOOTING ELEVATION ALLOWS GRAVITY CONNECTION TO SEWER LINES.
- THIS SKETCH IS PROTECTED BY COPYRIGHT.
- THIS LOT MAY CONTAIN STRUCTURAL FILL.

NOTE: LOT DIMENSIONS ARE AS SHOWN ON REGISTERED PLAN 58M-666 AND HAVE NOT BEEN VERIFIED BY SURVEY.

PROPOSED BUILDING POSTIONED BY CALCULATION, NOT BY ACTUAL SURVEY.

ZONING: R4

FRONT YARD - 6.00 MIN. TO GARAGE
FRONT YARD - 4.50 TO DWELLING
SIDE YARD - 1.20 MIN.
REAR YARD - 7.50 MIN.
COVERAGE - 45% MAX.

NOTES:

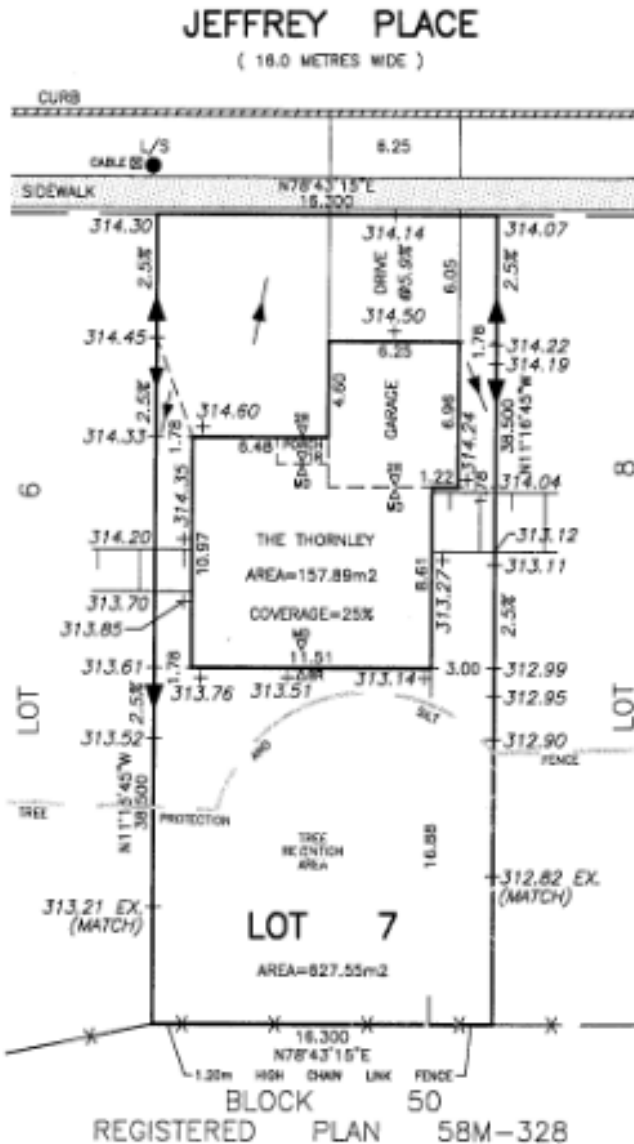
- GRADING INFORMATION SHOWN ON THIS PLAN HAS BEEN CHECKED WITH APPROVED GRADING PLAN FOR THIS SUBDIVISION PREPARED BY STANTEC ENGINEERING.

SODDED AREA
=431.4m²

TOP OF FOUNDATION = 314.75
UNDERSIDE OF FOOTING = 312.21
BASEMENT FLOOR = 312.44
FINISHED FLOOR = 315.05
GARAGE SLAB = 314.50
GARAGE CUT TO FINISHED SLAB = 0.25
FROST FOOTINGS REQUIRED
(MIN. = 311.92)

NOTE:

- 0.15m (6") SLOPE REQUIRED ON GARAGE SLAB.



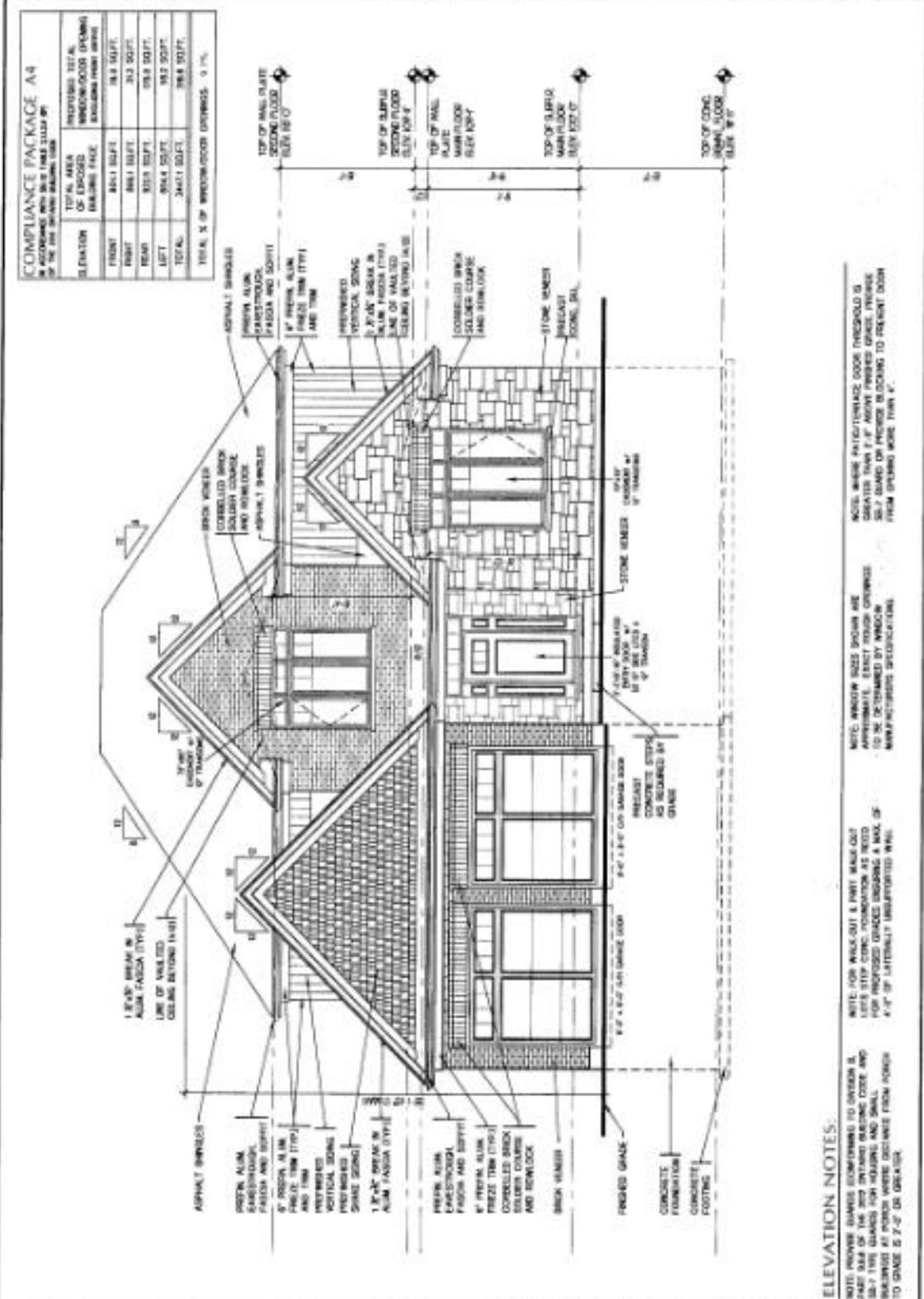
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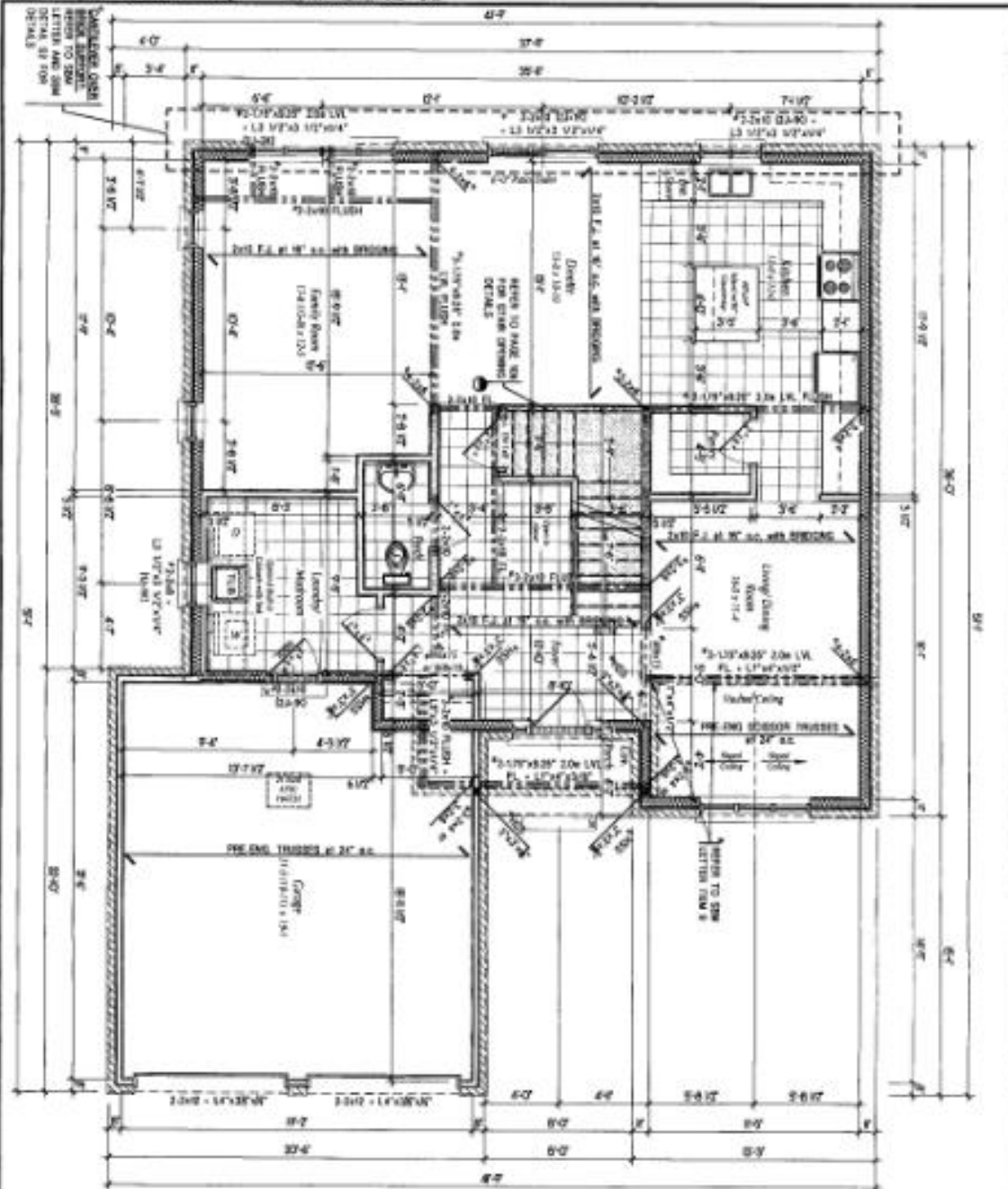
Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS
433 WOODBURN STREET - GUELPH, ONTARIO
PHONE (519) 821-2763 FAX 821-2773

FOR:	THE IRONSTONE BUILDING COMPANY INC.
PROJECT NO.	29089-20
DATE:	APRIL 25, 2022
PD1	TM

Survey of Subject Property



Front Elevations



LEGEND

- SHOWN DETENTION
- NO DETENTION
- SEE ALL LOCATED EXHIBIT
- SEE ALL LOCATED EXHIBIT

NOTES:

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GENERAL NOTES:

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FINISHING NOTES:

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APPROVED FOR CONSTRUCTION BY: [Signature]
DATE: 2012-05-10

LOT 7 JEFFREY PLACE
THE THORNLEY
KITCHENER, ONTARIO

MAIN FLOOR PLAN

4 OF 16

DATE: 2012-05-10
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: MAY 2012

IRONSTONE
Inc.

Orchard Design Group
1000 Highway 104, Unit 104
Kitchener, ON N2B 2Y1
Tel: 519-841-1111
Fax: 519-841-1112
www.orcharddesigngroup.com



Floor Plan