

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: November 15, 2022

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

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

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: November 4, 2022

REPORT NO.: DSD-2022-471

SUBJECT: Minor Variance Application A2022-129 - 103 Peter Street

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2022-103 for 103 Peter Street requesting relief from Section 39.2.1 of Zoning By-law 85-1, to permit an interior side yard setback of 0.8 metres instead of the minimum required 1.2 metres to recognize the setback of a third storey addition, currently under construction, to facilitate the conversion of a two storey single detached dwelling to a duplex dwelling, generally in accordance with drawings prepared by Nuovo Engineering Services, dated July 15, 2022, BE APPROVED.

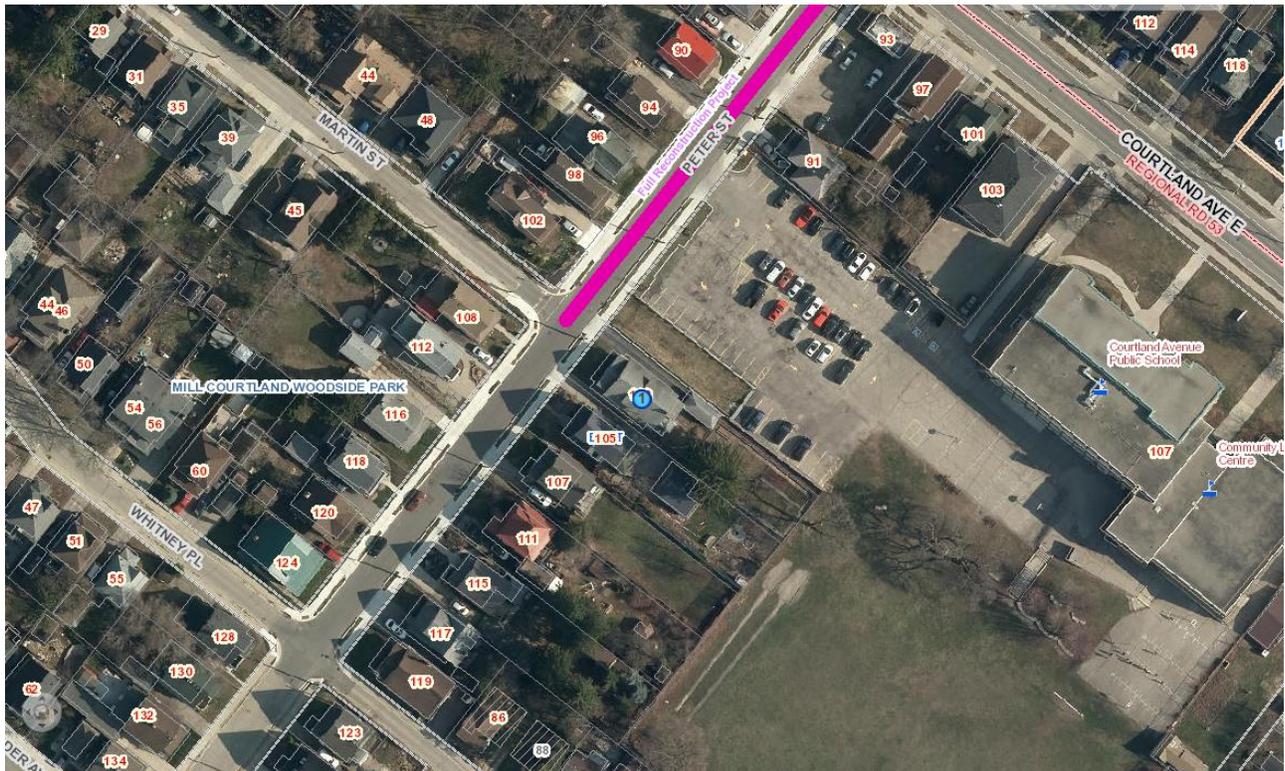
REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to recognize the setback of a third storey addition, currently under construction, which will facilitate the conversion of a single detached dwelling to a duplex 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.

BACKGROUND:

The subject property is located on the Southeast side of 103 Peter Street and is located near the intersection of Peter Street and Martin Street. The subject property currently contains two-storey single detached house, with a partially constructed third story, and a detached garage. The area is predominately low-rise low-density residential neighbourhood.

The subject property is identified as 'Low Rise Conservation' on Map 12 – Mill Courtland Secondary Plan and is designated 'Major Transit Station Area' on Map 2 – Urban Structure in the City's 2014 Official Plan.



Location Map of 103 Peter Street (subject property).

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.

A Building permit was issued on July 15, 2022, for a third storey addition to facilitate the conversion of the two-storey single detached dwelling into a duplex dwelling. After building permit issuance it was determined that although the third storey would be maintaining the existing setbacks of the two-storey single detached dwelling, the existing interior side yard setback is deficient.

The purpose of the minor variance application is to recognize the existing interior side yard setback to legalize the location of the third storey addition, currently under construction, to facilitate the conversion of the single detached dwelling into a duplex dwelling. Specifically, the variance is as follows:

- To permit an interior side yard setback of 0.8 metres instead of the minimum required 1.2 metres.

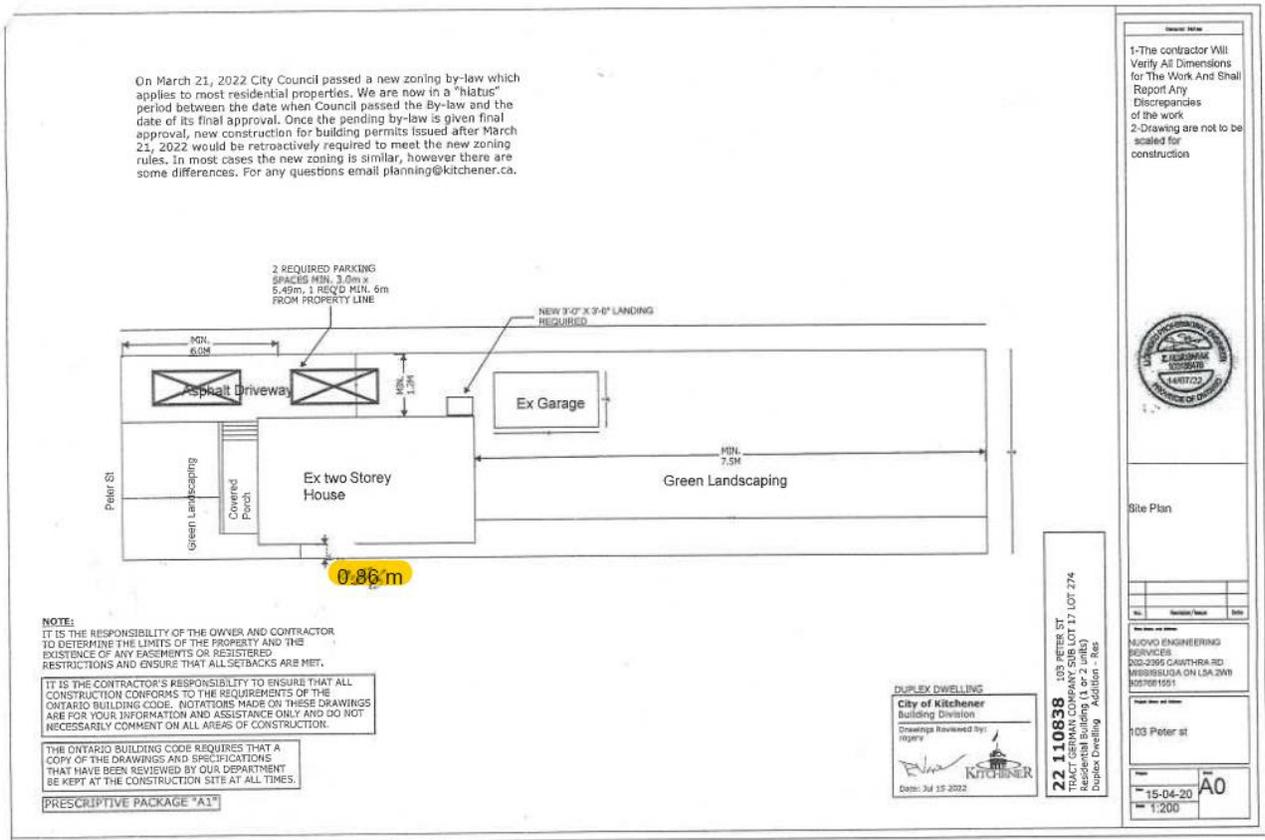
Planning staff conducted a site inspection on October 27, 2022.



Front view of 103 Peter Street (subject property).



Driveway located at 103 Peter Street (subject property).



Site Plan submitted with application.

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 City's Official Plan supports the development of additional dwelling unit(s), attached and detached, on residential lots, where desirable and appropriate unless otherwise limited by the policies of this Plan, and in accordance with the City's Zoning By-law, in order to provide other housing options to Kitchener homeowners and residents. The City also encourages residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure. The third storey addition will facilitate a use of the property permitted by the land use designation. 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

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 continued construction of a third storey on the existing building that will 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 Effects of the Variance(s) Minor?

The deficient side yard of the existing two-storey dwelling is an existing condition and the third storey will be inline with the existing two-storey dwelling and be maintaining the existing condition. The variance will allow for the continued construction of the third story on the existing building that is compatible with the existing residential use of the property and will not negatively impact neighbouring lots.

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

The variance is desirable for the appropriate development and use of the land as it will recognize the location of the principal dwelling on the lot and facilitate the development of a second residential unit within the third storey addition. It is desirable as it will the permit a gentle form of residential intensification on the subject property.

Environmental Planning Comments:

No natural heritage or tree management concerns. The applicant is advised to protect the root zone of tree(s) in rear yard through fencing to prevent grade changes or materials storage in root zone.

Heritage Planning Comments:

There are no heritage concerns. The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 103 Peter Street is located within the Cedar Hill Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Cedar Hill/Schneider Creek area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Cedar Hill Neighbourhood CHL, please visit the following link: www.kitchener.ca/npr.

Building Division Comments:

The Building Division has no objections to the proposed variance provided revision to the issued building permit is obtained prior to construction. Please contact the Building Division building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

GRCA Comments:

GRCA has no objection to the approval of the above applications. The subject properties do not contain any watercourses, floodplains, shorelines, wetlands, valley slopes or other environmental features of interest to GRCA. The properties are not subject to Ontario Regulation 150/06 and therefore a permission from GRCA is not required.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed 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.

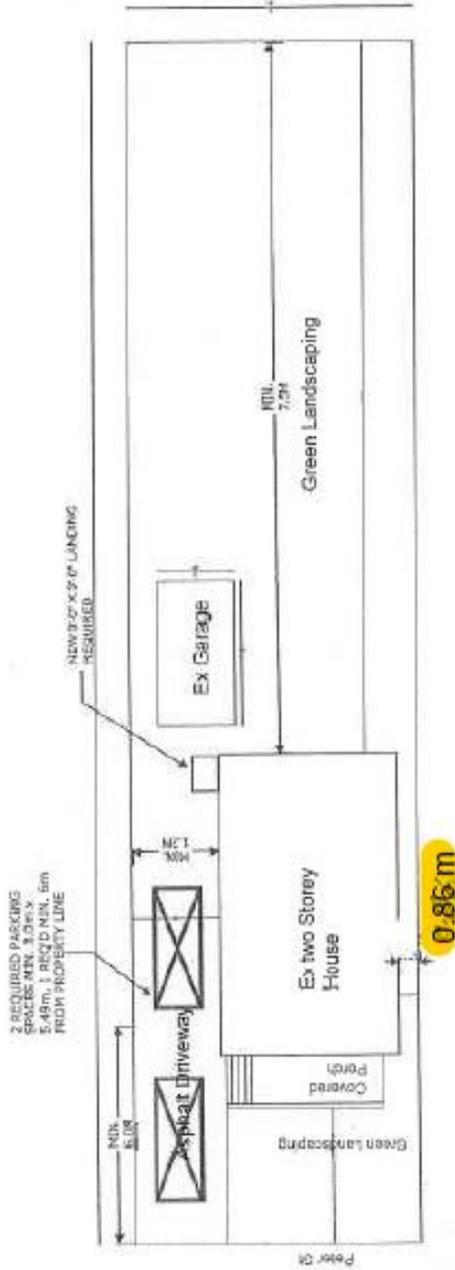
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial 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 A – Plans and Drawings submitted with application.

On March 21, 2022 City Council passed a new zoning by-law which applies to most residential properties. We are now in a "hiatus" period between the date when Council passed the by-law and the date of its final approval. Once the pending by-law is given final approval, new construction for building permits issued after March 21, 2022 would be retroactively required to meet the new zoning rules. In most cases the new zoning is similar, however there are some differences. For any questions email planning@kitchener.ca.



NOTE:
IT IS THE RESPONSIBILITY OF THE OWNER AND CONTRACTOR TO DETERMINE THE LIMITS OF THE PROPERTY AND THE EXISTENCE OF ANY EASEMENTS OR ASSIGNED RESTRICTIONS AND ENSURE THAT ALL NETWORKS ARE MET.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL CONSTRUCTION CONFORMS TO THE REQUIREMENTS OF THE ONTARIO BUILDINGS CODE. NOTATIONS MADE ON THESE DRAWINGS ARE FOR YOUR INFORMATION AND ASSISTANCE ONLY AND DO NOT NECESSARILY COMMENT ON ALL AREAS OF CONSTRUCTION.

THE ONTARIO BUILDING CODE REQUIRES THAT A COPY OF THE DRAWINGS AND SPECIFICATIONS THAT HAVE BEEN REVIEWED BY OUR DEPARTMENT BE KEPT AT THE CONSTRUCTION SITE AT ALL TIMES.

PRESCRIPTIVE PACKAGE "A3"

1-The contractor Will Verify All Dimensions for The Work And Shall Report Any Discrepancies of the work 2-Drawing are not to be used for construction



Site Plan

MUVO ENGINEERING
REGISTERED PROFESSIONAL ENGINEER
PROFESSIONAL CHARTERED
HYDROLOGIST

100 Peter St

15-04-20
1:200
A0

22 110838 105 Peter St
TRACT GERMAN COMPANY 598 LOT 17 LOT 27A
Residential Building (1 or 2 units)
Dudox Dwellings Address - Res

DUPLEX DWELLING
City of Kitchener
Building Division
Drawing Issued/Revised By
Project
R. Kitchener
Date: Jul 15, 2022

General Notes

- 1-The contractor Will Verify All Dimensions for The Work And Shall Report Any Discrepancies of the work
- 2-Drawing are not to be scaled for construction



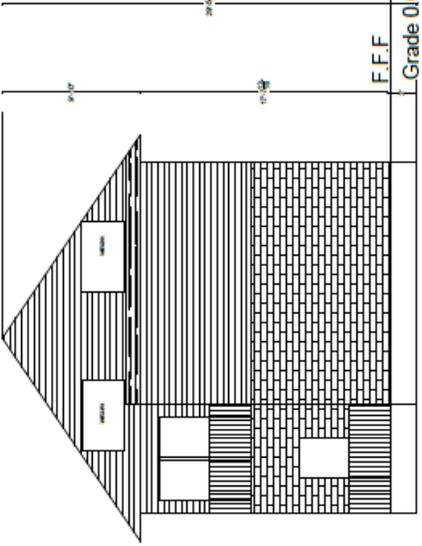
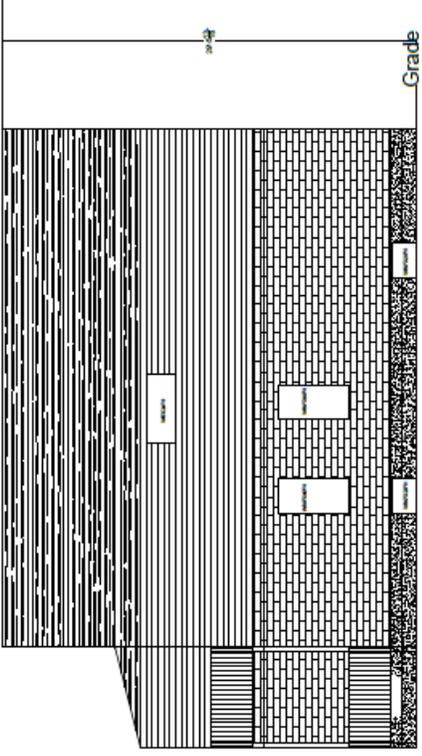
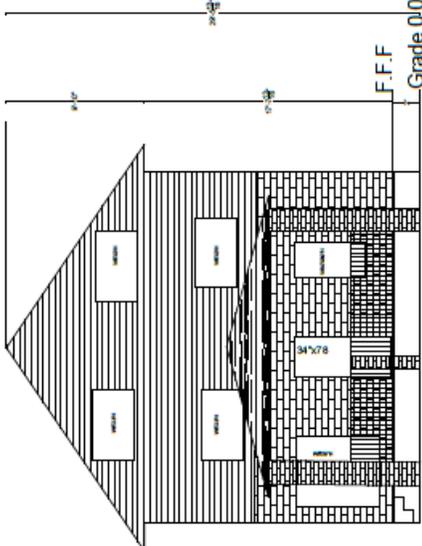
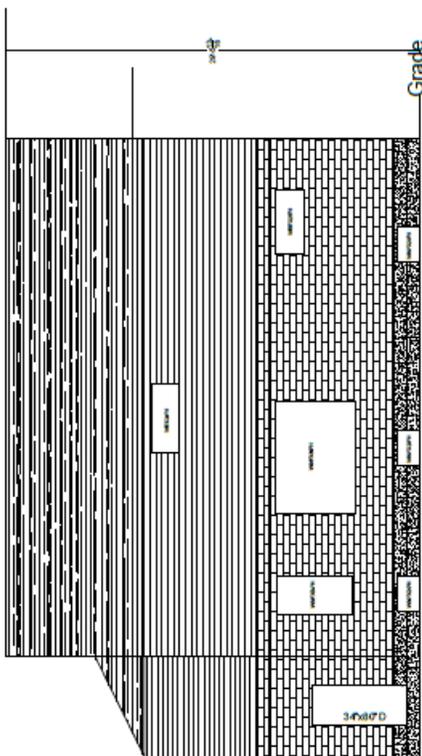
Views

No.	Description/Issue	Date

Per State of LA
Z. ALIMBARAK
PROFESSIONAL ENGINEER
2020-2185 CANTHRA RD
MISSISSIPPI ON LA 2186
8057661551

Project Name: 103 Peter st

Sheet No: 15-04-20
Scale: 1:7.5
Project No: A8



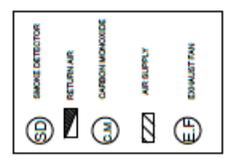
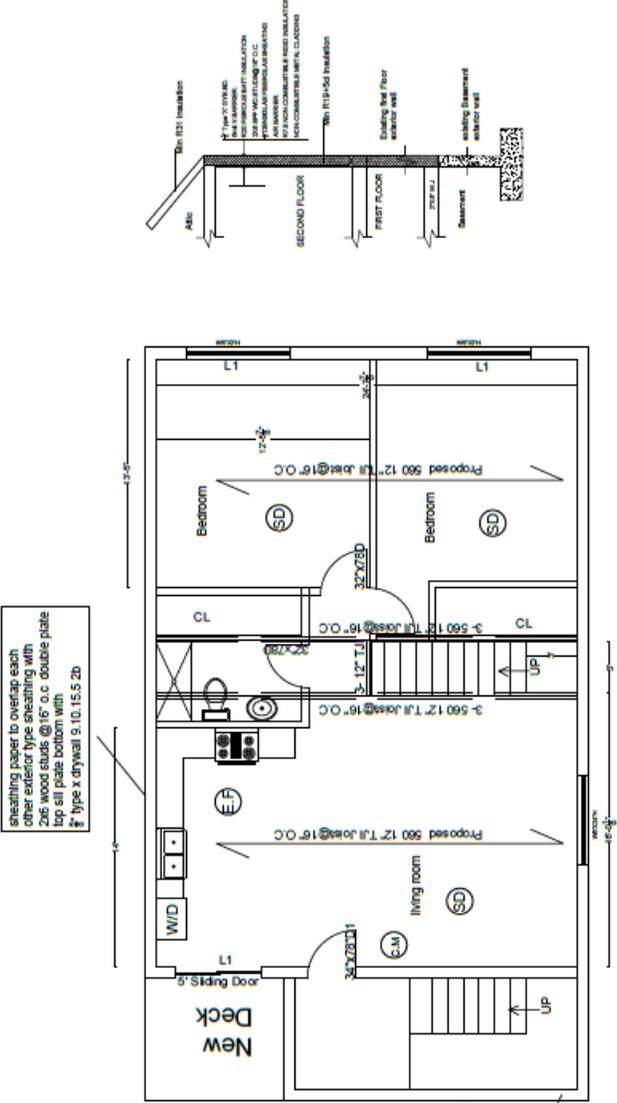
General Notes

1-The contractor Will Verify All Dimensions for The Work And Shall Report Any Discrepancies of the work scaled for construction

2-Drawing are not to be scaled for construction



Pro second Unit	
No.	Rev. No./Date
Project Name: 103 Peter st	
Project No. / Address: 103 Peter st	
Date: 15-04-20	
Scale: 1:75	



-fire alarm should be interconnected
 -D1 Fire rated with self closing device
 -L1 2-2X6" wood Lintel

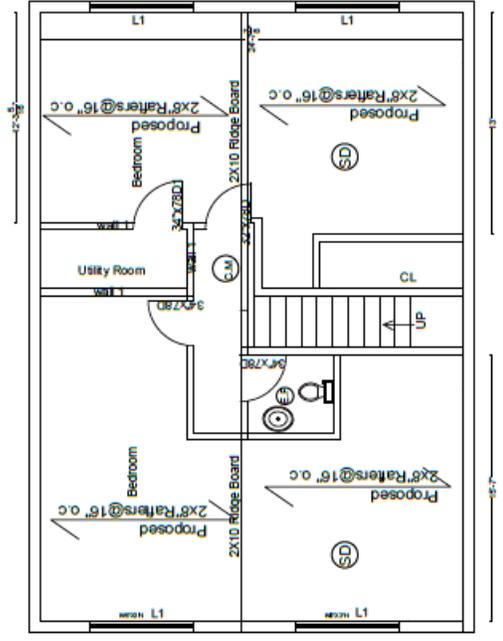
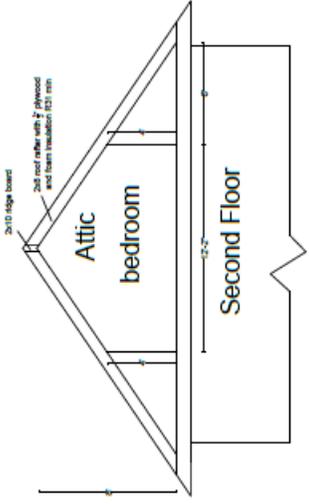
2x6 wood studs with 2" sheathing and 5/8" rebar installed @ 16" o.c.

Second Floor

Area 870 Sq.ft

L1-2-2X6 Wood Lintel wall 1 to provide 45m.f.r
 D1 to provide 45m.f.r with self closing

Pro Attic



sheathing paper to overlap each other exterior type sheathing with 2x6 wood studs @ 16" o.c. double plate top sill plate bottom with 2" type x drywall 9.10.15.5.2b

General Notes
 1-The contractor Will Verify All Dimensions for The Work And Shall Report Any Discrepancies of the work
 2-Drawing are not to be scaled for construction



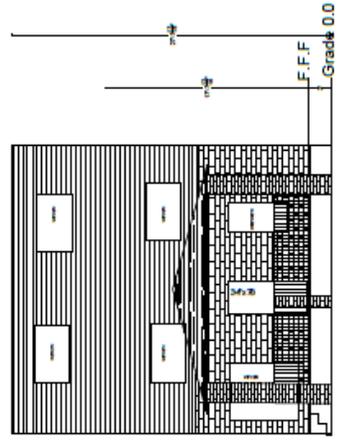
Views

No.	Rev. History/Issue	Date

Prepared and Issued by:
 NUOVO ENGINEERING
 2024-3305 CANBYHRA RD
 MISSISSIPPI, LA 70438
 90579661551

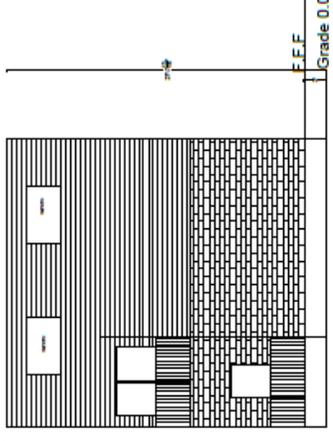
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 103 Peter st

Sheet No: A8
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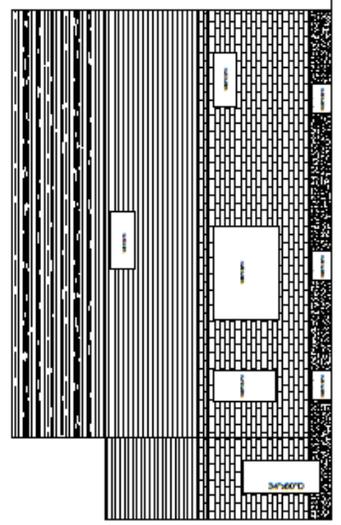


U.P.O. CALC'S
 LIMITING DISTANCE = 4.5 m
 EXPOSED BUILDING FACE = 691 sf
 PERMITTED = 28% = 195 sf
[O.K.]

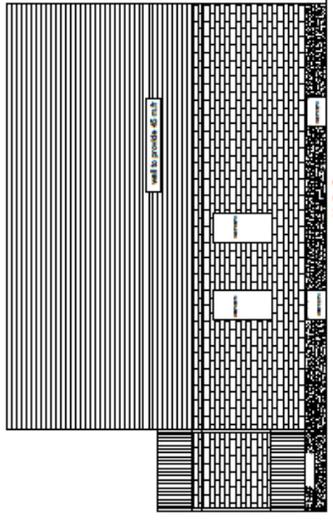
ALL GUARDS MUST BE NON-CLIMBABLE WITH NO HORIZONTAL MEMBERS BETWEEN 5 1/2" AND 35" ABOVE THE FLOOR OR WALKING SURFACE.
MIN. 42" HIGH GUARD THAT CONFORMS TO SB-7 OR PROVIDE FENG DETAILS TO INSPECTOR
GUARD POSTS ARE NOT PERMITTED TO BE NOTCHED OR SIT OUTSIDE THE RIM JOIST
GUARD POSTS ARE NOT PERMITTED EXCEED 5'-1" o/c SPACING
ALL FOOTINGS TO BE ON UNDISTURBED SOIL
NEW FOOTINGS WITHIN 4FT OF HOUSE FOUNDATION TO BE DEPTH OF EXISTING HOUSE FOOTING



U.P.O.
[O.K.]



U.P.O. CALC'S
 LIMITING DISTANCE = 3.9 m
 EXPOSED BUILDING FACE = 1140 sf
 PERMITTED = 18% = 205 sf
[O.K.]



U.P.O.
[O.K.]

