

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** January 17, 2023

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

**PREPARED BY:** Tim Seyler, Planner, 519-741-2200 ext. 7860

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** January 4, 2023

**REPORT NO.:** DSD-2023-026

**SUBJECT:** Minor Variance Application A2023-002 – 44 Floyd Street

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## RECOMMENDATION:

### Zoning By-law 85-1

That Minor Variance Application A2023-002 for 44 Floyd Street requesting relief from Section 5.5.2 b) of Zoning By-law 85-1 to permit an accessory structure to have a maximum height of 4.3 metres to the underside of the fascia instead of the maximum permitted 3 metres, generally in accordance with drawings prepared by AFJ Building Design, dated July 24, 2022, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to permit the construction of a detached structure on the property.
- There are no financial implications.
- This report supports the delivery of core services.

## BACKGROUND:

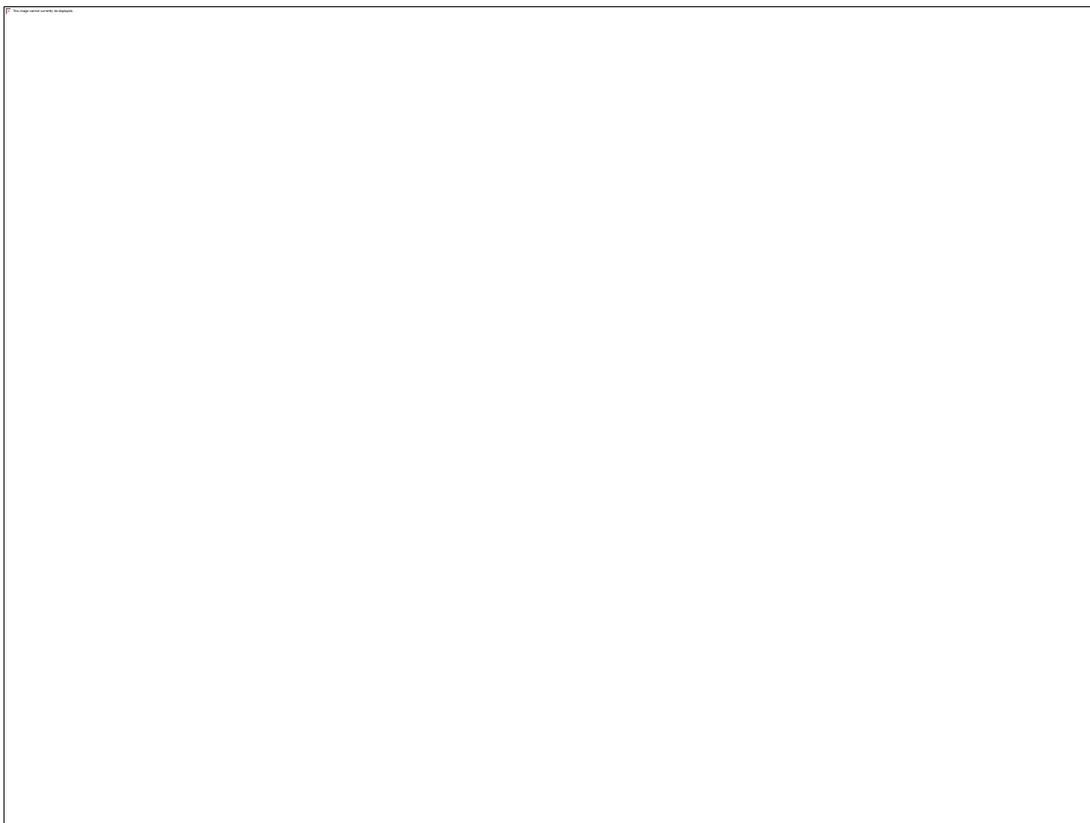
The subject property is located on Floyd Street between Fairfield Avenue and Guelph Street. The current use of the building is a single detached dwelling.

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



**Subject Property – 44 Floyd Street**

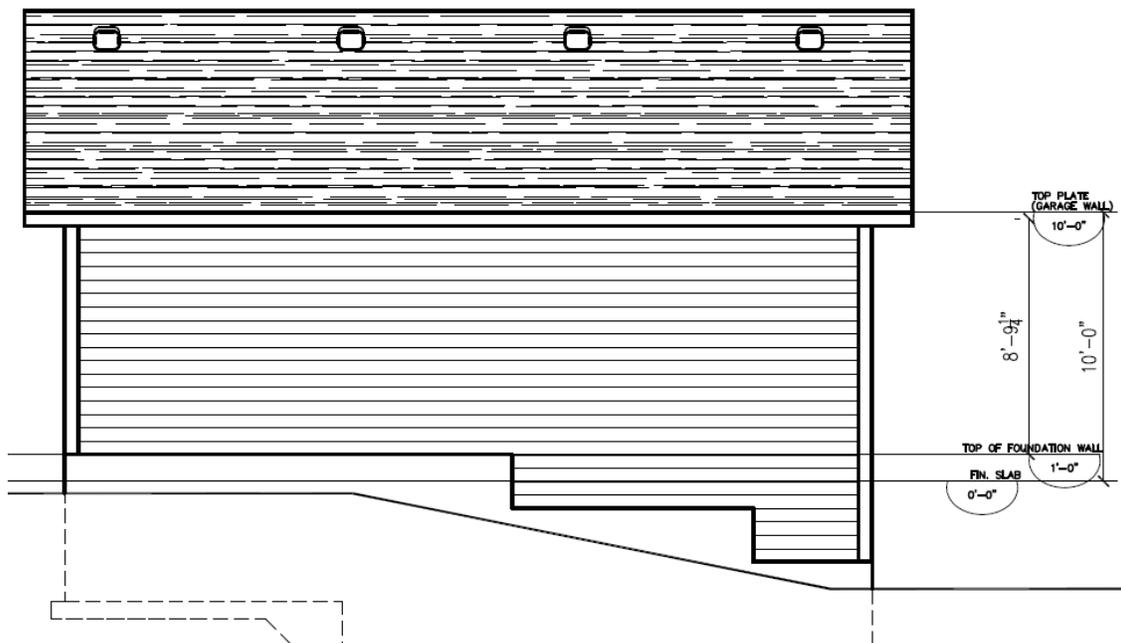


**Location for proposed accessory structure**



**Side view with view of grade change**

The application is requesting relief from Section 5.5.2b) of Zoning By-law 85-1 to permit an accessory structure to have a maximum height of 4.3 metres to the underside of the fascia instead of the maximum permitted 3 metres, to facilitate the construction of a detached garage in the rear yard of the subject property. Due to the grading of the rear yard the rear portion of the structure will be 4.3 metres in height, however the front portion of the structure will maintain the maximum permitted 3.0 metres in height to the underside of the fascia. It should also be noted that no variance would be required to Zoning By-law 2019-051 as the new regulations state that the maximum height of the shortest exterior wall shall be 3 metres, which this application would meet.



**Side Elevation of Proposed Structure**

## **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 designated 'Low Rise Residential' in the City's Official Plan. This designation places emphasis on compatibility of building form with respect to massing, scale and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets and exterior areas. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to be able to construct a detached structure meets the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The intent of the maximum height to the underside of the fascia is to ensure that accessory structures are not excessive in height and to ensure neighbouring properties wouldn't face blank walls. Due to the slope of the property, the rear of the property is significantly lower than the front portion where the dwelling is located. The structure meets the 3.0 metre height to the fascia regulation at the front and only the rear wall will be taller than what is permitted. There are also no rear yard neighbours that would directly face the structure and be impacted by it. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The variance can be considered minor as it is the opinion of staff that the increase in height will only impact the rear view of the property as from the front of the structure it will meet the regulations. The increase of 1.3 metres for the fascia height at the rear of the structure will not present any significant impacts to adjacent properties and the overall neighbourhood.

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

The variance is appropriate for the development and use of the land. The requested variance should not impact any of the adjacent properties or the surrounding neighbourhood. The scale, massing and height of the proposed accessory structure will not negatively impact the existing character of the subject property or surrounding neighbourhood.

### **Environmental Planning Comments:**

No natural heritage concerns.

### **Heritage Planning Comments:**

No heritage planning concerns.

### **Building Division Comments:**

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

### **Engineering Division Comments:**

No Engineering concerns.

### **Parks/Operations Division Comments:**

No Parks/Operations concerns.

**Transportation Planning Comments:**

Transportation Services does not have any 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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

