

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: March 21, 2023

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

PREPARED BY: Ben Brummelhuis, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 15, 2023

REPORT NO.: DSD-2023-105

SUBJECT: Minor Variance Application A2023-026 - 74 Boehmer Street

RECOMMENDATION:

Zoning By-Law 2019-051

That Minor Variance Application A2023-026 for 74 Boehmer Street requesting relief from the following sections of the Zoning By-law 2019-051:

- i) 4.12.3 h) to permit a lot area of 391 square metres instead of the minimum 395 square metres;
- ii) 4.12.3 i) to permit a lot width of 11.9 metres instead of the minimum 13.1 metres; and
- iii) 4.12.3 j) to permit a detached Additional Dwelling Unit (ADU) (Detached) to be located 0.5 metres from the rear lot line instead of the minimum required 0.6 metres;

to facilitate the conversion of an existing detached garage into an Additional Dwelling Unit (ADU) (Detached) in accordance with drawings prepared by Dryden Smith & Head, dated January 12, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to facilitate the conversion of an existing detached garage into an Additional Dwelling Unit.
- 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.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the east side of Boehmer Street on the corner of Boehmer Street and Elizabeth Street.

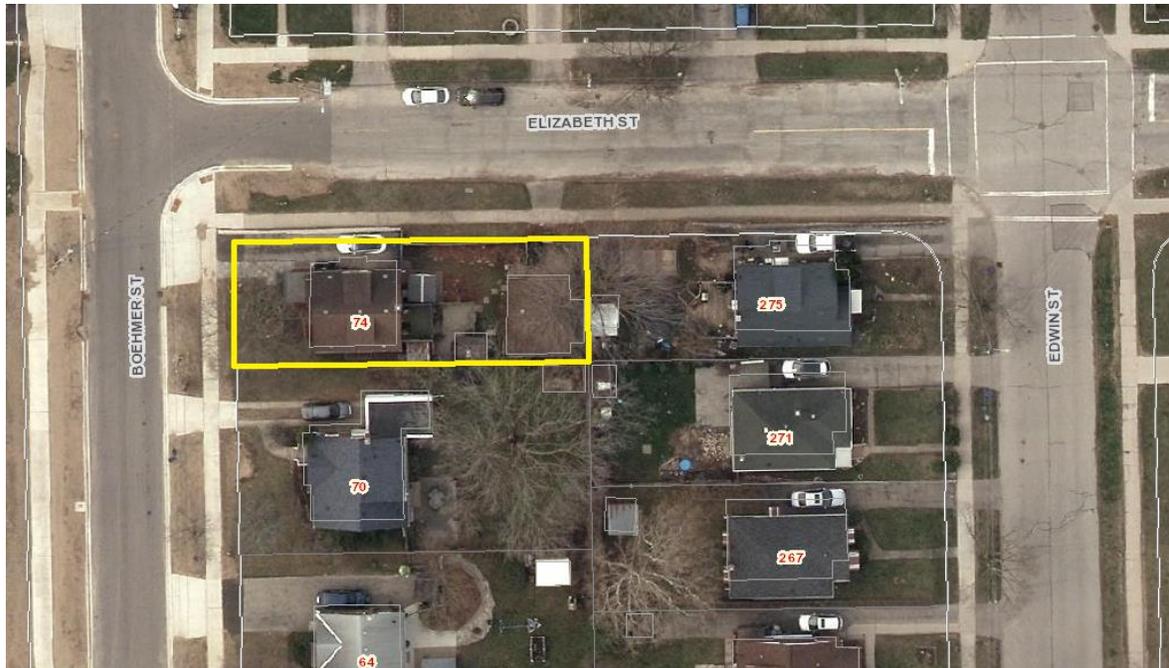


Figure 1 – Aerial Location Map

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 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conversion of an existing detached garage into an ADU. The application requires minor variances to conform to ADU regulations as its prior use was a detached garage. The garage has a window in the front and a hip or gable roof that matches the primary dwelling. The proposed conversion is located in the rear yard and will adhere to all additional requirements for an ADU in Section 4.12 of Zoning By-law 2019-051.

Staff visited the site on March 1, 2023.



Figure 2 – Front View Photo from Site Visit



Figure 3 – Side View Photo from Site Visit

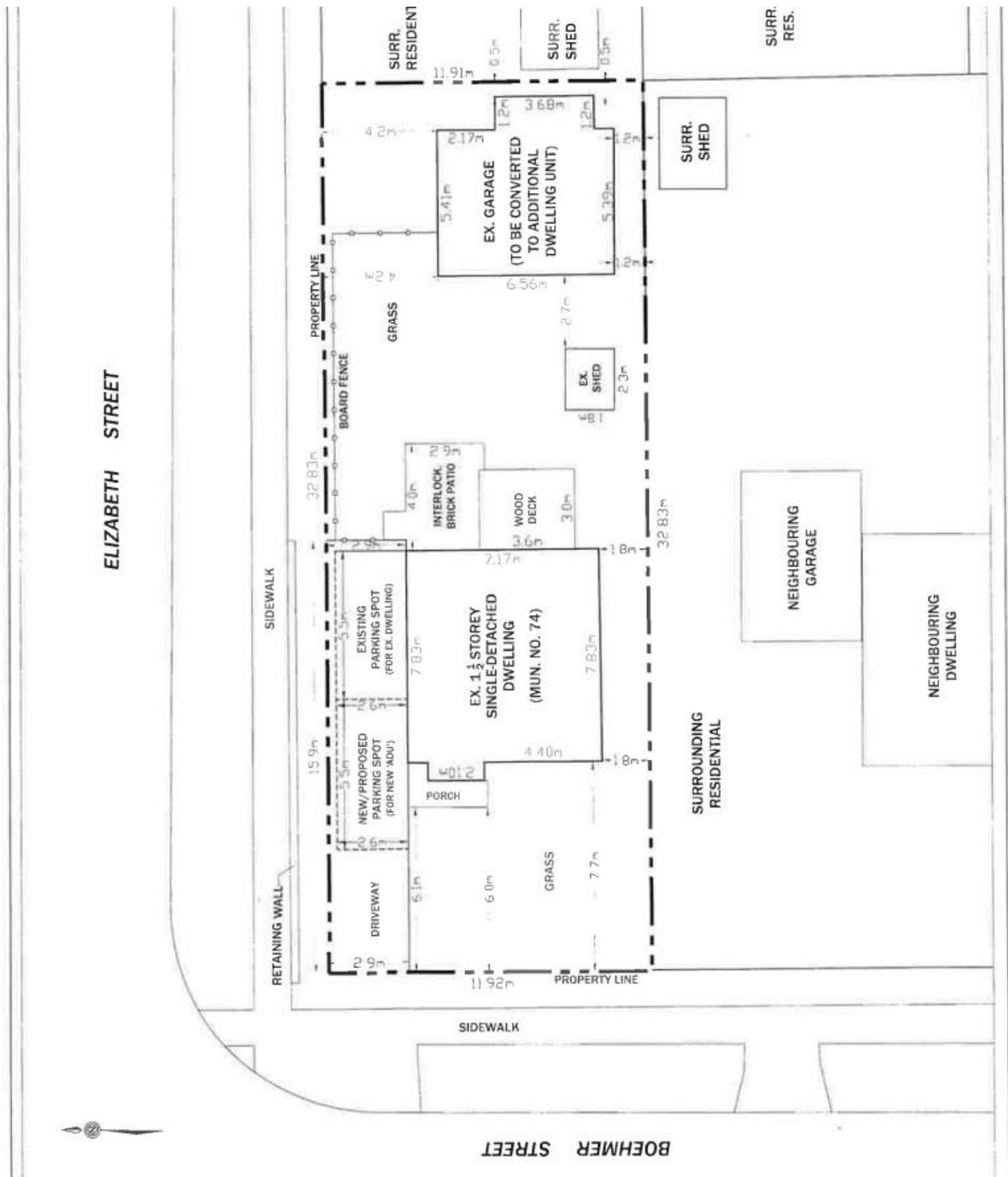


Figure 4 – Site Plan

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' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to permit a variety of low-density residential uses with an emphasis on compatibility with the built form, height, massing, scale, and design. The Low Rise Residential policy supports a cohesive relationship of the principal and accessory buildings with the streets, and within the neighbourhood. The primary dwelling is a 1.5 storey single detached dwelling, similar in height, massing, scale, and design to adjacent structures. The existing detached garage is also similar in height, scale, and design to adjacent properties with detached structures. Staff is of the opinion that the proposed conversion of an existing garage to an ADU detached is an appropriate use that provides a mix of residential uses, that is comparable to other structures within the surrounding neighbourhood and the intent of the Official Plan will be maintained.

General Intent of the Zoning By-law

Minimum Lot Area:

The intent of the 395 square metre lot area to permit an ADU detached is to ensure that there is adequate space to accommodate other regulatory functions, buildable area, and amenity space. Given that the reduction in minimum lot area does not impact the functionality of the site as the purpose of the application is to convert an existing garage to an ADU detached, there is adequate parking and sufficient space for side yard setbacks to function, staff are of the opinion that a reduction from 395 square metres to 391 square metres reduction is appropriate and meets the intention of the regulation.

Minimum lot Width:

The intent of the 13.1 metre lot width is to ensure that there is adequate space for side yard setbacks, appropriate dwelling size, and sufficient space for parking. Given that the reduction in the minimum lot width is 1.2 metres and allows for the appropriate side yard setbacks, an appropriate unit size to exist within the existing garage, and sufficient parking, staff are of the opinion that a reduction from 13.1 metres to 11.9 metres in lot width is appropriate and meets the general intent of this regulation.

Minimum Rear yard setback:

The intent of the minimum 0.6 metre rear yard setback is to ensure there are minimal impacts to abutting properties that may negatively impact abutting properties and does not impact the function of other regulations. Given that the detached garage has existed with a rear yard setback of 0.5 metres and does not impact the function of other setback regulations, staff are of the opinion that a 0.1 metre reduction in rear yard setback is appropriate and meets the intention of the regulation.

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

The effects of the variances are minor in nature. The reductions in the regulations will not be discernible and will not inhibit the ability of the lot to meet other zoning regulations and provide an adequate buildable area and amenity space. The requested variances are not expected to impact any of the adjacent properties or the surrounding neighbourhood. The ADU will be developed in an existing detached garage structure which height, massing, scale, and design is similar to structures on adjacent properties.

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

The variances are appropriate for the development and use of the land. The variances will support a gentle intensification of housing by facilitating the conversion of an existing detached garage on the subject property into an ADU (detached) and there is sufficient parking. Therefore, staff are of the opinion that the variances are desirable for the appropriate development and land use.

Environmental Planning Comments:

Environmental Planning has no natural heritage concerns or tree management concerns as no new construction is proposed.

Heritage Planning Comments:

Heritage planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the conversion of the garage into an ADU is obtained prior to the construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

Parks/operations has no concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

NOTE: If the applicant/homeowner wishes to widen the driveway for the proposed ADU, they will be required to go through the curb cut permit process via Planning staff.

Region of Waterloo Comments:

Region of Waterloo has no concerns.

Ministry of Transportation Comments:

The Ministry of Transportation (MTO) has no requirement for this application. The subject property is located beyond MTO limits of permit control and therefore MTO review, acceptance and permits will not be required.

Grand River Conservation Authority Comments:

The GRCA has 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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*