

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 16, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Arwa Alzoor, Planning Technician (Site Development) 519-741-2200
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WARD(S) INVOLVED: Ward (10)

DATE OF REPORT: April 25, 2023

REPORT NO.: DSD-2023-204

SUBJECT: Minor Variance Application A2023-060 – 20 Cameron Street North

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2023-060 for 20 Cameron Street North requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 5.22 c) to allow for a lot width of 12.19 metres instead of the minimum required lot width of 13.1 metres;
- ii) Section 39.2.1 to allow for a side yard setback of 1.15 metres from the left side lot line instead of the minimum required 1.2 metres; and
- iii) Section 39.2.1 to allow for a side yard setback of 2.6 metres from the right side lot line, where the driveway leads to a required parking space, instead of the minimum required 3.0 metres;

to facilitate an Additional Dwelling Unit (ADU) (Attached) to the existing Single Detached Dwelling with an Additional Dwelling Unit (Attached) (Duplex) to have a building with three (3) dwelling units in total, generally in accordance with drawings prepared by Ryan Joseph Walter, dated April 6, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to permit a building with 3 dwelling units in total on the subject property.
- The key finding of this report is that the requested minor variances meet the 4 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, a 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 south of Weber Street East and east of Cedar Street North. It currently contains a two-storey single detached dwelling with one (1) Additional Dwelling Unit (ADU) (Attached), a duplex, and a rear yard accessory structure used as storage.

The subject property is identified as a 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 10 - King Street East Neighbourhood Plan for Land Use - Secondary Plan in the 1994 Official Plan.

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

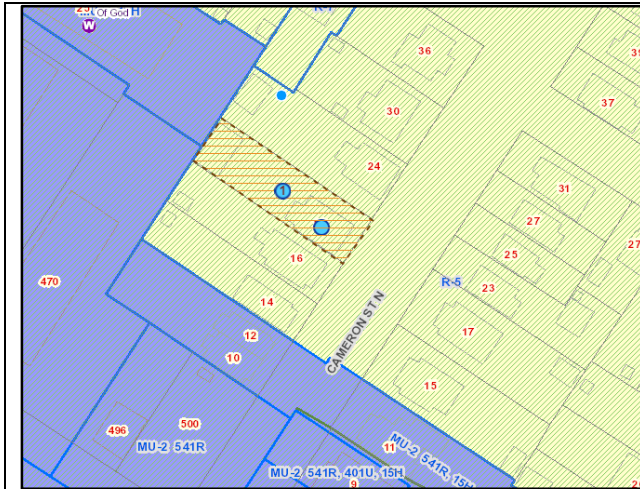


Figure 1: Location on the zoning map

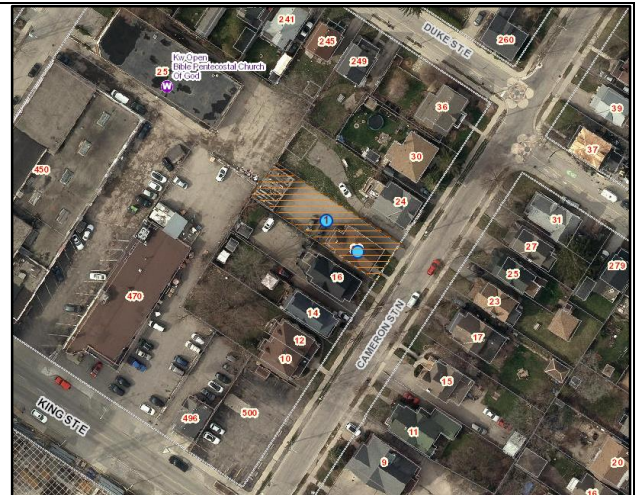


Figure 2: Aerial image of the subject property

The applicant would like to add one (1) Additional Dwelling Unit (ADU) (Attached) to an existing duplex. Three (3) parking spaces are proposed to be located in the rear yard. Minor variances are required to permit a reduced lot width and side yard setbacks, on both sides of the dwelling, as they do not meet the minimum required in the Zoning By-law.

- To permit minimum lot width of 12.1 metres instead of 13.1 metres required.
- To permit a side yard setback of 1.15 metres instead of the minimum required 1.2 metres and 2.6 metres on the side of the dwelling where the driveway leads to the parking spaces instead of minimum required 3.0 metres.



Figure 4: Front view of the house



Figure 5: Side of the house showing the setback where the driveway leads to the rear yard



Figure 6: The rear yard with the parking lot and the accessory structure



Figure 7: Rear view of the house



Figure 8: Rear view of the house with the side yard driveway and parking

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, the Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated as 'Low Rise Conservation' in the King Street East Neighbourhood Secondary Plan in the 1994 Official Plan. The intent of this designation is to retain the existing low rise, low density, primarily detached housing stock while simultaneously allowing a slight density increases by permitting conversion or redevelopment to a maximum of three dwelling units. Permitted uses are restricted to single detached dwellings, semi-detached dwellings, duplex dwellings, multiple dwellings to a maximum of three dwelling units, small lodging houses, small residential care facilities, home businesses and private home daycare.

Staff is the opinion that the requested variances will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The lot width regulation intends to ensure the use has sufficient amenity space, landscaped area, fire emergency access and parking. The subject property has a lot area of 519.2 square metres which is 124.2 square metres greater than the minimum required 395 square metres. The additional lot area supports the use of the property for a building with 3 dwelling units while providing sufficient amenity, landscaped and parking areas.

The intent of the minimum side yard setback of 1.2 metres is to ensure that the dwelling has sufficient separation from abutting properties and to provide access to the rear yard. The existing 1.15 metres side yard setback will ensure the same intent as the difference is only 0.05 metres. The intent of the 3.0 metres side yard setback where there is a driveway that leads to the required parking is to ensure that the driveway width allows the vehicles to access the required parking spaces. The existing side yard of 2.6 metres is the width of a required parking space in the zoning by-law and will support access to the required parking. Transportation Services did not have any concerns with this width of driveway.

Based on the above, staff is of the opinion that the general intent of the zoning by-law is being maintained.

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

The existing property is only 0.91 metres less than the required lot width. The difference in the required side yards is only 0.05 metres on one side and 0.40 metres on the other side which setbacks will still

meet the intent of the zoning by-law with respect to function. The Additional Dwelling Unit (ADU)(Attached) is proposed to be accommodated within the existing building and on an existing lot. As the built form and general appearance of the property and building will be maintained, the effects of the variances to facilitate an additional dwelling unit are minor.

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

The variance to allow a reduction in lot width and side yard setbacks are desirable and appropriate as it allows for gentle intensification of the subject property and supports the City's Housing Pledge.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

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 20 Cameron Street North is located within the Central Frederick Neighbourhood CHL. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the change of use to a triplex is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

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

Region of Waterloo:

No comments.

Ministry of Transportation Operations (MTO) Comments:

MTO has no requirement.

Grand River Conservation Authority (GRCA) comments:

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

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 (1994) – King Street East Secondary Plan*
- *Zoning By-law 85-1*