

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
519-741-2200 ext. 7765

PREPARED BY: Kieran, Luckhai, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: May 3, 2023

REPORT NO.: DSD-2023-201

SUBJECT: Minor Variance Application A2023-059 – 26 Louisa Street

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2023-059 for 26 Louisa Street requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 to permit the required parking space to be located 0.5 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing attached garage into living space, in accordance with the Site Sketch, prepared by Catalyst General Contracting, dated December 2022, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the required parking space to be located 0.5 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing attached garage into living space.
- 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 north side of Louisa Street, within the Mount Hope Huron Park Neighbourhood. The surrounding context of the subject property is primarily comprised of low rise residential and mixed use.

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 18 – KW-Hospital Land Use in the KW-Hospital Secondary Plan in the City's 1994 Official Plan.

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

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

The purpose of the application is to permit the required parking space to be located 0.5 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing attached garage into living space.

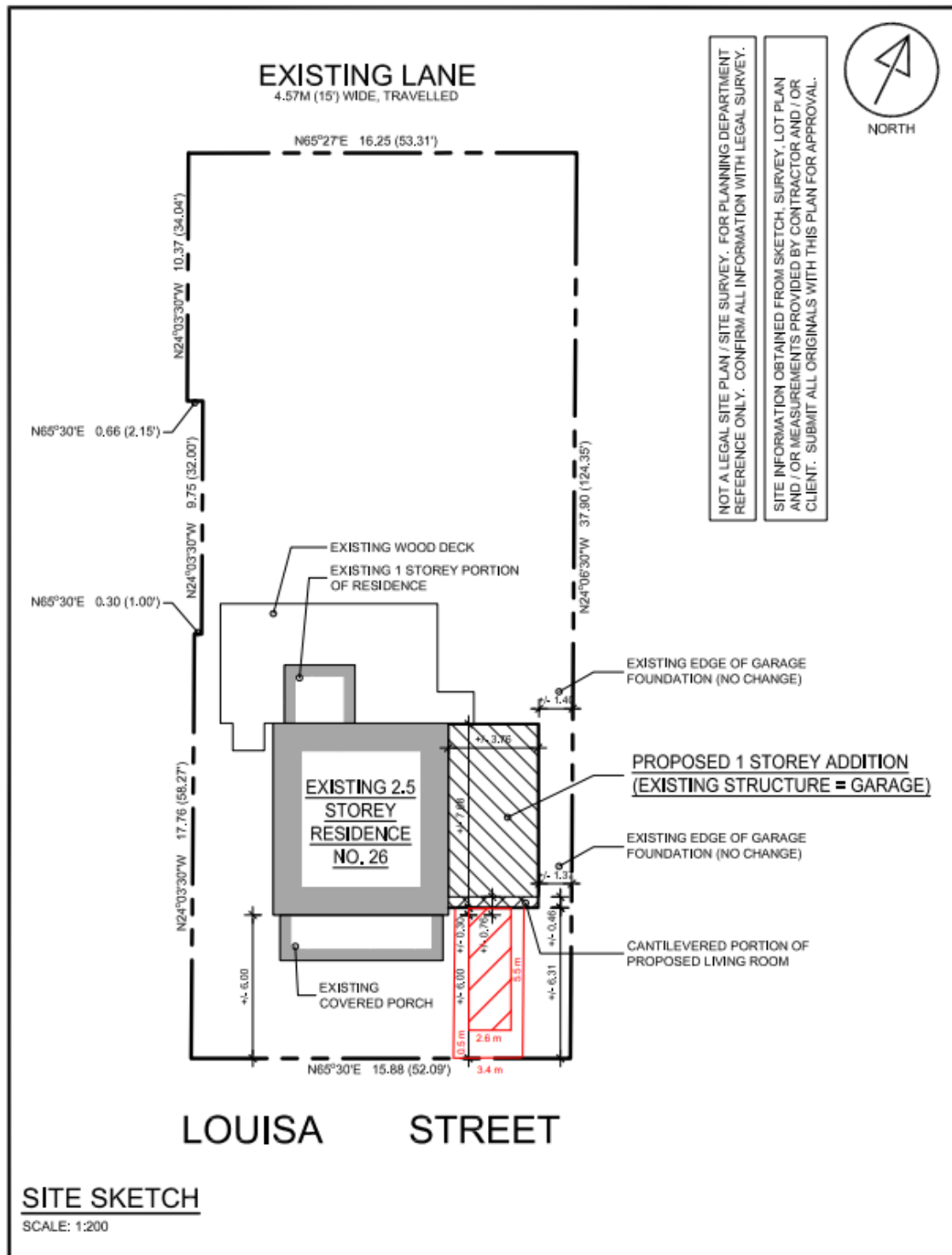
City Planning staff conducted a site inspection on April 19, 2023.



Figure 1: Location Map: 26 Louisa Street



Figure 2: Front View of 26 Louisa Street



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 lands are identified as 'Major Transit Station Area' on Map 2 – Urban Structure and designated 'Low Rise Conservation' on Map 18 – KW-Hospital Neighbourhood Plan for Land Use, as located in a Secondary Plan in the City's 1994 Official Plan. This land use designation permits low density housing types including single detached dwellings, duplex dwellings, semi-detached dwellings, multiple dwellings to a maximum of three units, small lodging houses, small residential care facilities, home businesses and private home day care. An existing single detached dwelling and driveway currently exist on the subject property. The proposed variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 6 metre setback from the street line for the first required off-street parking space in Zoning By-law 85-1 is to ensure that a vehicle can be safely parked without impacting City and public right-of-ways, or access for the surrounding properties. The required setback also ensures clear visibility lines when exiting the driveway. With the conversion of the garage space to living space, the property will still be able to function appropriately and accommodate the one (1) required parking space. Given the rather large right-of-way, the required parking space is setback approximately the length of a vehicle from the sidewalk. Staff are of the opinion that the requested meets the general intent of the Zoning By-law.

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

The requested variance is considered minor as the required off-street parking space can be accommodated with the existing driveway, setback 0.5 metres from the street line, in a safe manner. The property will still be able to provide the required parking space. There are no anticipated impacts to the pedestrian right-of-way or to neighbouring properties with the reduced setback of the required parking. Staff are of the opinion that the requested variance is minor in nature.

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

The requested variance is desirable and appropriate as it will permit the conversion of the attached garage into living space to better accommodate the current owner's situation, while still being able to accommodate the required parking on the subject property.

Environmental Planning Comments:

No 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 26 Louisa Street is located within the Mt Hope/Breithaupt 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 to convert the garage into liveable space is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

There are existing City-owned trees on Louisa Street that may be impacted by the proposed development and suitable arrangements including the submission and approval of a Tree Protection and Enhancement Plan showing full protection for existing trees; an ISA valuation of City-owned trees and any required securities or compensation for removed trees will be required to the satisfaction of Parks and Cemeteries prior to the issuance of a Building Permit.

Planning Comments:

The applicant is not proposing any alterations/changes to the existing driveway. The required parking space is proposed to be relocated from the attached garage to the existing driveway. Any widening of a driveway is not possible given the adjacent property and the location of a fire hydrant in the right-of-way to the left of the driveway. This condition is not necessary to add.

Transportation Planning Comments:

No concerns.

Metrolinx

Metrolinx is in receipt of the minor variance application for 26 Louisa St to construct one storey addition. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor.
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Planning Comments:

The residential use of the property and attached garage are existing. The applicant is proposing to convert existing garage floor area to living area and requires the minor variance to locate the required parking space in the driveway rather than in the attached garage.

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 (1994/2014) - KW-Hospital Secondary Plan*
- *Zoning By-law 85-1*

ATTACHMENTS:

Attachment A – Site Survey
Attachment B – Floor Plans
Attachment C – Elevation Drawings