

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: October 18, 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 2

DATE OF REPORT: October 7, 2022

REPORT NO.: DSD-2022-455

SUBJECT: Minor Variance Application A2022-124
34 Dooley Drive
Owner: Sasha & Mark Moosaie

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-124 for 34 Dooley Drive 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 1.0 metre from the street (property) line instead of the minimum required 6 metres, to facilitate the conversion of the single detached dwelling to a duplex dwelling, subject to the maintenance of the required Driveway Visibility Triangles (DVT) and generally in accordance with the plan prepared by Sarah Lang, dated August 22, 2022, BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2022-124 for 34 Dooley Drive requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit the required parking space to be located 1 metre from the street (property) line instead of the minimum required 6 metres to facilitate the addition of a dwelling unit (ADU) (Attached) to the single detached dwelling, subject to the maintenance of the required Driveway Visibility Triangles (DVT), generally in accordance with the plan prepared by Sarah Lang, dated August 22, 2022, BE APPROVED subject to the following:

This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the conversion of the 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.



Location Map of 34 Dooley Drive (subject property).

BACKGROUND:

The subject property is located on the north side of Dooley Drive, with the closest intersections being Dooley Drive and Midland Drive, and Dooley Drive and Simpson Avenue. The subject property contains a single detached dwelling. The area is predominantly a low-rise low-density residential neighbourhood.

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 Three Zone (R-3)' in Zoning By-law 85-1, and 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051, which is currently under appeal.

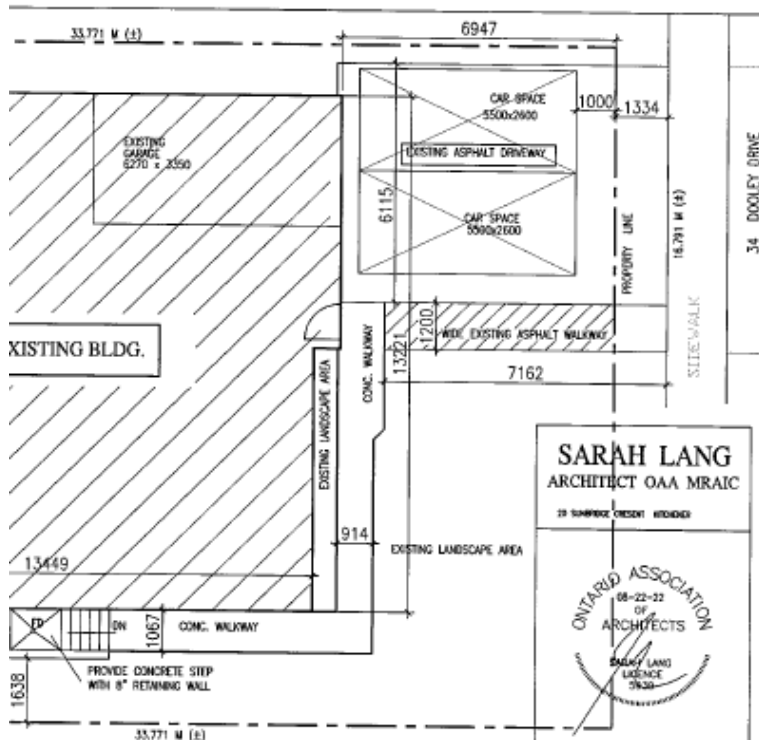
The purpose of the subject minor variance application is to facilitate the construction of an Additional; Dwelling Unit (attached) in the existing attached garage and recognize the two (2) side by side parking spaces on the existing driveway. Specifically, the variance is as follows:

- To permit the required off-street parking space to be located 1.0 metre from the street (property) line, instead of the minimum required 6 metres to recognize the two (2) side by side parking spaces in the existing driveway and to facilitate the conversion of the garage into an additional dwelling unit (attached).

City staff conducted a site inspection on September 29, 2022.



Site visit photo of 34 Dooley Drive (subject property).



Portion of Site Plan showing parking spaces and setback from the property line.

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

In the City's Official Plan, the intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streets, and exterior areas. The property is presently developed with a single residential dwelling. The proposed additional dwelling is proposed to be located in the attached garage and will not change the existing massing, height, or other design characteristics of the property other than the elimination of the garage door. Additionally, the City's Official Plan also supports the development of additional dwelling unit(s), attached, within a residential unit, 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 another housing option 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. Therefore, it is the opinion of staff that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent and purpose of the Zoning By-law requiring parking spaces to be located a minimum distance of 6 metres from the street line, is to ensure the presence of vehicles do not dominate the streetscape and that vehicles can exit the property in a safe manner. The existing driveway is located on the front yard and is appropriately spaced and setback from Dooley Drive. Accordingly, it is staff's opinion that the general intent of the zoning by-law will be maintained.

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

The requested variance can be considered minor as the continuation of the parking in this location is not anticipated to cause unacceptable adverse impacts on the streetscape or adjacent properties. The parking area, with 2 parking spaces, has existed several years without incident. Appropriately located parking spaces and access can continue to be accommodated in this location. Accordingly, it is staff's opinion that the effects of the variance are minor.

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

The requested variance to permit a reduction in the off-street parking setback is desirable as it will support a gentle form of intensification by permitting the existing attached garage to become additional living space. It will also recognize an appropriately sized parking space on the driveway as the legal parking space for the dwelling to accommodate the existing and additional dwelling unit(s). Further, there will be no change to the visible scale and massing of the house. There are no anticipated negative impacts as a result of the requested variance to adjacent properties, or the streetscape and surrounding neighbourhood.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A building permit application has been made for the change of use to a duplex and it is currently under review.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services supports the proposed parking setback of 1m from the required 6m setback from the property line.

The existing hedge is within the 4.57m x 4.57m driveway visibility triangle (see redline below) and therefore, ensure the portion of the hedge that is within the DVT has a maximum height of 0.9m.



Not to scale

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-laws 85-1 and 2019-051*

ATTACHMENTS:

Attachment A – Site Plan submitted with application.

