

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20, 2023

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

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: June 7, 2023

REPORT NO.: DSD-2023-266

SUBJECT: Minor Variance Application A2023-069 – 213 Mill Street

RECOMMENDATION:

That Minor Variance Application A2023-069 for 213 Mill Street requesting relief from Section 5.22 h) of Zoning By-law 85-1 to permit an Attached Dwelling Unit (ADU) (Detached) to be 87% of the building floor area of the principal dwelling and 111.1 square metres in area instead of the maximum permitted 50% or 80 square metres, whichever is the less, to facilitate the conversion of an existing detached garage into a detached ADU in the rear yard of the subject property generally in accordance with drawings prepared by RJ CAD Solutions, submitted with Minor Variance Application A2023-069, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit the partial conversion of an existing dual detached garage into a detached ADU.
- The key finding of this report is that the 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 near the intersection of Mill Street and Stirling Avenue South.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' in the Mill Courtland Woodside Park Secondary Plan.

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

The purpose of the application is to review a minor variance to permit the partial conversion of an existing garage into a detached ADU. The subject property is a single detached dwelling unit with a

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dual garage in the rear yard of the property. The conversion to a detached ADU is proposed for the right portion of the garage. The left portion will remain a garage with no alterations to the exterior garage doors. The building floor area of the principal dwelling (excluding the basement) is 127.9 square meters. The building floor area of the existing garage is 111.1 square meters, while the building floor area of the proposed detached ADU is 63.8 square meters. Zoning by-law 85-1 Section 5.22 h) states that the building floor area for a detached ADU shall not exceed 50% of the building floor area of the principal dwelling, or 80 square meters, whichever is the less. Accordingly, a minor variance is requested to permit that the proposed detached ADU be 87% of the building floor area of the principal dwelling and 111.1 meters in area, instead of the maximum permitted floor area indicated in Section 5.22 h).

The existing garage has setbacks which exceed the minimum requirements in Zoning By-law 85-1 Section 5.22 i) and j). The left side yard setback is 2.8 metres, the right side yard setback is 3.0 metres, and the rear yard setback is 1.5 metres.

The proposed asphalt walkway to the proposed detached ADU is 2.1 metres in width, which exceeds 1.1 metre with minimum width requirement in Zoning By-law 85-1 Section 5.22 o).



Figure 1 – Ariel Photo of Subject Property

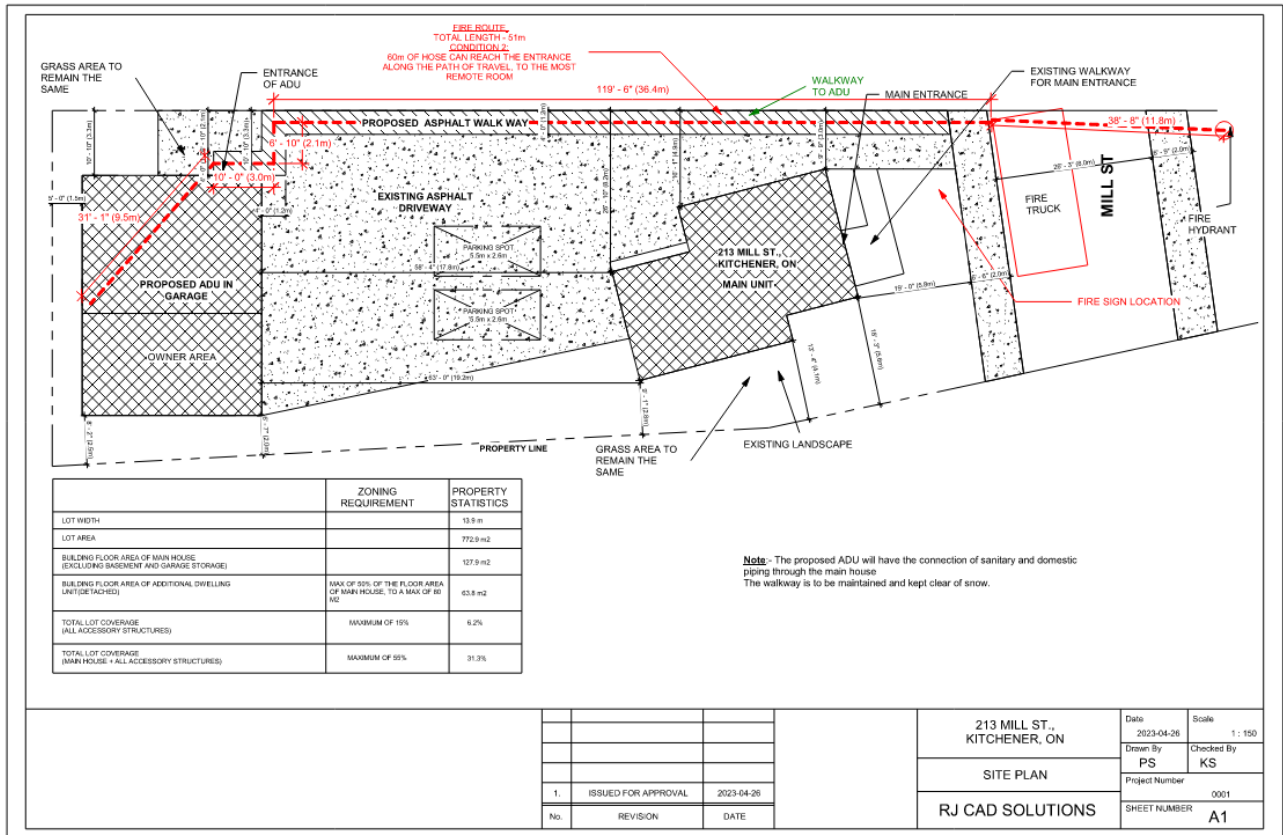


Figure 2 – Site Plan

Staff visited the subject property on May 29, 2023.



Figure 3 – Existing Detached Garage Photo from Site Visit



Figure 4 – Front View Photo from Site Visit

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 Conservation' in the Mill Courtland Woodside Park Secondary Plan. This intent of this designation is to retain the existing low-rise stock while simultaneously allowing a slight density increase by permitting conversion or redevelopment to a maximum of three dwelling units. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to permit a detached ADU meets the general intent of the Secondary Plan.

General Intent of the Zoning By-law

The intent of the maximum building floor area requirement is to ensure that the detached ADU is subordinate to the principal dwelling, with respect to scale. The detached garage is 3 metres in height, and the principal dwelling is 6.3 metres in height. The building floor area of the proposed detached ADU is 63.8 square meters, and the building floor area of the principal dwelling is 127.9 square meters. As the size of the proposed ADU will be smaller than the principal dwelling, 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 the conversion to a detached ADU is proposed for a portion of an existing detached garage, and there are no new structures proposed. It is the opinion of the staff that as the existing setbacks and proposed walkway exceed the minimum requirements, the effects of the proposed detached ADU on surrounding properties is minimal. In particular, the proposed detached ADU is on the right portion of the garage, and the right side yard set back is 3.0 metres, which suggests that there will be minimal impacts to adjacent properties with respect to visibility. There is also an existing landscape buffer (grass area) adjacent to the proposed detached ADU, which will remain.

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 as there are no new structures proposed. The scale of the proposed detached ADU will not negatively impact the existing character of the subject property or surrounding neighbourhood and will support a gentle intensification of housing by facilitating the construction of a detached ADU on the subject property containing a dwelling unit.

Environmental Planning Comments:

Environmental Planning has no natural heritage concerns or tree management concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made to convert a detached garage into an ADU and it is currently under review.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks and Operations Division has no concerns.

Transportation Planning Comments:

Transportation Planning has no concerns.

GRCA Comments:

The GRCA has no concerns.

Region of Waterloo Comments:

The Region of Waterloo 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 85-1*
- *Mill Courtland Woodside Park Secondary Plan*