

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20th, 2023

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

PREPARED BY: Arwa Alzoor, Planning Technician (Site Development) 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: May 26th, 2023

REPORT NO.: DSD-2023-288

SUBJECT: Minor Variance Application A2023-064 – 35 Belmont Avenue West

RECOMMENDATION:

That Minor Variance Application A2023-064 for 35 Belmont Avenue West requesting relief from Section 4.12.3 i) of Zoning By-law 2019-51, to permit a lot width of 9.8 metres instead of the minimum required lot width of 13.1 metres to facilitate the development of an Additional Dwelling Unit (ADU) (Detached) to the existing Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached) generally in accordance with drawings prepared by J.D. Barnes, dated May 19, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit 3 dwelling units in total on the subject property in a form of a Single Detached Dwelling with one Additional Dwelling Unit (Attached) and one Additional Dwelling Unit (Detached)
- 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.
- 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 north of Queens Boulevard and east of Westmount Road West. It currently contains a two-storey single detached dwelling with one (1) Additional Dwelling Unit (ADU) (Attached), a duplex.

The subject property is identified as a 'Community Area' on Map 2- Urban Structure and is designated as 'Low Rise Residential' on Map 3- Land Use of 2014 the Official Plan.

This property is zone 'Low Rise Residential Four Zone (RSE-4)' in Zoning By-law 2019-51

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

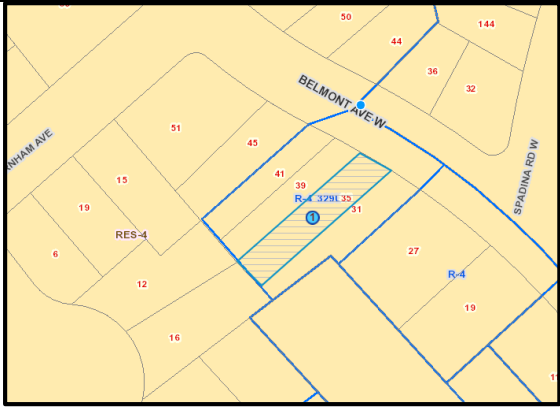


Figure 1: Location on the zoning map

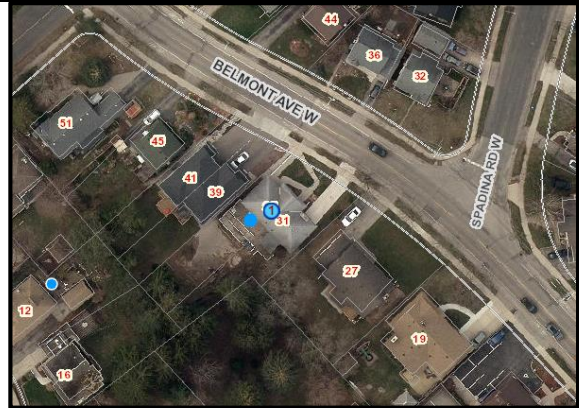


Figure 2: Aerial image of the subject property

The applicant is proposing to add one (1) Additional Dwelling Unit (ADU) (Detached) in the rear yard of an existing duplex. The maximum permitted driveway width is 3.9 metres. Accordingly, three (3) parking spaces are proposed to be in tandem (as permitted by the Planning Act); one in the attached garage and two cars in tandem in the front driveway. A minor variance is required to permit a reduced lot width, as it does not meet the minimum required in the Zoning By-law for an Additional Dwelling Unit (ADU) (Detached).

- To permit minimum lot width of 9.8 metres instead of the minimum 13.1 metres.

The attached garage's width is 3.3 metres. Zoning By-law 2019-051 permits the driveway to extend beyond the width of the attached garage to a maximum total width of 40% of the lot. In this case the maximum permitted driveway width is 3.9 metres.

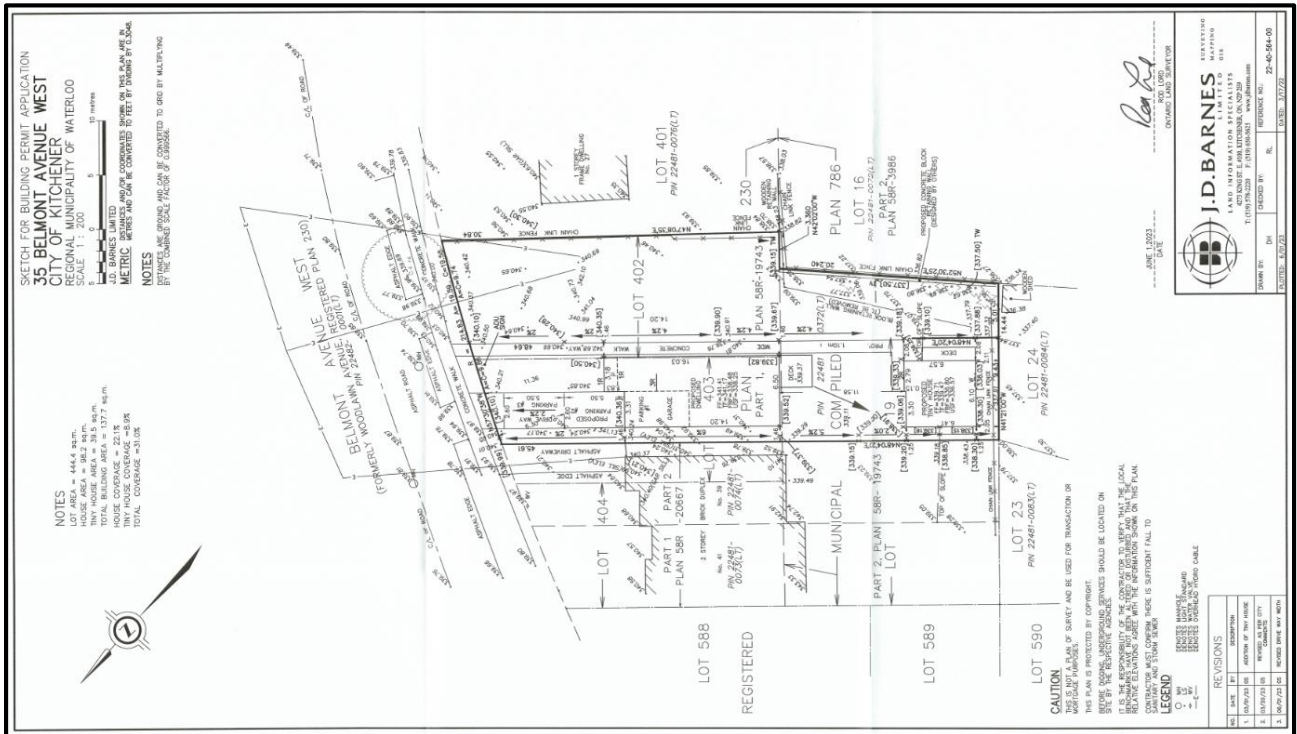


Figure 3: Building Location Survey and Parking Plan

Planning staff conducted a site inspection on Friday, June 2nd, 2023



Figure 3: The front of the existing house with the driveway- no increase in driveway width and landscaped are to be added



Figure 4: The east side yard



Figure 5: The west side yard where the 1.1 metre sidewalk will be still under construction

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 as 'Low Rise Residential' in the 2014 Official Plan. The intent of this designation is to accommodate a full range of low-density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing.

Staff is of the opinion that the requested variance maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The lot width regulation intends to ensure that the use has sufficient amenity space, landscaped area, fire emergency access and parking. The subject property has a lot area of 444 square metres which is greater than the minimum required 395 square metres. The additional lot area does support the use of the property for a building with 3 dwelling units and there is emergency access with the 1.1 metre walkway and still sufficient rear yard amenity. While staff recognizes the challenges with tandem parking, particularly the challenges with 3 parking spaces in tandem, tandem parking for 3 vehicles is permitted by the Planning Act.

Based on the above, the variance will maintain the general intent of the Zoning By-law.

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

The existing property is 3.24 metres less than the required lot width, but the lot area is larger than the minimum requirement of 395 square metres by 49 square metres, leaving sufficient space in the rear yard (once the ADU is built) for amenity space for all units. The 1.1 metre walkway can still be constructed between the ADU and the street. This makes the ADU accessible and helps mitigate the impacts of the reduced lot width. The tandem parking arrangement may cause impacts to the functioning of the subject property and the neighbourhood, however this is a parking arrangement that is permitted by the Planning Act.

Staff is of the opinion that the variances will facilitate the provision of an additional dwelling unit while not presenting any significant impacts to adjacent properties or the overall neighbourhood.

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 is desirable and appropriate as it allows for gentle intensification of the subject property, will make use of existing infrastructure, and supports the City's Housing Pledge.

Environmental Planning Comments:

The City's Tree Management Policy is addressed through conditions of approval for Consent Application B2022-031 (May 2022).

Heritage Planning Comments:

No heritage concerns

Building Division Comments:

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

Engineering Division Comments:

No Comments

Parks/Operations Division Comments:

No concerns, no comments

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Grand River Conservation Authority (GRCA):

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, a 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 (2014)*
- *Zoning By-law 2019-051*