

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** March 21, 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 9

**DATE OF REPORT:** March 8, 2023

**REPORT NO.:** DSD-2023-102

**SUBJECT:** Minor Variance Application A2023-032 - 22 Hebel Place

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## **RECOMMENDATION:**

### **Zoning By-law 85-1**

That Minor Variance Application A2023-032 for 22 Hebel Place 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, in accordance with drawing submitted with Minor Variance Application A2023-032, BE APPROVED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application 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 semi-detached dwelling unit into a semi-detached duplex unit.
- 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 Hebel Place, within the Cedar Hill neighbourhood. The surrounding context of the subject property is primarily composed of low rise and low density multiple residential uses.

The subject property is identified as a 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 11 – Cedar Hill Land Use in the Cedar Hill Secondary Plan in the City's 1994 Official Plan.

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

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 semi-detached dwelling unit into a semi-detached duplex unit. The current attached garage is proposed to be converted into living space.

City Planning staff conducted a site inspection on March 3, 2023.



**Figure 1: Location Map: 22 Hebel Place**



**Figure 2: Front view of 22 Hebel Place**

## **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 11 – Cedar Hill Neighbourhood Plan for Land Use, as located in a Secondary Plan in the City's 1994 Official Plan. This land use designation permits a 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. The requested variance to reduce the location of the required parking space is appropriate and continues to maintain the low-density character of the property and surrounding neighbourhood, which is characterized by a variety of lot sizes and built form options. 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 and allows enough space for a second legal parking space behind the first required space. Without a legal conforming parking space in the garage, the property will still be able to function appropriately and accommodate up to two (2) parking spaces, side by side, on site. Staff are of the opinion that the requested variance to allow the required parking space at 0.5 metres from the street property) line instead of the required 6 metres 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 spaces can be accommodated with the existing driveway, setback 0.5 metres from the street line, in a safe manner. The property will be able to provide two (2) parking spaces in parallel. There are no anticipated impacts to the pedestrian right-of-way, the parking requirements, or neighbouring properties. 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?

Planning staff is of the opinion that the proposed variance is desirable and appropriate as it will support gentle intensification and create additional housing on the subject lands.

### **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 22 Hebel Place is located within the Cedar Hill Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Cedar Hill. Schneider Creek area. For more information on the outcome of this CHL analysis

and the specific recommendations which may impact properties located within the Cedar Hill Neighbourhood CHL, please visit the following link: [www.kitchener.ca/npr](http://www.kitchener.ca/npr).

**Building Division Comments:**

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

**Engineering Division Comments:**

No concerns

**Parks/Operations Division Comments:**

No concerns.

**Transportation Planning Comments:**

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*

**ATTACHMENTS:**

Attachment A – [Survey Showing Driveway Dimensions]