

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 18, 2023

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

**PREPARED BY:** Ben, Brummelhuis, Student Planner, 519-741-2200 ext. 7074

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** April 12, 2023

**REPORT NO.:** DSD-2023-147

**SUBJECT:** Minor Variance Application A2023-041 – 45 Bond Street

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## RECOMMENDATION:

That Minor Variance Application A2023-041 for 45 Bond Street requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.12.3 h) to permit a lot area of 381 square metres instead of the minimum required 395 square metres,
- ii) Section 4.12.3 i) to permit a lot width of 12.5 metres instead of the minimum required 13.1 metres,
- iii) Section 5.3.3 a) iii) to permit a parking requirement of 2 parking spaces instead of the minimum required 3 parking spaces for a duplex and ADU (detached),
- iv) Section 5.3.3 a) i) to permit the required parking spaces to be located 0 metres from a street/property line instead of the minimum required 6 metres, and
- v) Section 5.4 Table 5-3 to permit a driveway width of 41.6% (5.2 metres) of the lot width instead of the maximum permitted 40% (5 metres);

to facilitate the construction of an Additional Dwelling Unit (ADU) (detached) generally in accordance with drawings prepared by Alex Mereu, submitted with Minor Variance Application A2023-041, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to permit the construction of an ADU (detached).
- 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

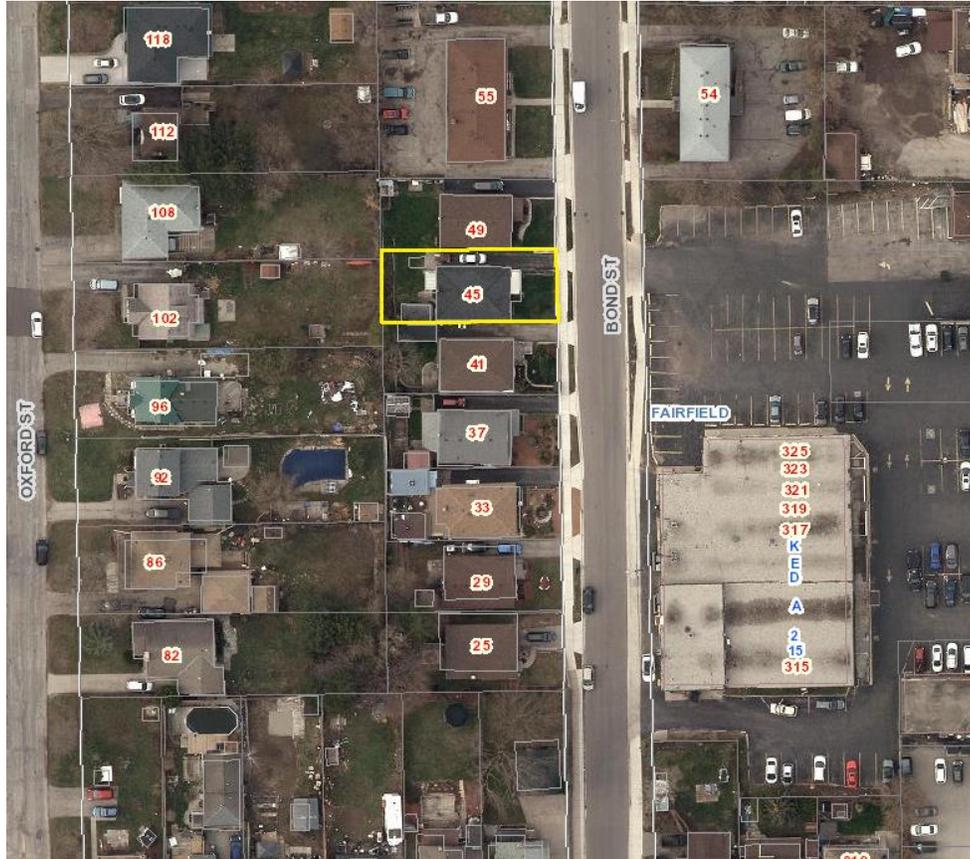
\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

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 the intersection of Elizabeth Street and Bond Street near Lancaster Plaza.



**Figure 1 – Ariel Photo of Subject Property**

The subject property is identified as 'Community Areas' 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 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to review minor variances to permit the construction of an ADU (Detached). The subject property is a duplex, a primary dwelling with an ADU (Attached), on a lot with deficient lot area and lot width to permit an ADU (Detached).

The ADU (Attached) is in the basement of the principal dwelling. There is an existing window well on the south side of the principal dwelling that is required for the ADU (Attached). The proposed ADU (Detached) requires a 1.1 metre walkway from the street to the ADU (Detached), which shall not be within a required parking space. The applicant initially proposed one parking space in the rear of the property and one parking space at the front. However, the parking space interrupted the required 1.1 metre walkway. Tandem parking spaces behind the originally proposed parking space at the rear would disrupt the 1.1 metre walkway, as there is insufficient space for both a driveway and walkway. There is inadequate space for the 1.1 metre walkway on the south side of the principal

dwelling due to the location of the window well. Accordingly, minor variances are being requested to permit 2 parking spaces instead of the required 3 parking spaces and for these parking spaces to be located 0 metres from the street/property line. Three (3) Class A Bike parking spaces are proposed in an existing shed.

### 45 Bond Street: Site Plan

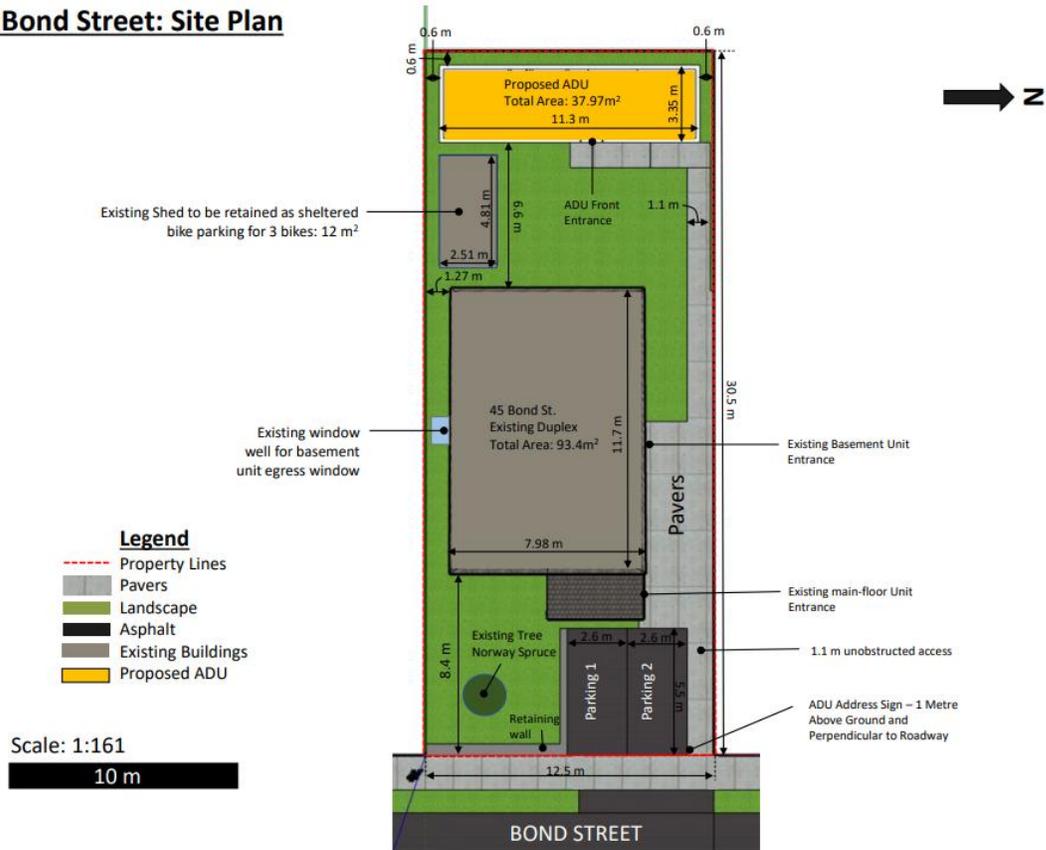


Figure 2 – Site Plan

Staff visited the subject property on March 29, 2023.



Figure 3 – Front View Photo from Site Visit



**Figure 4 – South Side 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 Residential' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to permit a variety of low-density residential uses with an emphasis on compatibility with the built form, height, massing, scale, and design. The Low Rise Residential policy supports a cohesive relationship of the principal building and ADU (Detached) with the streets, and within the neighbourhood. The principal dwelling is a 1 storey duplex dwelling with a shed in the rear. The proposed ADU (Detached) building is similar in height, scale, and design to adjacent properties with accessory structures. Staff is of the opinion that the proposed ADU (Detached) provides a mix of residential uses similar to the surrounding neighbourhood and meets the general intent of the Official Plan.

General Intent of the Zoning By-law

**Minimum Lot Area:**

The intent of the minimum required 395 square metre lot area to permit the construction of an ADU (Detached) is to ensure that there is adequate space to accommodate regulatory functions, provide a buildable area, and the provision of adequate amenity space. The proposed ADU (Detached) provides the required rear yard and side yard setbacks, the required 1.1 metre wide walkway, and

landscaping for amenity space. Therefore, staff are of the opinion that the requested variance to permit a lot area of 381 square metres instead of the required 395 square metres meets the general intent of the Zoning By-law.

**Minimum Lot Width:**

The intent of the 13.1 metre lot width is to ensure that there are adequate side yard setbacks for the principal dwelling and the provision of access to the ADU (Detached). The minimum required side yard setback, for an ADU (Detached), of 0.6 metres is provided and a 1.1 metre walkway is also provided. Given there are appropriate side yard setbacks for both the principal dwelling and ADU (Detached) and required access to the ADU (Detached) is provided, staff are of the opinion that the requested variance to permit a lot width of 12.5 metres instead of the minimum required 13.1 metres meets the general intent of the Zoning By-law.

**Minimum Parking:**

The intent of the minimum parking requirement is to ensure that there is adequate vehicle storage onsite. Two parking spaces are provided in the front yard. The subject property is located within walking distance from GRT Route 6 bus stops on the corner of Lancaster Street and Ash Street and Lancaster and Arnold Street. There are three (3) Class A Bike Parking spaces proposed in an existing shed. Given that there are two parking spaces provided and the site is serviced by public transit and bike parking spaces, staff are of the opinion that a reduction from the required 3 parking spaces to 2 parking spaces meets the general intent of the Zoning By-law.

**Parking Space Location:**

The intent of the six metre setback from the street line for the required off-street parking spaces in Zoning By-law 2019-051 is to ensure a vehicle can be safely parked on the driveway without affecting the City right-of-way and abutting properties. The required setback ensures clear visibility lines when exiting the driveway. The property will still be able to function appropriately and accommodate up to two parking spaces, side by side, and a 1.1 metre walkway from the street (property) line. Staff are of the opinion that the requested variance to allow the required parking spaces to be located within 0 metres from the street (property) line instead of the minimum required 6 metres meets the general intent of the Zoning By-law.

**Minimum Driveway Width:**

The intent of the maximum driveway width of 40% of the lot width is to ensure appropriate soft landscaping and pervious surfaces are provided onsite, while providing appropriate vehicular access. A portion of the existing driveway in the north-west corner of the subject property will replace asphalt with soft landscaping and pavers for access to the principal dwelling and ADU (detached). The proposed driveway width provides access to the standard sized parking spaces on site. Given that a portion of the existing driveway is proposed to be replaced by soft landscaping and pavers, and there is appropriate vehicular access to the subject property, staff are of the opinion that that the requested variance to increase the driveway width to 41.6% (5.2 metres) to accommodate 2 legal parking spaces) of the lot width instead of the maximum required 40% (5 metres) meets the general intent of the Zoning By-law.

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

The variances to the regulations will not inhibit the ability of the lot to meet all other setback zoning regulations, provide an adequate dwelling area, and amenity area. A reduction in parking spaces is supplemented by Class A Bike Parking and public transit access. The location of the first off-street parking space within the 6 metre setback from the street line will not inhibit the City right-of-way and safety. The increase in driveway width will be supplemented by converting a portion of the existing driveway to soft landscaping and pavers and the increase of 0.2 metres will not be discernible. The requested variances are not expected to impact any of the adjacent properties or the surrounding neighbourhood. Therefore, staff are of the opinion that the variances are minor.

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

The variances will support a gentle intensification of housing by facilitating the construction of an ADU (Detached) on the subject property containing a dwelling unit and an ADU (Attached). The surrounding neighbourhood contains a variety of uses similar to the proposed development. Therefore, staff are of the opinion that the variances are appropriate for the development and use of the building and lands.

**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. A Building Permit Application has been made for a new ADU and is currently under review.

**Engineering Division Comments:**

Engineering has no concerns.

**Parks/Operations Division Comments:**

Parks and Operations has no concerns.

**Transportation Planning Comments:**

To facilitate the proposed Additional Dwelling Unit (ADU) (Detached), Transportation Services can support the reduction in the required parking from 3 parking spaces to 2 parking space and the location of the required parking 0 metres from the property/street line instead of the required 6 metres.

**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 2019-051*