

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

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

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

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

**WARD(S) INVOLVED:** Ward 3

**DATE OF REPORT:** July 11, 2023

**REPORT NO.:** DSD-2023-318

**SUBJECT:** Update Report  
Minor Variance Application A2023-068 – 35 Maywood Road

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## RECOMMENDATION:

That Minor Variance Application A2023-068 for 35 Maywood Road requesting relief from Section 4.12.3 g) of Zoning By-law 2019-051, to permit an Additional Dwelling Unit (ADU) (Detached) to be 62% of the building floor area of the principal dwelling instead of the maximum permitted 50% to facilitate the conversion of an existing detached garage, 61 square metres in area, into a detached Additional Dwelling Unit (ADU) in the rear yard of the subject property, generally in accordance with drawings prepared by Green Target Engineering, dated January 25, 2023, **BE APPROVED**

## REPORT HIGHLIGHTS:

The purpose of the Minor Variance Application is to permit the conversion of an existing detached garage into an ADU (Detached). The conversion to an ADU (Detached) is proposed for the entirety of the garage. The building floor area of the principal dwelling (excluding the basement) is 100.06 square metres, and the building floor area of the proposed ADU (existing garage) is 61.04 square metres.

Zoning by-law 2019-051 Section 4.12.3 g) states that the building floor area for a ADU (detached) shall not exceed 50% of the building floor area of the principal dwelling, or 80 square metres, whichever is the less. Accordingly, a minor variance is requested to permit the proposed ADU to be 62% and 61 square metres of the building floor area of the principal dwelling instead of the maximum permitted building floor area indicated in Section 4.12.3 g).

## BACKGROUND:

Minor Variance A2023-068 was deferred from June 20, 2023 Committee of Adjustment Agenda for the following reasons:

- There were concerns that the principal dwelling on the subject property was being used as a 'Lodging House,' which use does not permit an Additional Dwelling Unit (ADU) (Detached).
- The Committee requested that the applicant submit internal plans to assist the Committee's consideration of privacy concerns outlined in a written submission.

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

## REPORT:

### Planning Comments:

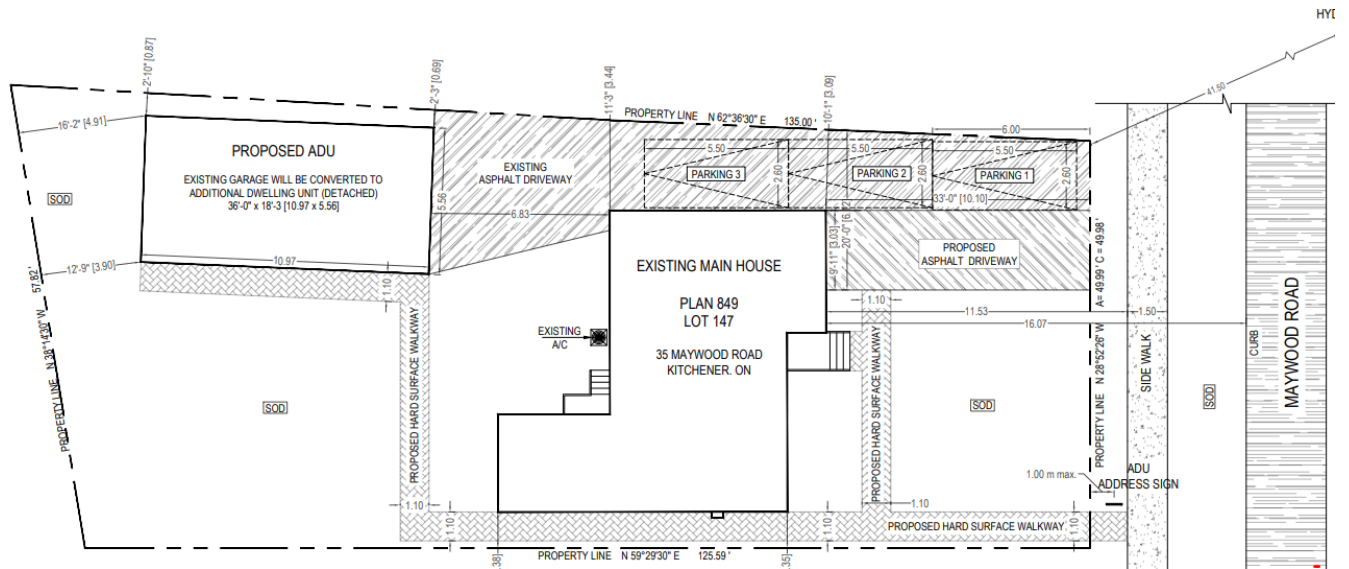


Figure 1 – Site Plan

In response to the reasons for Deferral, Planning Staff offer the following comments:

#### 1. Use of Principal Dwelling for a Lodging House

City staff inspected the principal dwelling on Thursday, June 22, 2023. The Upper Unit has 4 tenants living in 2 bedrooms with 2 beds in each bedroom. The Lower Unit has 3 tenants and 2 bedrooms with 2 beds in one room and 1 bed in the other room. There is one (1) lease for the Upper Unit and there is one (1) lease for the lower unit. By-law Enforcement Staff found no evidence of a Lodging House.

#### 2. Internal Plans and Privacy Concerns

The Committee received a written submission indicating privacy concerns and asked that the Applicant provide internal plans to assist in the Committee's consideration of the application.

*"If the applicant is able to get approval for the additional 11% of space it is going to directly affect our privacy and sightlines even more than the allotted 50%."*

The Applicant discussed the Deferral with Planning Staff after the meeting and advised that they do not have internal plans yet as they were waiting to obtain the Committee's approval before incurring additional expense. The proposal is to utilize the entirety of the existing detached garage for the Additional Dwelling Unit (ADU) (Detached) in accordance with Ontario Building Code.

The following should be noted:

- The conversion involves an existing detached garage (existing accessory structure). The conversion will be done in accordance with Ontario Building Code which will regulate unprotected openings adjacent to lot lines.
- The proposed Detached ADU will meet the following:
  - a) The maximum permitted building height for an ADU without alterations to the existing detached structure.

- b) The minimum required setbacks for a Detached ADU. The rear yard and left side yard setbacks of the existing garage exceed the 0.6 metre minimum requirement stated in Section 4.12.3 j), as the setbacks are 3.9 metres and 0.69 metres, respectively. No minor variance is being requested.
- c) The size of the existing detached garage is 61 square metres which meets the maximum size of a Detached ADU of 80 square metres. A minor variance is required as the proposed Detached ADU will exceed the size relative to the principal dwelling. The intent of this regulation is to ensure that the Detached ADU is secondary and accessory to the principal dwelling. Staff is of the opinion that this minor variance meets the 4 tests of the Planning Act as discussed in Staff Report DSD-2023-278.

The Applicant's are proposing to utilize an existing detached garage, which will meet the maximum building height, minimum setbacks for Detached ADUs, and under the maximum size of 80 square metres for a Detached ADU. Planning Staff are satisfied that the Minor Variance to permit an existing detached garage to be converted to a Detached ADU, being 62% of the Principal Dwelling instead of the maximum 50%, will not impact sightlines and increase privacy concerns.

**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*
- *DSD-2023-278*