

Staff Report



Development Services Department

www.kitchener.ca

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: Gaurang Khandelwal, Planner (Policy), 519-741-2200 ext. 7611

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: July 5, 2023

REPORT NO.: DSD-2023-306

SUBJECT: Minor Variance Application A2023-077 – 176 Indian Road

RECOMMENDATION:

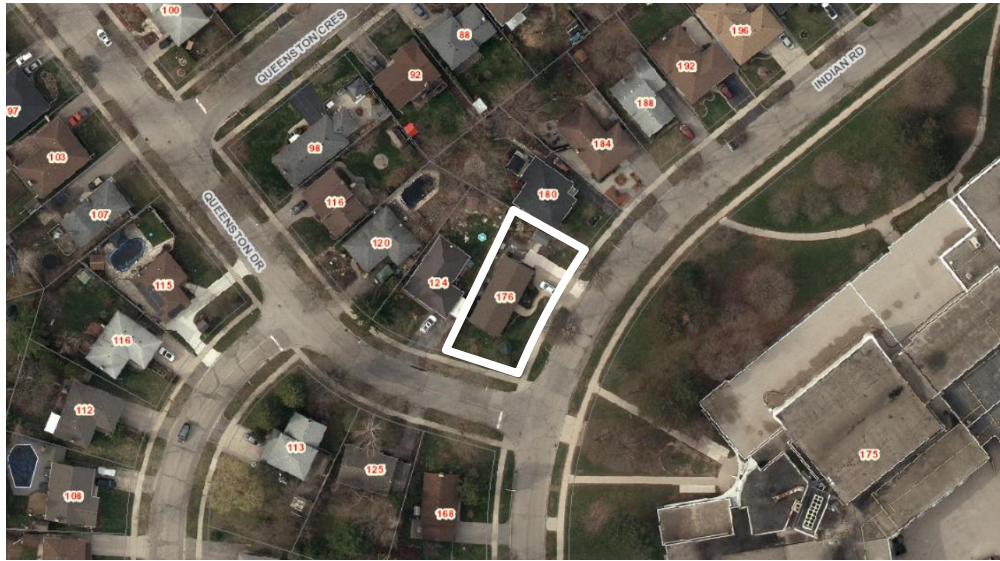
That Minor Variance Application A2023-077 for 176 Indian Road requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 3.8 metres instead of the minimum required rear yard setback of 7.5 metres to facilitate the construction of an addition to convert an existing single detached dwelling with one (1) Additional Dwelling Unit (Attached) to a single detached dwelling with two (2) Additional Dwelling Units (Attached) generally in accordance with drawings prepared by Fine Line Drafting & Design Inc., dated June 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to facilitate the development of an addition to convert an existing single detached dwelling with one Additional Dwelling Unit (attached) to a single detached dwelling with two Additional Dwelling Units (attached).
- The key finding of this report is that the requested minor variance meet 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 at the north-west corner of Indian Road and Queenston Drive intersection, in the Heritage Park planning community. The surrounding context comprises of primarily low-rise residential uses. Grand River Collegiate Institute is located across the road (Indian Road) from the subject property.



Location Map – 176 Indian Road



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 Two Zone (RES-2)' in Zoning By-law 2019-051.

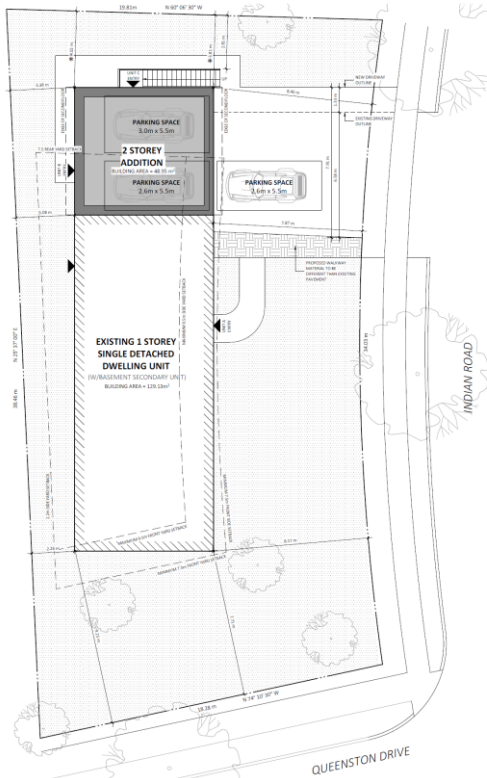
The purpose of the application is to facilitate the construction of an addition in the rear yard of an existing single detached dwelling with one Additional Dwelling Unit (ADU) (Attached) and convert it to a single detached dwelling with two ADUs (Attached).



Location of Requested Minor Variance

The applicant intends to construct a two-storey addition consisting of an attached garage with two parking spaces on the first storey and an ADU (attached) on the second storey above the attached garage. The existing shed is proposed to be removed to facilitate this addition.

City Planning staff conducted a site visit on June 30th, 2023.



Proposed Site Plan



Elevation drawings showing the proposed addition to the existing single detached dwelling



3D renderings of the proposed addition

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 identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City of Kitchener Official Plan. The intent of the Low Rise Residential designation is to accommodate a full range of low density housing types including single detached dwellings and ADUs. Official Plan policy 4.C.1.8 details criteria that should be considered where a minor variance is requested. Subsections 'c', 'd' and 'e' specify that the requested variances should ensure that "new additions and modifications to existing buildings are to be directed to the rear yard and are to be discouraged in the front yard and side yard abutting a street, except where it can be demonstrated that the addition and/or modification is compatible in scale, massing, design and character of adjacent properties and is in keeping with the character of the streetscape", "new buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy", and that "the lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site". Official Plan policy 4.C.1.23. further maintains that the City will permit the addition of an ADU (attached) where desirable and appropriate to provide alternate housing options to Kitchener homeowners and residents. Staff are of the opinion that permitting the requested variance would facilitate the use of the addition as an ADU (attached) with the required parking spaces on-site, providing a form of gentle density to the community while preserving the low density character of the neighbourhood. Staff are also of the opinion that the existing landscaping and siting of the proposed addition along Indian Road would provide an adequate amenity area on the property, as well as maintain the functioning of the property and adjacent dwellings. Staff are of the opinion that the requested variance meet the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051. The intent of minimum rear yard setback requirements is to ensure provision of adequately sized outdoor amenity areas and privacy with adjacent properties. The proposed window openings on the second storey of the addition are oriented towards Indian Road and the rear yard of 124 Queenston Drive. The window openings along 124 Queenston Drive are for the living space and kitchen of the ADU (attached). No window openings are proposed along 180 Indian Road. The reduced rear yard setback is sensitive to the exterior areas of the adjacent properties and overlook concerns are insignificant. Furthermore, with the removal of the existing shed in the rear yard and a large front and exterior side yard, there is adequate amenity area for the proposed single detached dwelling with two ADUs (attached).

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

Planning staff is of the opinion that the requested variance is minor, in that it will not cause unacceptable adverse impacts on adjacent properties. No compatibility or privacy concerns are identified with the requested rear yard setback reductions, because of building design measures and orientation relative to adjacent properties. Amenity areas will be provided in interior, rear and exterior side yards.

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 variance to reduce the minimum rear yard setback is appropriate for the desirable development of the lands. The applicant has demonstrated through building and site design, that the proposed addition will not have adverse impacts on privacy of adjacent properties and will be compatible with the character of the neighborhood. In addition, the variance would facilitate gentle intensification within an established neighbourhood.

Environmental Planning Comments:

No concerns

Heritage Planning Comments:

No heritage concerns

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the addition and change of use to a triplex is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No Comment

Parks/Operations Division Comments:

There is an existing City-owned street tree that will be impacted by the proposed driveway widening associated with the development and this tree should be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law. Suitable arrangements including the submission and approval of a Tree Protection and Enhancement Plan showing full protection for existing trees; an ISA valuation of City-owned trees and any required securities or compensation for removed trees will be required to the satisfaction of Parks and Cemeteries prior to the issuance of a Building Permit or curb cut permit. Please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Region of Waterloo Comments:

No Concerns.

GRCA Comments:

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.

Enova Power Corp Comments:

The proposed addition at 176 Indian Road will conflict with the existing meter location for this property. The property owner will need to relocate the existing meters to the north wall of the new addition. Customer/contractor is to contact Enova Power to arrange for re-location of the existing service meters.

<https://enovapower.com/service-request-form-engineering-victoria-street-office/>

The link about is to our service request form on our web site.

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.

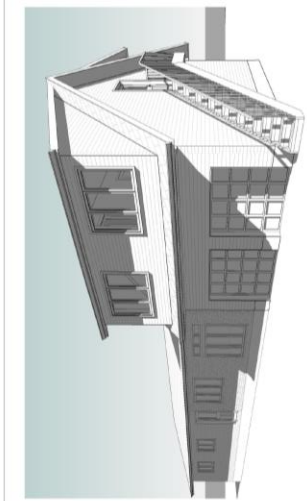
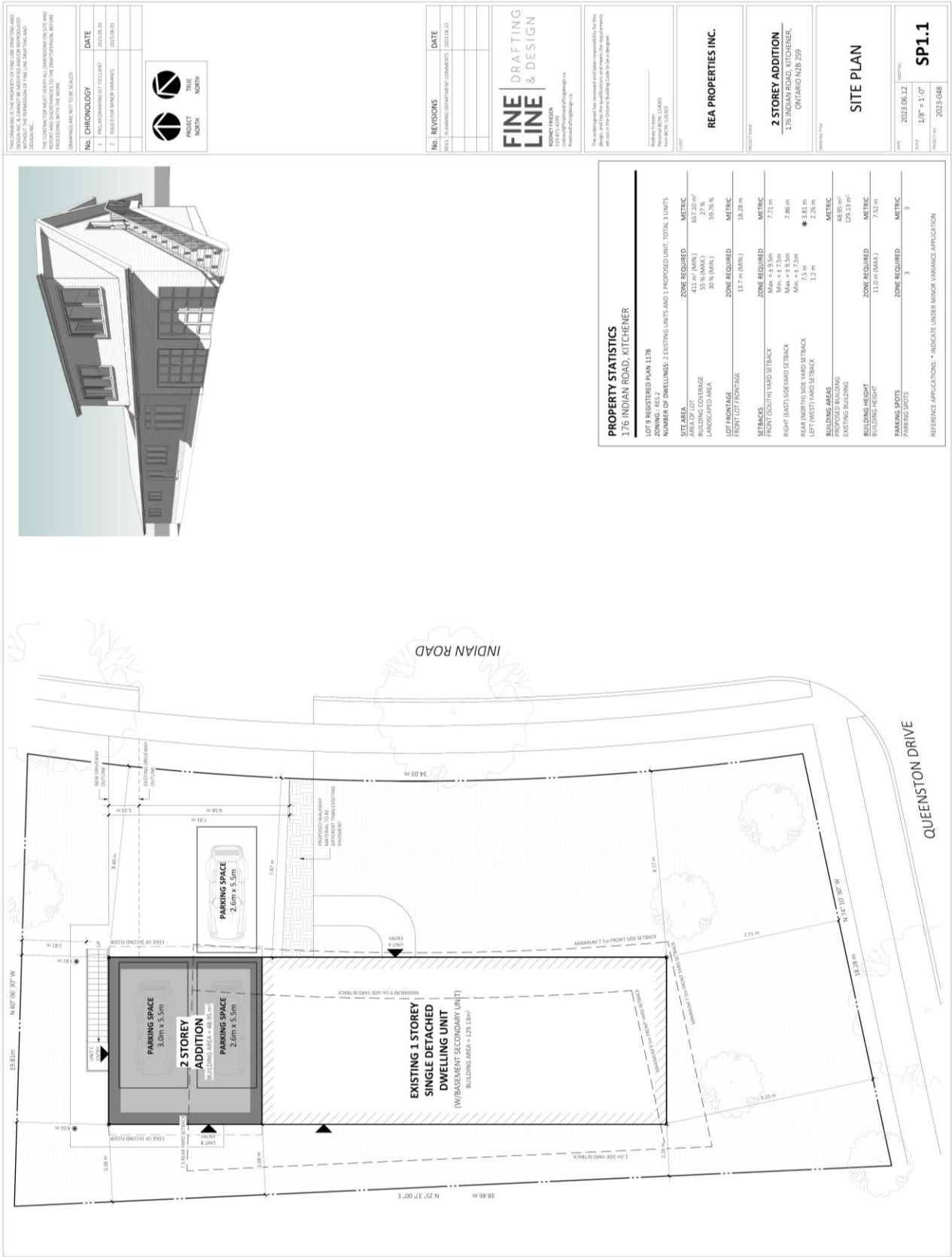
PREVIOUS REPORTS/AUTHORITIES:

- *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*

ATTACHMENTS:

Attachment A – Site Plan of proposed addition for 176 Indian Road

Attachment A - Site Plan of proposed addition for 176 Indian Road



PROPERTY STATISTICS

176 INDIAN ROAD, KITCHENER

LOT # REGISTERED PLAN 178

ZONING: RES-2

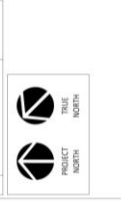
NUMBER OF DWELLINGS: 2 EXISTING UNITS AND 1 PROPOSED UNIT, TOTAL 3 UNITS

ITEM	UNIT	ZONE REQUIRED	ZONE REQUIRED METRIC
AREA OF LOT	431 m ² (MIN)	55% (MAX)	27%
BUILDING COVERAGE	30% (MIN)	59.76%	
LANDSCAPED AREA			
LOT FRONTAGE	13.7 m (MIN)		18.28 m
FRONT LOT FRONTAGE			
SETBACKS			
FRONT (SOUTH) YARD SETBACK	Max = 4.55m		7.71 m
RIGHT (EAST) SIDEYARD SETBACK	Max = 4.55m		7.86 m
REAR (NORTH) SIDE YARD SETBACK	Min = 1.5m		1.5 m
LEFT (WEST) YARD SETBACK	1.5 m		1.5 m
BUILDING AREAS			
PROPOSED BUILDING	48.95 m ²		48.95 m ²
EXISTING BUILDING	129.13 m ²		129.13 m ²
BUILDING HEIGHT			
PROPOSED BUILDING HEIGHT	11.0 m (MAX)		7.51 m
PARKING SPOTS	3		3

REFERENCE APPLICATIONS: * INDICATE UNDER MINOR VARIANCE APPLICATION

NO. REVISIONS

NO.	REVISIONS	DATE
1	PRELIMINARY SET PRESENT	2023.05.28
2	ISSUED FOR MINOR VARIANCE	2023.06.02



DATE

DATE
2023.05.28
2023.06.02

THE UNDERSIGNED HAS REVIEWED AND TAKEN RESPONSIBILITY FOR THIS SITE PLAN AND ASSURES THAT IT COMPLIES WITH ALL APPLICABLE REGULATIONS AND STANDARDS. THE UNDERSIGNED IS NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

FINE LINE DRAFTING & DESIGN
 1330 HWY 427 UNIT 107
 KITCHENER, ONTARIO N2B 2S9
 PHONE: 541-2222
 EMAIL: info@fineline.ca

REA PROPERTIES INC.
 176 INDIAN ROAD, KITCHENER, ONTARIO N2B 2S9

SITE PLAN

DATE: 2023.06.12
 SCALE: 1/8" = 1'-0"
 PROJECT NO.: 2023-048
SP.1.1