

# Staff Report



Development Services Department

www.kitchener.ca

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** June 20, 2023

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

**PREPARED BY:** Raida, Chowdhury, Student Planner, 519-741-2200 ext. 7078

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

**DATE OF REPORT:** June 7, 2023

**REPORT NO.:** DSD-2023-278

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

---

## 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 this report is to review a minor variance to permit the conversion of an existing detached garage into a detached ADU.
- The key finding of this report is that the minor variance meets 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 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 south of the intersection between Maywood Road and Gerard Avenue. It is a rectangular lot with a single detached residential property that contains two dwellings and a detached garage located in the rear yard of the 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.

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

The purpose of the application is to review a minor variance 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 meters, 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).

The rear yard and left side yard setbacks of the existing garage exceed the 0.6 metre minimum requirement stated in Zoning by-law 2019-051 Section 4.12.3 j), as the setbacks are 3.90 metres and 0.69 metres, respectively. The proposed asphalt walkway meets the minimum width of 1.1 metres stated in Zoning by-law 2019-051 Section 4.12.3 n).



Figure 1 – Ariel Photo of Subject Property

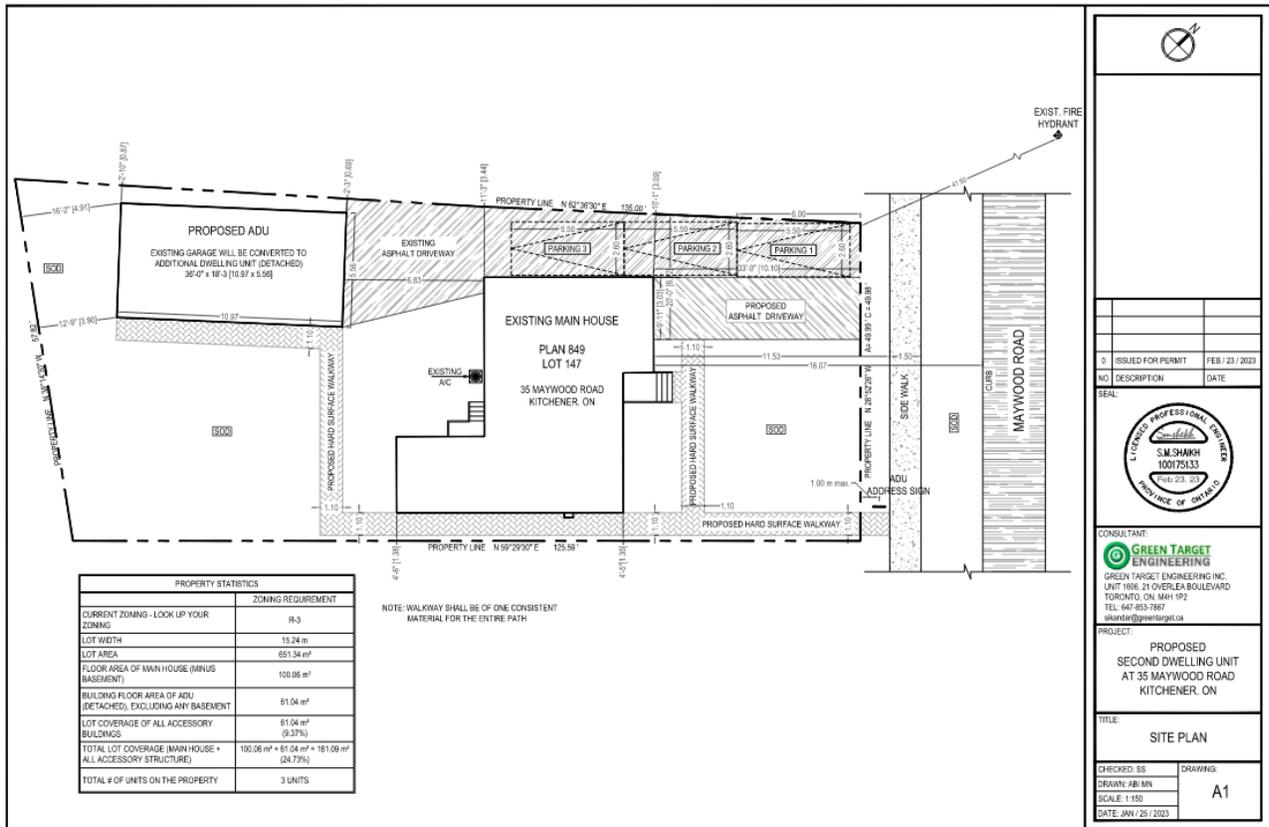


Figure 2 – Site Plan

Staff visited the subject property on June 2, 2023.



Figure 3 – Existing Detached Garage Photo from Site Visit



**Figure 4 – Front View 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. This designation places emphasis on compatibility of building form with respect to massing, scale and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets and exterior areas. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to be able to convert an existing garage to a detached ADU meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum building floor area requirement is to ensure that the detached ADU is subordinate to the principal dwelling, with respect to scale. The detached garage is 2.88 metres in height, and the principal dwelling is 5.03 metres in height. The building floor area of the proposed ADU is 61.04 square metres, and the building floor area of the principal dwelling is 100.06 square metres. Given the size of the detached garage and that it is smaller relative to the principal dwelling, staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The variance can be considered minor as the conversion to a detached ADU is proposed for an existing detached garage, and there are no new structures proposed. It is the opinion of the staff that as several of the existing setbacks exceed the minimum requirements, the effects of the proposed ADU on surrounding properties is minimal. The difference between the proposed ADU building floor area and the maximum requirement is 12%, while the total building floor area (61.04 square metres) is smaller than the maximum of 80 square metres.

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

The variance is appropriate for the development and use of the land. The requested variance should not impact any of the adjacent properties or the surrounding neighbourhood as there are no new structures proposed. The scale of the proposed ADU will not negatively impact the existing character of the subject property or surrounding neighbourhood and will support a gentle intensification of housing by facilitating the construction of an ADU on the subject property containing a dwelling unit.

**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 provided building permit to convert the garage structure into an ADU unit is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

Engineering Division has no concerns.

**Parks/Operations Division Comments:**

Parkland Dedication is not required for the proposed Additional Dwelling Unit (ADU).

There are two existing City-owned street trees that will be impacted by the proposed driveway widening associated with the development and these trees 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](http://www.kitchener.ca/treemanagement).

**Transportation Planning Comments:**

Transportation Planning has no concerns.

**Infrastructure Services Comments:**

A curb cut permit would not be approved for any driveway widening of the City apron because of impacts to the tree root zone.

**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*