

# 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:** Arwa Alzoor, Planning Technician, Site Development,  
519-741-2200 ext. 7847

**WARD(S) INVOLVED:** Ward 7

**DATE OF REPORT:** July 13, 2023

**REPORT NO.:** DSD-2023-319

**SUBJECT:** Minor Variance Application A2023-043 - 300 Countrystone Crescent

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## RECOMMENDATION:

That Minor Variance Application A2023-043 for 300 Countrystone Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.3 i) to permit a lot width of 10.9 metres instead of the minimum required lot width of 13.1 metres;
- ii) Section 4.12.3 h) to permit a lot area of 383.6 square metres instead of the minimum required lot area of 395 square metres; and
- iii) Section 5.6 table 5-5, to permit two (2) parking spaces instead of the minimum required three (3) parking spaces;

To facilitate an Additional Dwelling Unit (Detached) to the existing Single Detached Dwelling with one Additional Dwelling Unit (Attached) (Duplex) to have 3 dwelling units in total on the lot, in accordance with drawings prepared by Fine Line Drafting & Design Inc., dated March 15, 2023, BE APPROVED subject to the following conditions:

1. That the property owner shall modify the existing driveway to provide a driveway and a distinguishable unobstructed walkway to the proposed Additional Dwelling Unit (ADU) (Detached) in accordance with the Regulations of Zoning By-law 2019-051 by July 19, 2024. Any request for a time extension must be approved in writing by the Manager of Development Review prior to completion date set out in this decision. Failure to complete the condition will result in this approval becoming null and void.
2. That the Owner applicant submits the Minor Variance Application Review Fee of \$300.00 to the Grand River Conservation Authority.

## REPORT HIGHLIGHTS:

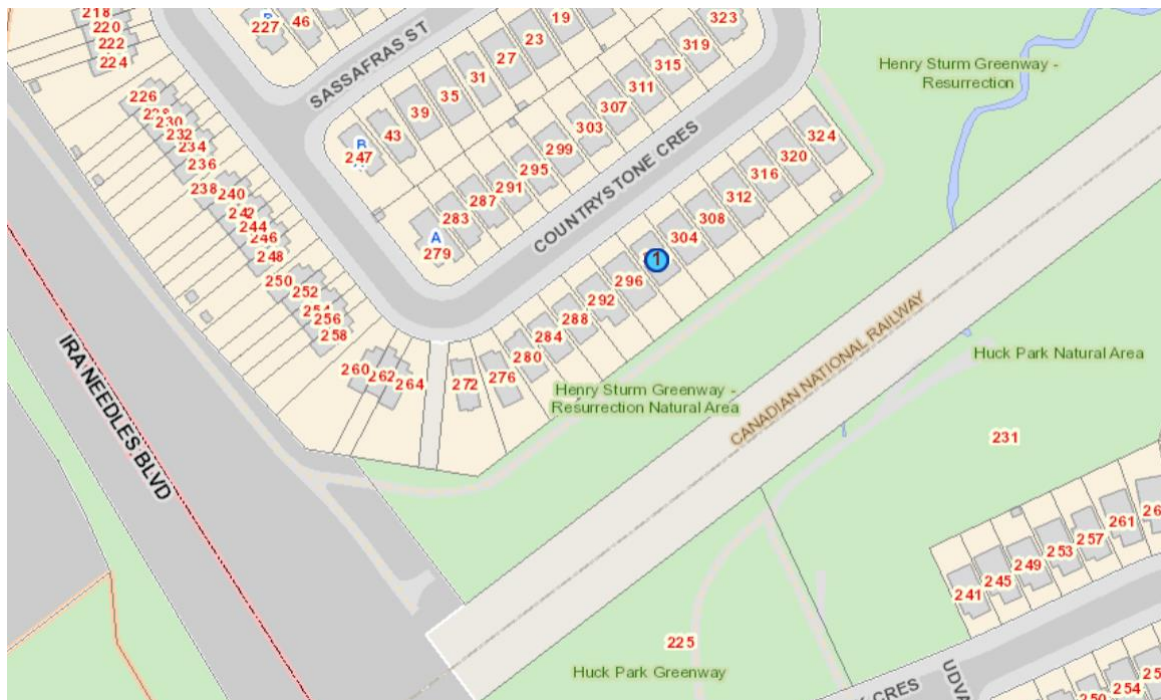
- The purpose of this report is to review minor variances to allow for one extra Additional Unit (Detached) in existing Single Detached Dwelling with One Additional Dwelling Unit (Attached) (3 units in total) in a smaller lot area and lot width than the required and one less parking space.

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

- The key finding of this report is that the requested minor variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice of the application 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 in the Highland West Community and on the south side of Countrystone Crescent and backs onto the Henry Sturm Greenway and Natural Area. It currently contains a two storey Single Detached Dwelling with One Additional Dwelling Unit (Attached).



**Figure 1 – Location Map**

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.

Minor Variance A2023-043 was deferred from April's Committee of Adjustment Agenda as it came to the attention of Planning Staff after receiving and accepting the Minor Variance Application that one of the dwelling units was operating a 'Day Care' home business would not be permitted on a property containing three (3) dwelling units.

The Applicant has advised that the tenant operating the 'Day Care' home business has since moved out of the dwelling unit. Accordingly, the Minor Variance Application to permit an Additional Dwelling Unit (ADU)(Detached) can now be considered by the Committee of Adjustment.

The purpose of this application is to review an application to facilitate an Additional Dwelling Unit (ADU) (Detached) to be constructed in the rear yard. The existing lot does not meet the minimum requirements for lot width and lot area to permit the Detached ADU.

- To permit a minimum lot area of 383.6 square metres instead of 395 square metres

- To permit a minimum lot width of 10.9 metres instead of 13.1 metres.

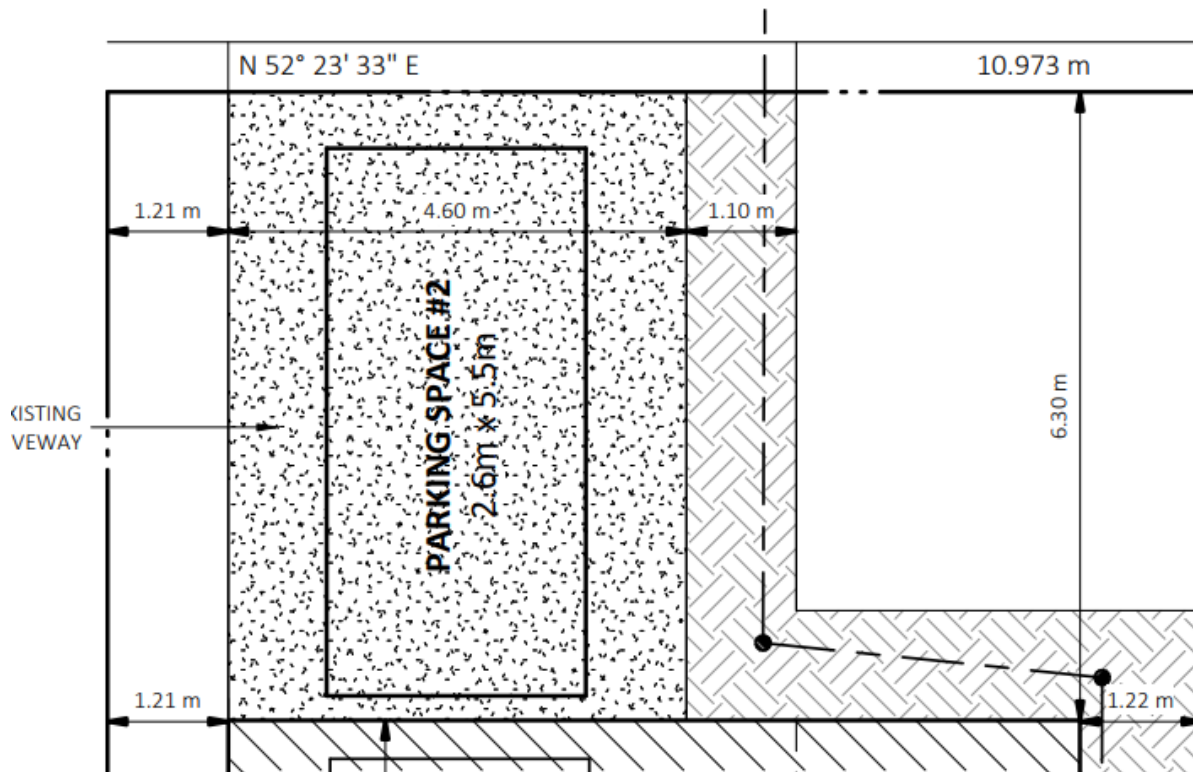
Zoning By-law 2019-051 permits driveways in this area of the City to be as wide as the attached garage states. The driveway may extend beyond the width of the attached garage to a maximum total width of 50% of the lot; and shall be located no closer than the required side yard setback of the dwelling. Further:

“e) *The driveway shall be comprised of a material that is consistent throughout the driveway, and that is distinguishable from all other ground cover or surfacing including landscaping or walkways within the front yard, interior side yard, exterior side yard, or rear yard.*”

With the lot being 10.9 metres in width the driveway is able to be as wide as the attached garage to a maximum of 50% of the lot, or 5.45 metres, and shall be no closer to the required side yard setback.

The proposed site plan shows the that the driveway is proposed to be 4.6 metres in width with a distinguishable walkway of 1.1 metres which is required by Section 4.12.3 n) of Zoning By-law 2019-051.

n) *an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a street to the additional dwelling unit (detached). The walkway shall not be located within a required parking space.*



**Figure 2 – Proposed Driveway**

Based on the proposed plan for parking the applicant can accommodate 2 parking spaces, one (1) in the attached garage and one (1) in the driveway, instead of the minimum required 3 parking spaces.

As ADUs (Detached) are no longer subject to Site Plan Approval, staff recommends that as a Condition of Approval of the minor variances that the driveway and walkway are modified to meet the requirements of Zoning By-law 2019-051.



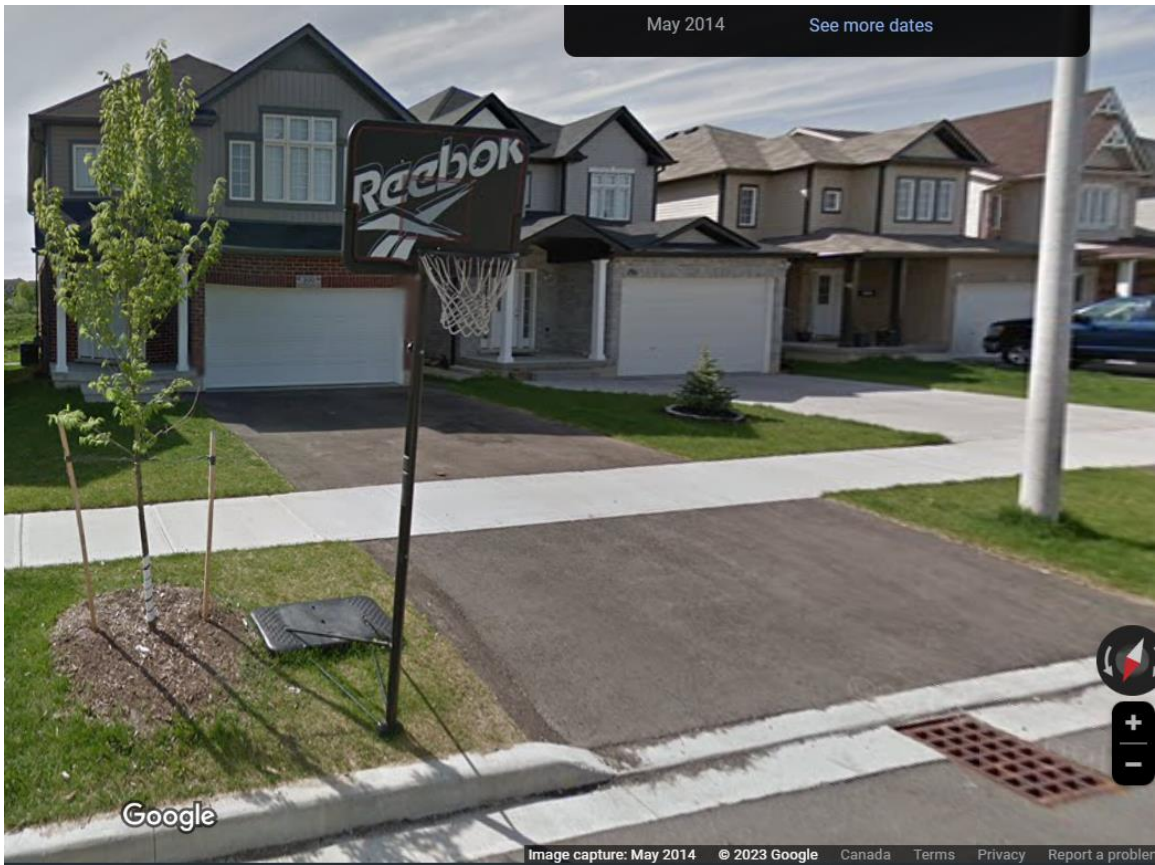


Figure 3 – Front View of 300 Countrystone Crescent (Google Maps – May 2014)

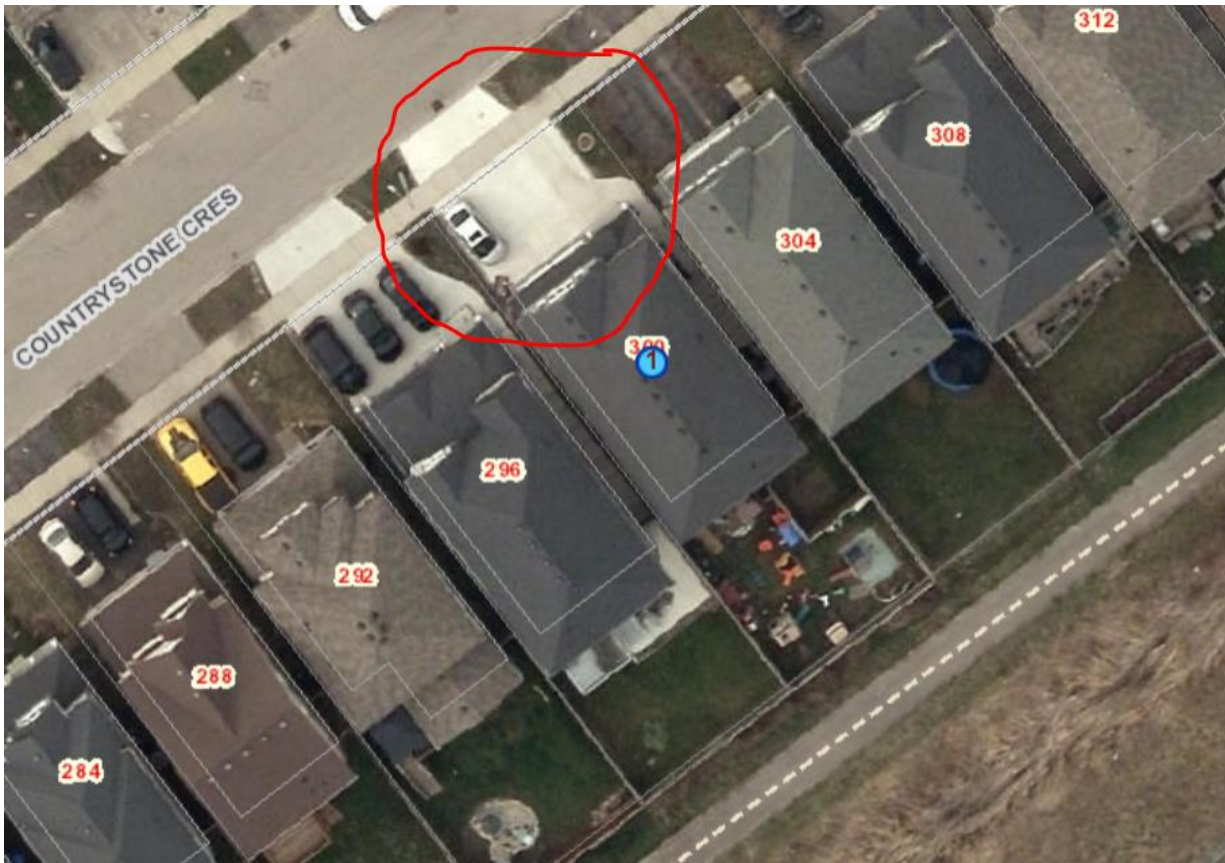


Figure 4 – Aerial View of 300 Countrystone Crescent (OnPoint 2022)

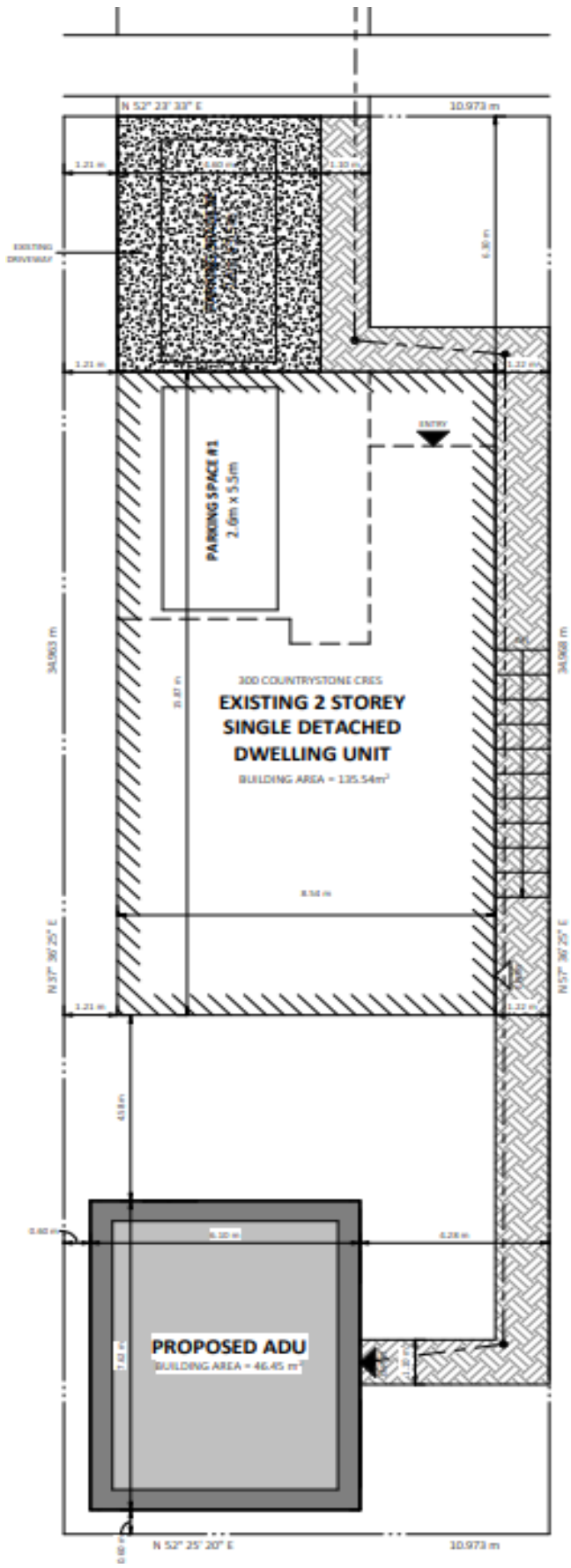


Figure 5 – Proposed Site Plan



**Figure 6 – Front Elevation**

**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'. This designation places emphasis on accommodating a full range of low density housing type which includes single detached dwellings, additional dwelling units, attached and detached. The city will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form.

Policy 4.C.1.24 of the City's Official Plan states that:

"4.C.1.24. The City, in accordance with Planning Act and other applicable legislation, will permit a stand-alone additional dwelling unit (detached), as an ancillary use to single detached dwellings, semi-detach dwellings and street townhouse dwellings. The following criteria will be considered as the basis for permitting an additional dwelling unit (detached).

- a) the use is subordinate to the main dwelling on the lot;
- b) the use can be integrated into its surroundings with negligible visual impact to the streetscape;
- c) the use is compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance; and,
- d) other requirements such as servicing, parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas."

The proposed variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the zoning regulations for Detached ADUs are to ensure a property can function appropriately and still provide sufficient amenity space, landscaped area, fire emergency access, and sufficient parking. With the reduced lot area and width, the property will still have sufficient amenity area and side yard setbacks of the principal dwelling of 1.2 metres are provided to allow for

access to the rear yard from both sides. Two (2) parking spaces will be sufficient given the property's location and access to active and public transportation.

It is staff's opinion that the variances meet the general intent of the Zoning By-law.

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

The size of the subject property will be able to accommodate a duplex and Detached ADU in the rear yard in addition to providing a sufficient amenity area and 2 parking spaces which are supported by Transportation Services.

The location of the property is close to Ira Needles Blvd (200 metres away) which is a Regional Road and considered to be a primary Multi-Use Pathway/Connection that is well service by public transportation.

It is the staff's opinion that the effects of the variances may be considered minor.

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 variances are desirable and appropriate as they will facilitate a form of gentle intensification of the subject property with the development of an additional dwelling in the rear yard that is compatible with the neighbourhood and will make use of existing infrastructure.

**Environmental Planning Comments:**

No natural heritage concerns or tree management 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 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:**

No comment.

**Parks/Operations Division Comments:**

No concerns, no comments.

**Transportation Planning Comments:**

To facilitate the proposed Additional Dwelling Unit (ADU), Transportation Services can support the 2 parking spaces, where 3 spaces are required.

**Region of Waterloo Comments:**

No Concerns to the application. However, the applicants are advised that they are responsible to ensure that the proposed development does not have any environmental noise impacts, both on-site and off-site.

**GRCA Comments:**

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application.



GRCA Comments: GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains the regulated allowance adjacent to a watercourse. A copy of our resource mapping is attached.

Due to the presence of the watercourse allowance, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The proposed minor variance application requests permission to allow an Additional Dwelling Unit on a lot with an area of 383.6 square metres rather than 395 square metres, a lot width of 10.9 metres rather than 13.1 metres frontage; and to permit two parking spaces rather than the required three parking spaces. GRCA has no objection to the requested variances but we note that a GRCA permit under Ontario Regulation 150/06 will be required for the proposed Additional Dwelling Unit.

The applicant can submit a GRCA permit application online here:

<https://apps.grandriver.ca/Permits>

Consistent with GRCA's 2023 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for the GRCA's review of this application.

#### **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*
- *DSD-2023-149*



## **Optional/Situational Conditions for Minor Variances**

Where there are trees on or adjacent to the subject lands that could be negatively impacted as a result of the variance (and related work) proposed.

1. **Prior to the issuance of a Demolition and/or Building Permit:**
  - a) the Owner shall prepare a Tree Preservation/Enhancement Plan, in accordance with the *City's Tree Management Policy*, to the satisfaction of and approval by the City's Supervisor, Site Plans. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area, and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
  - b) The Owner shall implement the approved Tree Preservation/Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Supervisor, Site Plans. No changes to the said plan shall be granted except with the prior approval of the City's Supervisor, Site Plans.