

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 15, 2023

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

PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: July 31, 2023

REPORT NO.: DSD-2023-338

SUBJECT: Minor Variance Application A2023-092 – 68 Rushbrook Drive

RECOMMENDATION:

That Minor Variance Application A2023-092 for 68 Rushbrook Drive requesting relief from Section 5.3.3 a) ii) of Zoning By-law 2019-051, to permit two (2) parking spaces to be located within 6 metres of the property line instead of the maximum permitted one (1) parking space, to facilitate the conversion of the existing Single Detached Dwelling into a Single Detached dwelling with two (2) Additional Dwelling Units (ADU) (Attached) (a Triplex dwelling), generally in accordance with drawings prepared by Pawandeep Grewal, dated March 9, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit two of the three required parking spaces to be located side-by-side within the front driveway to facilitate a triplex use of the existing building.
- 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 on Rushbrook Drive between Erinbrook Drive and Thistledown Drive. The existing use of the property is a single detached dwelling.



Figure 1 – Location of Subject Property



Figure 2 – Existing Driveway

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 permit an additional parking space within 6.0 metres of the front lot line so that the minimum parking requirements can be met to facilitate a triplex use of the single detached dwelling on the subject property. The location of the two parking spaces that will be located within 6.0 metres of the front lot line is shown in 'Attachment A – Site Plan.' The existing driveway will be widened by 1.22 metres in order to facilitate two parking spaces to locate within the driveway. A Curb Cut and Driveway Widening Permit has already been issued by the City, dated February 28, 2023. The Curb Cutting/Driveway Widening Permit is attached to this report as 'Attachment B.'

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' in the City's Official Plan. The intent of this designation is to emphasize the compatibility of building form with respect to massing, scale and design in order to support the successful integration of different building types. This includes the conversion of existing single detached dwellings to multiple dwellings, including triplexes. It also places emphasis on the relationship of buildings to adjacent properties, streets, and exterior areas. Staff is of the opinion that the requested variance to permit two (2) parking spaces within 6.0 metres of the front lot line to facilitate the use of the property for a triplex meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of Section 5.3.3 a) ii) of Zoning By-law 2019-051, which permits only one (1) parking space within 6.0 metres of the front lot line, is to ensure that the front yard of residential lots do not primarily function as parking areas. A curb cutting and driveway widening permit has been issued by the City, which permits a driveway width of 5.48 metres, where the existing driveway width is 4.22 metres. The drawings associated with the permit are shown in 'Attachment B.' A driveway width of 5.48 metres is less than 50% of the lot width, as prescribed by Section 5.4, Table 5-2 of Zoning By-Law 2019-051, and is less than the maximum permitted 8.0 metres as prescribed by Section 5.4 f) of Zoning By-Law 2019-051. After the permitted curb cutting and driveway widening, the property will be able to accommodate two parking spaces within 6.0 metres of the front lot line while providing adequate landscaped area in the front yard. Staff is of the opinion that the requested variance to permit two parking spaces within 6.0 metres of the front lot line meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the effects of the requested variance to permit two parking spaces within 6.0 metres of the front lot line is minor. The requested variance will not have any visual impacts on neighbouring properties or the existing neighbourhood character.

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

Staff is of the opinion that the variance is desirable and appropriate for the use of the property as it will facilitate the conversion of the building on the subject property into a triplex supporting a gentle intensification of the property, will make use of existing infrastructure, and support the City's Housing Pledge.

Environmental Planning Comments:

GRCA has no concerns with this application.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the 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 comments.

Parks/Operations Division Comments:

There is an existing City-owned street tree located on the boulevard at 68 Rushbrook Dr that will be impacted by proposed construction of the new driveway. The driveway shown on the proposed site layout should be revised to fully protect the existing tree to City standards. If the tree cannot be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law, full compensation and replacement is expected. A Tree Protection and Enhancement Plan (TPEP) will be required as part of a Curb Cut Permit and/or Building Permit application, please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement

Planning Response

A Curb Cut and Driveway Widening Permit was issued by the City, dated February 28, 2023. Impacts to any existing City-owned street trees have already been reviewed through this process. The applicant is not intending to widen the driveway any further than the approved Curb Cut and Widening Permit. The Curb Cutting/Driveway Widening Permit is attached to this report as 'Attachment B'.

Transportation Planning Comments:

Transportation Services support a 3.74 metre parking setback from the required 6.0 metre setback.

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.

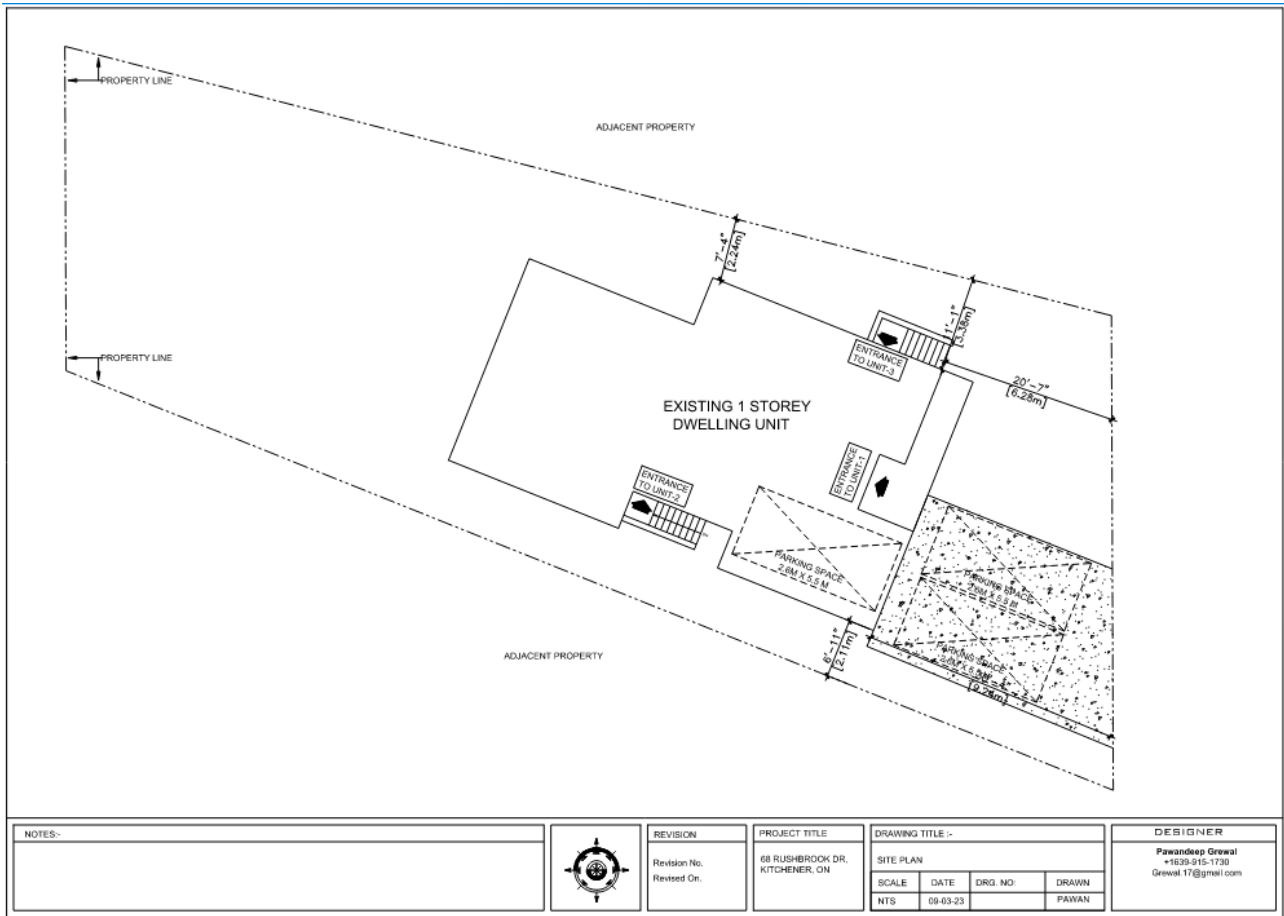
PREVIOUS REPORTS/AUTHORITIES:

- *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

Attachment B – Curb Cutting/Driveway Widening Permit



NOTES:-



REVISION
Revision No.
Revised On.

PROJECT TITLE
68 RUSHBROOK DR.
KITCHENER, ON

DRAWING TITLE :-			
SITE PLAN			
SCALE	DATE	DRG. NO.	DRAWN
NTS	09-03-23		PAWAN

DESIGNER
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Attachment A – Site Plan