

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** September 19, 2023

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

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

**WARD(S) INVOLVED:** Ward 8

**DATE OF REPORT:** September 6, 2023

**REPORT NO.:** DSD-2023-392

**SUBJECT:** Minor Variance Application A2023-111 – 15 Catalina Court

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**RECOMMENDATION:**

That Minor Variance Application A2023-111 for 15 Catalina Court requesting relief from the following sections of Zoning By-law 2019-051;

- i) Section 4.12.2 e) to permit a lot width of 11.9 metres instead of the minimum required 13.1 metres; and
- ii) Section 5.3.3 a) ii) to permit three (3) parking spaces to be located within 6.0 metres of a street line instead of the maximum permitted one (1) parking space within 6.0 metres of a street line;

to facilitate the construction of an Additional Dwelling Unit (Detached) in the rear yard of the property and an Additional Dwelling Unit (Attached) in the basement of the existing semi-detached dwelling unit, generally in accordance with drawings prepared by Rob Sajkunovic, dated August 16, 2023, BE APPROVED.

**REPORT HIGHLIGHTS:**

- The purpose of this report is to review an application for minor variances to facilitate the development of an additional two (2) dwelling units on the subject property.
- The key finding of this report is that the requested minor variances satisfy 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 Catalina Court, near its intersection with Monte Carlo Street. The existing use of the property is a semi-detached dwelling unit.



**Figure A – Location of Subject Property**



**Figure B – Location of Proposed ADU (Detached)**





Figure C - Location of Proposed Driveway

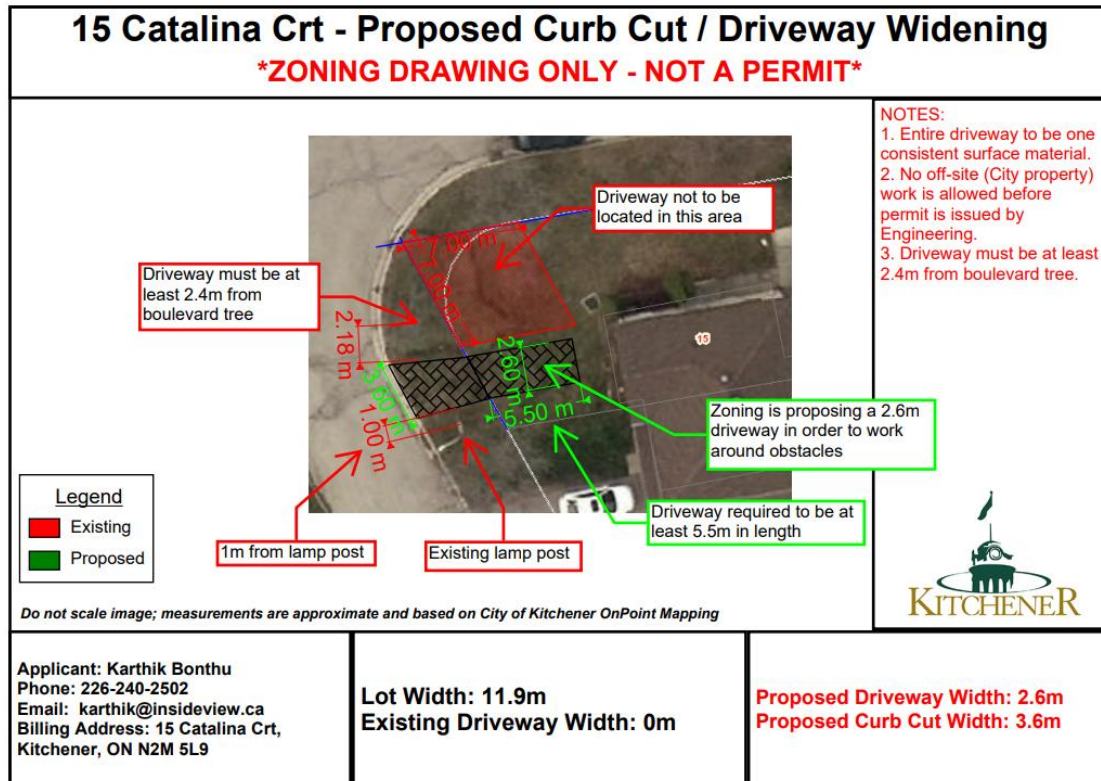


Figure D – Curb Cutting/Driveway Widening Drawing For Permit

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 Five Zone (RES-5)' in Zoning By-law 85-1 or 2019-051.

The purpose of the application is to facilitate the development of two (2) additional dwelling units on the subject property through the construction of an Additional Dwelling Unit (Attached) in the basement of the existing semi-detached dwelling unit and an Additional Dwelling Unit (Detached) in the rear yard of the subject property, as shown in 'Attachment A'.

The requested relief from the Zoning By-law is necessary to permit the ADU (Detached) on a lot with a width of 11.9 metres. To facilitate the three (3) dwelling unit use of the property, two (2) of the three (3) required parking spaces will be located in the existing driveway in the exterior side yard of the property. One (1) of the three (3) required parking spaces will be located in a new driveway in the front yard of the property. The location of the three (3) parking spaces is shown in 'Attachment A'.

A drawing submitted as a part of the driveway widening/curb cutting application has been included with this report as Figure 'D'.

The requested relief from the Zoning By-law is necessary to locate three (3) required parking spaces on the subject property within 6 metres of the street (property) line.

## **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 of the Official Plan. This designation permits a full range of low density housing types including semi-detached dwelling units, additional dwelling units, and other forms of low-rise housing. The intent of this designation is to ensure compatibility of building form, with respect to massing, scale and design in order to support the successful integration of a range of building types. It also places emphasis on the relationship of buildings to adjacent properties, streets, and exterior areas. Staff is of the opinion that the requested variances meet the general intent of the Official Plan.

#### General Intent of the Zoning By-law

##### **Minimum Lot Width for Additional Dwelling Unit (Detached):**

The intent of Section 4.12.3 k) of Zoning By-law 2019-051 which requires a minimum lot width of 13.1 metres to permit an ADU (Detached) is to ensure there is adequate space on the lot to accommodate the size of an ADU (Detached), required parking and a sufficient amenity area for use by the residents of the dwelling units. The proposed ADU (Detached)

is able to locate within the rear yard of the property while preserving the existing driveway and a portion of the landscaped area. The proposed ADU (Attached) will be located within the existing semi-detached dwelling unit. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

**Parking Spaces within 6.0 metres of a Street Line:**

The intent of Section 5.3.3 a) ii) of Zoning By-law 2019-051 which permits a maximum of one (1) parking space within 6.0 metres of a street line for a property having 3 dwelling units is to ensure that the front and exterior yards of properties do not primarily function as parking areas. Two of the three required parking spaces will be located in the existing driveway in the exterior side yard and will be set back 0.3 metres from the street line. One of the three parking spaces will be located in a new driveway in the front yard and will be set back 0 metres from the street line. A Curb Cut Permit has already been issued for this new driveway. The exterior side yard of the property will still provide greater than the minimum required 20% landscaped area. 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?

Staff is of the opinion that the requested variances are minor. The proposed ADU (Detached) will not impact the neighbouring properties. The potential issue of overlook is mitigated by the building design which does not feature any windows on the wall adjacent to the neighbouring property. The boulevard and existing street trees provide a visual barrier between the parking spaces and the street. Accordingly, the effects of the variances will be minor.

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 variances are desirable and appropriate for the use of the land as it will facilitate the development of 3 dwelling units on the subject property, supporting a gentle intensification of the property, will make use of existing infrastructure, and support the City's Housing Pledge.

**Environmental Planning Comments:**

No natural heritage concerns. The neighbour's tree (root zone) is close to the ADU construction but should be far enough away to prevent damage, therefore there are no concerns.

**Heritage Planning Comments:**

No comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. An application has been made for the detached additional dwelling unit.

**Engineering Division Comments:**

Advisory comment: it is City policy for only 1 set of services per property.

**Parks/Operations Division Comments:**

Comments revised to indicate no concerns.

**Transportation Planning Comments:**

Transportation Services can support the proposed application to permit three (3) parking spaces to be located within 6 metres of the property line as the proposal includes an updated driveway that can accommodate the proposed number of vehicles. NOTE: The homeowner is responsible for obtaining an approved Curb Cut Permit from the City of Kitchener before modifying the curb in any way. This application can be filled out via the City of Kitchener website.

**Region of Waterloo Comments:**

There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

**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

