

**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, 2022

**REPORT NO.:** DSD-2023-391

**SUBJECT:** Minor Variance Application A2023-104 – 254 Westwood Drive

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## **RECOMMENDATION:**

That Minor Variance Application A2023-104 for 254 Westwood Drive requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit one (1) required parking space to be located 2.6 metres from the street line instead of the minimum required 6 metres in order to facilitate the conversion of the attached garage into living space for a new Additional Dwelling Unit (Attached), generally in accordance with drawings attached to Minor Variance Application A2023-104, dated July 12, 2023, BE APPROVED.

## **REPORT HIGHLIGHTS:**

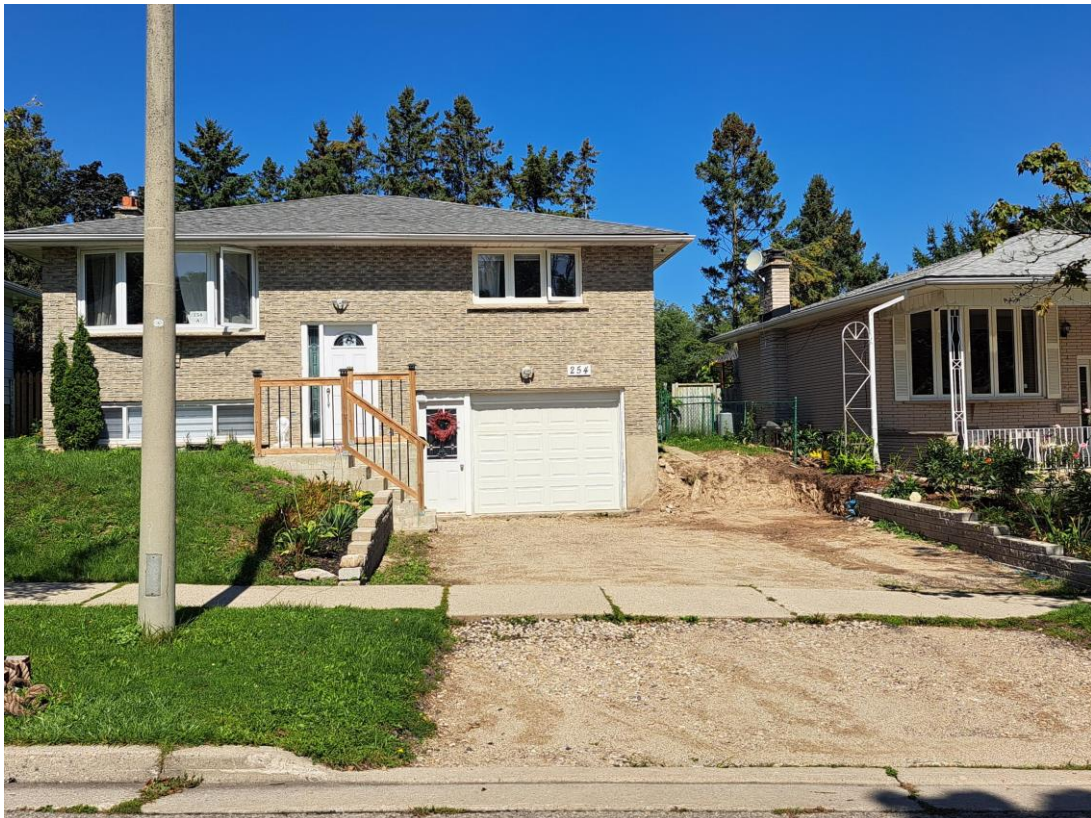
- The purpose of this report is to review an application for minor variance to permit a required parking space within the front driveway to facilitate a duplex use of the existing building.
- The key finding of this report is that the requested minor variance satisfies the four tests of the Planning 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 Westwood Drive, between Gallarno Court and Huntington Place. The existing use of the subject property is a single-detached dwelling.



**Figure A – Location of Subject Property**



**Figure B – Location of Parking Space**

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 conversion of the attached garage into living space for an Additional Dwelling Unit (ADU) (Attached). The required parking space for the ADU (Attached) will be located within the existing driveway in the front yard of the subject property, shown in 'Figure B'. The existing driveway is not long enough for one (1) of the required parking spaces to be located a minimum of 6.0 metres from the street line. As the Zoning By-law only allows one (1) required parking space to be located within 6 metres of the street (property) line, requested relief from the Zoning By-law is necessary to facilitate a duplex use of the property.

Section 4.12.2 b) of Zoning By-law 2019-051 states that a maximum of one pedestrian entrance to the principal building shall be located on each street line façade, except where more pedestrian entrances are existing. As the door beside the attached garage is existing, it would be permitted to be retained with the enclosure of the attached garage into living space.

## **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 lands are designated as 'Low-Rise Residential' on Map 3 of the Official Plan. This designation permits a full range of low density housing types including duplexes, 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. As the built form is not changing, Staff is of the opinion that the requested variance to permit a duplex use meets the general intent of the Official Plan.

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

The intent of Section 5.3.3 a) i) of Zoning By-law 2019-051 which does not permit parking spaces within 6.0 metres of a street line is to ensure that the front or exterior side yards of lots do not primarily function as parking areas. This also intends to ensure that front or exterior side yards of lots contain adequate landscaped area. The subject lands contain an existing driveway in the front yard, which will accommodate the required parking space for the ADU (Attached). The existing driveway has a width of 7.3 metres, which is less than the maximum permitted driveway width of 7.6 metres, 50% of the lot width of 15.3 metres. Staff is of the opinion that there is adequate landscaped area in the front yard of the subject lands, therefore 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 effects of the requested variance to permit a required parking space for an ADU (Attached) 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 land as it will facilitate the conversion of the building on the subject property into a duplex, supporting a gentle intensification of the property, will make use of existing infrastructure, and support the City's Housing Pledge.

**Environmental Planning Comments:**

No comments.

**Heritage Planning Comments:**

No comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the attached additional dwelling unit and it is currently under review.

**Engineering Division Comments:**

No comments.

**Parks/Operations Division Comments:**

No comments.

**Transportation Planning Comments:**

Transportation Services can support the proposed application to permit a required parking space be 2.6 metres from the property line instead of the minimum required 6 metres from the property line. Additionally, the driveway can accommodate two (2) vehicles which helps support the proposed ADU.

**Region of Waterloo Comments:**

There are no conditions for this application. However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m). The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

**Metrolinx Comments:**

The subject property is located within 300 metres of Canadian National Railway's (CN Rail) Guelph Subdivision which carries Metrolinx's Kitchener GO Train service. As CN Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CN Rail is circulated the application for review. The proponent is advised of the following:

- Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to ore expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints of claims arising from use of such facilities and/or operations on, over or under these lands.

## **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

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## Attachment A – Site Plan