

# Staff Report



Development Services Department

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

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** September 5, 2023

**REPORT NO.:** DSD-2023-399

**SUBJECT:** Minor Variance Application A2023-112 – 103 Peter Street

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## RECOMMENDATION:

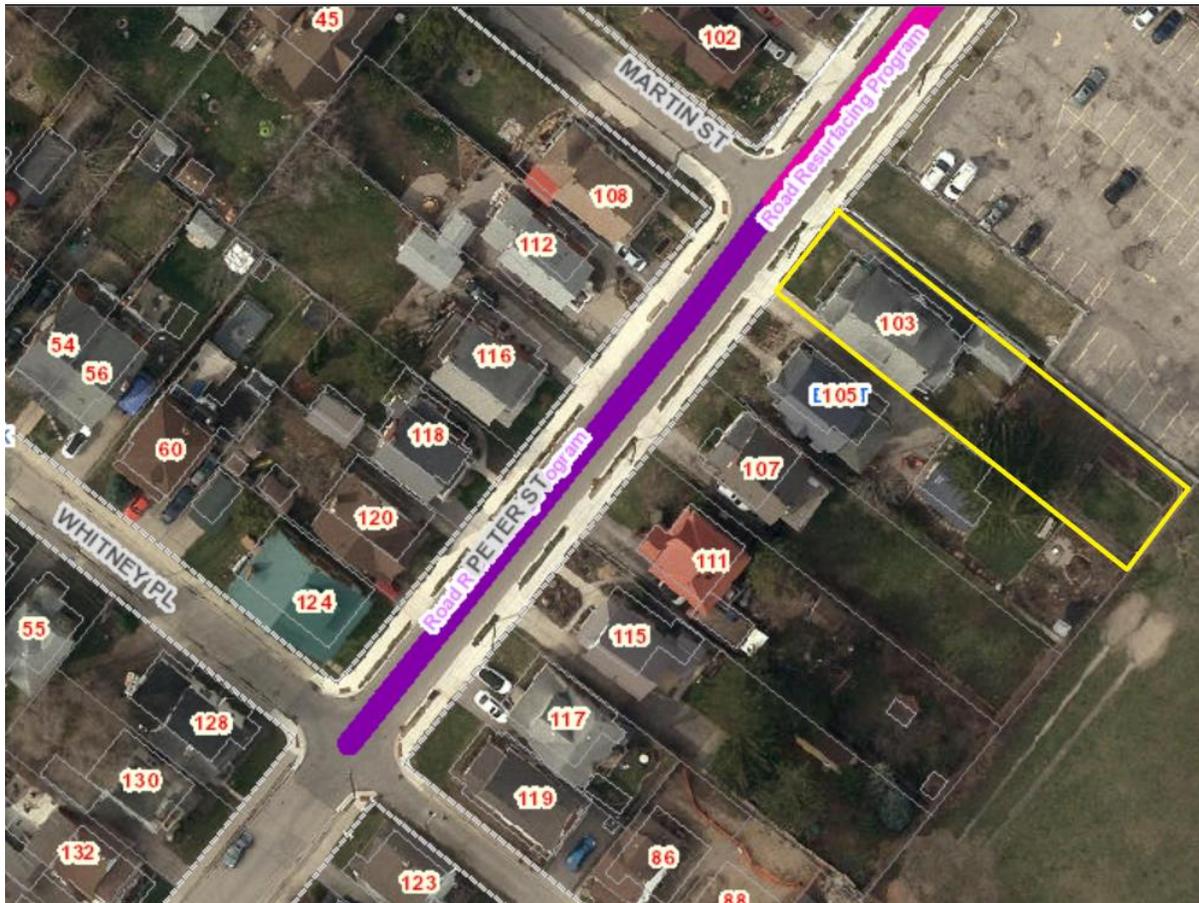
That Minor Variance Application A2023-112 for 103 Peter Street requesting relief from Section 5.22.2 f) of Zoning By-law 85-1 to permit a lot width of 12.7 metres instead of the minimum required 13.1 metres, to facilitate the conversion of the existing Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) into a Single Detached Dwelling with 2 ADUs (Attached) (Triplex), generally in accordance with drawings prepared by Nuovo Engineering Services, dated June 2023, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the conversion of an existing Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) into a Single Detached Dwelling with 2 ADUs (Attached) (Triplex).
- 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 a rectangular lot located at the intersection of Peter Street and Martin Street.



**Figure 1 – Aerial Photo of Subject Property**

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' in the Mill Courtland Woodside Park Secondary Plan.

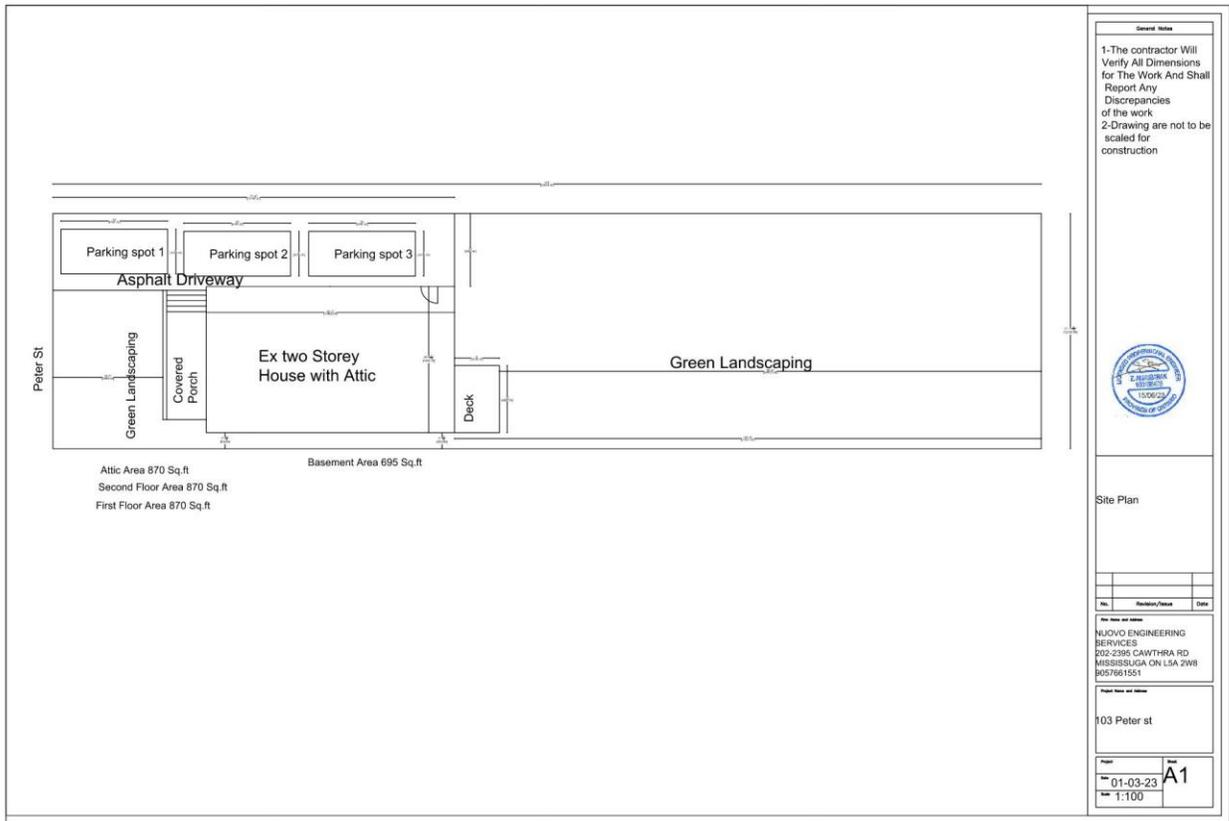
The property is zoned 'Residential Five Zone (R-5)' and is identified in 'Appendix H - Residential Intensification in Established Neighbourhoods Study (RIENS) Area' in Zoning By-law 85-1.

The purpose of the application is to review a minor variance to facilitate the conversion of an existing Duplex into a Triplex. The subject property currently contains a three-storey duplex dwelling on a lot with a width of 12.7 metres. Section 5.22.2 f) of Zoning By-law 85-1 states that 13.1 metres is the minimum lot width requirement for a property with 2 Additional Dwelling Units (ADU) (Attached). Accordingly, a minor variance is required to permit the lot width of 12.7 metres.

The right side yard setback and rear yard setback of the subject property exceed the minimum requirements outlined in Zoning By-law 85-1, as they are 3.9 metres and 29.4 metres, respectively.

In November of 2022 the Committee approved Minor Variance Application A2022-103 requesting relief from Section 39.2.1 of Zoning By-law 85-1, to permit an interior side yard setback of 0.8 metres instead of the minimum required 1.2 metres to recognize the

setback of a third storey addition, currently under construction, to facilitate the conversion of a two storey single detached dwelling to a duplex dwelling,



**Figure 2 – Site Plan**

Staff conducted a site visit to the subject property on August 30, 2023.



**Figure 3 – Front View of Subject Property**

**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 Conservation' in the Mill Courtland Woodside Park Secondary Plan. The intent of this designation is to retain the existing low-rise stock while simultaneously allowing a slight density increase by permitting conversion or redevelopment to a maximum of three dwelling units. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to permit an additional ADU (Attached) (Triplex) meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the minimum lot width requirement of 13.1 metres is to ensure that there is adequate space for required parking, emergency access, appropriate side yard setbacks and amenity space on the lot. Staff is of the opinion that the proposed use meets the general intent of the By-law, and that this size lot will continue to function appropriately as a triplex unit, as 3 parking spaces can be accommodated in tandem, the right side yard

setback exceeds the minimum 1.2 metre requirement, the rear yard setback is 29.4 metres, and the landscaped area exceeds the minimum 20% lot coverage requirement.

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

The variance can be considered minor as the addition of an attached dwelling to facilitate the conversion of a duplex to a triplex is proposed for a portion of an existing Duplex Dwelling and there are no new additions or floor area being proposed. Sufficient parking and amenity area can be accommodated on the subject property. Although tandem parking is not ideal, the property is located within a Major Transit Station Area and not all 3 parking spaces may be required. The variance of 0.4 metres will facilitate a 3<sup>rd</sup> dwelling unit within the existing building on the subject property which should not impact abutting properties.

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

The variance to facilitate the conversion of the building on the subject property into a triplex is appropriate for the development and use of the land as it will support a gentle intensification of the property with the creation of a dwelling unit, will make use of existing infrastructure, and support the City's Housing Pledge.

**Environmental Planning Comments:**

Environmental Planning has no concerns.

**Heritage Planning Comments:**

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 103 Peter Street is located within the Cedar Hill Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Cedar Hill Neighbourhood CHL area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Cedar Hill Neighbourhood CHL, please visit the following link: [www.kitchener.ca/npr](http://www.kitchener.ca/npr).

**Building Division Comments:**

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

**Engineering Division Comments:**

Engineering Division has no concerns.

**Parks/Operations Division Comments:**

Parks/Operations Division has no concerns.

**Transportation Planning Comments:**

Transportation Planning has no concerns.

**Grand River Conservation Authority Comments:**

GRCA has no concerns.

**Ministry of Transportation Comments:**

MTO has no concerns.

**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 85-1*
- *DSD-2022-471 – Minor Variance A2022-129*