

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: October 17, 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 28, 2023

REPORT NO.: DSD-2023-440

SUBJECT: Minor Variance Application A2023-119 – 196 Forest Hill Drive

RECOMMENDATION:

That Minor Variance Application A2023-119 for 196 Forest Hill 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 3.5 metres from the street (property) line instead of the minimum required 6.0 metres to facilitate an Additional Dwelling Unit (ADU) (Attached) within the existing single detached dwelling generally in accordance with drawings prepared by Country Lane Builders, dated September 6, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to permit one of the required parking spaces to be located within the existing driveway to facilitate a duplex use of the existing single detached dwelling.
- The key finding of this report is that the requested 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 Forest Hill Drive in between Westmount Road East and Barberry Place. The existing use of the property is a single detached dwelling.

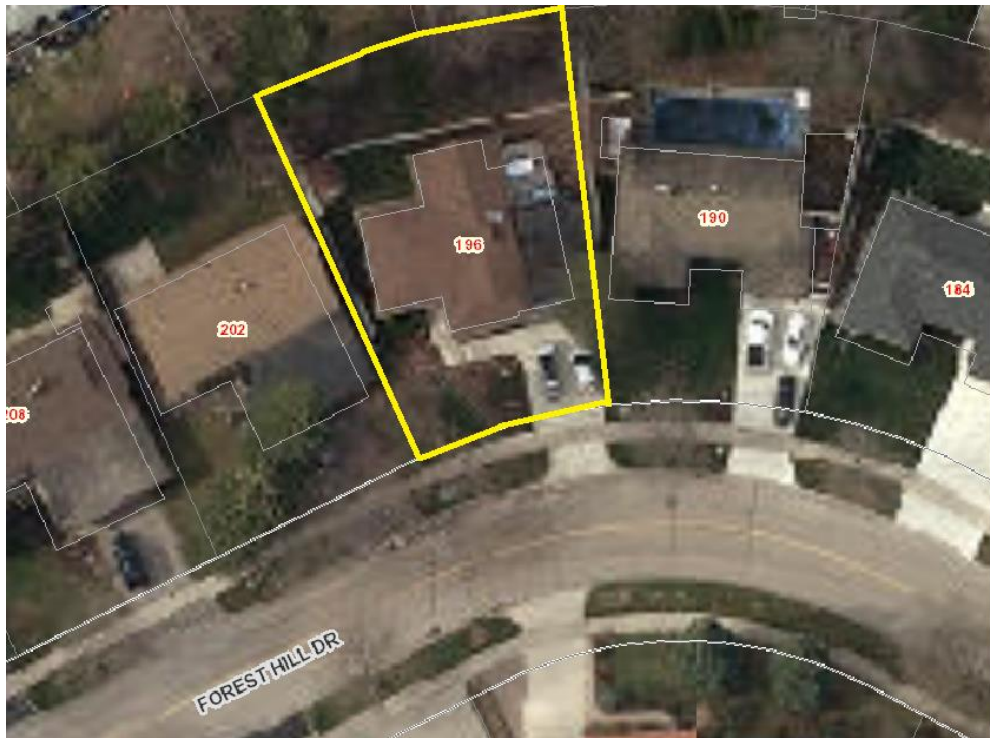


Figure 1 – Location of Subject Property



Figure 2 – Photo of Subject Property

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 2'. 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) of the two (2) required parking spaces 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.

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 proposed duplex use is permitted within the land use designation and the built form is not changing, Staff is of the opinion that the requested variance 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. The existing driveway is wide enough to accommodate both required parking spaces and meet zoning requirements. 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 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.

Grand River Conservation Authority Comments:

The GRCA has no objection to the approval of this application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit to convert the garage into living space is obtained prior to construction. Please contact the Building Division building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services supports a 3.5 metre parking setback instead of 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 A – Site Plan