

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 21, 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: November 8, 2023

REPORT NO.: DSD-2023-492

SUBJECT: Minor Variance Application A2023-126 – 117 Ingleside Drive

RECOMMENDATION:

That Minor Variance Application A2023-126 for 117 Ingleside Drive requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.3 e) to permit a lot to have a width of 8.7 metres instead of the minimum required 13.1 metres; and
- ii) Section 4.12.3.1 a) b. to permit the minimum side yard setback of the principal dwelling, a semi-detached dwelling, to be 1.3 metres instead of the minimum required 2.5 metres;

to facilitate an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property generally in accordance with drawings prepared by Milton Gomez, dated October 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property.
- The key finding of this report is that the proposed variances meet 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.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

The subject property is located on Ingleside Drive between Hazelglen Drive and Dalegrove Drive. The existing building is a semi-detached dwelling.

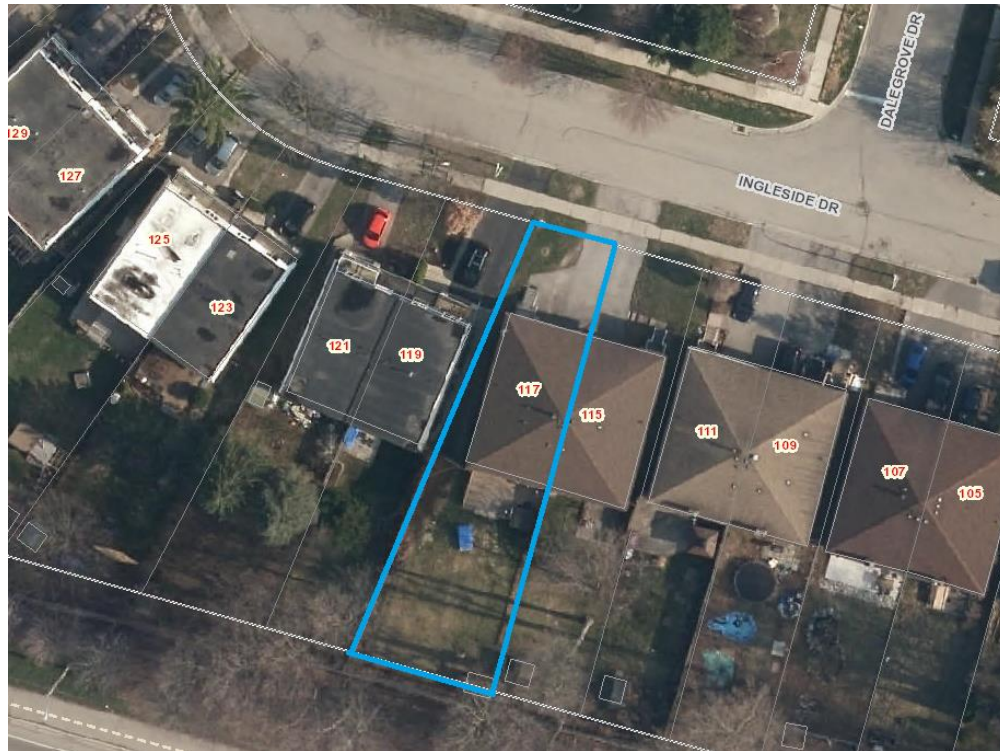


Figure 1 – Location of Subject Property

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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to provide relief from the Zoning By-law to facilitate an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property. The requested relief from Section 4.12.3 e) to permit a lot to have a width of 8.7 metres instead of the minimum required 13.1 metres is necessary due to the shape of the lot. The lot width is narrow at the front yard and expands significantly towards the rear yard. The requested relief from Section 4.12.3.1 a) b. is to permit a side yard setback of 1.3 metres instead of the minimum required 2.5 metres for a lot containing a semi-detached dwelling. The angled side lot line creates a scenario where the principal dwelling has a setback of 1.3 metres at the front of the dwelling and 3.3 metres at the rear of the dwelling. The requested variances will facilitate the construction of an ADU (Detached) in the rear yard of the subject property.



Figure 2 – Subject Property



Figure 3 – Proposed Access

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 semi-detached dwelling with an ADU (Detached) is permitted within the land use designation, Staff is of the opinion that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Minimum Lot Width for a Lot Containing an ADU (Detached):

The requested variance from Section 4.12.3 e) of Zoning By-law would permit a lot to have a width of 8.7 metres instead of the minimum required 13.1 metres for a lot containing an ADU (Detached). The intent of this regulation is to ensure that there is adequate space to construct an ADU (Detached) in the rear yard of the subject property. The shape of the subject property is pie-shaped in nature, resulting in a rear yard where the lot width is 14.2 metres at its greatest. According to the drawings, included as 'Attachment A', the lot width at the narrowest point where the ADU (Detached) will be located is 13.25 metres. The proposed ADU (Detached) complies with the required setbacks for an ADU (Detached) outlined in Section 4.12.3. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

Minimum Side Yard Setback for the Principal Dwelling:

Section 4.12.3.1 a) b. of Zoning By-law 2019-051 requires a minimum side yard setback of 2.5 for the principal dwelling on a lot containing an ADU (Detached), where the principal dwelling is a semi-detached dwelling. The requested variance is to permit the minimum side yard setback of the principal dwelling to be 1.3 metres instead of the required 2.5 metres. The intent of the Zoning By-law is to ensure that there is adequate space within the side yard of the subject property to provide access an ADU (Detached) in the rear yard. The angled side lot line creates a scenario where the principal dwelling has a setback of 1.3 metres at the front of the dwelling and 3.3 metres at the rear of the dwelling. The proposed walkway access will meet the minimum requirement of 1.1 metres. 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 to permit a lot to have a width of 8.7 metres instead of the minimum required 13.1 metres and to permit a minimum side yard setback of 1.3 metres instead of the required 2.5 metres for a lot containing semi-detached dwelling are considered minor. The requested variances will not have any visual impacts on neighbouring properties or the existing streetscape 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 support a gentle intensification of the property, will make use of existing infrastructure, and support the City's Housing Pledge.

Environmental Planning Comments:

The proposed ADU is to be 2.5 metres from rear/side lot lines. Any trees on adjacent properties should be far enough away in this case and not be impacted. No tree management condition required.

GRCA Comments:

GRCA has no objection to this application.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the detached additional dwelling unit is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

Advisory comment revised. No parks/operations concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

Region of Waterloo Comments:

There are no conditions/concerns for the proposed dwelling unit. However, the applicants are advised that the proposed ADU would have impacts from environmental noise from traffic on Fischer-Hallman Road (RR#58), and the owners are responsible for ensuring that the proposed development does not have any impacts from the environmental noise in the vicinity.

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:

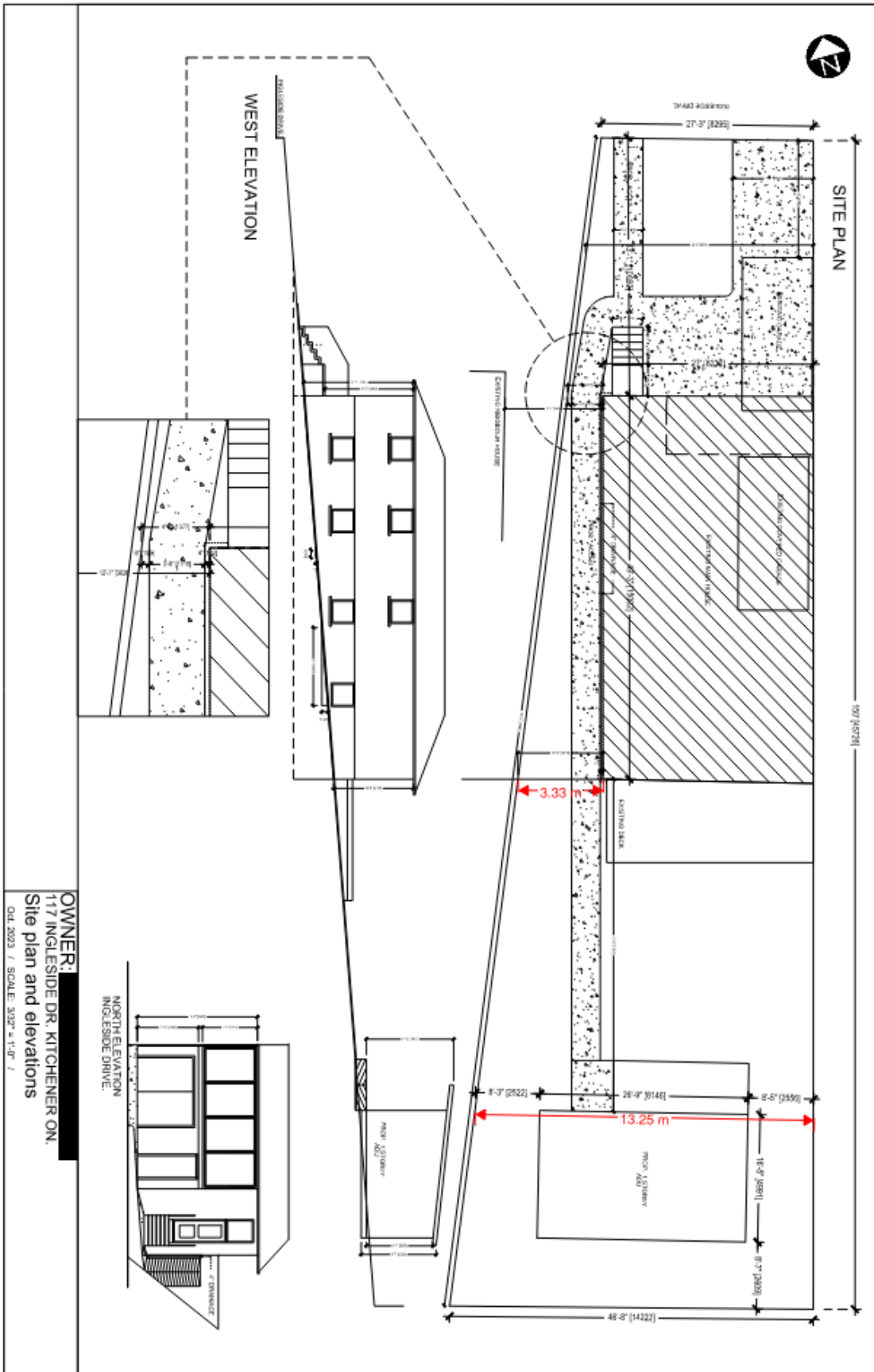
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 with Elevations



Attachment A – Site Plan with Elevations