

# Staff Report



Development Services Department

www.kitchener.ca

**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:** Sheryl Rice Menezes, Planning Technician (Zoning),  
519-741-2200 ext. 7844

**WARD(S) INVOLVED:** 4

**DATE OF REPORT:** November 10, 2023

**REPORT NO.:** DSD-2023-499

**SUBJECT:** Minor Variance Application A2023-127- 52 Sabrina Crescent

---

## RECOMMENDATION:

That Minor Variance Application A2023-127 for 52 Sabrina Crescent requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit a required parking space to be located 0 metres from the street (property) line instead of the minimum required 6 metres; and relief from Section 5.3.1, Table 5-1, of Zoning By-law 2019-051 to permit one (1) of the required parking spaces to have a width of 2.5 metres instead of the minimum required 2.6 metres to accommodate two side-by-side parking spaces for a proposed Additional Dwelling Unit (ADU) (Attached), a Duplex, generally in accordance with drawings prepared by Thinkform Architecture + Interiors, dated Revision No. 6, 2023.09.20, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for parking to permit a conversion from a single detached dwelling to a single detached dwelling with one (1) Additional Dwelling Unit (ADU) (Attached) (Duplex).
- The key finding of this report is that the requested minor variances meet all 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 the north side of Sabrina Crescent and currently is used as a single detached dwelling.



**Figure 1: Ariel View of Subject Property**

The subject property is identified as 'Community Area' 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 for parking variances to permit the conversion of the garage of the existing single detached dwelling into living space to accommodate an attached additional dwelling unit (duplex).

Staff conducted a visit to the subject property on November 1<sup>st</sup>, 2023.



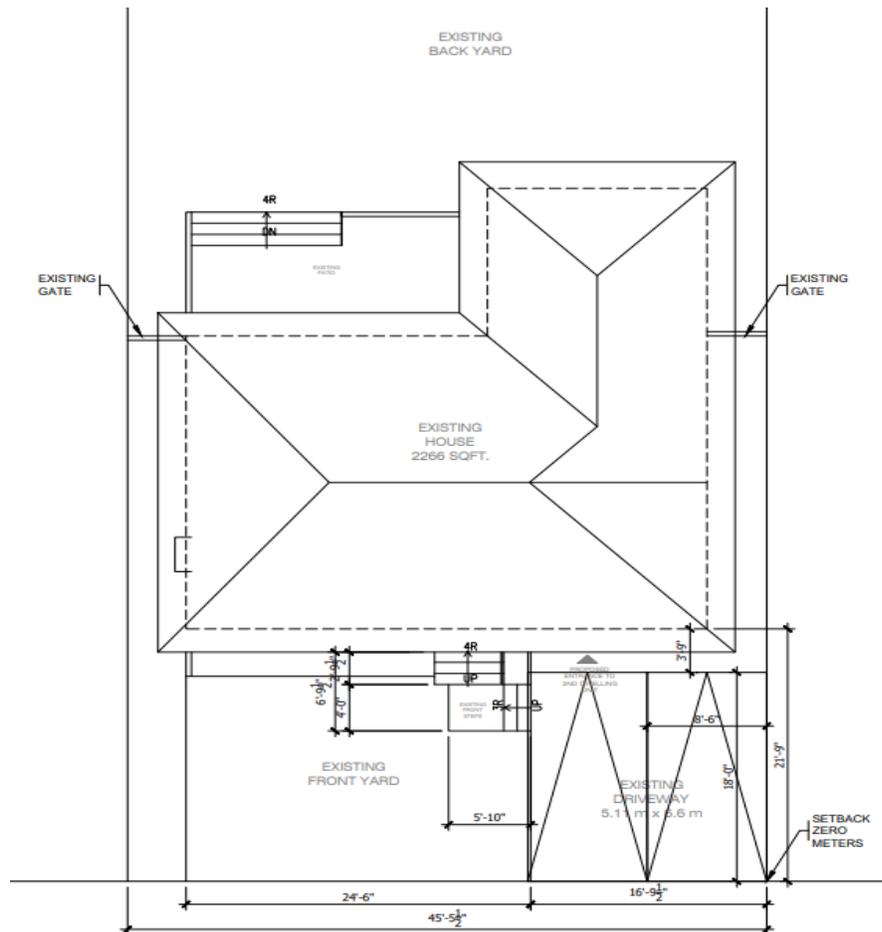
**Figure 2: Front View of Subject Property**

Staff note that the original application showed three-man doors oriented towards the street. It is noted that currently the zoning bylaw does not regulate the maximum number of doors for a duplex use. Though the number of doors is of consideration for other dwelling types, such as three units or more. However, the owner has agreed to modify the design, as submitted and shown in the Revision No. 6, date noted in the drawing, to have only two man doors facing the street (see Figure 3 below). This will permit access to the new ground floor unit through what was previously the garage.



) SIDE ELEVATION - PROPOSED  
 1/4"=1'-0"

Figure 3: Proposed Front Elevation



) SITE PLAN - NEW ENTRANCE TO THE 2ND DWELLING UNIT  
 1/8"=1'-0"

Figure 4: Proposed Site Plan

The applicant intends to utilize the existing driveway which is 5.1 metres in width instead of the minimum 5.2 metres which is needed to accommodate 2 parking spaces side by side.

## **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' in the City's Official Plan. The intent of the land use designation is to encourage residential intensification and/or redevelopment which includes additional dwelling units in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and services costs by minimizing land consumption and making better use of existing community infrastructure.

The proposed parking variance to permit the conversion of the building from a single dwelling to a duplex dwelling maintains the low rise residential built form of the neighbourhood. It is the opinion of staff that the requested parking variances meet the general intent of the Official Plan.

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

The zoning regulation for one of the two required parking spaces for a duplex use to be located a minimum distance of 6 metres from the front lot line (street line) to ensure that there is sufficient parking for a duplex use should the site only have tandem parking (which is permitted for the use). As well, it ensures that the parking spaces are not all located 0 metres from the street line which could result in vehicles dominating the streetscape. For the subject property, there is sufficient lot width so that having two parking spaces side by side near the front lot line does not dominate the property frontage or the streetscape.

The regulation for a minimum parking space width of 2.6 metres is to ensure enough width for the vehicle and for opening and closing the vehicle doors. The variance for one of the parking spaces to be 2.5 metres wide is a deficiency of 0.1 metres which can also be considered minor as it will not impact the use of either parking space.

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

The request to have the parking space variances can be considered minor as there is adequate area to provide the minimum of two parking spaces on the existing driveway.

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

Staff are of the opinion that the parking variances are appropriate for the proposed duplex use as they will provide a gentle form of intensification within the existing building which is

appropriate for the use of the property and compatible with the surrounding neighbourhood.

**Environmental Planning Comments:**

No natural heritage concerns or tree management concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variances. A Building Permit Application has been made for the change of use to a duplex and it is currently under review.

**Engineering Division Comments:**

Engineering has no comments.

**Parks/Operations Division Comments:**

No comments or concerns.

**Transportation Planning Comments:**

Transportation Services can support the proposed application.

**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*