

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 12, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Arwa Alzoor, Planner, 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: November 17, 2023

REPORT NO.: DSD-2023-515

SUBJECT: Minor Variance Application A2023-137 - 48 Betzner Ave. N.

RECOMMENDATION:

That Minor Variance Application A2023-137 for 48 Betzner Avenue North requesting relief from Section 5.22 c) of Zoning By-law 85-1, to permit a lot width of 12.4 metres instead of the minimum required lot width of 13.1 metres to facilitate the development of an Additional Dwelling Unit (ADU) (Detached) to the existing Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached) generally in accordance with drawings prepared by Decoplan Inc., dated November 9, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit three dwelling units in total on the subject property in the form of a Single Detached Dwelling with one Additional Dwelling Unit (Attached) and one Additional Dwelling Unit (Detached).
- The key finding of this report is that the requested minor variance meets the 4 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 south of Weber Street East and east of Frederick Street in King Street East Neighbourhood. It currently contains a two-storey single detached dwelling with one (1) Additional Dwelling Unit (ADU) (Attached), a duplex.

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

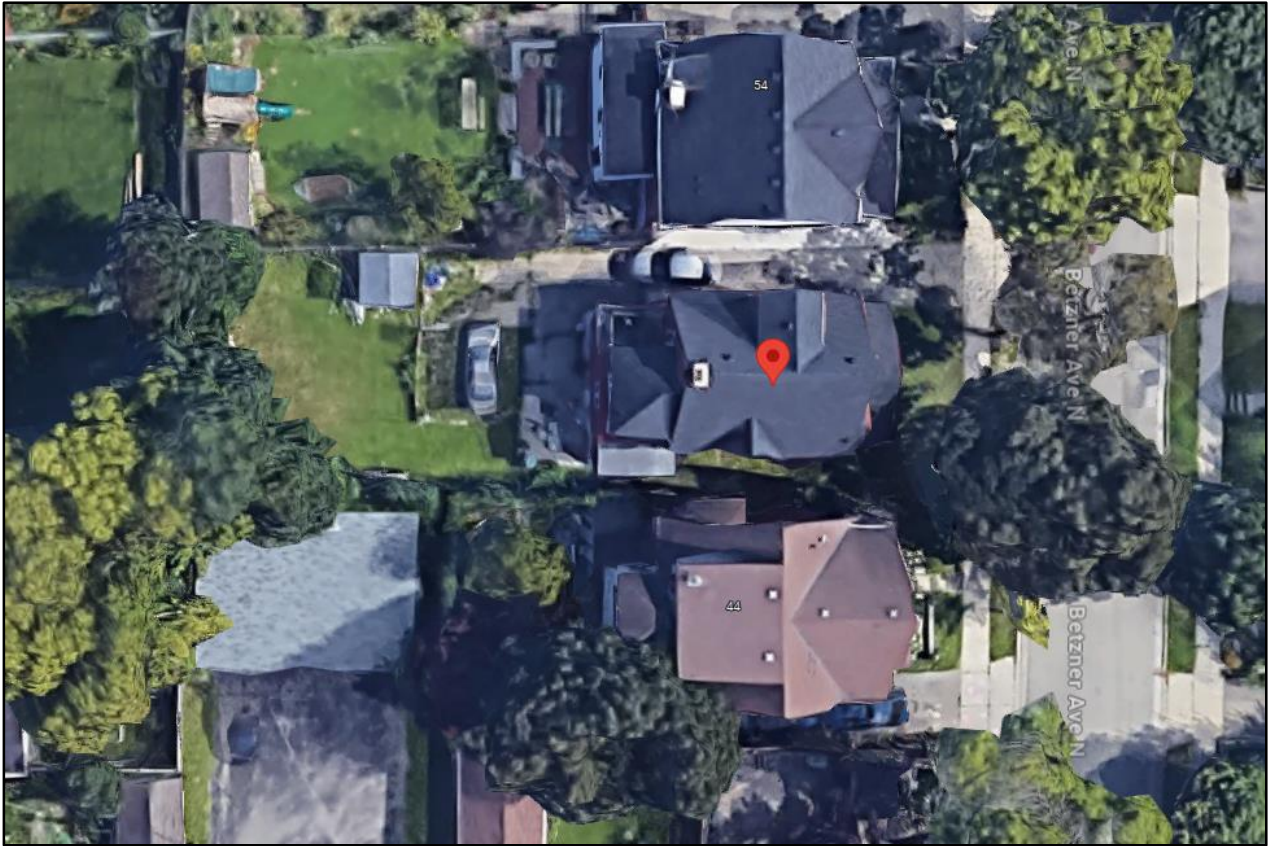


Figure 4 - Aerial view of the subject property

Planning staff conducted a site inspection on Thursday, November 23rd, 2023



Figure 5 - The front of the house showing the full lot width and the existing driveway



Figure 6 - The Existing driveway on the north side yard



Figure 7 - The existing south side yard where the 1.1 m walkway is proposed.

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 as 'Low Rise Conservation' in the King Street East Secondary Plan. The intent of this designation is to accommodate single detached dwellings, duplex dwellings, semi-detached dwellings, multiple dwellings containing a maximum of three dwelling units, small lodging houses, small residential care facilities, home businesses, and private home daycare.

Staff is of the opinion that the requested variance will facilitate a use of the property that will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The lot width regulation intends to ensure the use has sufficient amenity space, landscaped area, fire emergency access and parking. The subject property has a lot area of 472.7 square metres, which is greater than the minimum required 395 square metres. The additional lot area supports the use of the property for three dwelling units. In addition, the south side yard allows for the 1.1 metre walkway emergency access.

Based on the above, the variance will meet the general intent of the Zoning By-law.

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

The existing property is 0.6 metres less than the required lot width, but the lot area is larger than the minimum requirement of 395 square metres by 77.7 square metres, leaving adequate space in the rear yard (once the ADU is built) for a garage, parking area and a small amenity space. The 1.1-metre walkway can still be constructed between the ADU and the street. This makes the ADU accessible and helps mitigate the impacts of the reduced lot width.

Staff is of the opinion that the variance will facilitate the provision of an additional dwelling unit while not presenting any significant impacts to adjacent properties or the overall neighbourhood.

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

The variance to allow a reduction in lot width is desirable and appropriate as it allows for gentle intensification of the subject property, will make use of existing infrastructure, and supports the City's Housing Pledge.

Environmental Planning Comments:

No natural heritage concerns. However, the applicant should be aware that there may be shared/boundary trees, root systems, which may be impacted, over the longer term, with

the construction of the ADU. The applicant is advised to refer to the City's Tree Management Policies for assistance.

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 48 Betzner North is located within the Central Frederick Neighbourhood CHL. The owner and the public will be consulted as the City considers identifying CHLs in the Official Plan and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

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

Engineering Division Comments:

No comments

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the above applications. The subject properties do 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, permission from GRCA is not required

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*