

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** February 20, 2024

**SUBMITTED BY:** Tina Malone-Wright, Manager, Development Approvals  
519-741-2200 ext. 7765

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

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** January 26, 2024

**REPORT NO.:** DSD-2024-069

**SUBJECT:** Minor Variance Application A2024-013  
49 Madison Avenue North

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## RECOMMENDATION:

That Minor Variance Application A2024-013 for 49 Madison Avenue North requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 5.33 a) to permit no pedestrian entrance to the principal building from the street line façade instead of the minimum required one (1) pedestrian entrance on the street line facade;
- ii) Section 6.1.2 a) to permit one parking space (existing) instead of the minimum required five parking spaces (1 parking space per dwelling unit);
- iii) Section 41.2.6 to permit a lot width of 14 metres instead of the minimum required 15 metres; and
- iv) Section 41.2.6 to permit a rear yard setback of 6.5 metres instead of the minimum required 7.5 metres;

to facilitate a rear addition to the existing single detached dwelling on the subject property to enable the conversion to a multiple dwelling containing 5 dwelling units, generally in accordance with drawings prepared by Arhiss Architectural Sustainability Smart Solution Studio, revised December 19, 2023, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances for a rear addition to allow the conversion of a single detached dwelling into a multiple dwelling having 5 dwelling units with a reduced lot width, rear yard setback, no front façade pedestrian entrance and a parking reduction.
- The key finding of this report is that the requested minor variances meet the 4 tests of the Planning Act.
- There are no financial implications.

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

- 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 Cedar Street North in the King East Neighbourhood. It currently contains two-storey Single Detached Dwelling with a side yard driveway that leads to the parking space. The purpose of this application is to allow for a rear yard addition to enable the conversion of the building into a multiple dwelling having 5 dwelling units.

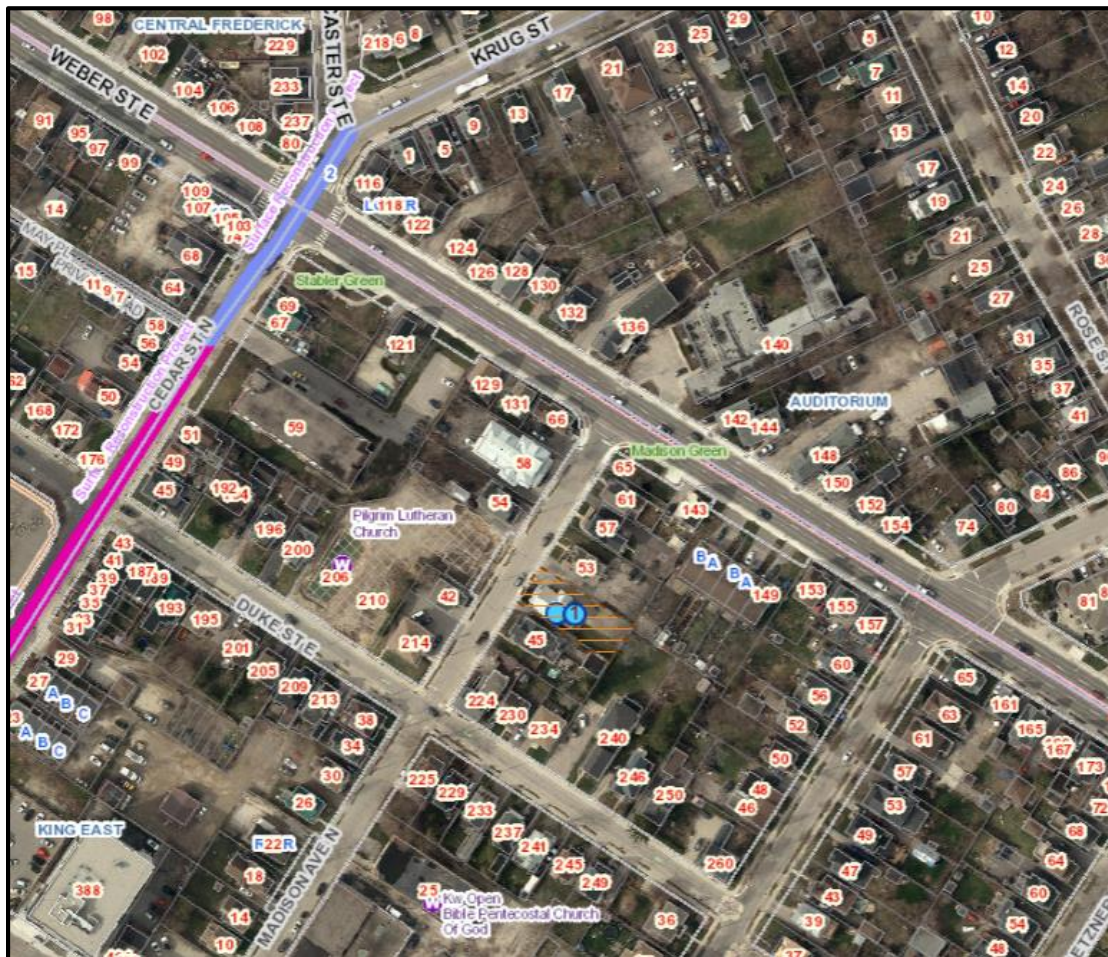
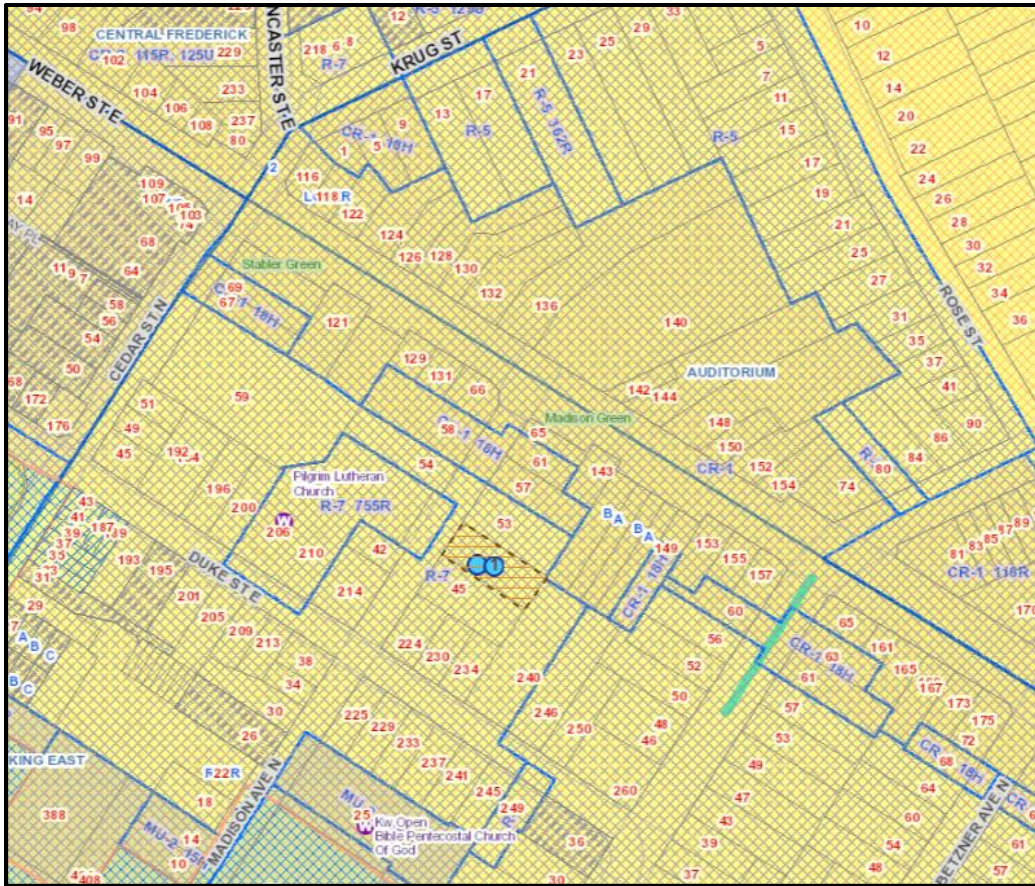


Figure 1: Location Map



**Figure 2: Zoning Map**

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Medium Density Multiple Residential' on Map 10 – King Street East Neighbourhood Secondary Plan for Land Use in the City's 1994 Official Plan.

The property is zoned 'Residential Seven Zone (R-7)' in Zoning By-law 85-1.

The purpose of the application is to facilitate a three-storey rear addition to the existing single detached dwelling to convert it to a multiple dwelling having 5 dwelling units. Minor Variances are requested to permit:

- a reduced lot width;
- a reduced rear yard setback;
- a reduced parking rate; one parking space instead of the minimum required five parking spaces; and
- no pedestrian entrance on the street line façade of the proposed Multiple Dwelling.

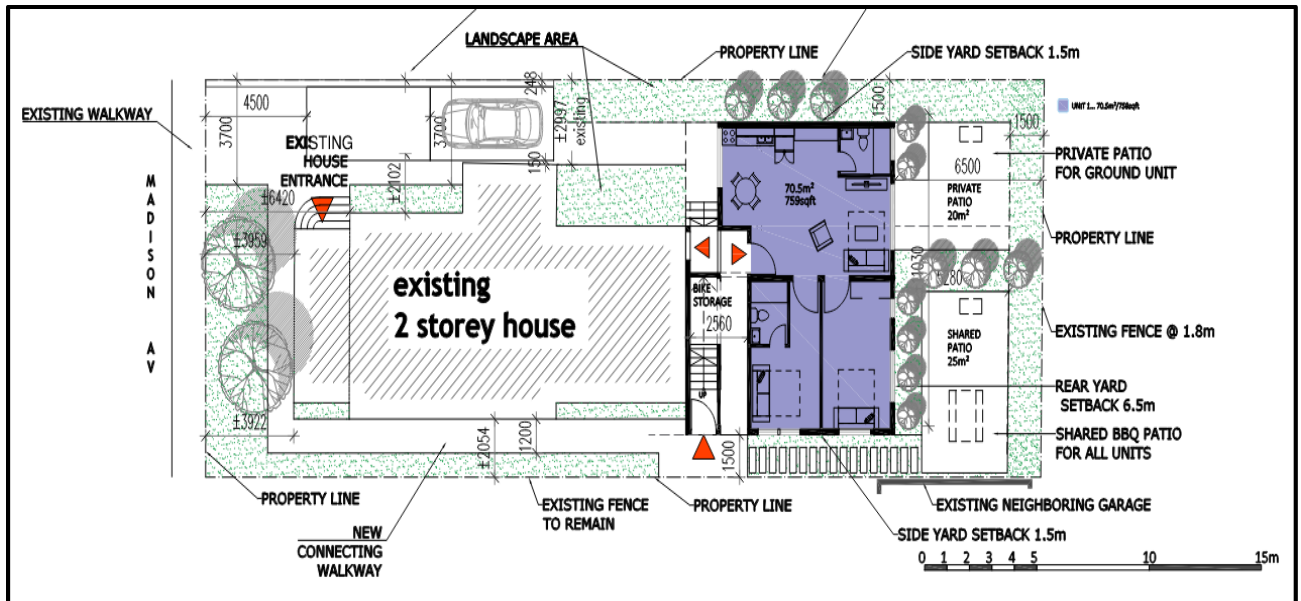


Figure 3: Excerpt of Site Plan Drawing

Planning staff conducted a site inspection on Friday, February 02<sup>nd</sup>, 2024



Figure 4: Front view of the existing single detached dwelling



**Figure 5: South side yard**



**Figure 6: North Side of the existing dwelling**



**Figure 5: North side yard with the existing driveway**

**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 'Medium Density Multiple Residential' in the King Street East Secondary Plan permits multiple dwellings as a permitted use up to a Maximum Floor Space Ratio of 2.0.

As per Official Plan Policy 4.C.1.8. c) "New additions and modifications to existing buildings are to be directed to the rear yard and are to be discouraged in the front yard and side yard abutting a street, except where it can be demonstrated that the addition

and/or modification is compatible in scale, massing, design and character of adjacent properties and is in keeping with the character of the streetscape.”

The subject property is located within a ‘Major Transit Station Area’ and will be redesignated and rezoned as part of the Growing Together Project which was considered at Planning & Strategic Initiatives Committee on January 29, 2024. The proposed OPA and ZBA is intended to go back to Council for further consideration on March 18, 2024. The proposal meets the intent of the Official Plan and will meet the intent of the proposed Growing Together Official Plan Amendment.

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

The subject property is proposed to be zoned ‘Low Rise Growth Area Zone (SGA-1)’ in new Zoning By-law 2019-051 as part of the Growing Together Zoning By-law Amendment.

The ‘SGA-1’ zone may permit existing buildings to be converted to a multiple dwelling with 4 or more dwelling units, subject only to the applicable minimum lot width, minimum lot area, parking spaces on a driveway in the front and exterior side yard, and maximum non-residential gross floor area of Table 6-3.

The ‘SGA-1’ zone requires a minimum lot width of 12 metres and a minimum lot area of 450 squares metres for a multiple dwelling having 5 to 10 dwelling units. The lot width of 14 metres and the lot area of 522 square metres of the subject property will meet these new requirements.

The ‘SGA-1’ zone will require a minimum rear yard setback of 7.5 metres and the minimum street line façade openings requirement will be 20%.

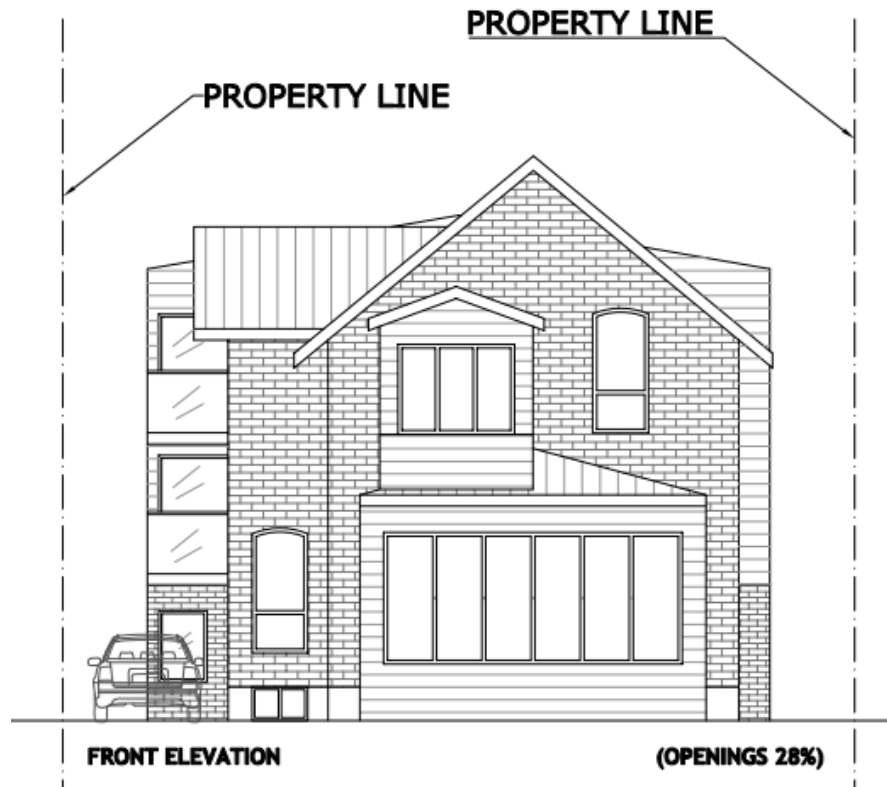
There will be no minimum parking requirement for multiple dwellings.

Lot width: The intent of the lot width regulation is to ensure that the use has sufficient amenity space, landscaped area, fire emergency access, and parking. The subject property has a slightly lower lot width than the required for multiple dwellings. The property will still have sufficient amenity area in the rear yard and side yard setbacks of 1.5 metres to allow for access to the rear yard from both sides. The lot width of the subject property will comply with the new ‘SGA-1’ zone.

Rear yard setback: The intent of the rear yard setback regulation is to maintain privacy in order to reduce the impact of overlooking in addition to creating a more aesthetically pleasing environment and amenity space with more green space. The provided 6.5 metre rear yard setback will still maintain privacy and provide sufficient green space and amenity space.

Parking reduction: The intent of the regulation that requires one parking space per dwelling unit is to ensure that adequate vehicle storage can be provided on-site. The property is located within a Major Transit Station Area (MTSA) and is within walking distance of Light Rail Transit. In addition, a Grand River Transit bus stop for Route 8 is located very close to the subject property. The applicant also proposes to provide bicycle storage to encourage the use of active transportation options. The parking reduction is in keeping with the intent of the Growing Together proposed zoning in MTSA areas.

One pedestrian entrance at the front façade: The intent of the regulation to have one pedestrian entrance on the front elevation is to create an active street façade for multiple dwellings. The front of the building is existing, and there are no changes proposed to the front part of the existing single detached dwelling. The requirement for one pedestrian entrance on the front façade will be replaced with a requirement for a minimum amount of street line façade openings in the new zoning by-law. The street line façade openings of 28% will meet the minimum required 20% in the new 'SGA-1' zone.



**Figure 8: Proposed Front Elevation**

The Planning Staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

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

The requested variances to Zoning By-law 85-1 can be considered minor as the lot width, façade openings and parking requirement will meet the new 'SGA-1' zone and parking requirements of Zoning By-law 2019-051. The rear yard setback is proposed to be 6.5 metres, which is only 1.0 metre less than the minimum required and will sufficiently function in providing an appropriate setback and amenity area. Therefore, the effects of the variances can be considered minor.

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

The variances are desirable and appropriate as they will support residential intensification in a MTSA and create additional housing units and support the City's Housing Pledge.



**Environmental Planning Comments:**

As there are no natural heritage features/functions contained on the subject property and there are no trees in area of rear yard addition Environmental Planning staff have no concerns.

**Heritage Planning Comments:**

No comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the addition and change of use is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

Advisory comment: Parkland Dedication will be required for proposed residential units to be assessed at the required Building Permit application and paid prior to the issuance of the Building Permit. An estimate of the required parkland dedication is \$15,320.00.

**Transportation Planning Comments:**

Transportation Services can support the requested parking variance as the variance meets the intent of the Growing Together proposed zoning.

**Region of Waterloo Comments:**

There are no concerns/conditions for this application. However, the applicants are advised that the existing and the proposed dwellings would have impacts from environmental noise from environmental noise (transportation and stationery) in the vicinity, and the owners are responsible for ensuring that the proposed development does not have any impacts from the environmental noise in the vicinity.

**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)*
- *City of Kitchener Secondary Plan*
- *Zoning By-law 85-1*
- *Draft Official Plan Amendment- Growing together*
- *Draft Zoning By-law Amendment- Growing together*