

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: Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: February 7, 2024

REPORT NO.: DSD-2024-079

SUBJECT: Minor Variance Application A2024-014 – 132 Merner Avenue

RECOMMENDATION:

That Minor Variance Application A2024-014 for 132 Merner Avenue requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.12.2 e) to permit a lot width of 12.8 metres instead of the minimum required 13.1 metres;
- ii) Section 5.3.1, Table 5-1 to permit a required parking space to be 5.2 metres in length instead of the minimum required length of 5.5 metres;
- iii) Section 5.3.3 a) ii) to permit two required parking spaces to be located 5.2 metres from the street (property) line instead of the minimum required 6 metres;
- iv) Section 7.3, Table 7-2 to permit an exterior side yard setback of 1.5 metres instead of the minimum required 4.5 metres, an interior side yard setback of 1.07 metres instead of the minimum 1.2 metres and a rear yard setback of 4.3 metres instead of the minimum required 7.5 metres;

to facilitate the conversion of a Single Detached Dwelling with one (1) Additional Dwelling Unit (ADU) (Attached) to a Single Detached Dwelling with two (2) Additional Dwelling Units (ADU) (Attached), for a total of 3 dwelling units on the subject property, generally in accordance with drawings prepared by Southwood Homes Architectural Design, December 21, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the conversion of an existing single detached dwelling with an attached additional dwelling unit (duplex dwelling) to a single detached dwelling with 2 attached additional dwelling units, for a total of 3 dwelling units on the property.
- 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 at the corner of Merner Avenue and Krug Street. The subject lands are surrounded by low rise residential uses.



Figure 1: Subject property – 132 Merner Avenue

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

The purpose of the application is to facilitate the conversion of an existing single detached dwelling with one attached additional dwelling unit (duplex dwelling) to a single detached dwelling with 2 attached additional dwelling units, for a total of 3 dwelling units on the subject property. The conversion is within the existing building footprint and no additional building expansions are proposed. The variances are required for the required parking spaces and their location and to the building setbacks all to recognize existing conditions. To staff's knowledge there has not been a history of neighbouring complaints.

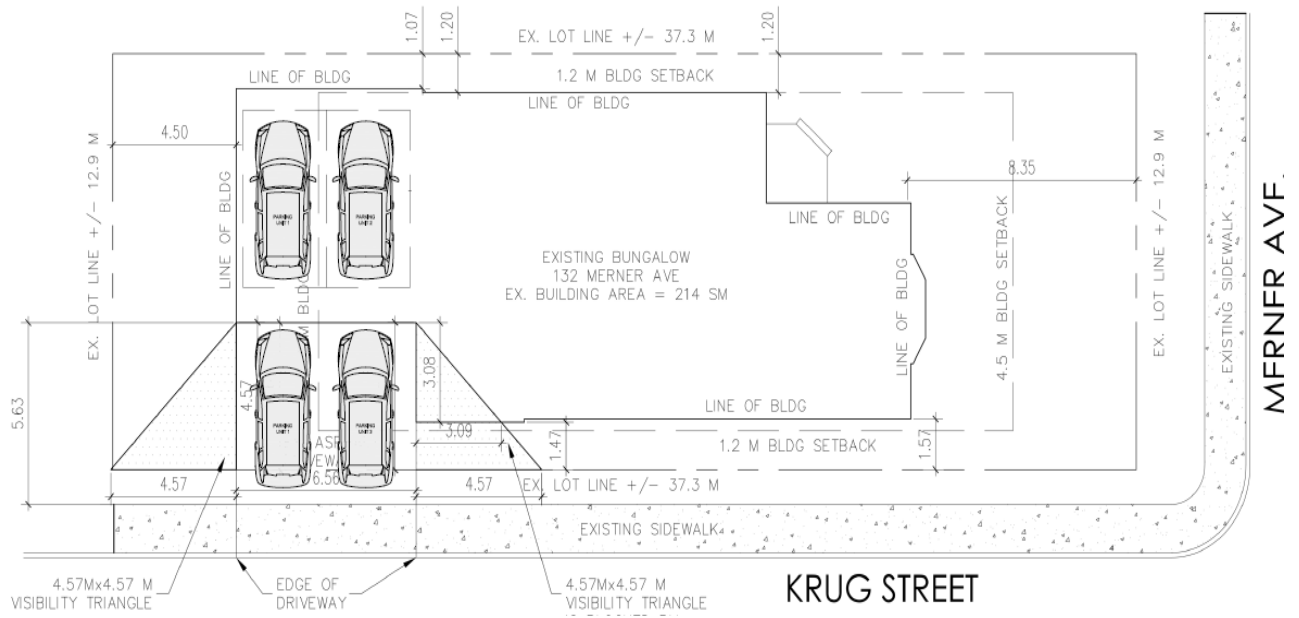


Figure 2: Proposed parking layout



Figure 3: Side view of 132 Merner Avenue (Krug Street Side)



Figure 4: Front view of 132 Merner Avenue

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. This designation permits low density forms of housing such as single detached dwellings with two attached dwelling units. The proposed variances meet the intent of the Official Plan which encourages a range of different forms of housing and encourages a mix of residential uses in residential areas. The proposed variance conforms to the designation, and it is the opinion of staff that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Parking location and size

The intent of the parking regulation to permit only one parking space with 6.0 metres of the street line, is to ensure that the side yard does not primarily function as a parking area, and that there is adequate separation from the street line to accommodate vehicles without impacting or impeding pedestrian use of the sidewalk right of way. The parking area is currently within an existing garage which is located 5.2 metres from the side lot line. There are no proposed changes to the existing garage which has existed without issues.

The intent of the parking regulation for the size of a parking space to be 5.5 metres in length is to ensure that the parking space can accommodate the majority of vehicle sizes.

The reduced length of 5.2 metres will still accommodate a wide variety of vehicle sizes without encroaching into the right of way.

Staff is of the opinion that the variances for parking meet the general intent of the Zoning By-Law.

Lot width

The general intent of the minimum lot width requirement of 13.1 metres is to ensure that there is adequate space for required parking, emergency access, setbacks and amenity space on the lot. Staff is of the opinion that the proposed lot width of 12.8 metres meets the general intent of the By-law, as there are no changes to the existing footprint of the building.

Rear and side yard setbacks

The general intent of the minimum rear yard setback of 7.5 metres, exterior side yard setback of 4.5 metres, and interior side yard setback of 1.2 metres is to ensure there is adequate space for access, amenity space and provide adequate separation to the adjacent properties. There are no planned expansions of the existing building that is currently on the lot. All of the renovations proposed to add an additional unit within the property are interior to the building. The existing conditions of the property indicate that there have been no concerns with how the property functions currently. Staff are of the opinion that the proposed reduction in rear yard to 4.3 metres, exterior side yard to 1.5 metres and interior side yard of 1.07 metres all meet 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 are minor as the variances will legalize and existing condition with no additions to the building and help provide increased density within the existing neighbourhood. The proposed variances will not present 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 proposed variance is desirable and appropriate for the development and use of the land as its approval will facilitate the addition of an additional dwelling unit within an existing building, which is permitted and will contribute to the neighbourhood's housing stock and the City's Housing Pledge.

Environmental Planning Comments:

No environmental planning concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

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

Engineering Division Comments:

No engineering division concerns.

Parks/Operations Division Comments:

No concerns or comments.

Transportation Planning Comments:

Transportation Services have no concerns with the reduced parking setback being requested, going from the required 6.0 metres to 5.2 metres. Also, as this is an existing condition, Transportation Services have no concerns with the reduced parking space length being requested, going from the required 5.5 metres to 5.2 metres.

Region of Waterloo Comments:

There are no concerns/conditions for this application. However, the applicants are advised that the existing and the proposed dwellings may have impacts from environmental noise from environmental noise from the local municipal street system 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.

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*