

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: Tara Zhang, Planner 519-741-2200 ext. 7760

WARD(S) INVOLVED: 5

DATE OF REPORT: February 7, 2024

REPORT NO.: DSD-2024-082

SUBJECT: Minor Variance Application A2024-015
50 Mountain Mint Crescent

RECOMMENDATION:

That Minor Variance Application A2024-015 for 50 Mountain Mint Crescent requesting relief from Section 4.12.3 i) of Zoning By-law 2019-051 to permit a minimum lot width of 9.6 metres instead of minimum required 13.1 metres to facilitate the development of an Additional Dwelling Unit (ADU) (Detached) in the rear of the existing Single Detached Dwelling, generally in accordance with drawings prepared by Southwood Homes, dated January 4, 2024, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached).
- 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 in the Laurentian West neighbourhood with the closest intersection at Fischer Hallman Road and Ottawa Street South. 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 applicant would like to construct an Additional Dwelling Unit (Detached) in the rear yard. The proposed development requires a minor variance as the existing pie-shaped lot has a deficient narrow front lot width for a Detached ADU.

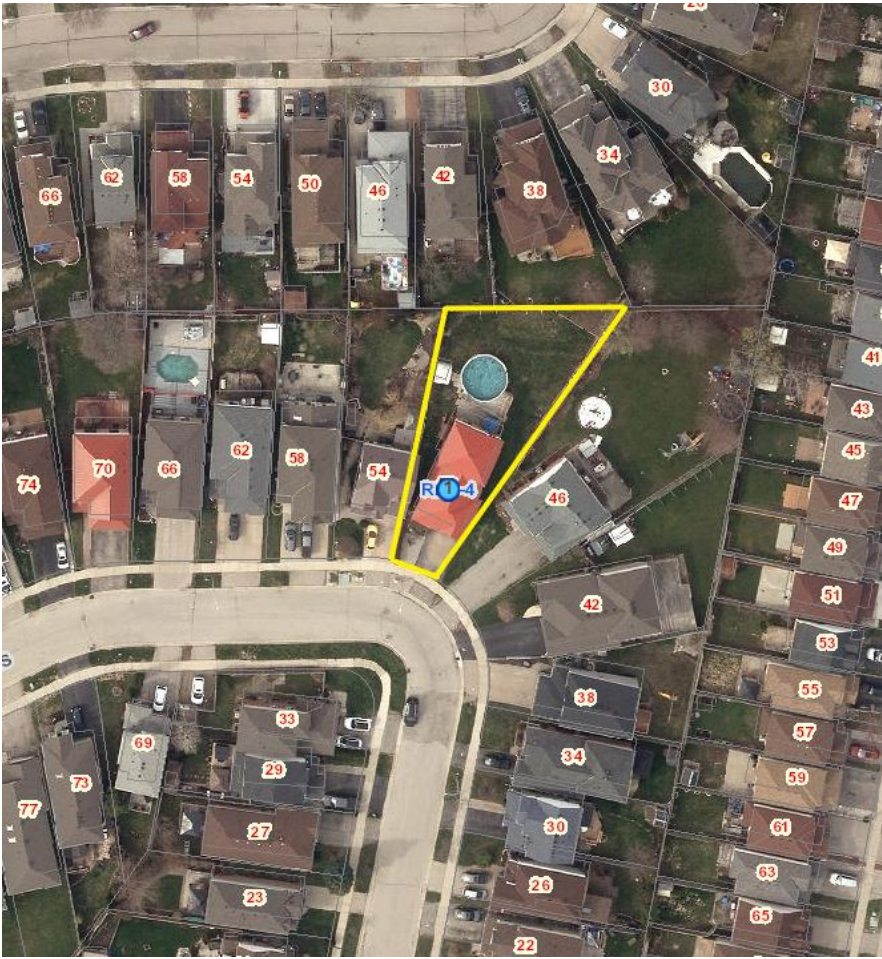


Figure 1: Aerial view of the subject property

Planning staff conducted a site inspection on Friday, February 2nd, 2024.

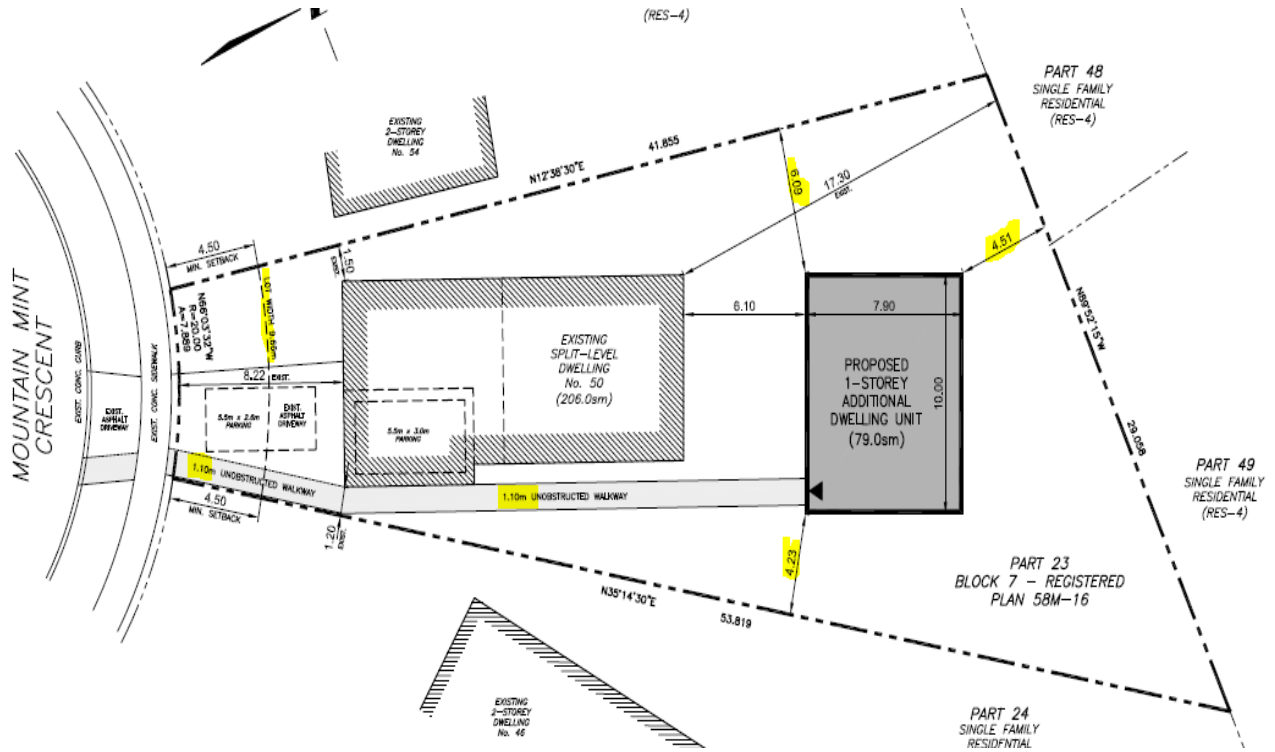


Figure 2: Site Plan

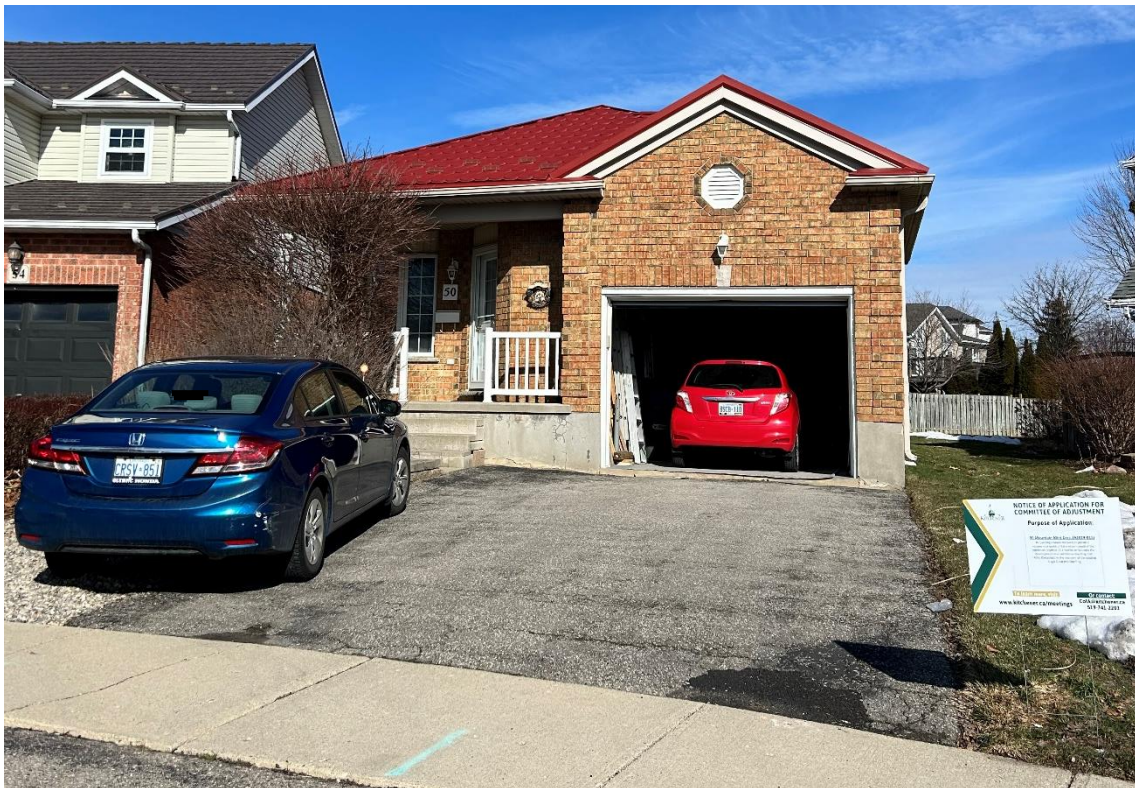


Figure 3: Front view of the site

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 this land use designation is to permit a variety of low-density residential uses including Additional Dwelling Units (ADUs), both Attached and Detached. The minor variance to permit an ADU on the subject lot meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the zoning regulation requiring a 13.1 metre lot width is to ensure adequate emergency access, a 1.1 metre wide walkway, and that there is sufficient space in the rear yard for amenity and an additional dwelling unit on the property. As shown in the site plan, the proposed development meets the required emergency access and the lot area is 798.4 m², which is significantly greater than the minimum required 395 m² lot area. Staff is of the opinion that the requested variance to allow a reduced lot width 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 effects of the requested variance will be minor as the reduced lot width does not have any significant impacts to the adjacent properties or the overall neighbourhood and will not inhibit the functioning of the subject property to provide an additional dwelling unit.

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

Planning staff is of the opinion that the requested variance is desirable and appropriate as it will facilitate a gentle form of intensification and support the City's Housing Pledge.

Environmental Planning Comments:

No natural heritage or Tree Preservation Areas in this part of Mountain Mint Cres. 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 detached additional dwelling unit is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

The side yard currently accommodates overland stormwater flows from the rear yard. A sidewalk is required to the rear yard in accordance with the Zoning By-law. The final

grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this 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*