

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** March 19, 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:** Ward 9

**DATE OF REPORT:** March 6, 2024

**REPORT NO.:** DSD-2024-124

**SUBJECT:** Minor Variance Application A2024-017 – 31 Belmont Ave. W.

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## RECOMMENDATION:

That Minor Variance Application A2024-017 for 31 Belmont Avenue West requesting relief from Section 4.12.2 e) of Zoning By-law 2019-051 to permit a lot width of 9.7 metres instead of the minimum required 13.1 metres to develop an Additional Dwelling Unit (ADU) (Attached) within the existing building to facilitate the conversion of the existing Duplex into a Triplex, generally in accordance with the plan prepared by J.D. Barnes Limited, dated February 21, 2024, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance to allow a lot width of 9.7 metres for the development of a triplex.
- 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 St. Mary's neighbourhood, west of St. Mary's General Hospital and near the intersection Queens Boulevard and Belmont Avenue West. 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 'Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

City staff has conducted a site visit on March 1<sup>st</sup>.



Figure 1: Aerial view of the subject property



Figure 2: Front view of subject property



## **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 Additional Dwelling Unit (Attached) 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 space for parking and an appropriate amount of landscaping on the property. As shown in the site plan, the proposed site plan meets the required three (3) parking spaces while retaining the same driveway width and sufficient landscaping is provided in the rear yard. 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 comments.

### **Heritage Planning Comments:**

No comments.

### **Building Division Comments:**

The Building Division has no objections to the proposed variance. An application has been made for the change of use to a triplex.

### **Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No comments.

**Transportation Planning Comments:**

Transportation Services does not have any concerns with the proposed application.

**Region of Waterloo**

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 (transportation and stationary) 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*