

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: February 29, 2024

REPORT NO.: DSD-2024-106

SUBJECT: Minor Variance Application A2024-018 - 351 Blucher Blvd.

RECOMMENDATION:

That Minor Variance Application A2024-018 for 351 Blucher Boulevard requesting relief from the following Sections of Zoning By-law 2019-51:

- i) Section 4.12.3 g) to permit a building floor area of 53% (53.1 square metres) instead of the maximum permitted 50% of the building floor area of the principal dwelling (100.2 square metres) or 80 square metres whichever is less;
- ii) Section 4.12.3 h) to permit a lot area of 370.9 square metres instead of the minimum required 395 square metres;
- iii) Section 4.12.3 i) to permit a lot width of 12.2 metres instead of the minimum required 13.1 metres; and
- iv) Section 7.3, Table 7-2, to permit a lot coverage of 15.3% for an Additional Dwelling Unit (ADU) (Detached) instead of the maximum permitted 15%;

to facilitate an Additional Dwelling Unit (Detached) in the rear yard of the subject property, generally in accordance with drawings prepared by Dryden & Smith Head Planning Consultants Ltd., dated January 22, 2024, with a revision to relocate the required unobstructed 1.1 metre wide walkway, **BE APPROVED.**

And that the Variance in Minor Variance Application A2024-018 requesting relief from Section 4.12.3 n) of Zoning By-law 2019-051 to permit an unobstructed walkway to have a width of 0.59 metres instead of the minimum required 1.1 metres **BE REFUSED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow for an Additional Dwelling Unit (Detached) in the rear yard of the subject property.

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

- The key finding of this report is that the requested minor variances meet the 4 tests of the Planning Act with the exception of the minor variance to permit an unobstructed walkway to have a reduced width.
- 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 in the Mt. Hope Huron Park neighbourhood and is situated south of Guelph Street and west of Lancaster Street West. It currently contains a two-storey single detached dwelling.

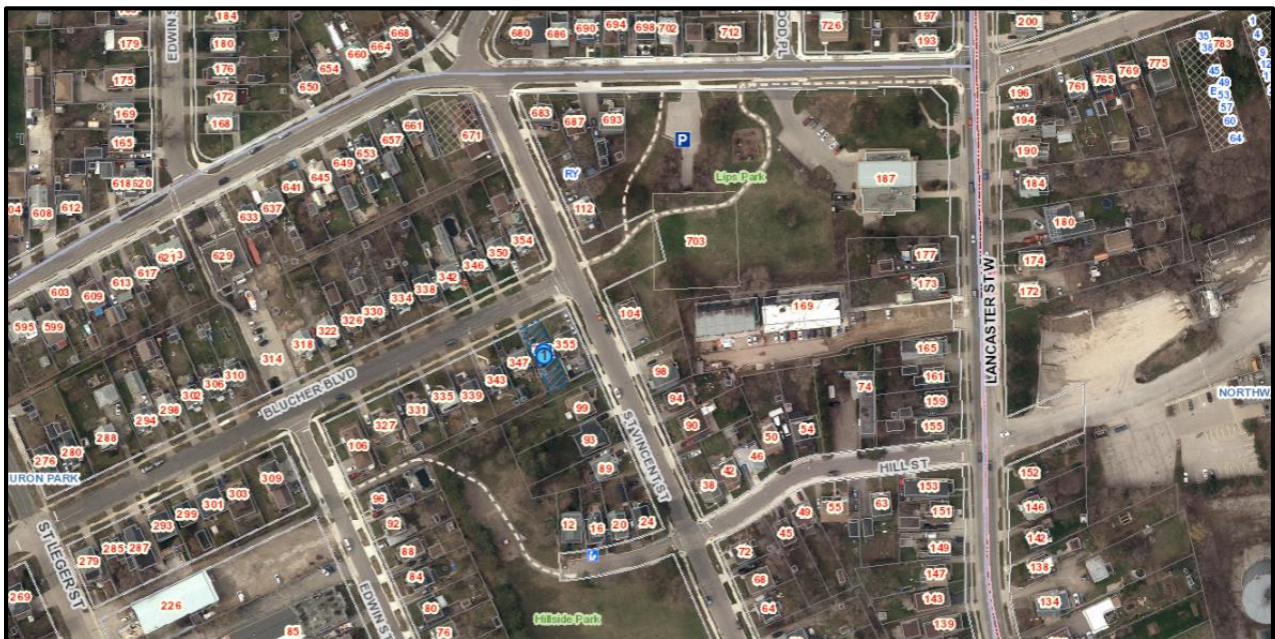


Figure 1 - Location Map

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 purpose of this application is to review minor variances to facilitate the development of an Additional Dwelling Unit (ADU) (Detached) to be constructed in the rear yard. The existing lot does not meet the minimum requirements for lot width and lot area to permit the Detached ADU. In addition, the ADU Detached exceeds the maximum building floor area, lot coverage for a detached ADU and does not have the required 1.1 unobstructed walkway.



Figure 2 - Zoning Map

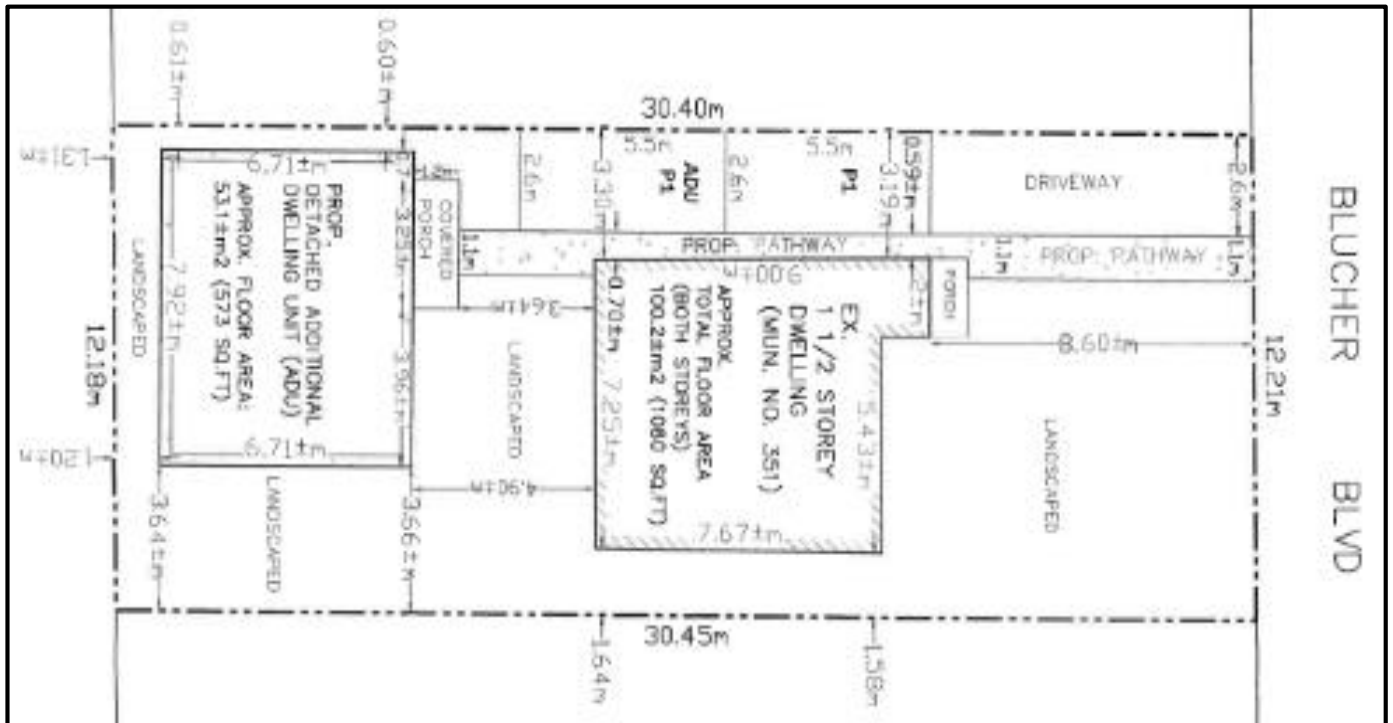


Figure 3 - Proposed Site Plan drawing

Planning staff conducted a site inspection on Friday, March 1st, 2024.



Figure 4 - Front of the house showing the full 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 subject property is designated 'Low Rise Residential'. This designation places emphasis on accommodating a full range of low density housing type which includes single detached dwellings, additional dwelling units, attached and detached. The city will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form.

Policy 4.C.1.24 of the City's Official Plan states that:

"4.C.1.24. The City, in accordance with Planning Act and other applicable legislation, will permit a stand-alone additional dwelling unit (detached), as an ancillary use to single detached dwellings, semi-detach dwellings and street townhouse dwellings. The following criteria will be considered as the basis for permitting an additional dwelling unit (detached).

- a) the use is subordinate to the main dwelling on the lot;
- b) the use can be integrated into its surroundings with negligible visual impact to the streetscape;
- c) the use is compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance; and,
- d) other requirements such as servicing, parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas."

Based on the above, the proposed variances relating to lot area, lot width, lot coverage and building floor area meet the general intent of the Official Plan.

In consideration of Section 11 - Urban Design and policies relating to "Safety", Policy 11.C.1.15 states that:

"11.C.1.15 Development applications will be reviewed to ensure that they are designed to accommodate fire prevention and timely emergency response."

The proposed sidewalk does not accommodate the emergency walkway for fire prevention as it is shared with the parking space. Therefore, the proposed variance for the reduced walkway width does not meet the intent of the Official Plan.

General Intent of the Zoning By-law

Lot area and lot width: The intent of the zoning regulations for the minimum lot width and lot area for Detached ADUs is to ensure a property can function appropriately and still provide sufficient amenity space, landscaped area, fire emergency access, and sufficient parking. With the reduced lot area and width, the property will still have sufficient amenity area, provide the required parking and the side yard setbacks of the principal dwelling will be sufficient allow for parking and access as the unobstructed walkway can be accommodated on the other side of the principal dwelling and not in combination with the required parking spaces.

Lot coverage and Building Floor Area of ADU (Detached): The intent of the zoning regulations for lot coverage and building floor area for the Detached ADU is to ensure that it is subordinate to the principal building. The size of the ADU is less than the maximum permitted 80 square metres and the increase in building area only exceeds the maximum building area of the principal building by 3%. The 0.3% increase in the maximum permitted coverage of 15% is due to inclusion of the covered porch in the calculation. This increase will not be discernible and contribute to the elevation of the ADU.

It is staff's opinion that the variances meet the general intent of the Zoning By-law.

Unobstructed walkway: The zoning regulation for the unobstructed walkway is to provide a clear entry pathway for unit tenants and emergency services to the ADU. The required width of an unobstructed walkway in the Zoning By-law was determined in consultation with Fire Services. The walkway can not be combined with the driveway or required parking space as it needs to be kept clear and unobstructed at all times. In this case the required walkway to the ADU is proposed to be combined with the required parking space.

This variance, to permit a reduced width of an unobstructed walkway, does not meet the intent of the Zoning By-law.

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

Lot area and lot width: The lot area is 370.9 square metres, which is only 24.1 square metres less than the minimum lot area required for a detached ADU. The lot width is 12.2 metres, which is 0.9 metres less than the minimum lot width required. It is staff's opinion that these deficiencies would not be discernible.

Lot coverage and building floor area: The proposed lot coverage for the Detached ADU is only 0.3% higher than the maximum permitted lot coverage and the building floor area is 53% of the principal building, which is 3% higher than the maximum permitted 50%.

It is the staff's opinion that the effects of the above-mentioned variances may be considered minor.

Unobstructed walkway: Part of the proposed walkway is to be shared with the required parking spaces, and its width is less than the minimum required by 0.5 metres when shared with the required parking. A 0.59 metre wide unobstructed walkway is not a sufficient width to provide access to the Detached ADU and its reduced width could have detrimental impacts in the provision of fire/emergency services.

It is staff's opinion that the effects of the variance to permit a reduced unobstructed walkway width are not minor.

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 supportable variances are desirable and appropriate as they will facilitate a form of gentle intensification of the subject property with the development of an additional dwelling unit in the rear yard, that will support the City's Housing Pledge and will make use of existing infrastructure.

The minor variance to permit a reduced walkway width is not desirable for the appropriate development or use of the property as it could impact the provision of fire/emergency services.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No heritage comment

Building Division Comments:

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

Engineering Division Comments:

No concerns

Parks/Operations Division Comments:

The rear property line abuts City owned land that accommodates an informal access to Hillside Park. There are no inventoried City-owned trees along the common property line. All required construction and grading should be accommodated and contained within subject lands.

Transportation Planning Comments:

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

The 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 stationary noise sources 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 this application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is 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 2019-051*