

Staff Report



Development Services Department

www.kitchener.ca

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: Paige Thompson, Planning Student, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: March 6, 2024

REPORT NO.: DSD-2024-107

SUBJECT: Minor Variance Application A2024-020 – 499 Forest Hill Drive

RECOMMENDATION:

That Minor Variance Application A2024-020 for 499 Forest Hill Drive requesting relief from the following Sections of Zoning By-law 2019-051:

- a) Section 5.3.3 a) i) to permit a required parking space to be located 3 metres from the street (property) line instead of the minimum required 6 metres; and
- b) Table 5-2, c) to recognize the location of the existing driveway, located 4.5 metres from an exterior side lot line abutting Birchcliffe Avenue, instead of the minimum required 7 metres;

to facilitate the development of an Additional Dwelling Unit (ADU) (Attached), to facilitate the conversion of Single Detached Dwelling into a Duplex, generally in accordance with drawings prepared by Truetek Engineering, dated January 27, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for parking to permit a conversion from a Single Detached Dwelling to a Single Detached Dwelling with one (1) Additional Dwelling Unit (ADU) (Attached) (Duplex).
- The key finding of this report is that the minor variance meets the four tests of the Planning Act
- 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 on the City's website with the agenda in advance to the Committee of Adjustment meeting.

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

- This report supports the delivery of core services.

BACKGROUND:

The subject property currently contains a Single Detached Dwelling and is located on a corner lot at the intersection of Forest Hill Drive and Birchcliff Avenue.

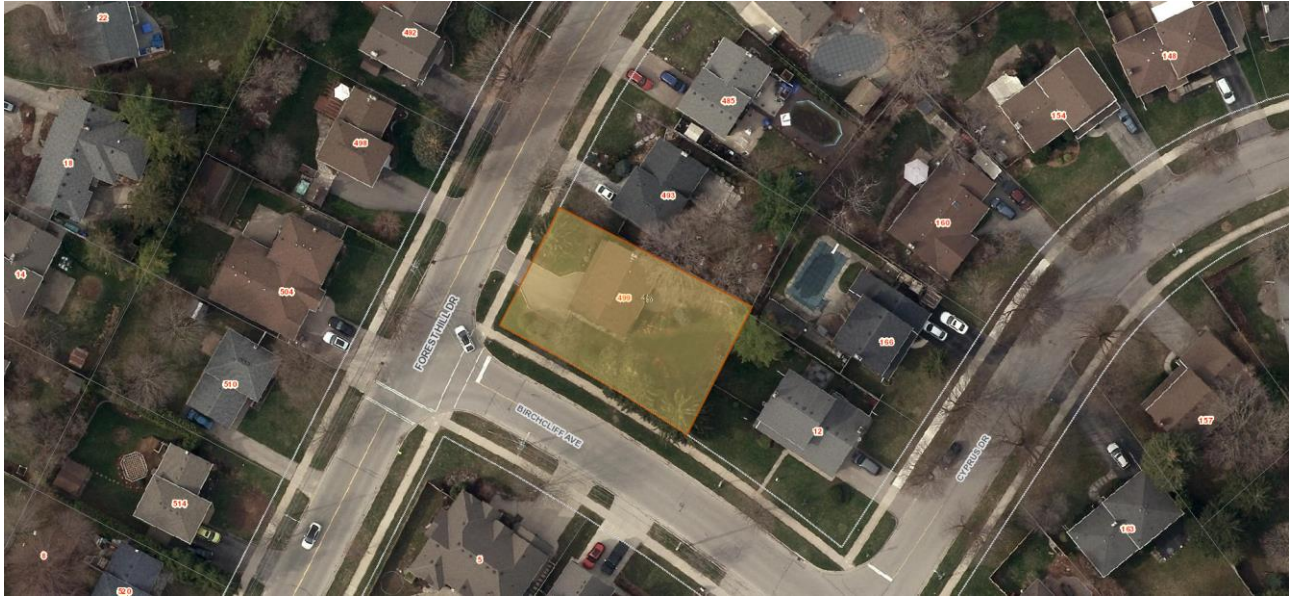


Figure 1 – Aerial View of the Subject Property

The subject property is identified as a 'Community Area' as per 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 as 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to permit a required parking space to be located 3 metres from the street (property) line, and to recognize the location of the existing driveway to be located 4.5 metres from the exterior side lot line to facilitate the creation of one (1) Additional Dwelling Unit (Attached). As per Zoning By-law 2019-051, one (1) parking space is required per unit. Therefore, with the creation of an ADU, two (2) parking spaces are permitted in tandem. The attached garage can be the location of one of the required parking spaces, however, with the addition of the stairs located toward the rear end of the garage leading to the ADU, the garage does not meet the 5.5 metre length requirement. As a result, both required parking spaces must be located on the driveway, 3 metres from the street (property) line and 4.5 metres from the exterior side lot line.

Staff conducted a visit to the subject property on March 7th, 2024

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 offer the following comments:

General Intent of the Official Plan

The subject property is designated as 'Low Rise Residential' in the City's Official Plan. The intent of the land use designation is to encourage residential intensification and/or redevelopment which includes additional dwelling units to respond to changing housing needs and as a cost-effective means to reduce infrastructure and services costs by minimizing land consumption and making better use of existing community infrastructure.

The proposed parking variances to permit the conversion of the building from a single dwelling to a duplex dwelling maintains the low rise residential built form of the neighbourhood. It is the opinion of staff that the requested parking variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of Zoning By-law 2019-051 requires that one (1) of the two (2) required parking spaces for the duplex use must be located 6 metres from the front street (property) line. This regulation ensures that the parking spaces are not all located 0 metres from the street line which could result in vehicles dominating the streetscape. The By-law also requires that the driveway or parking space be located 7 metres from the exterior side lot line. No new alterations are planned for the existing driveway and it currently has a sufficient width that meets the Zoning By-law. Therefore, having two parking spaces side by side near the front lot line does not dominate the property frontage or the streetscape. The general intent of the Zoning By-law will be maintained.

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

The request to have the parking space variances can be considered minor as there is adequate area to provide the minimum two (2) parking spaces on the existing driveway which will not negatively impact the streetscape. Any negative effects of the variances are also diminished with the screening provided by the shrubbery and other vegetation in the exterior side yard. The driveway has existed for several years in its current condition without a history of complaint. Accordingly, the effects of the variances are minor.

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

Staff are of the opinion that the parking variances are desirable and appropriate as they will facilitate a gentle form of intensification within the existing building which will utilize existing infrastructure and support the City's Housing Pledge.

Environmental Planning Comments:

Environmental Planning staff have no comments.

Heritage Planning Comments:

Heritage Planning have no comments.

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 duplex.

Engineering Division Comments:

Engineering Division staff have no comments.

Parks/Operations Division Comments:

Parks/Operations Division staff have no comments.

Transportation Planning Comments:

Transportation Services can support the proposed Minor Variance 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*