

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: Ryan Hammond, Student Planner, 519-741-220 ext. 7074

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: March 6, 2024

REPORT NO.: DSD-2024-115

SUBJECT: Minor Variance Application A2024-022 - 167 Forfar Avenue

RECOMMENDATION:

That Minor Variance Application A2024-022 for 167 Forfar Avenue requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit a required parking space to be located 0 metres from the street (property) line instead of the minimum required 6 metres to allow 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 Shivang Tarika, dated October 2023, 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 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 not any 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 on the North side of Forfar Avenue and is currently used as a single detached dwelling.



Figure 1: Aerial View of 167 Forfar Avenue

167 Forfar Avenue 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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to allow the legal parking space to be located in the driveway instead of in the attached garage. This is to facilitate the development of an entrance and stairwell to the basement in the attached garage and additional dwelling unit in the basement of the single detached dwelling. With this basement entrance, the dimensions of the interior of the attached garage will not meet the minimum zoning requirements for a parking space within a building.

Staff conducted a visit to 167 Forfar Avenue on March 6, 2024.



Figure 2: Front View of 167 Forfar Avenue

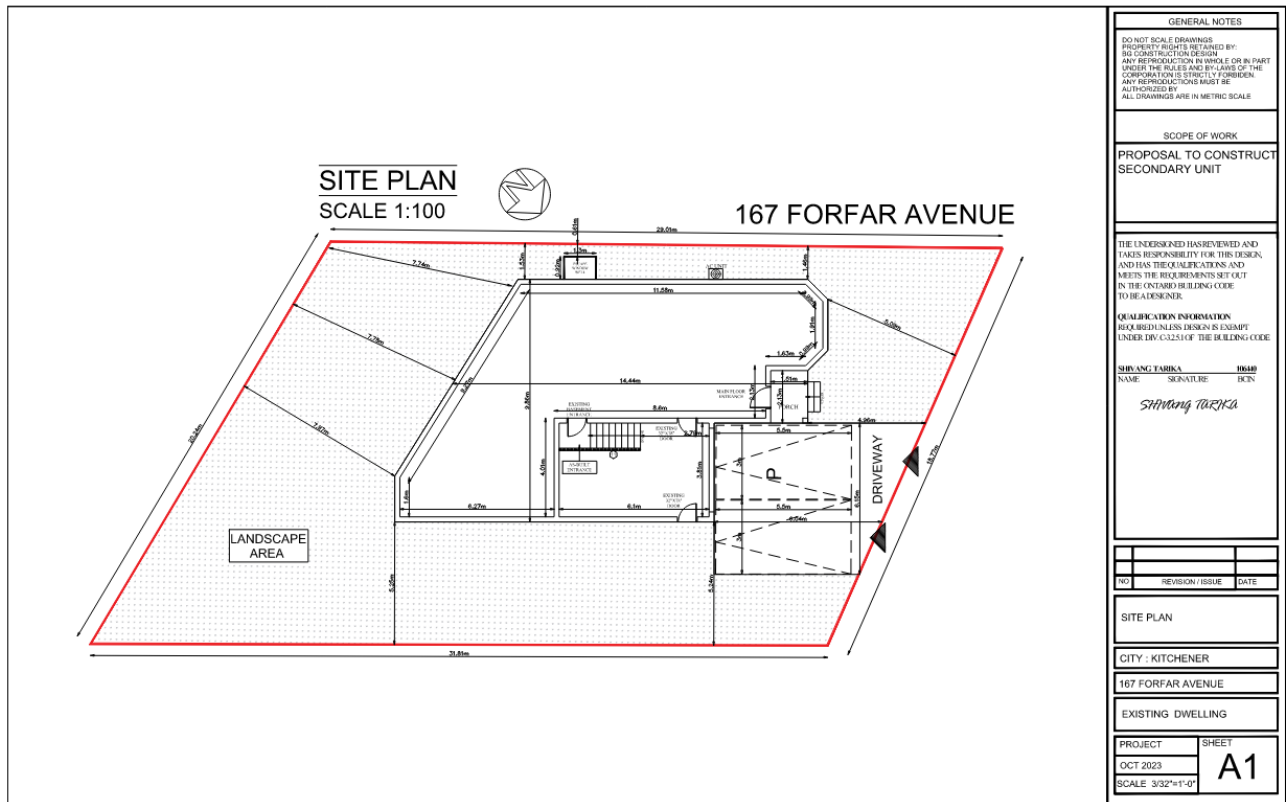


Figure 3: Site Plan

REPORT:

Planning Comments:

The following comments consider 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.

General Intent of the Official Plan

167 Forfar Avenue is designated 'Low Rise Residential' in the City's Official Plan. The intent of this land use designation is to encourage residential intensification and redevelopment which includes additional dwelling units in order 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 variance 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 variance meets the intent of the Official Plan.

General Intent of the Zoning By-law

The zoning regulation for one (1) of the two (2) required parking spaces for a duplex use to be located a minimum distance of 6 metres from the front lot line is to ensure that there is sufficient parking for a duplex use should the site only have tandem parking (which is permitted for the use). As well, it ensures that the parking spaces are not all located 0 metres from the street line which could result in vehicles dominating the streetscape. For the subject property, there is sufficient lot width (the width of the driveway meets the Zoning By-law) so that having two parking spaces side by side near the front lot line does not dominate the property frontage or the streetscape.

The variance meets the general intent of the Zoning By-law.

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

The request to have the parking space variance can be considered minor as there is adequate area to provide the minimum of two parking spaces on the existing driveway which meet zoning. The location of the required parking space, 0 metres from the front property line, will not negatively impact the streetscape or pedestrian movement as there is no public sidewalk on this side of the street. The effects of this variance will be minor.

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

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

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No heritage 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 has no concerns.

Parks/Operations Division Comments:

No comments or concerns.

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 council / committee meeting. A notice sign was put on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find information on the City of Kitchener's website or through 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*