

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 16, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: April 5, 2024

REPORT NO.: DSD-2024-182

SUBJECT: Minor Variance Application A2024-029 – 59 Vancamp Avenue

RECOMMENDATION:

That Minor Variance Application A2024-029 for 59 Vancamp Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2 e) to permit a lot width of 12.1 metres instead of the minimum required 13.1 metres;
- ii) Section 5.4 d) to permit a driveway to have a minimum width at one point of 2.2 metres instead of the minimum required 2.6 metres;
- iii) Section 5.4, Table 5-3 to permit a maximum driveway width in the rear yard of 5.4 metres (44%) instead of the maximum permitted 4.8 metres (40%); and
- iv) Section 5.6, Table 5-5 to permit a parking requirement of 2 parking spaces instead of the minimum required 3 parking spaces;

to facilitate the development of two (2) Additional Dwelling Units (ADUs) (Attached) and the conversion of a single detached dwelling into a 3-unit dwelling, generally in accordance with drawings prepared by Fine Line Drafting & Design, dated February 29, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the conversion of a single detached dwelling to a 3-unit dwelling.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included notice signs 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 West side of Vancamp Avenue between Highland Road West and Spadina Road West.

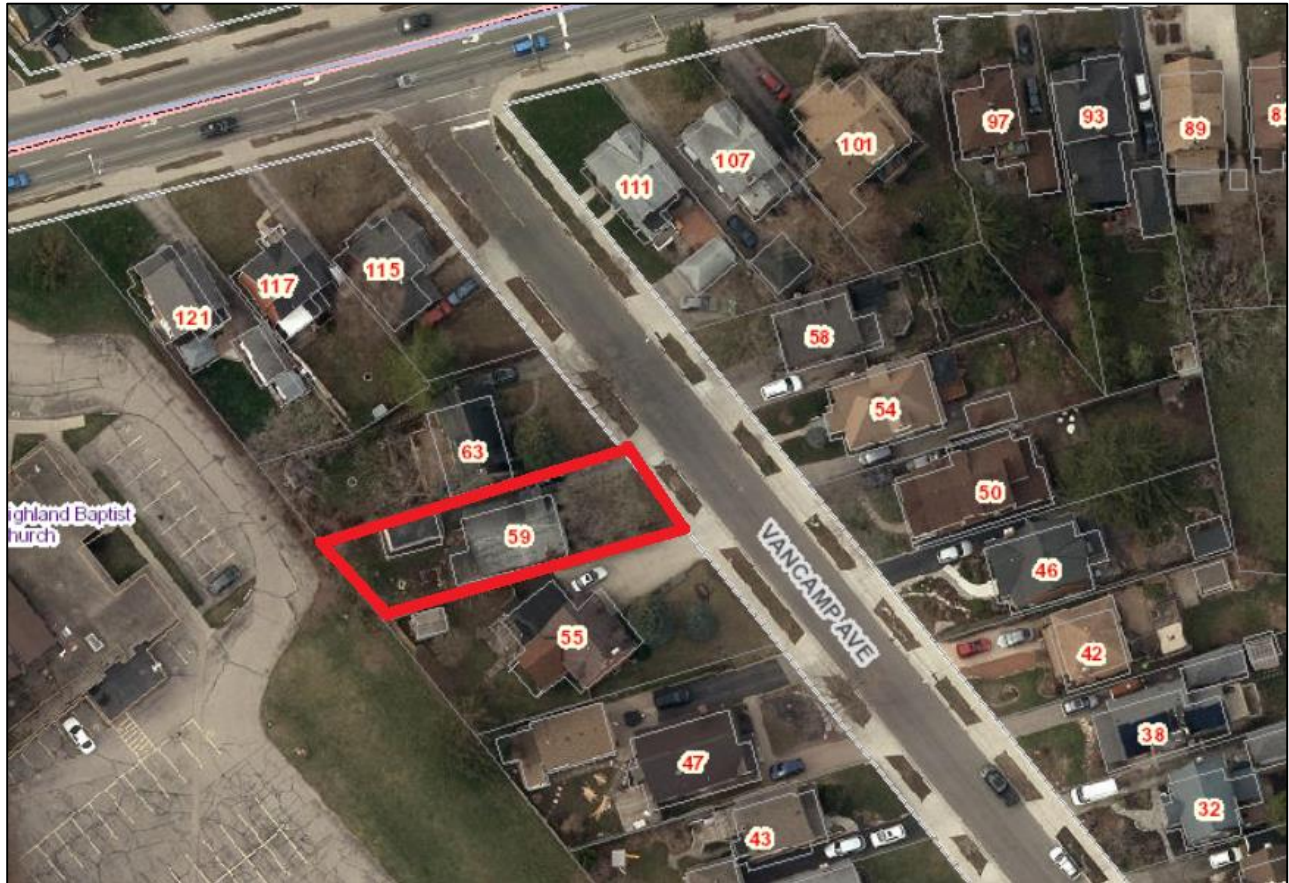


Figure 1: Location Map

The subject property is identified as 'Neighbourhood Node' 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 the application is to permit the conversion of an existing single detached dwelling to a 3-unit dwelling. The demolition of an existing detached garage is proposed to create room for two parking spaces in the rear. No new addition of floor area is proposed to the existing dwelling.



Figure 2: View of Existing Single Detached Dwelling (March 25, 2024).

Council recently considered 'The Enabling Four Units Project' on March 25, 2024, and adopted By-law 2024-074 amending Zoning By-law 2019-051. The amendments to Zoning By-law 2019-051 will become effective March 25, 2024, pending the approval of Official Plan Amendment No. 47 and no appeals of either OPA No. 47 and By-law 2024-074.

With the 'Enabling Four Units' amendments minor variances would not be required to Zoning By-law 2019-051 for the minimum lot width or the minimum parking requirement. The minimum lot width for a lot within the Central Neighbourhood Area is the minimum requirement in the 'RES-4' zone for a single detached dwelling of 9 metres. The minimum parking requirement for a lot within the Central Neighbourhood Area would be 0.3 parking spaces per dwelling unit; in this case 0.9 parking spaces rounded up to 1 required parking space.

The 'Enabling Four Units' amendments also introduced new zoning regulations including requirements for a minimum amount of landscaping in both the front and rear yards, and the requirement for a 1.1 wide unobstructed walkway from the street to the principal entrance of each additional dwelling unit.

The applicant may need to give some consideration to the revised zoning regulations and may want/need to revise the proposed site plan accordingly; i.e. Unit Entry 3 will need to be relocated.

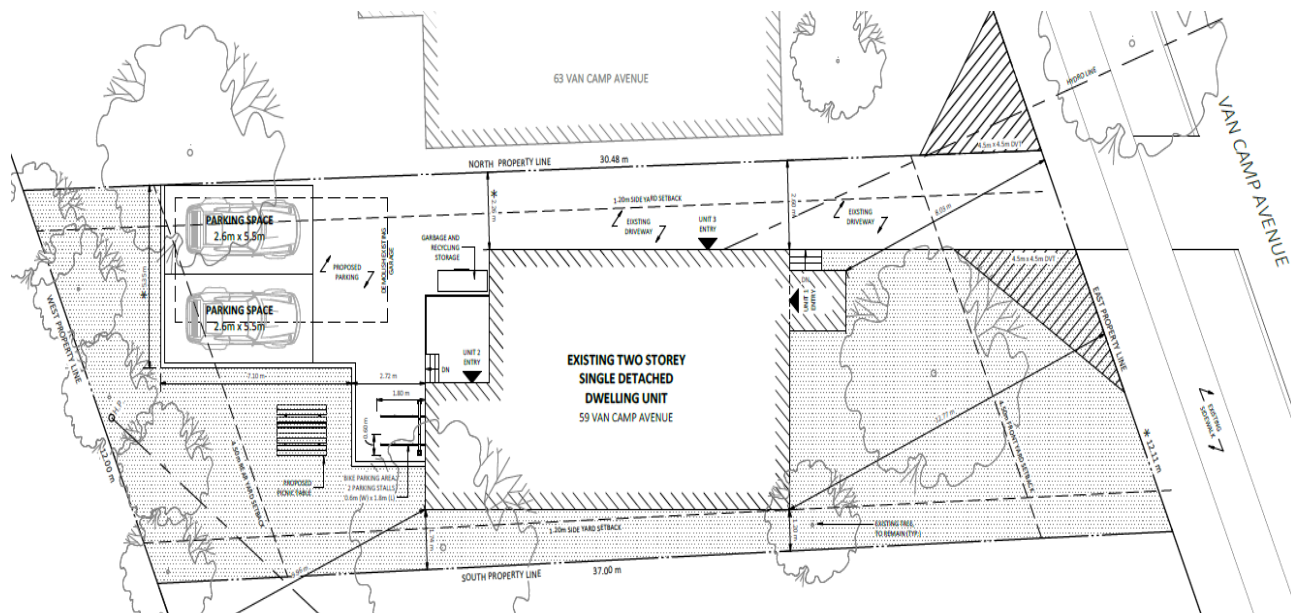


Figure 3: Proposed Site Plan

**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 intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the proposed 3-unit dwelling. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form. Housing policies in the Official Plan encourage the retention and rehabilitation of older housing to maintain existing housing stock, as well as encouraging small infill opportunities in existing areas with adequate services. Planning Staff are of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Minimum Lot Width

The intent of the regulation that requires a minimum lot width of 13.1 metres is to ensure there is adequate space on site to allow for 3 units to function, including providing space for access, amenity area, waste storage and adequate building separation. The applicant has provided a site drawing that demonstrates that the lot can function for this purpose, with separate outdoor access points, an outdoor seating area, waste storage, and existing building setbacks that meet minimum standards and can provide for access on all sides of the building. This minor variance is not required with the 'Enabling Four Units' amendments.

Minimum Driveway Width

The intent of the regulation that requires a minimum driveway width of 2.6 metres is to ensure there is adequate space to store personal vehicles of all sizes, including the space

for door swing. For this application, the portion of the driveway that is 2.2 metres is a pinch point on the northwest building corner used for access to the parking area but not for parking vehicles in that space. The 2.2 metre width will allow for vehicles to pass through to access and does not need space for door swing as the vehicles will not be parked in the pinch point area.

Maximum Driveway Width

The intent of the maximum driveway width of 40% of lot width is to preserve the streetscape for soft landscaping and ensure that driveways and paved areas for vehicle storage to not dominate the streetscape. For this application, the portion of the driveway that exceeds the maximum 40% regulation is in the rear of the site located behind the dwelling. The driveway location will be screened by the dwelling and will not have a significant impact on the streetscape.

Minimum Required Parking (3 Spaces)

The intent of the regulation that requires a minimum of one parking space per unit is to ensure that there is adequate vehicle storage on site. The proposed conversion to a 3-unit dwelling includes a unit that is a one-bedroom unit and is proposed to be rented without a parking space provided. Smaller unit types typically have a lesser parking demand than family sized units of 2 and 3 bedrooms, and it is feasible to rent to a user without a vehicle for this unit type. The applicant is proposing to provide an indoor bicycle parking space for this unit to provide a secure storage location for a bicycle within the building. The site is located within the central neighbourhoods and is well serviced by transit and is walking distance to commercial amenities on Highland Road West. Provision of 2 parking spaces for can be considered adequate for a 3-unit dwelling in this location.

This minor variance is not required with the 'Enabling Four Units' amendments. The minimum parking requirement for a lot within the Central Neighbourhood Area would be 0.3 parking spaces per dwelling unit; in this case 0.9 parking spaces rounded up to 1 required parking space.

Based on the foregoing, Staff are of the opinion that the requested variances meet the general intent of the Zoning By-law.

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

There are no building additions or additional floor space required for this proposed conversion. The additional units are not expected to generate adverse effects for the abutting properties nor the surrounding neighbourhood. Staff are of the opinion that the effects of the variance are minor.

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

The proposed application represents an opportunity to add units to an existing site without demolition of the existing building. Staff are of the opinion that the addition of 2 additional dwelling units to the proposed site in the form shown on the plans provided by the applicant is desirable for the appropriate use of the building and land.

Environmental Planning Comments:

Due to the extension of the tree canopy from the adjacent property at 63 Vancamp Avenue, the applicant is advised that site alteration in the rear of the subject property to establish parking spaces in this location could have some impacts.

Heritage Planning Comments:

No Heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the change the use to a triplex is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

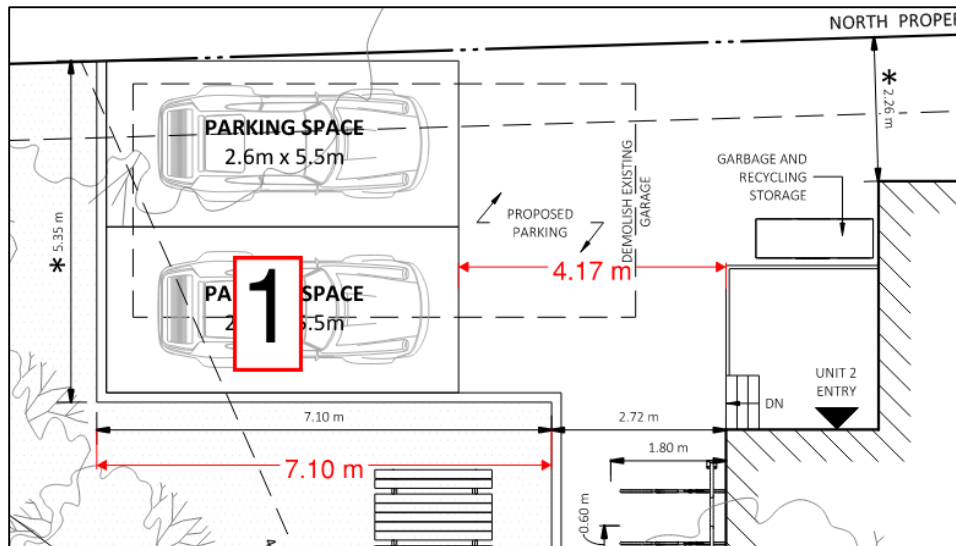
No Engineering concerns.

Parks/Operations Division Comments:

No Parks/Operations concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application. However, we do want to show that accessing parking space “1” may be difficult at times due to the substandard drive aisle width of 4.17 metres. See illustration below. Also, potential tenants should be notified that there are only two parking spaces for three units.



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*

ATTACHMENTS:

No Attachments.