

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, 519-741-2200 ext. 7074.

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: March 6, 2024

REPORT NO.: DSD-2024-114

SUBJECT: Minor Variance Application A2024-021 - 132 Dalewood Drive

RECOMMENDATION:

That Minor Variance Application A2024-021 for 132 Dalewood Drive requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit a required parking space to be located 2.7 metres from the street (property) line instead of the minimum required 6 metres to allow the development of an Additional Dwelling Unit (ADU) (Attached) and facilitate the conversion of Single Detached Dwelling into a Duplex, generally in accordance with drawings submitted with Minor Variance Application A2024-021, **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 northerly side Dalewood Drive between Rosewood Drive and Eastwood Drive and is currently used as a single detached dwelling.

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

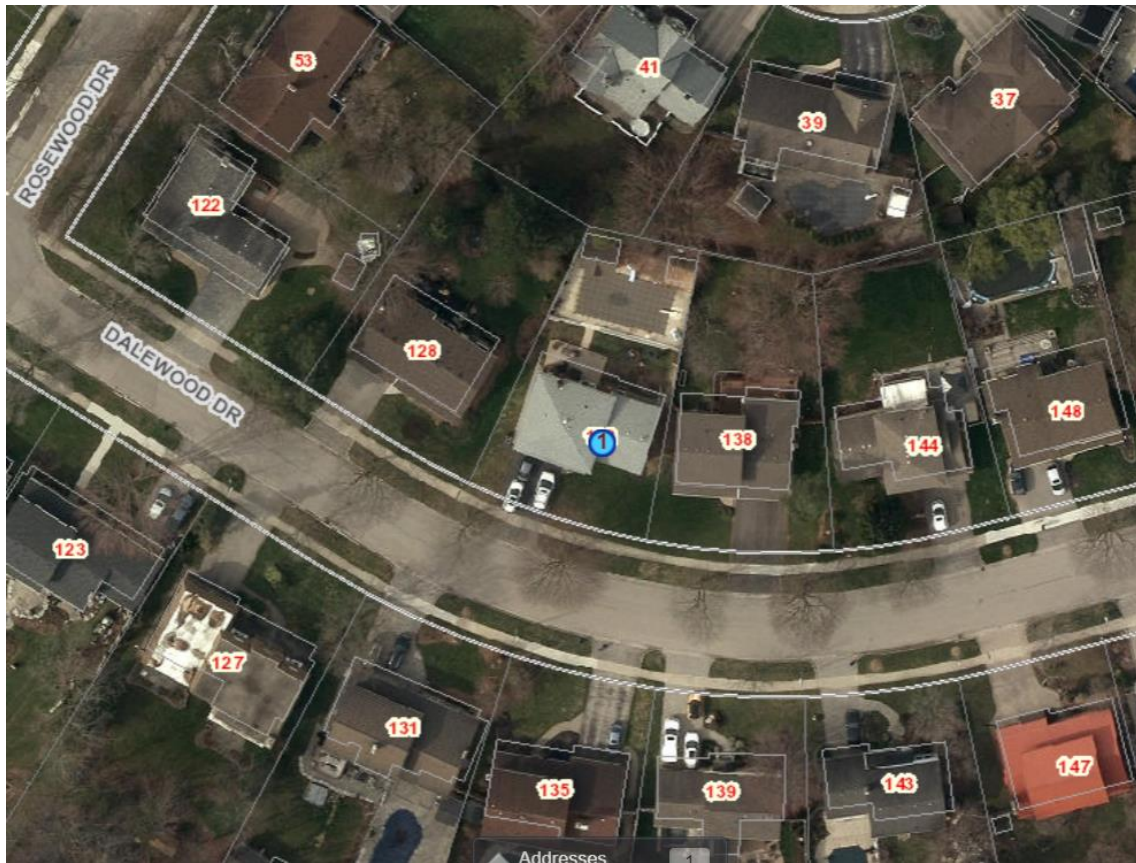


Figure 1: Aerial View of 132 Dalewood Drive

132 Dalewood Drive 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 to allow the legal parking space to be located in the driveway instead of in the attached garage. This is to permit the use of an existing entrance and stairwell in the attached garage for the additional dwelling unit in the basement of the single detached dwelling. With this basement entrance, the dimensions of the interior of the attached garage do not meet the minimum zoning requirements for a parking space within a building.

Staff conducted a visit to 132 Dalewood Drive on March 6, 2024



Figure 2: Front View of 132 Dalewood Drive

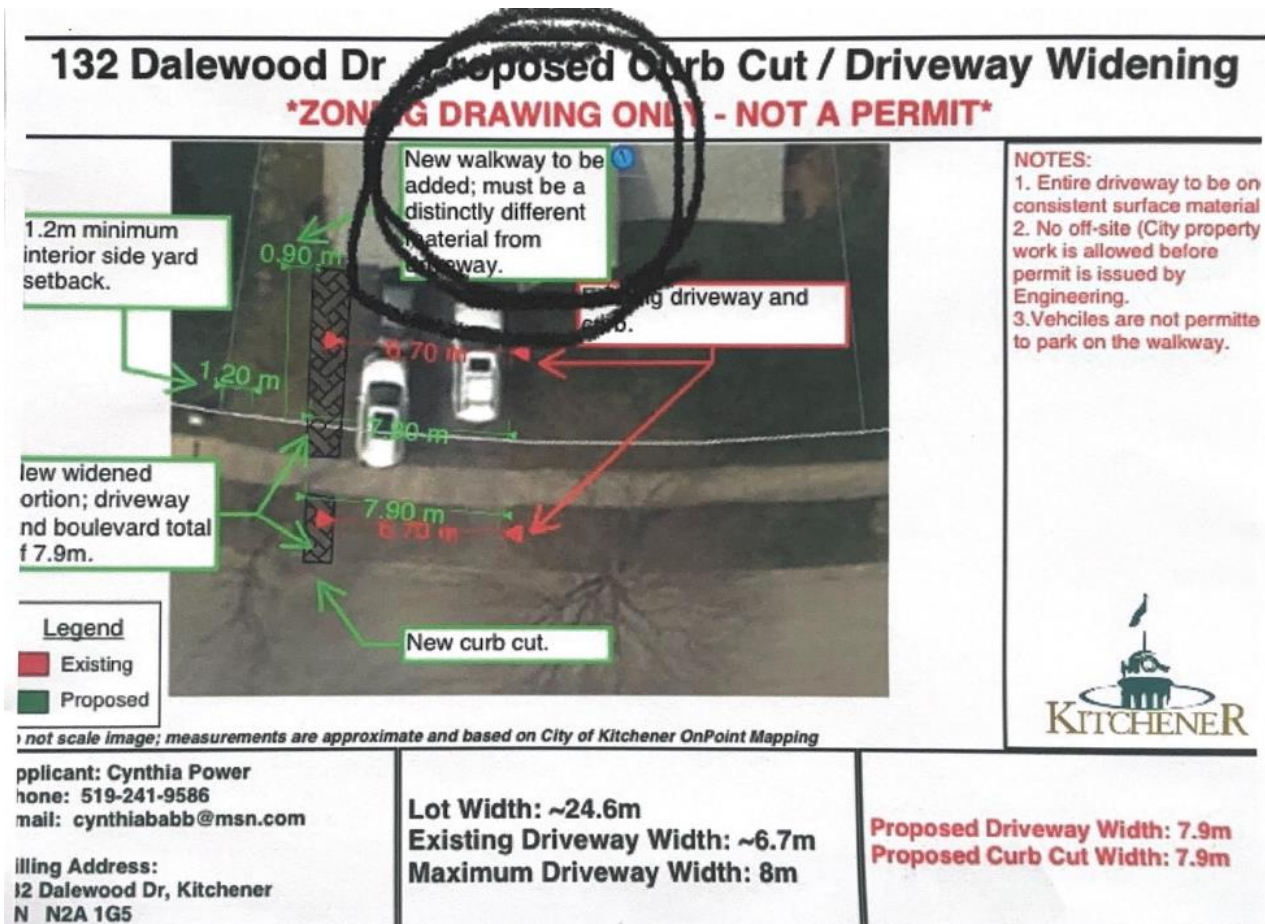


Figure 3: Curb Cut Permit

Plan Showing
 LOCATION OF BUILDING
 ON
 LOT 57 PLAN 1217
 City of Kitchener

Scale 1"=20'



Figure 4: Survey with Parking Plan

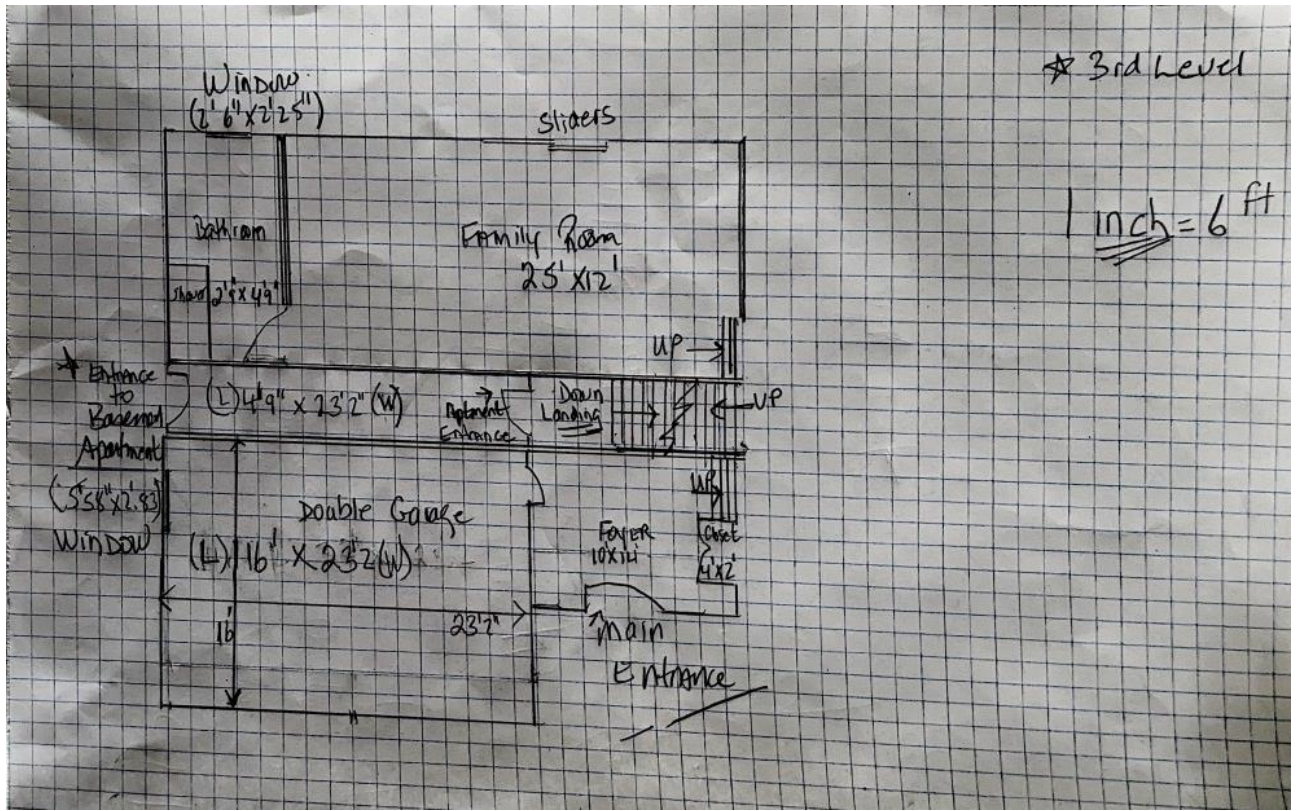


Figure 5: Plan of Attached Garage

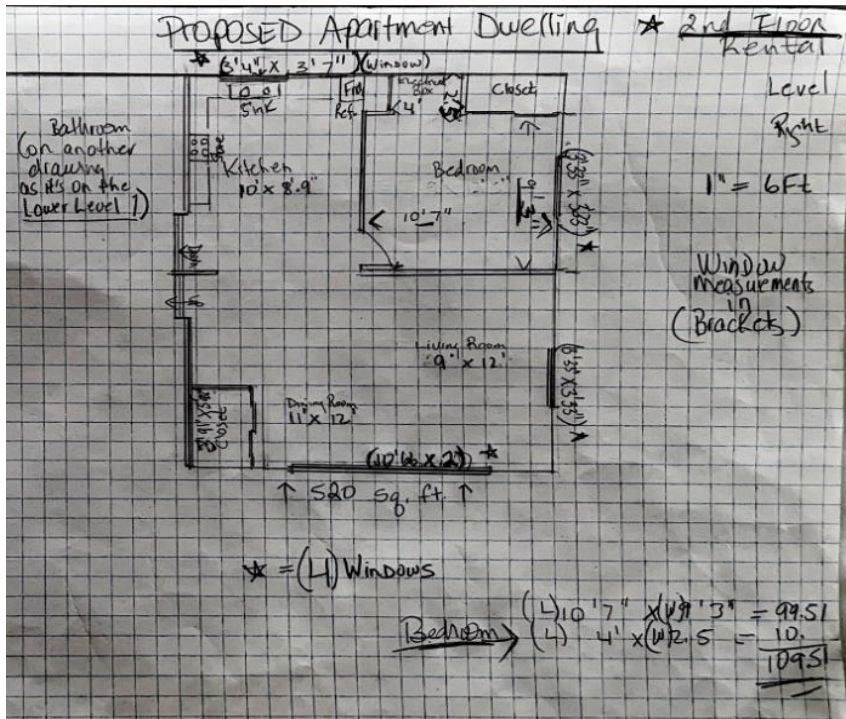


Figure 6: Proposed Additional Dwelling Unit

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

132 Dalewood Drive 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 general 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, for a driveway to meet zoning requirements, so that having two parking spaces side by side near the front lot line does not dominate the property frontage or the streetscape.

A Curb Cut Permit was issued to facilitate a driveway widening in accordance with Zoning By-law 2019-051.

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

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

The variance to permit the required parking space less than 6 metres from the street line can be considered minor as there is adequate area to provide the minimum of two parking spaces, side by side, on the existing driveway. Planning staff note that tandem parking in the driveway may result in vehicles encroaching onto the sidewalk. 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 variance is desirable and 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 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*