

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
519-741-2200 ext. 7765

PREPARED BY: Sheryl Rice Menezes, Senior Planning Technician
519-741-2200 ext. 7844

WARD(S) INVOLVED: 3

DATE OF REPORT: April 8, 2024

REPORT NO.: DSD-2024-189

SUBJECT: Minor Variance Application A2024-028 - 54 Franklin St. S.

RECOMMENDATION:

That Minor Variance Application A2024-028 for 54 Franklin Street South requesting relief from Section 4.12.2 e) of Zoning By-law 2019-051 to permit a minimum lot width of 12.1 metres instead of the minimum required 13.1 metres to permit the conversion within the existing Single Detached Dwelling with one (1) Attached Additional Dwelling Unit (ADU)(Duplex) to a Single Detached Dwelling with two attached Additional Dwelling Units (ADU)(Triplex), generally in accordance with a drawing prepared by King Street Construction, dated as revised to March 12, 2024, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of an existing Single Detached Dwelling with one (1) Attached Additional Dwelling Unit (ADU) (Duplex) to a Single Detached Dwelling with two (2) Attached Additional Dwelling Units (ADU) (Triplex).
- The key finding of this report is that the requested minor variance meets all 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 to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

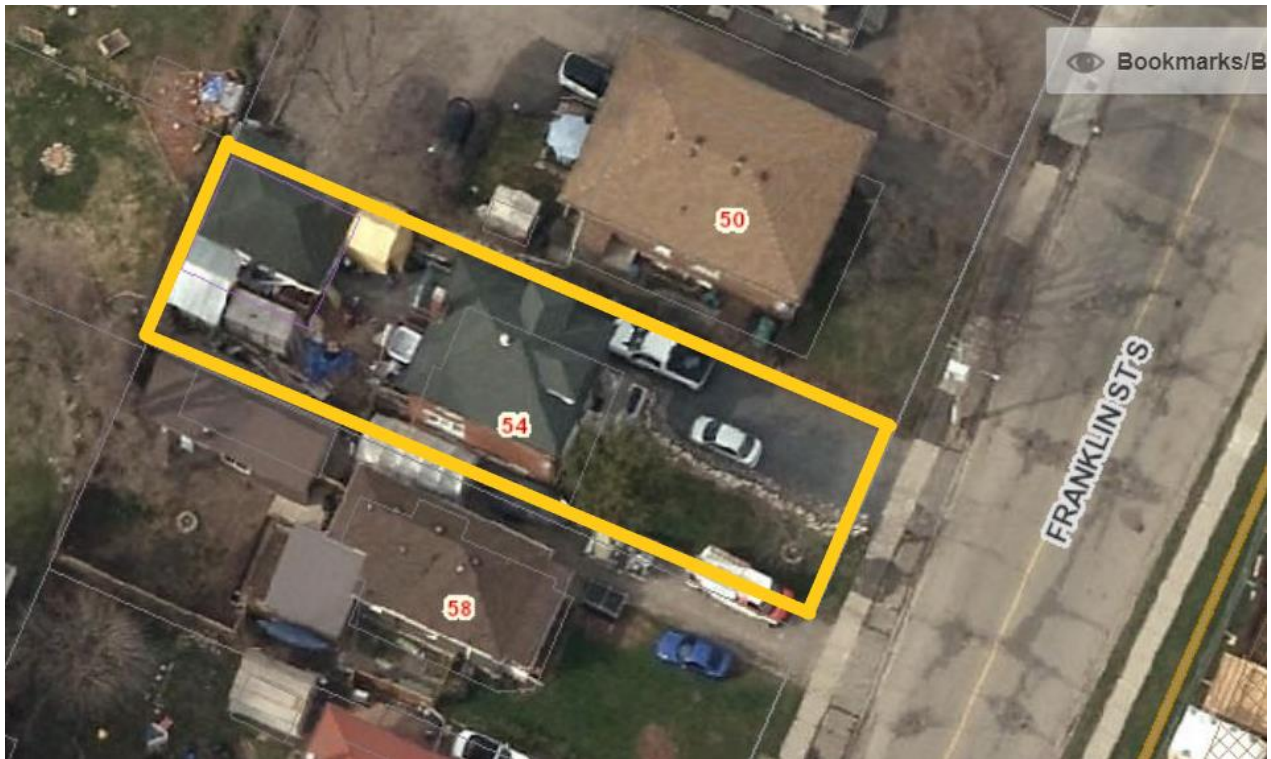


Figure 1 - Aerial view of subject property

BACKGROUND:

The subject property is located on the west side of Franklin Street South, between Kingsway Drive and Connaught Street.

The subject property 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to permit the conversion of the existing building from a Single Detached Dwelling with one (1) Attached Additional Dwelling Unit (ADU)(Duplex) to a Single Detached Dwelling with two (2) Attached Additional Dwelling Units (ADU) (Triplex).

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 a minor variance would not be required to Zoning By-law 2019-051 to facilitate this conversion. However, the applicant did not want to wait given the uncertainty of the timelines as to when these amendments would come into full force and effect.

Staff conducted a visit on April 2, 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 offers the following comments:



Figure 2 - View of property from street

General Intent of the Official Plan

The intent of the Official Plan designation of Low Rise Residential is to encourage residential intensification and 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 requested lot width variance will facilitate the conversion of the existing duplex to a triplex which maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the lot width requirement is to ensure that there is sufficient land area to accommodate building(s) and parking for the proposed three units. For the subject property,

there will be no additional building or parking area added and the lot width is adequate to provide a landscaped area and parking for the proposed three dwelling units.

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 lot width of 12.1 metres would meet the requirements recently approved as part of the 'Enabling Four Units' Project.

It is noted that the existing driveway in front of the building is 5.5 metres and there is also a 0.6 m wide walkway of a different material beside the driveway. The 5.5 metre driveway width was established when the Zoning By-law permitted driveways to be up to 50% of the front lot width (or 8 metres whichever was less). The current driveway width provision for this Central Neighbourhood Area is 40% (4.8 metres). It is therefore noted that the existing driveway width of 5.5 metres is legal non-conforming.

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

The requested 1-metres reduction in lot width is minimal as there continues to be sufficient lot width, front yard landscaped area and parking for the proposed three units. Also, as noted above, this variance will no longer be required when the new By-law amendments receive final approval and are in full force and effect.

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 which utilizes the existing infrastructure and supports the City's Housing Pledge.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No 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 concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

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:

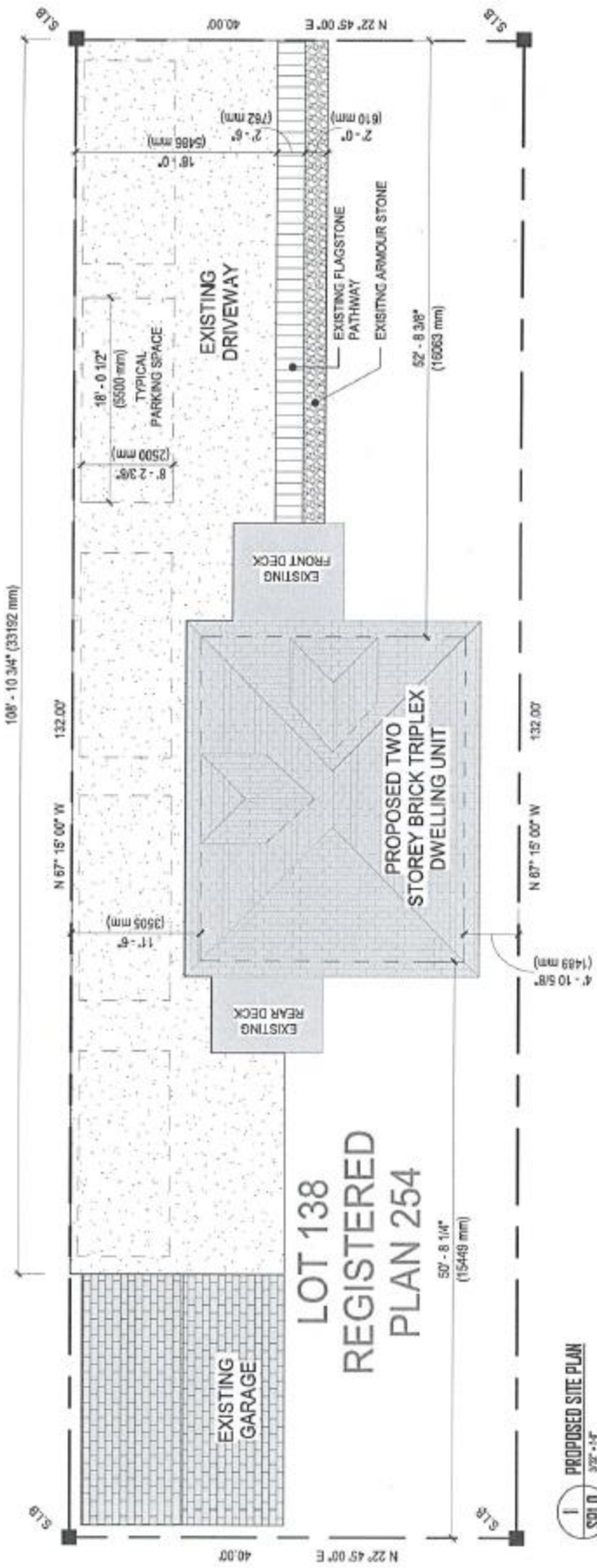
INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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:

Proposed Site Plan



PROPOSED SITE PLAN
3/2" = 1'-0"

NOTE:
- INFORMATION TAKEN FROM BRUBACHER
CAMPBELL LIMITED ONTARIO LAND
SURVEYORS, DATES, MAY 20, 1975

SITE INFORMATION	
01. TOTAL EXISTING BUILDING COVERAGE: (INCLUDING GARRAGE)	1158.25 SF (107.80 m ²)
02. TOTAL EXISTING LANDSCAPED AREA:	1988.82 SF (185.70 m ²)
03. TOTAL EXISTING SITE AREA:	5260.00 SF (485.53 m ²)
04. COVERAGE PERCENTAGE:	21.94%
05. LANDSCAPE PERCENTAGE:	37.85%