

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** July 16, 2024

**SUBMITTED BY:** Tina Malone-Wright, Manager, Development Approvals  
519-741-2200 ext. 7765

**PREPARED BY:** Kirsten Hoekstra, Student Planner 519-741-2200 ext. 7078

**WARD(S) INVOLVED:** Ward 7

**DATE OF REPORT:** July 3, 2024

**REPORT NO.:** DSD-2024-313

**SUBJECT:** Minor Variance Application A2024-053  
224 Countrystone Crescent

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## RECOMMENDATION:

That Minor Variance Application A2024-053 for 224 Countrystone Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2, g) to permit a lot width of 7.7 metres instead of the minimum required 10.5 metres;
- ii) Section 7.3, Table 7-4, to legalize an interior side yard setback of 2.2 metres instead of the minimum required 2.5 metres; and
- iii) Section 5.6, Table 5-5-1, to permit a minimum parking requirement of 2 parking spaces instead of the minimum required 3 parking spaces;

to recognize the location of an existing rear yard addition and to permit the development of an Additional Dwelling Unit (ADU) (Attached) in an existing duplex street townhouse dwelling, generally in accordance with drawings submitted by with Minor Variance Application A2024-053, dated April 28, 2024, BE APPROVED, subject to the following condition:

1. That the property owner shall install a distinguishable driveway and required walkway(s) and landscaped areas, in accordance with the regulations of Zoning By-law 2019-051, by October 18, 2024. Any request for a time extension must be approved in writing by the Manager of Development Approvals prior to completion date set out in this decision. Failure to complete this condition will result in this approval becoming null and void.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to recognize the location of an existing rear yard addition and to permit the development of an additional dwelling unit in an existing duplex street townhouse dwelling (for a total of 3 dwelling units on the property), with a reduced lot width, a reduced interior side yard setback, and a reduced minimum parking requirement.
- The key finding of this report is that the requested minor variances meet all 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.

## BACKGROUND:

The subject property is located on the west side of Countrystone Crescent between Countrystone Drive and Sassafra Street. It is located in the Highland West neighbourhood which is primarily comprised of low-rise residential uses.



**Figure 1: Location of the subject property.**

The subject property is identified as 'Community Areas' 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 Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of this report is to review a minor variance application to allow the development of an Additional Dwelling Unit (ADU) (Attached) in an existing duplex street townhouse dwelling on a lot with insufficient lot width and the minimum parking requirement and to legalize the location of an existing rear yard addition, having a deficient interior side yard setback.

At the time of submission of the Minor Variance Application a reduced lot width of 8.1 metres was requested and advertised. Upon further staff investigation it was determined that the lot width is 7.7 metres instead of 8.1 metres. A difference of 0.4 metres. As the purpose of the lot width variance is to recognize the lot width of the existing lot and will not be changing as a result of approving the variance, no additional notice or readvertisement is deemed to be required to consider the lot width variance at the July 16<sup>th</sup> meeting.

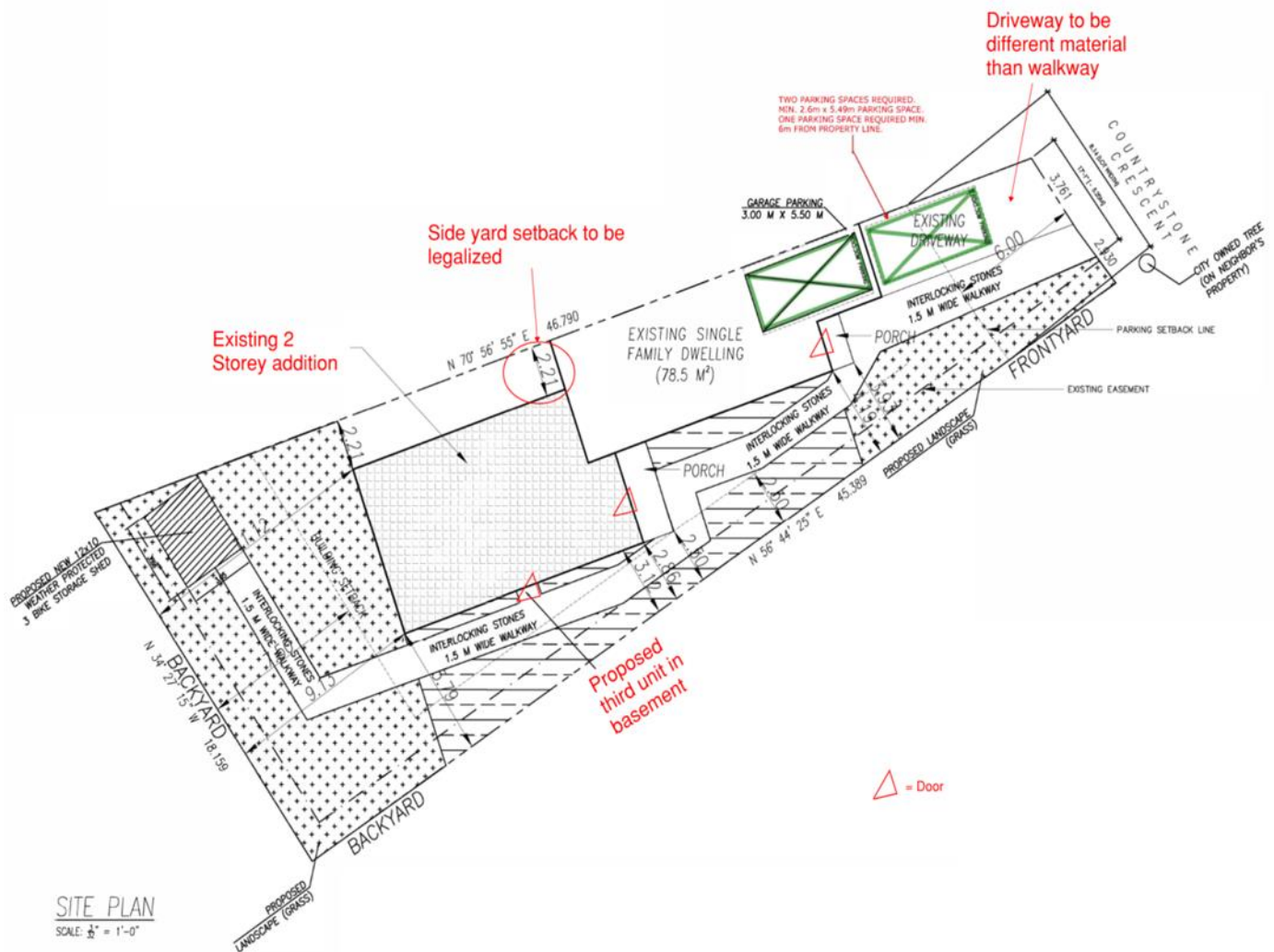


Figure 2: Site plan.

Planning Staff conducted a site visit on June 27, 2024.



**Figure 3: View of 224 Countrystone Crescent from the sidewalk.**



**Figure 4: Existing interior side yard setback with door leading to proposed third unit in basement.**

Staff also note that the floor plans that were provided for the second unit in the 2-storey addition suggest the possible intent of a 'Lodging House' use. The variances being recommended for approval are for the legalization of the location of the existing 2-storey addition and to permit the development of a third Additional Dwelling Unit (ADU) (Attached) within the duplex townhouse dwelling. Not a Lodging House. Although, the 'RES-5' zone does permit Lodging Houses, the applicant would require an additional parking minor variance if proposing a lodging house. The parking calculation for a lodging house is based on the Gross Floor Area (GFA) of the use and would require more parking than the section of the by-law that the applicant has requested relief from.

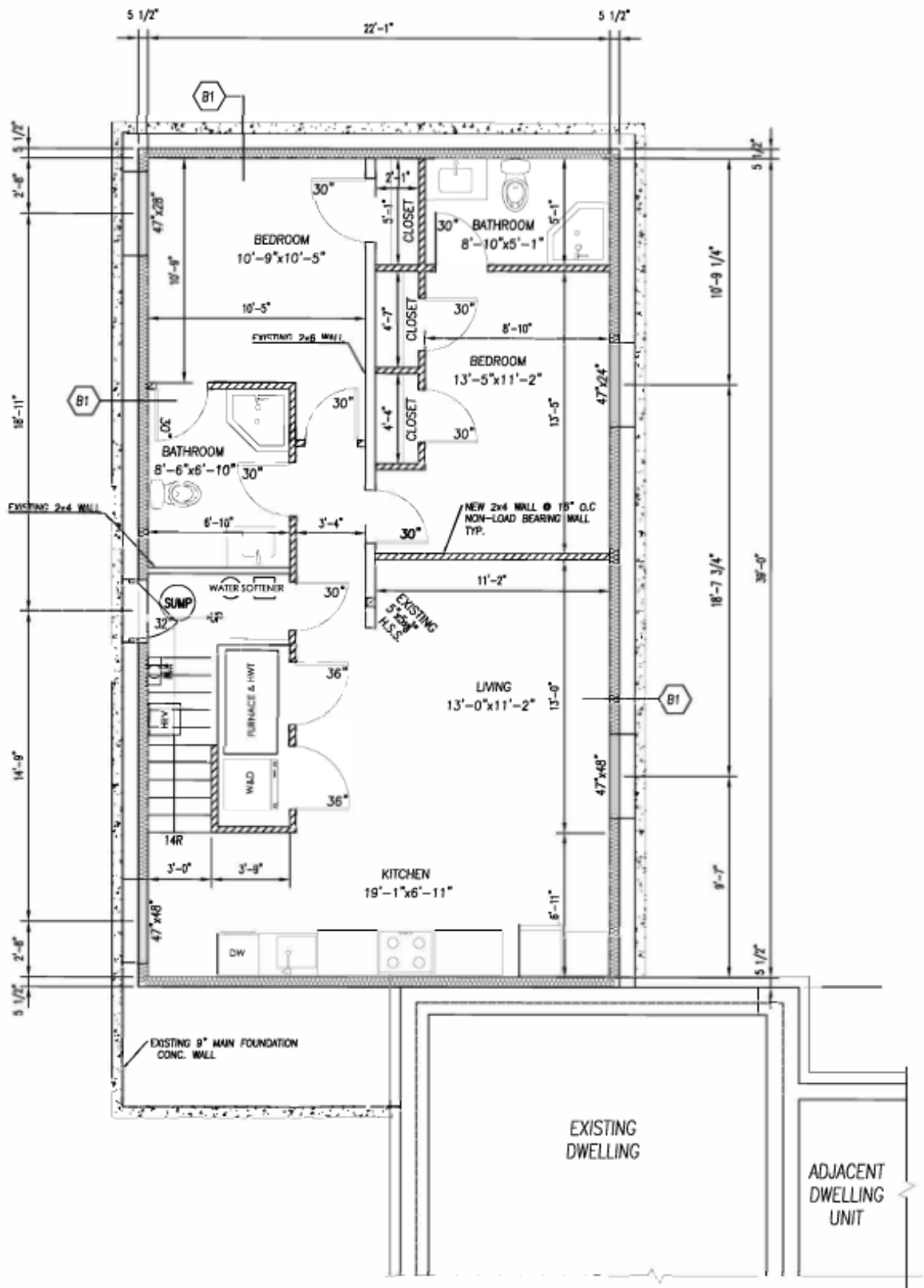
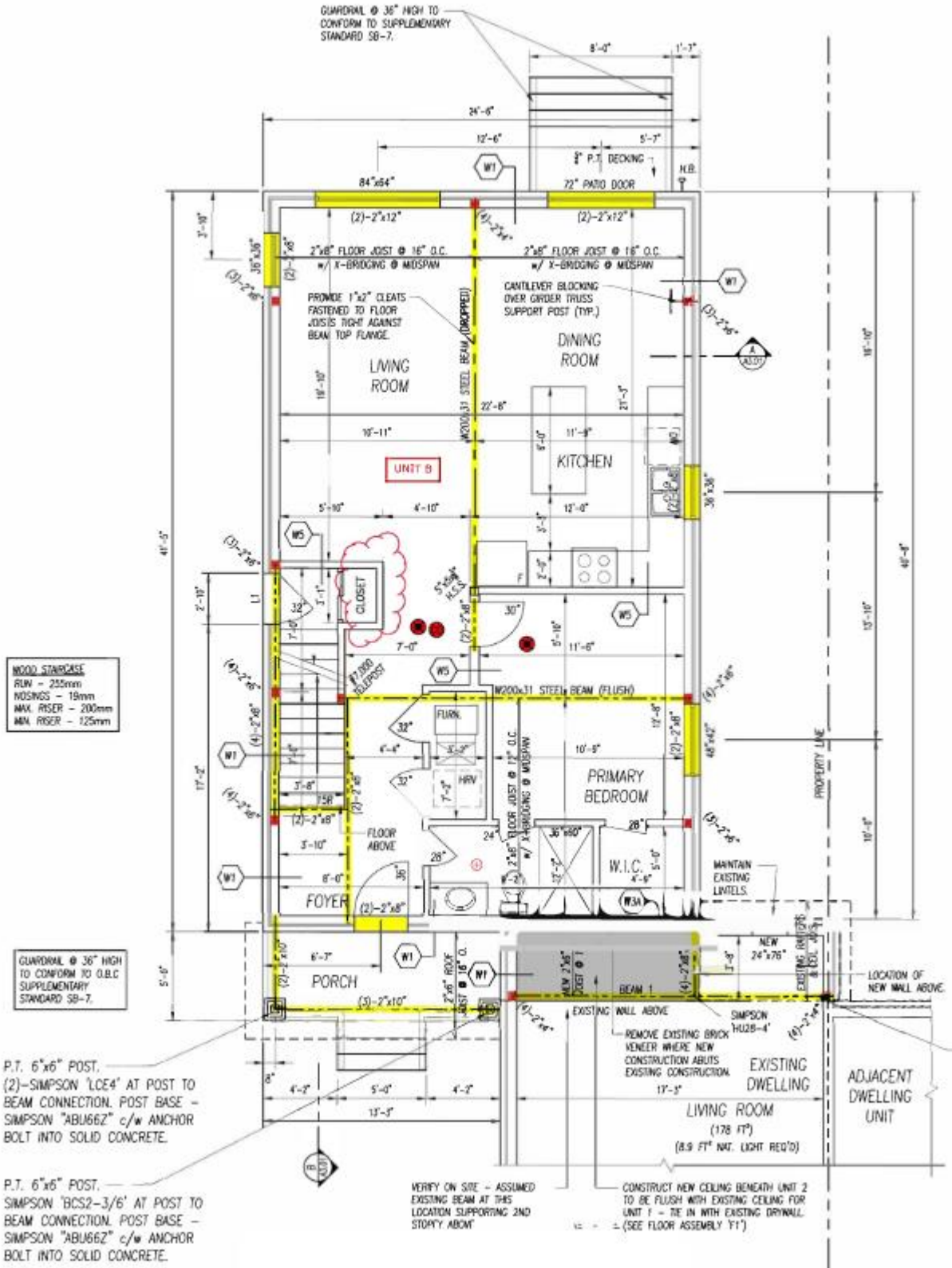


Figure 5: Proposed floor plan for third unit in the basement of the 2 story addition.



**Figure 6: Existing main floor plan for second unit in 2 storey addition.**

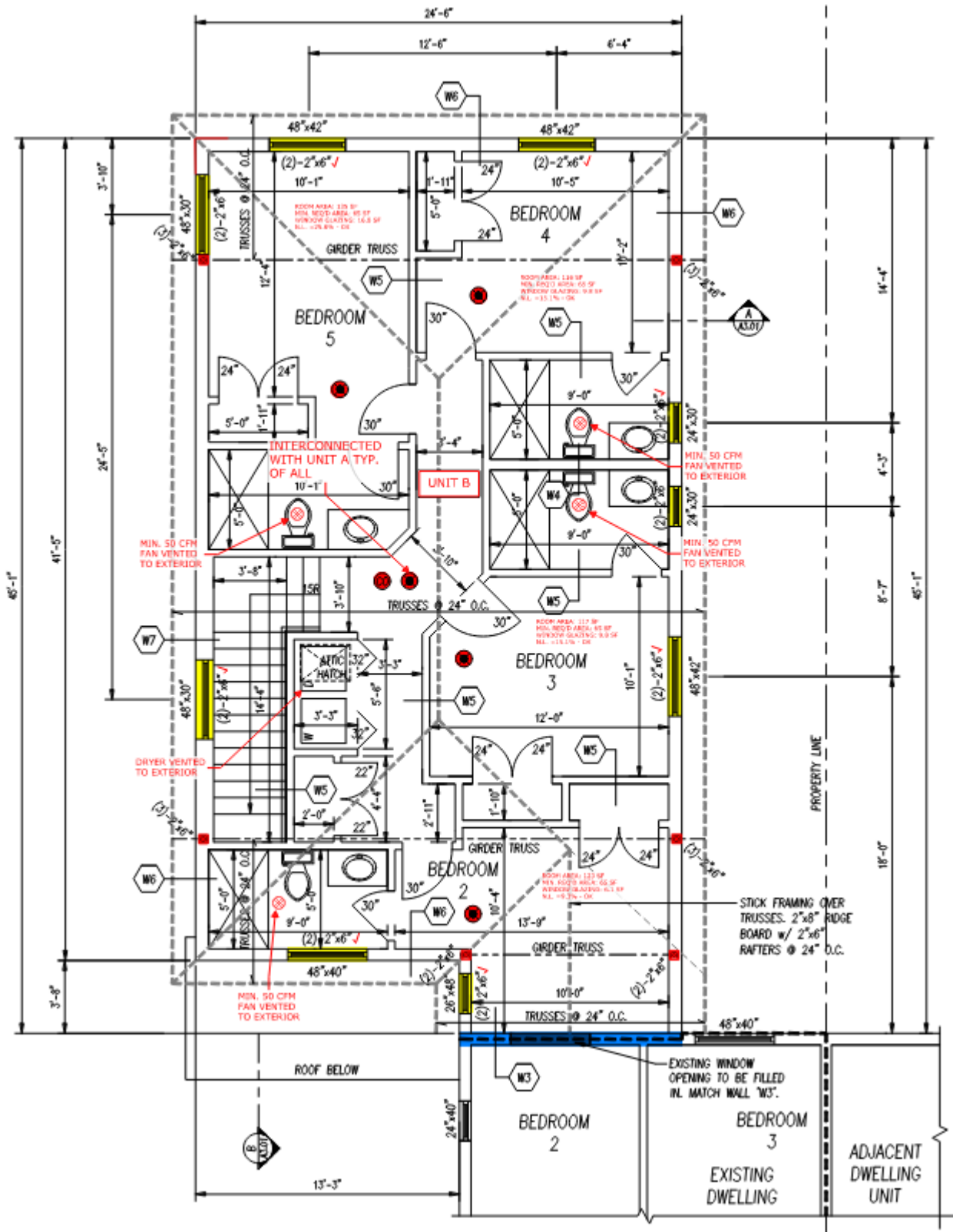


Figure 7: Existing second floor plan for second unit in 2 storey addition.



## 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' designation is to accommodate a diverse range of low-rise housing types while maintaining the low-density character of the neighbourhood. This designation encourages residential intensification and redevelopment including additional dwelling units to respond to changing housing needs and as a cost-effective means to reduce infrastructure and service costs. The requested reduced lot width, interior side yard setback and parking minimum will recognize the location of a rear yard addition and facilitate the development of an additional dwelling unit to an existing duplex street townhouse dwelling, which maintains the general intent of the Official Plan.

#### General Intent of the Zoning By-law

**Lot width:** The intent of the lot width regulation is to ensure that a property has sufficient amenity space, landscaped area, fire emergency access, and parking when there are two or three additional dwelling units. Staff also note that due to the subject properties' irregular lot shape, the rear of the property does extend to a width of approximately 18 metres. Thus, planning Staff are of the opinion that the requested reduced lot width of 7.7 metres would adequately accommodate these purposes and meets the general intent of the Zoning By-law.

**Interior side yard setback:** The intent of the minimum 2.5 metre interior side yard setback is to ensure there is adequate setback from adjacent lots, as well as to provide sufficient access for maintenance. The proposed 2.2 metre setback provides adequate separation from the adjacent property line. Staff also note that the subject property is fenced on the side the variance is considered which will provide screening, creating minimal impact to the adjacent properties. Therefore, Planning Staff is of the opinion that the proposed interior side yard setback of 2.2 metres is keeping within the general intent of the Zoning By-law.

**Parking reduction:** The intent of the minimum parking regulation is to ensure that adequate vehicle storage can be provided on site where multiple units are provided. The subject property is located within walking distance of a Grand River Transit bus stop for Routes 4 and 5. Additionally the site is located in close proximity to The Boardwalk station with bus stops for connecting routes 202, 204, 1, 4, 5, 13, 20, 29, and 77. The applicant also proposes to provide bicycle storage for each unit to encourage the use of active transportation. Therefore, Planning Staff is of the opinion that the requested variance for a reduced minimum parking requirement meets the general intent of the Zoning By-law.

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

The requested reduction of the lot width is minor in nature as it is pre-existing and there are no proposed changes to this width. Additionally, the requested interior side yard setback of 2.2 metres provides sufficient access for maintenance. Further, the requested

reduced minimum parking requirement is appropriate for the area as the property is in close proximity to public transit. Thus, it is Planning Staff's opinion that the effects of the proposed variances are 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 requested variances are desirable and appropriate as they will facilitate a gentle form of intensification within the existing residential building and utilize existing infrastructure. The additional third dwelling unit will also support the City's Housing Pledge.

**Environmental Planning Comments:**

No environmental comments or concerns with the proposal.

**Heritage Planning Comments:**

No heritage planning comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the additional attached dwelling unit is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No comments or concerns.

**Parks/Operations Division Comments:**

There is an existing City-owned street tree adjacent to the driveway that should be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Grand River Conservation Authority Comments:**

GRCA has no objection to the approval of this application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

**Region of Waterloo Comments:**

There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.

**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*