

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 20, 2024

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

PREPARED BY: Ben Suchomel, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: August 7, 2024

REPORT NO.: DSD-2024-349

SUBJECT: Minor Variance Application A2024-064 – 67 Kimberly Crescent

RECOMMENDATION:

That Minor Variance Application A2024-064 for 67 Kimberly Crescent requesting relief from Section 4.12.3 g) of Zoning By-law 2019-051 to permit a lot width of 10.4 metres instead of the minimum 10.5 metres to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property, generally in accordance with drawing and plans prepared by Quinn Dressel Associates, dated July 18, 2024, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property;
- The key finding of this report is that the minor variance meets 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.

BACKGROUND:

The subject property is located on the northwest side of Kimberly Crescent. It is located in the Laurentian Hills neighbourhood which is primarily comprised of low-density residential and commercial uses.



Figure 1: Aerial Photo 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of this report is to review an application for a minor variance to allow the construction of an Additional Dwelling Unit (ADU) (Detached) on a lot that contains an existing single detached dwelling with an attached additional dwelling unit (duplex).

Staff visited the subject site on July 30, 2024.



Figure 2: Front View of Subject Property on July 30, 2024

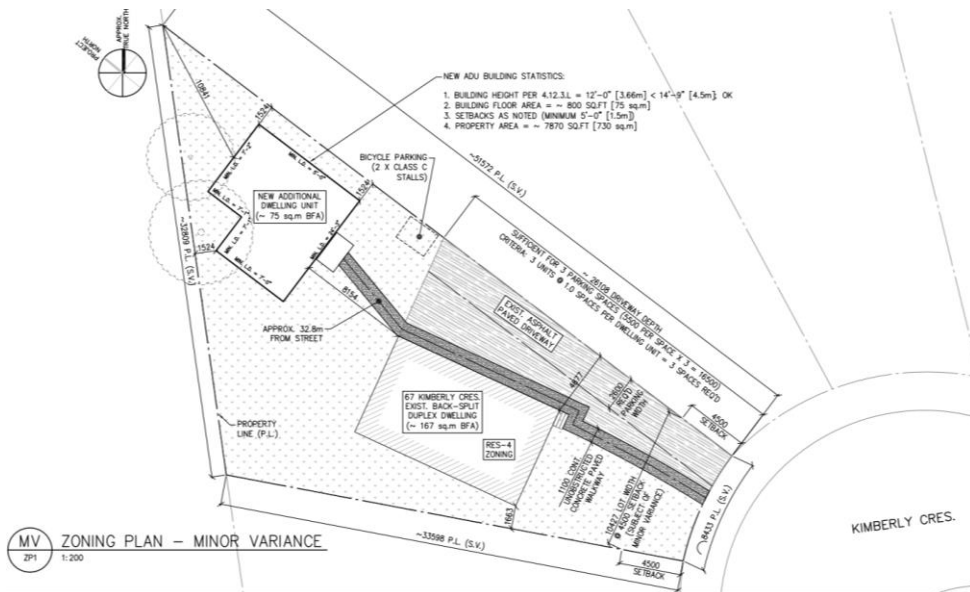


Figure 3: Site Plan

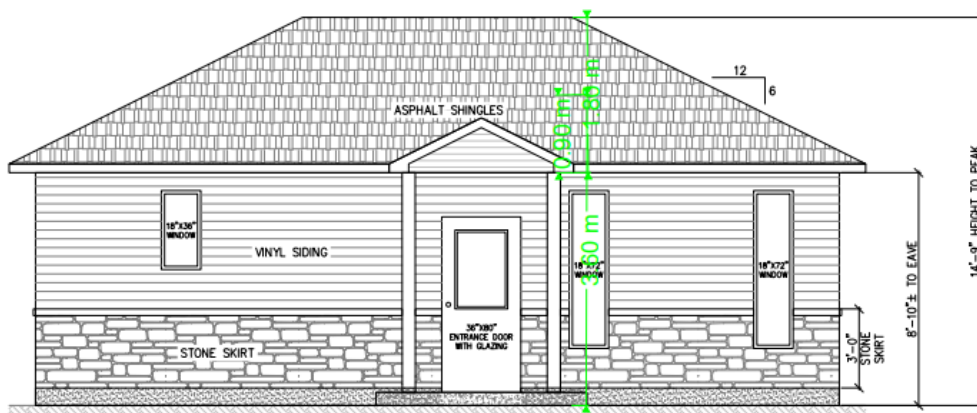


Figure 4: Front (South) Elevation

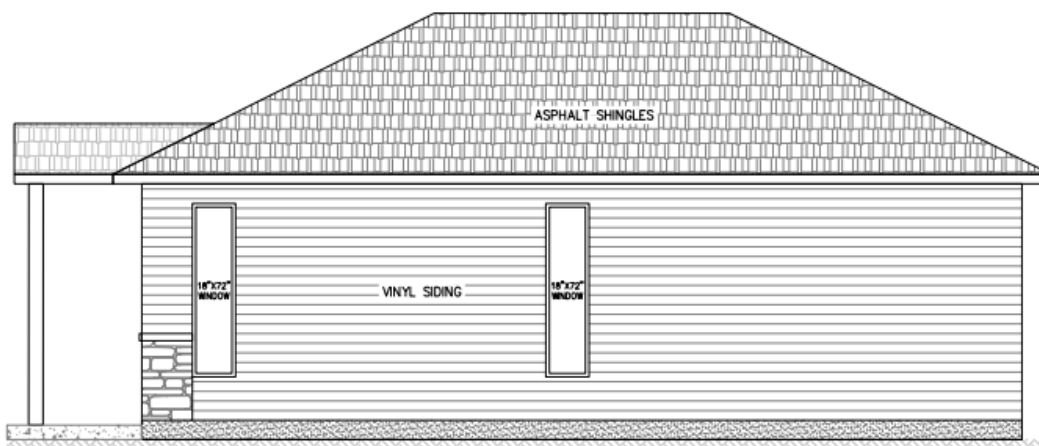


Figure 5: Right (East) Elevation

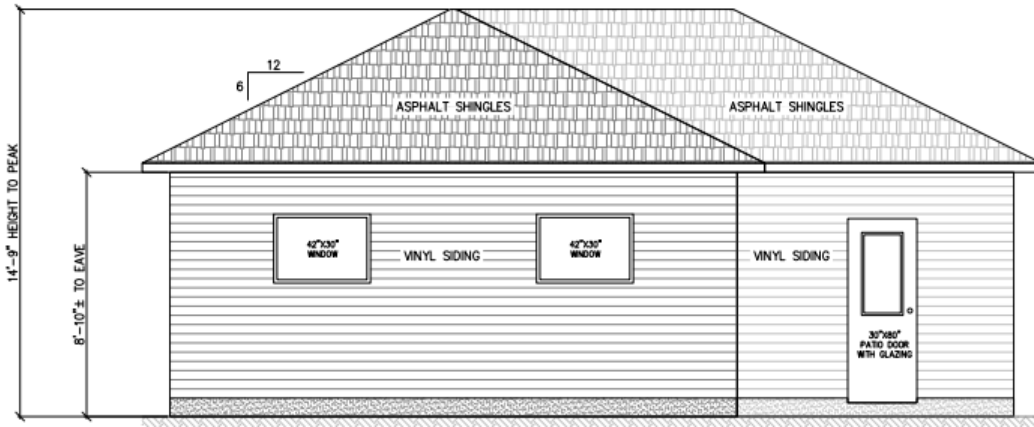


Figure 6: Rear (North) Elevation

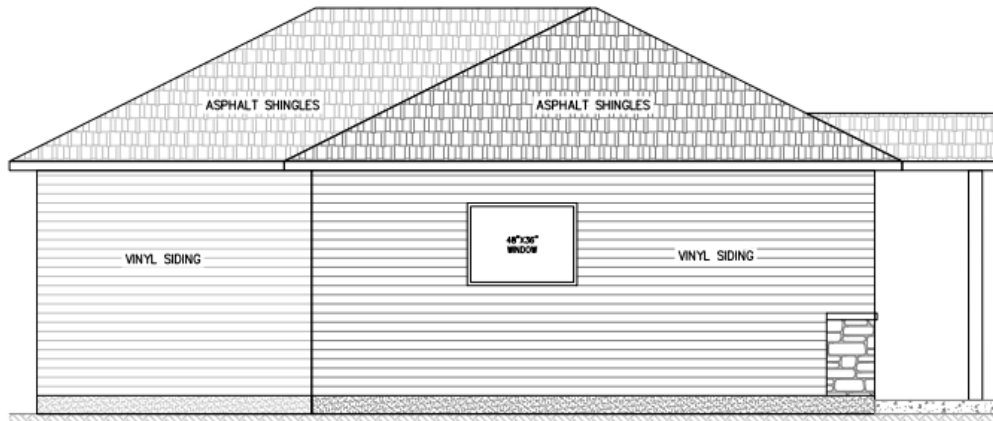


Figure 7: Left (West) Elevation

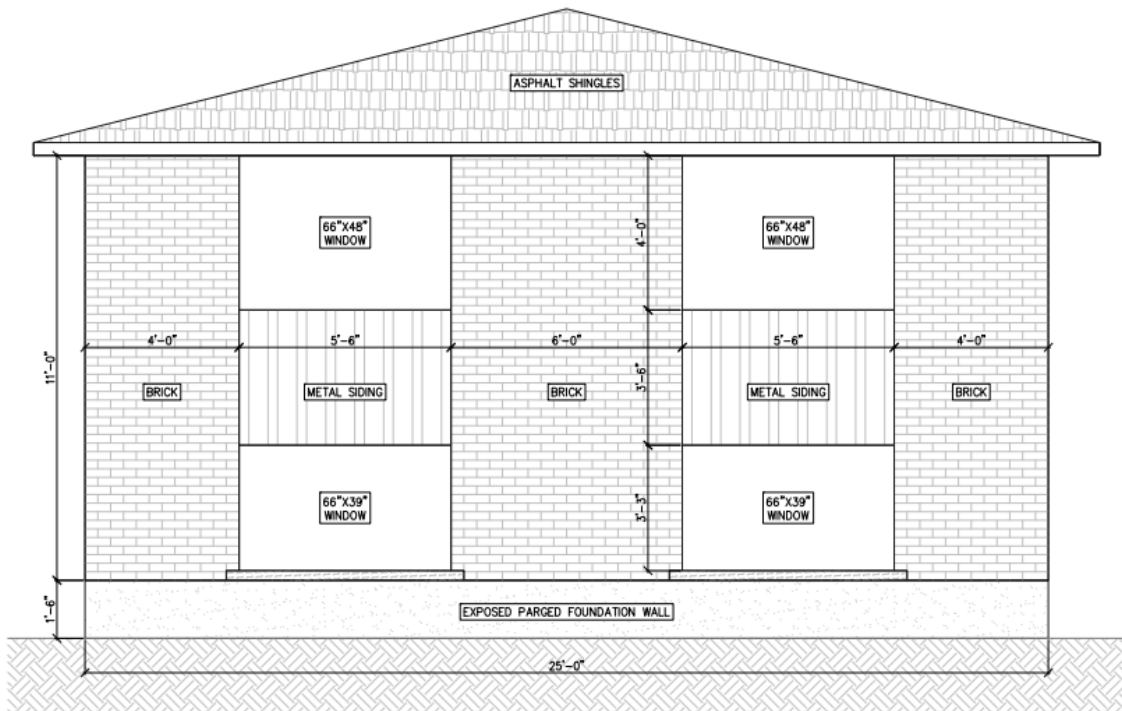


Figure 8: Existing Dwelling Rear Elevation

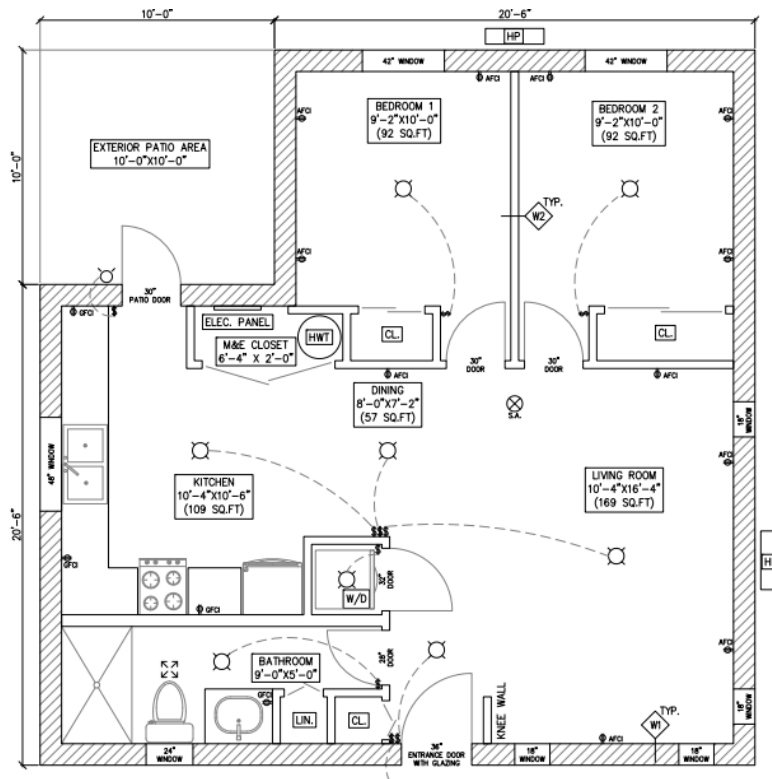


Figure 9: Additional Dwelling Unit Floor Plan

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' 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 will facilitate the development of an additional dwelling, which maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

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, to ensure adequate site functionality. Staff note that due to the subject property's irregular lot shape, the rear of the property widens to a width of approximately 32.8 metres. Staff are of the opinion that there is adequate space on site for

site functionality. Thus, planning Staff are of the opinion that the requested reduced lot width of 10.4 metres would adequately accommodate these purposes and 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 can be considered minor in the opinion of Planning Staff as the lot width represents an existing condition and there are no proposed changes to this width. Staff do not anticipate any significant effects or adverse impacts as a result of the requested variance given the deficiency is 0.1 metres. 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 variance is desirable and appropriate for the use of the lands as it has the opportunity to facilitate a gentle form of intensification and utilize existing infrastructure. The additional third dwelling unit will also support the City's Housing Pledge.

Environmental Planning Comments:

Care should be taken during construction to not impact the root zone of trees on and/or adjacent to the property. It is recommended that temporary protective fencing be installed (as per Appendix 'E' of the City's Tree Management Policy) prior to construction commencing.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. An application for Building Permit has been made for detached additional dwelling unit.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

There is existing Stormwater and Sanitary infrastructure along the northeast property line and under the proposed ADU. It is unclear if the City holds easements for this infrastructure and if the proposed location for the ADU is permitted within the easement if one exists on title. New easements may be required by Development Engineering /Storm and Sanitary Utilities.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority (GRCA) Comments:

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application.

GRCA has no objection to the approval of the above applications. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or

valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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*