

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** March 18, 2025

**SUBMITTED BY:** Tina Malone-Wright, Manager, Development Approvals  
519-783-8913

**PREPARED BY:** Eric Schneider, Senior Planner, 519-783-8918

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** March 5, 2025

**REPORT NO.:** DSD-2025-130

**SUBJECT:** Minor Variance Application A2025-025 – 93-95 Kinzie Avenue

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## **RECOMMENDATION:**

That Minor Variance Application A2025-025 for 93-95 Kinzie Avenue requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.6, Table 5-5-1, to permit 2 parking spaces for a Semi-Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) instead of the required 3 parking spaces;
- ii) Section 7.3, Table 7-2, to permit a front yard setback of 4.6 metres instead of the required 7.8 metres based on established front yard setbacks of adjacent dwellings;
- iii) Section 7.3, Table 7-2, to permit rear yard setback of 3 metres instead of the minimum required 7.5 metres; and

to facilitate the redevelopment of the lands with a new Semi-Detached Dwelling, each side containing 2 Additional Dwelling Units (ADU) (Attached), generally in accordance with drawings prepared by Chris Fernandes Design Corp., dated August 16, 2024, **BE APPROVED.**

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application to facilitate the redevelopment of the subject lands by constructing a new Semi-Detached Dwelling, each side containing 2 Additional Dwelling Units (ADU) (Attached).
- 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 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:



**Figure 1: Location Map**

The subject property is located on the corner of Kinzie Avenue and Walker Street. The lands previously contained a single detached dwelling that was demolished due to fire damage in 2024. The lands are currently vacant.

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 (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of new Semi-Detached Dwelling, each side containing 2 Additional Dwelling Units (ADU) (Attached).

In October 2022, the Committee of Adjustment approved minor variance application A2022-125 to permit the construction of a Semi-Detached Dwelling, each side containing 1 Additional Dwelling Unit (ADU) (Attached). The applicant is now proposing Semi-Detached Dwellings, each side containing 2 Additional Dwelling Units (ADU) (Attached).

The drawing submitted with the application form showed a driveway for the proposed lot at 93 Kinzie Avenue within the Corner Visibility Triangle (CVT). The applicant revised the drawing to shift the driveway location outside of the CVT. No changes to the building footprint or requested variances are required.

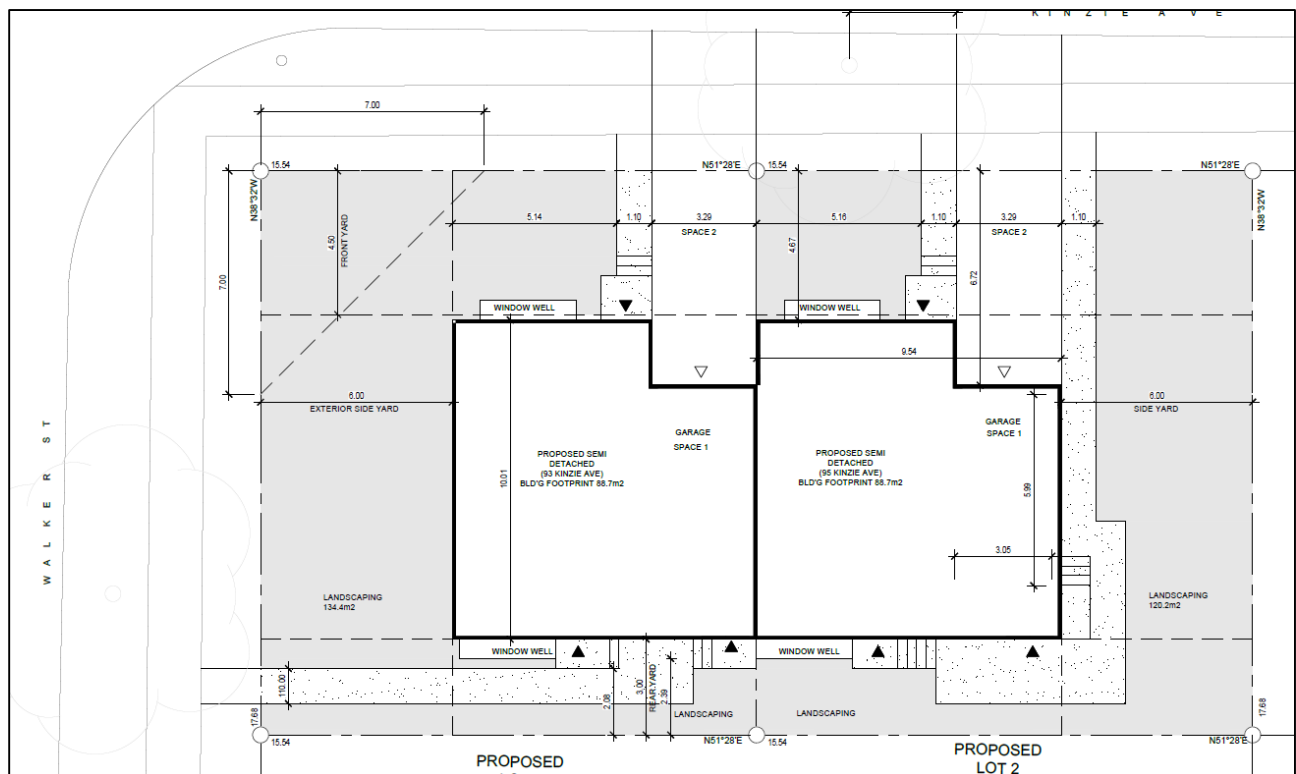


**Figure 2: View of Vacant site from Walker Street**



**Figure 3: View of Vacant site from Kinzie Avenue**





## 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 range of low density housing types, including Semi Detached Dwellings with up to 3 Additional Dwelling Units (ADU). It is also to encourage and support the mixing and integrating of innovative and different forms of housing. The applicant is proposing to provide a Low Rise form of development, permitted in the land use designation, and it will help to achieve a mix and integration of housing types in the neighbourhood. Planning Staff is of the opinion that the requested variances will meet the general intent of the Official Plan.

## General Intent of the Zoning By-law

### *Front Yard Setback*

The intent of the regulation that requires a minimum front yard setback based on established front yards of adjacent dwellings is to preserve consistent building walls along street lines in established neighbourhoods. The subject lands are located on a corner of a short block (<100 metres) and there are just 3 interior lots on Kinzie Avenue between Walker Street and Guerin Avenue. Buildings located on corner lots can often have building setbacks inconsistent with adjacent dwellings based on which street line the front yard is

oriented towards, which can vary from property to property. Staff acknowledge that the differences between the front yard setback and the exterior yard setback can vary based on building typology, street orientation, location of on street utilities and other City assets such as street trees, etc. Staff are of the opinion that the proposed front yard setback of 4.6 metres will generally be consistent with established neighbourhood street lines and building setbacks, and therefore the variance meets the general intent of the Zoning By-law.

#### *Rear Yard Setback*

The intent of the regulation that requires a minimum rear yard setback of 7.5 metres is to provide for adequate building separation and on-site amenity space. In regard to building separation, the construction of a semi-detached dwelling on the subject lands would orient the proposed rear yards to face the lands at 124 Walker Avenue, currently developed as a Semi-Detached Dwelling. This shared property line represents the interior side yard for 124 Walker Avenue, and staff acknowledge that interior side yard building separation is typically much lesser than rear yard separation. In regard to on-site amenity space, the applicant has proposed to provide large side yard spaces (6+ metres) that provide for adequate, functional amenity spaces. Staff is of the opinion that the proposed variance meets the general intent of the Zoning By-law.

#### *Parking Reduction*

The intent of the regulation that requires 3 parking spaces for a semi-detached dwelling with 2 additional dwelling units (ADU) is to provide for adequate vehicle storage on site. The proposed layout includes one parking space in the garage and one space in the driveway. The site was redesigned to single car driveways rather than two-car driveways in order to preserve an existing street tree on Kinzie Avenue. Staff are of the opinion that the 2 proposed parking spaces are sufficient to provide adequate vehicle storage on site due to the unit typology and the access to existing transit. The site is well served by GRT stops on Weber Street, a 350 metre distance that provides east and west service to connecting terminals with region-wide access. Staff are of the opinion that the proposed 2 parking space per semi-detached dwelling with 2 additional dwelling units (attached) can provide sufficient vehicle storage on-site and therefore the requested variance meets the general intent of the Zoning By-law.

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

Staff have evaluated the requested variances for the proposed development and are of the opinion that the proposed development can function and be compatible with the abutting lands and surrounding neighbourhood. Staff are of the opinion that the requested variances will not cause adverse impacts to abutting lands and that any effects of the requested variances are minor.

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

The requested variances will enable the corner property to be redeveloped with a use and building typology that is similar in scale, use and function to the surrounding low-rise uses on Kinzie Avenue and Walker Street. The variances will allow for a functional and appropriate use of the site and therefore Staff are of the opinion that the variances are desirable for the use of the lands.

**Environmental Planning Comments:**

No environmental planning concerns.

**Heritage Planning Comments:**

No heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the new semi-detached dwelling with 2 additional attached dwelling units.

**Engineering Division Comments:**

Engineering has no comments.

**Parks and Cemeteries/Forestry Division Comments:**

The applicant has worked with Planning staff to prepare a revised site layout that would provide better protection for the existing City-owned street trees but results in additional requested variances. It is expected that all City owned tree assets will be fully protected to City standards throughout demolition and construction as per Chapter 690 of the current Property Maintenance By-law. A Tree Protection and Enhancement Plan (TPEP) showing full protection for the existing City trees is required as part of the Building Permit and/or Driveway Widening/Curb Cut permit application to be approved by the Director of Parks and Cemeteries. Grading and Servicing plans should accompany the submission.

Please clearly indicate the location of tree trunks, dripline and offsets to proposed Tree Protection Fencing and construction work zone. Securities for protected trees and/or compensation for removed trees may be required. Clearance from the Director of Parks and Cemeteries for the approval of the Tree Protection and Enhancement Plan and any necessary compensation is required prior to the issuance of a Demolition Permit or Building Permit.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Enova Comments:**

The builders/developers will need to maintain the minimum clearances as outlined by Enova's attached drawing as per Attachment B.

**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 Planning Statement (PPS 2024)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2022-457 (A2022-125)*

## **ATTACHMENTS:**

Attachment A – Concept Plan (Revised Driveway outside of CVT)

Attachment B – Enova Diagram for Clearance