

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 2025

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

PREPARED BY: Maitland Graham, Student Planner, 519-783-7879

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: March 28, 2025

REPORT NO.: DSD-2025-153

SUBJECT: Minor Variance Application A2025-031 – 26 Berwick Place

RECOMMENDATION:

That Minor Variance Application A2025-031 for 26 Berwick Place requesting relief from Section 4.12.3 g) of Zoning By-law 2019-051, to permit a lot width of 8.2 metres instead of the minimum required 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 drawings prepared by J.H. Cohoon Engineering Ltd., dated January 16, 2025, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application requesting a lot width of 8.2 metres rather than the required 10.5 metres to be able to construct an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property.
- The key finding of this report is that the requested 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 north side of Berwick Place in the Centreville Chicopee neighbourhood, which is predominantly comprised of low rise detached dwellings.



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 the application is to request relief from Section 4.12.3 g) to permit a lot width of 8.2 metres rather than the required 10.5 metres. Approval of the variance will allow for the development of an Additional Dwelling Unit (ADU)(Detached) for a total of two dwelling units on the subject property.



Planning Staff conducted a site visit on March 27, 2025.



Figure 3 – Site Photo of 26 Berwick Place



Figure 4 – Existing side yard/driveway where the drive aisle and walkway are proposed, existing fence shown in the photo will be removed.



Figure 5 – Existing rear yard where the Additional Dwelling (Detached) is proposed, existing sheds and trees in the centre of the photo will be removed.

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 subject property is designated 'Low Rise Residential' on Map 3 – Land Use. 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. Official Plan policy 4.C.1.6. mentions that the City will identify and encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure. The requested relief of lot width to facilitate the construction of an additional dwelling unit, totalling two dwelling units on the subject property, identifies an infill opportunity, promotes intensification and better use of existing infrastructure, therefore maintaining the general intent of the Official Plan.

General Intent of the Zoning By-law

The purpose of the minimum lot width requirement is to ensure adequate area on any one property for the facilitation of constructing of an Additional Dwelling Unit (Detached) and to ensure there is sufficient living space and amenity space for the new dwelling unit.

Planning Staff is of the opinion that the proposed 8.5 metre lot width still meets the general intent of the Zoning By-law as the pie-shape configuration of the lot is an average of 16 metres in the rear yard and 18 metres at the widest point, providing an ample amount of area to permit an ADU. As the proposed ADU will meet all other zoning requirements for the lot, it should function appropriately on a lot with this width. In the opinion of Planning Staff, the requested variance maintains the general intent of the Zoning By-law.

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

Planning Staff is of the opinion that the requested variance of 8.2 metres is minor as the pie-shape configuration, although requiring relief for the front lot line, still permits an average of 16 metres in the rear yard and 18 metres at the widest point. As the lot size will allow the ADU and primary dwelling to function appropriately with adequate space to accommodate the ADU while still providing sufficient amenity space, the effect of the variance will be minor.

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

Planning Staff is of the opinion that the variance to provide relief from the minimum lot width requirement is desirable for the appropriate of the land as it will facilitate the construction of a Detached ADU and will contribute to the housing supply and support the City's Housing Pledge.

Environmental Planning Comments:

Care should be taken when working in the rear yard not to negatively impact adjacent trees/vegetation.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the detached ADU is obtained prior to construction and demolition permits are obtained before removing any shed greater than 15 m². Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation have no concerns with this application.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority Comments:

No objection to the approval of the application. 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 41/24 and, therefore, 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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*