

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 2025

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

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: April 1, 2025

REPORT NO.: DSD-2025-146

SUBJECT: Minor Variance Application A2025-032 – 217 Vanier Drive

RECOMMENDATION:

That Minor Variance Application A2025-032 for 217 Vanier Drive requesting relief from Section 5.22.1 b) of Zoning By-law 85-1 to permit an Additional Dwelling Unit (ADU)(Detached) to have an area of 85.5 square metres instead of the maximum permitted 80 square metres, to facilitate the conversion of the existing detached garage into a Dwelling Unit, in accordance with drawings prepared by Xclusive Design Studio Inc., dated January 17, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the conversion of an existing detached garage into an Additional Dwelling Unit with an increased area.
- The key finding of this report is that the requested minor variance meets 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:

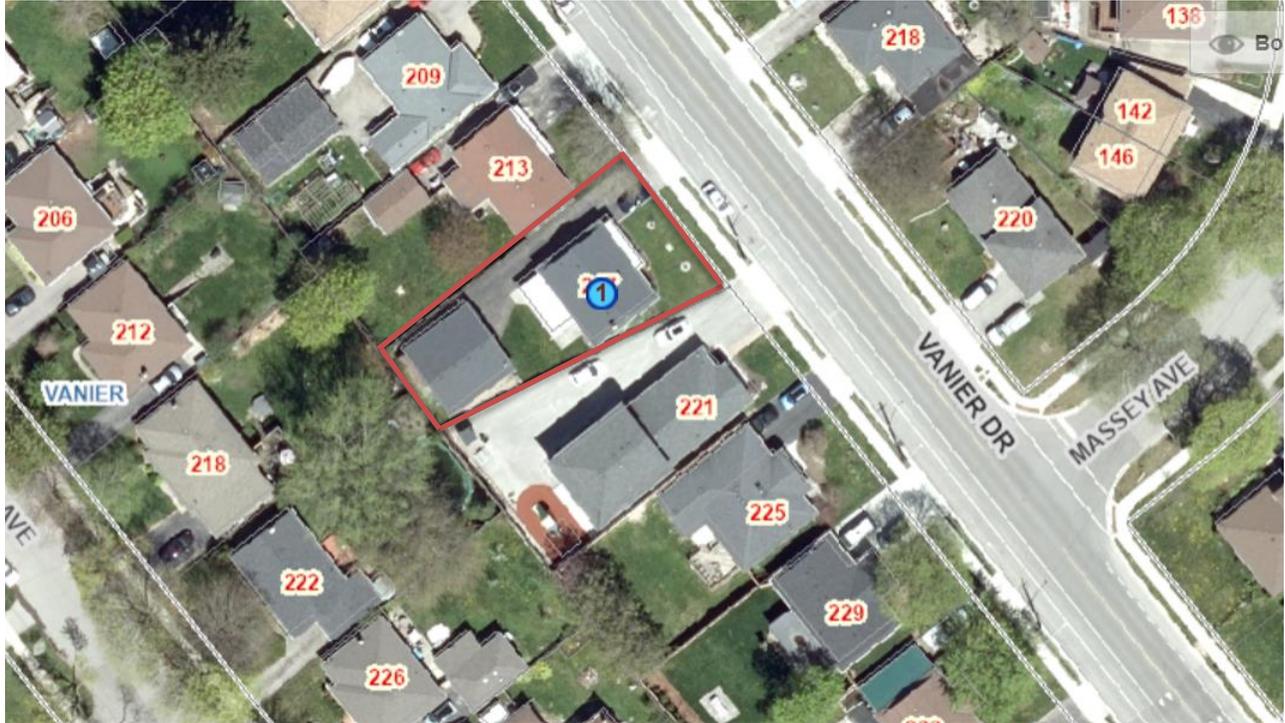


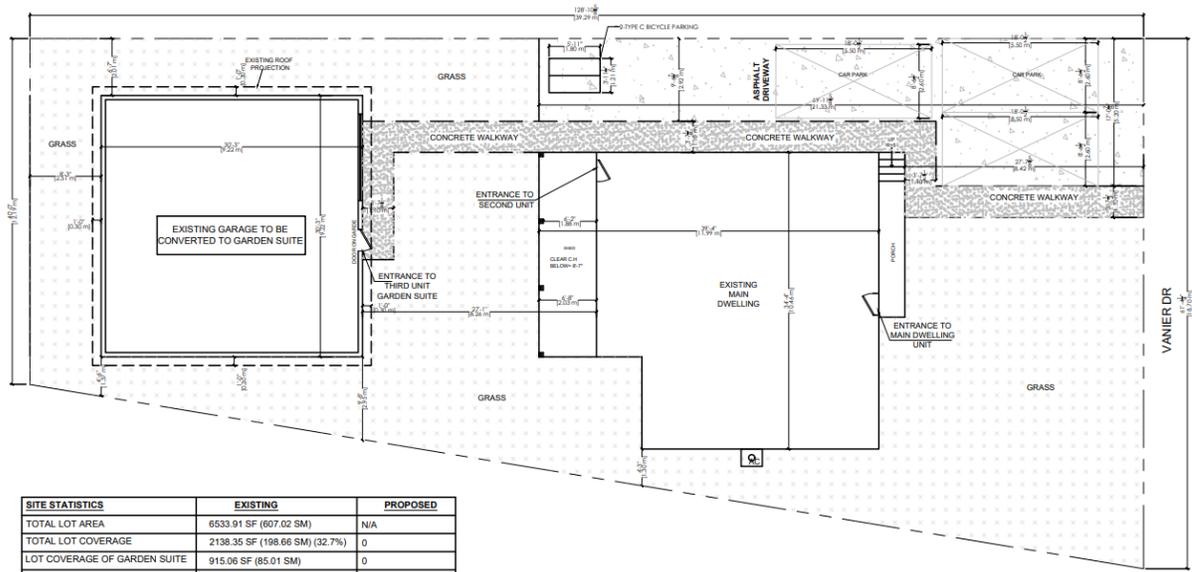
Figure 1: Location Map – 217 Vanier Drive (Outlined in Red)

The subject property is located on the north-west side of Vanier Drive and Massey Avenue. It is in the Vanier neighbourhood which is primarily comprised of low-rise residential uses.

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 'Residential Three Zone (R-3)' in Zoning By-law 85-1.

There is an existing detached garage in the rear yard measuring 85.5 square metres in area. The applicant is proposing to convert this structure into an Additional Dwelling Unit (ADU). However, the maximum permitted building footprint of an ADU is 80 square metres. Since the existing garage exceeds the maximum permitted building footprint, a minor variance is required to allow the conversion without making any physical changes to the existing structure.



SITE STATISTICS	EXISTING	PROPOSED
TOTAL LOT AREA	6533.91 SF (607.02 SM)	N/A
TOTAL LOT COVERAGE	2138.35 SF (198.66 SM) (32.7%)	0
LOT COVERAGE OF GARDEN SUITE	915.06 SF (85.01 SM)	0
GFA - GARDEN SUITE	0 (Existing approved Garage)	915.06 SF (85.01 SM)
BUILDING HEIGHT - GARDEN SUITE	3.58 M (11'-9")	0
BUILDING HEIGHT - MAIN DWELLING	3.98 M (13'-1")	0
TOTAL PARKING PROVIDED	3 on driveway	N/A
TOTAL REAR YARD AREA	2645.89 SF (245.81 SM)	N/A
REAR YARD LANDSCAPE AREA	60% (1612.84 SF) (149.8 M)	N/A
TOTAL FRONT YARD AREA	1802.12 SF (167.42 SM)	N/A
FRONT YARD LANDSCAPE AREA	89.3% (1609.24 SF) (149.50 SM)	N/A

Figure 2: Proposed ADU Conversion Site Plan

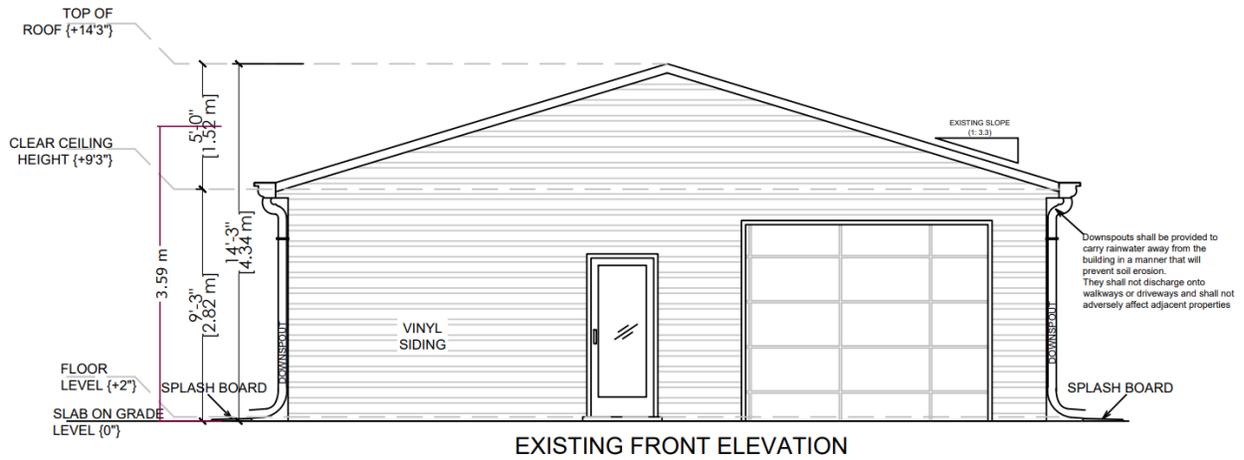


Figure 3: Front Elevation of Existing Garage (Proposed ADU)

Planning Staff conducted a site visit on March 26, 2025.



Figure 4: Existing Site Conditions as of March 26, 2025



Figure 5: Existing Garage in the Rear Yard (Proposed ADU)

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' in the City's Official Plan. This designation emphasizes the importance of ensuring compatibility in building form with regard to massing, scale, and design, to facilitate the successful integration of diverse housing and building types while maintaining the low-density character of the neighbourhood.

Policy 4.C.1.23 permit up to 3 Additional Dwelling Units (ADUs) subject to meeting any other applicable policies in the Official Plan and Zoning By-law regulations.

4.C.1.23. The City may permit up to three additional dwelling units, attached and/or detached, on a lot which contains a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling as the principal use, unless otherwise limited by the policies of this Plan, and in accordance with the City's Zoning By-law, in order to provide additional housing options to Kitchener homeowners and residents.

The proposed Additional Dwelling Unit use of the property conforms to the land use designation and is a desirable addition to a residential property. Staff is in opinion that requested variance to be able to convert the existing detached garage into an Additional Dwelling Units (ADU)(Detached) meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum building footprint is to ensure that accessory buildings remain secondary to the primary building. Although the building footprint of the accessory building exceeds the maximum permitted building footprint of 80 square metres as per Section 5.22.1 b) by 5.5 square metres, this increase remains proportionally smaller than the primary dwelling and does not overwhelm the primary dwelling. Staff is of opinion that the variance meets the general intent of the Zoning By-law by remaining secondary to the primary building.

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

The variance is minor in nature. The 5.5 square metres excess building footprint is not noticeable from the streetscape and does not impact the visual appearance of the property. The ADU will be located at the far rear of the property. Although the building footprint exceeds the maximum permitted area, the structure will maintain the existing building height and is within the maximum permitted height of 4.5 metres. The structure's appearance will remain compatible with adjacent viewpoints and visually consistent with its surroundings.

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 is desirable for the appropriate development of the lands. Recognizing the size and location of the existing garage will allow for the conversion to an Additional Dwelling Unit in the rear of the primary dwelling. This will facilitate a gentle intensification of the subject property and support the City's Housing Pledge.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit to convert the detached garage into a detached ADU is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments or concerns.

Parks and Cemeteries/Forestry Division Comments:

No comments or concerns.

Transportation Planning Comments:

No comments or 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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*