

**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 10

**DATE OF REPORT:** April 1, 2025

**REPORT NO.:** DSD-2025-145

**SUBJECT:** Minor Variance Application A2025-034 – 34 Hohner Avenue

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## **RECOMMENDATION:**

That Minor Variance Application A2025-034 for 34 Hohner Avenue requesting relief from Section 39.2 of Zoning By-law 85-1:

- i) to permit a front yard setback of 3.1 metres instead of the minimum required 4.5 metres; and
- ii) to permit an interior side yard setback of 0.7 metres instead of the minimum required 1.2 metres;

to facilitate the conversion of the existing Single Detached Dwelling with an Additional Dwelling Unit (ADU)(Attached) (Duplex) to Single Detached Dwelling with two (2) Additional Dwelling Units (ADU)(Attached) (Triplex), in accordance with drawings prepared by MW Drafting & Design Inc., dated November 21, 2024, BE APPROVED.

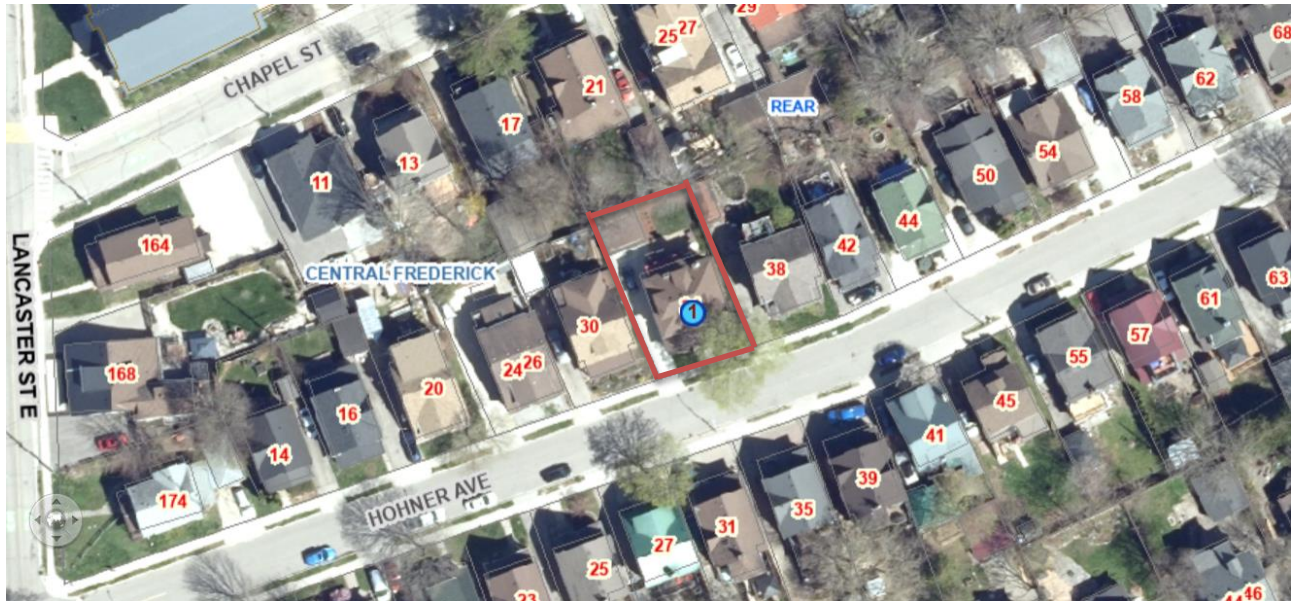
## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application to permit the conversion of an existing duplex to a triplex with a reduced front yard and interior side yard setback.
- 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 north-east side of Hohner Avenue and Lancaster Street East. It is in the Central Frederick neighbourhood which is primarily comprised of low-rise residential uses.

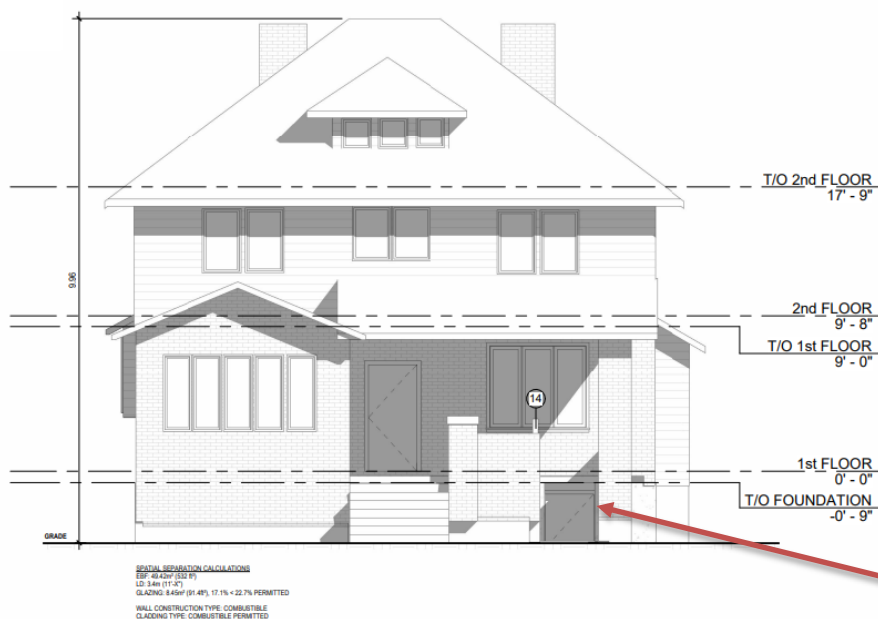
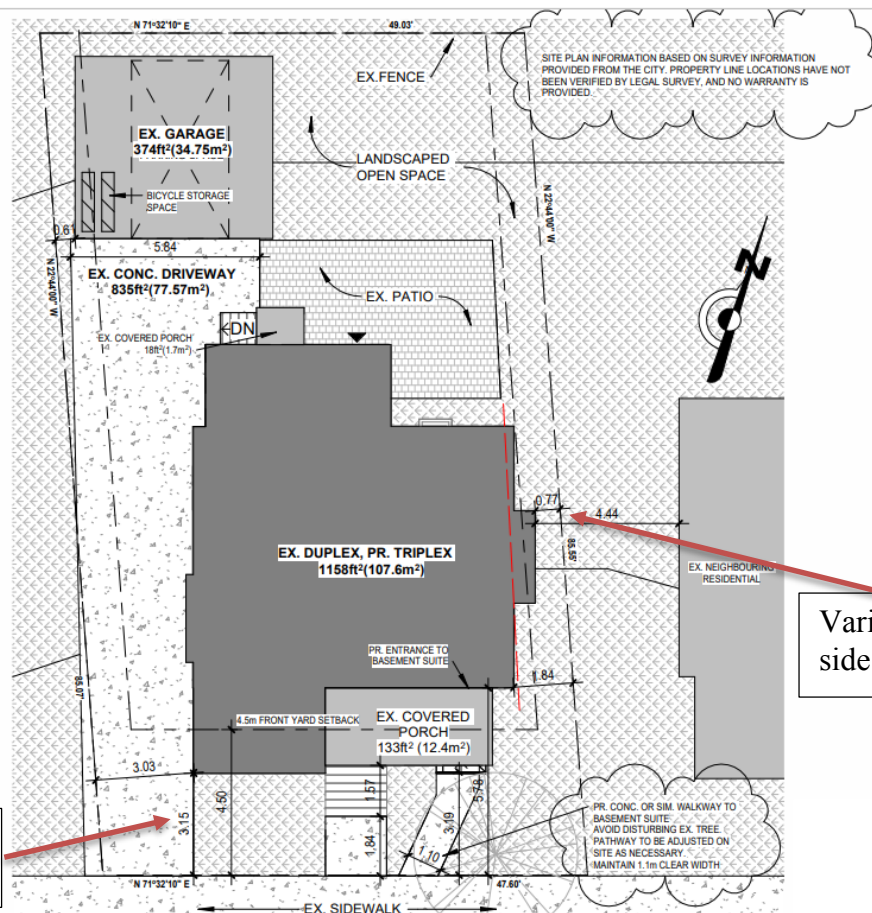


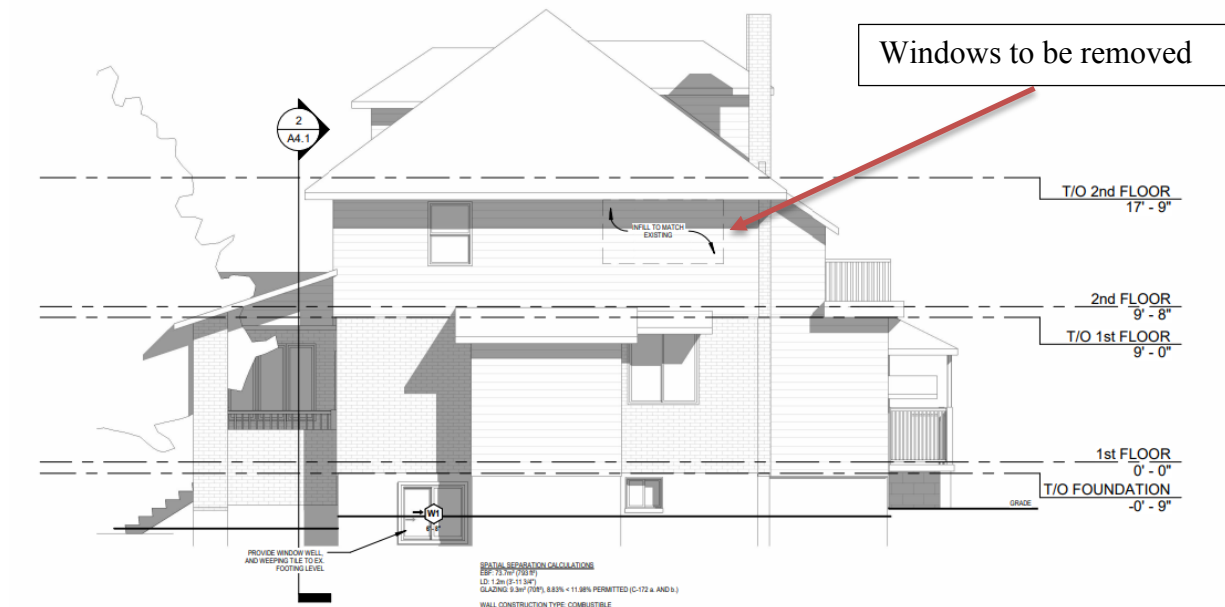
**Figure 1: Location Map – 34 Hohner Avenue (Outlined in Red)**

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Conservation A' on Map 20 – Central Frederick Neighbourhood Plan for Land Use in the City's 2014 Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.

The purpose of the application is to review minor variances to permit the conversion of an existing Duplex to a Triplex with reduced front yard and interior side yard setbacks. The primary dwelling was originally constructed in 1925 and has been functioning as a single detached dwelling and duplex with the existing setbacks since the time of construction. However, in order to convert the dwelling from a Duplex to a Triplex, the building must now be reviewed in accordance with current Zoning By-law requirements for a Triplex. The variances are necessary to allow the conversion of the existing dwelling without making significant modifications to the property.





**Figure 4: East (Right) Side Elevation of Proposed Triplex**

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



**Figure 5: Existing Site Conditions as of March 26, 2025**



**Figure 6: 3 metres Access on the West (Left) Side of Property**



**Figure 7: East (Right) Side of Property Where the Variance is Required**

## 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 Conservation A' on Map 20 – Central Frederick Neighbourhood Plan for Land Use in the Official Plan. The intent of this designation is to preserve the scale, use, and intensity of existing development in portions of the community where the vast majority of land use is detached dwellings. The proposed conversion of the duplex into a triplex does not require exterior alterations except for a new door in the front facade and the use of the property will remain consistent.

Policy 4.C.1.23 permits up to 3 additional dwelling units subject to meeting any other applicable policies in the Plan and zoning 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 Triplex use of the property conforms to the land use designation. As such, staff are satisfied that the proposed variances for a reduced interior side yard setback and front yard setback to facilitate the conversion of the existing Duplex to a Triplex meet the general intent of the Official Plan.

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

##### *Variance for Front Yard Setback*

The intent of the front yard setback requirement is to ensure a consistent setback to the property line to maintain a coherent and consistent streetscape. Staff note the conversion will maintain the existing setbacks. The house has existed since 1925, and the structure is not changing with the conversion. There will continue to be sufficient separation from the street while preserving the streetscape and front yard design. Therefore, Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

##### *Variance for Interior Side Yard Setback*

The general intent of the interior side yard setback requirement is to ensure adequate spacing between the structures for light, air circulation, maintenance access and privacy. The proposed setback of 0.7 metres will continue to provide sufficient separation between the properties. The property has sufficient space for maintenance access on the west (left) side where 3 metres is provided between the dwelling and the property boundary. Additionally, windows are being removed from the second floor right (east) side of the existing dwelling which prevents overlooking and maintains the privacy of the neighbouring

property. Therefore, Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

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

The reduced setbacks are minor in nature as the proposed additional dwelling unit will be located within the basement of the existing structure with no exterior modifications except the new front door more than halfway below grade which ensures any changes remain invisible from the streetscape. The structure's appearance will remain compatible with adjacent viewpoints and visually consistent with its surroundings. Given that the existing built form remains unchanged, the existing setbacks will not negatively impact the neighbouring properties or the streetscape.

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

The proposed variances for the reduced front yard and interior side yard setback are considered desirable for the appropriate development of the land as the variance will allow the existing dwelling to convert from a Duplex to a Triplex. The minor variance will also avoid any unnecessary demolition and/or reconstruction of the front and the side of the existing building.

**Environmental Planning Comments:**

No comments or concerns.

**Heritage Planning Comments:**

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 34 Hohner Avenue is located within the Central Frederick Neighborhood Heritage Conservation District. The proposed changes are not anticipated to have a major adverse impact on the CHL, and as such, staff have no concerns with the application.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the change of use to a Triplex.

**Engineering Division Comments:**

No comments or concerns.

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

There is an existing tree within the front yard that will be impacted by the proposed development. The tree appears close to the front lot line and although it is not an inventoried City tree, it may be a shared boundary tree. The site design should be adjusted to minimize impacts to the existing tree.

Planning Response

The only alteration to the exterior of the property will be the installation of a required walkway. The walkway is proposed to be located 1.1 metres away from the tree trunk

within the tree canopy. The walkway will not require a significant amount of excavation that would damage the root system.

**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*