

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: Sheryl Rice Menezes, Senior Planning Technician,
519-783-8944

WARD(S) INVOLVED: 9

DATE OF REPORT: April 4, 2025

REPORT NO.: DSD-2025-171

SUBJECT: Minor Variance Application A2025-040 – 160 Charles Best Pl.

RECOMMENDATION:

That Minor Variance Application A2025-040 for 160 Charles Best Place requesting relief from the following sections of Zoning By-law 2019-051:

- i) Sections 4.12.3 h) to permit a building height of 4.9 metres instead of the maximum permitted 4.5 metres;
- ii) Sections 4.12.3 m) to permit an exterior side yard setback of 4.2 metres instead of the minimum required 4.5 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 Lambertecture Building Design Studio, dated May 10, 2024 and attached to Minor Variance Application A2025-040, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) and review variances for building height and setback from a side yard abutting a street.
- 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.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.



Image 1: Aerial photo (2024)

BACKGROUND:

The subject property is located at the southeast corner of the intersection of two streets on a crescent known as Charles Best Place.

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 Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of the application is to permit a detached ADU in the rear yard of an end unit street townhouse.

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 Low-Rise Residential designation is intended to encourage residential intensification and/or redevelopment which includes additional dwelling units to respond to changing house needs and as a cost-effective means to reduce infrastructure and services costs by minimizing land consumption and making better use of existing community infrastructure. The proposed detached ADU is a permitted use in the land use designation and a desirable development of a residential property. It is the opinion of staff that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the building height regulation for detached ADUs is ensure that the detached additional dwelling unit is subordinate to the main use and therefore of a height that is either the same or less than the principal dwelling's building height. The request for a building height of 4.9 metres rather than the maximum permitted 4.5 metres is minimal. The difference is 0.4 metres and with the proposed sloped shed roof, the impact is not discernible. It is noted that the shed roof will be lower towards the street line and raised towards the interior side yard which helps reduce the impact from the street view.

The intent of the building setback from a side yard abutting a street for either the main building or a proposed detached ADU is also ensure that there is limited impact on the neighbourhood and the streetscape. The applicant advised that this variance is requested to provide a slightly larger rear yard amenity area for all the dwelling units. The requested variance for a 4.2 metre setback to the exterior side yard, instead of the required 4.5 metres, results in a deficiency of 0.5 metres. This is also a minimal reduction, and staff are of the opinion that the intent of the regulation is met, and the general intent of the Zoning By-law is maintained.

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

As noted above, the requested variances are a minimal reduction in the regulations and would not be discernible. The variances would permit a detached ADU to be built that best suit the property as a whole and would not negatively affect the streetscape. Staff are of the opinion that the effects of the 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 two variances are appropriate for the proposed detached ADU as they will provide a gentle form of intensification on the property which is appropriate for the use of the property and compatible with the surrounding neighbourhood.



Existing driveway width to be modified and reduced to comply with bylaw regulations which is a maximum of 4.8 m and driveway to be located a minimum of 7 m from intersection of property lines at the corner (see Image 3 for proposed plan).

Image 2: View of front of property

Proposed plan for driveway and walkway (of different materials)

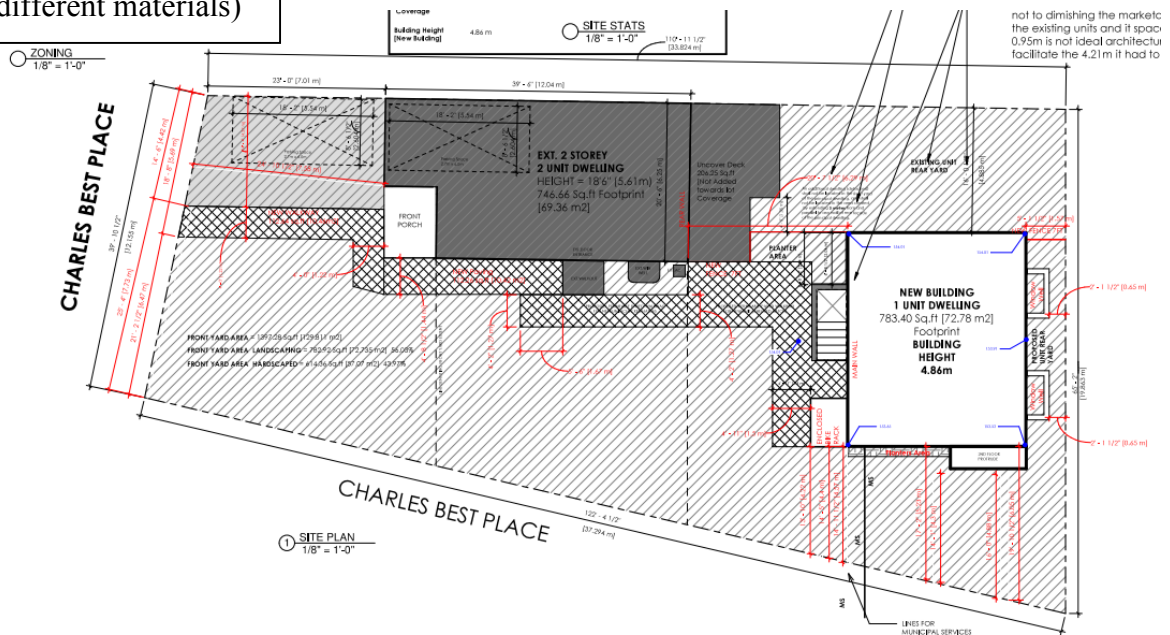


Image 3: proposed plan

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***Image 4: view of rear yard
(it is noted that the existing shed and pen shown above are to be removed from the property).***



Image 5: View of rear yard towards main building

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Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

No comments.

Parks and Cemeteries/Forestry Division Comments:

There are existing City-owned street trees within the boulevard on both frontages of Charles Best Place (see illustration below). It is expected that all City owned tree assets will be fully protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law.

Noted: the applicant has advised Planning staff that the contractors will access the property from the front yard.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

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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*