

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** May 20, 2025

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

**PREPARED BY:** Evan Wittmann, Senior Planner, 519-783-8523

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** May 7, 2025

**REPORT NO.:** DSD-2025-211

**SUBJECT:** Minor Variance Application A2025-043 – 82 Brunswick Avenue  
(Future Retained Parcel)  
Minor Variance Application A2025-044 – 82 Brunswick Avenue  
(Future Severed Parcel / 84 Brunswick Avenue)

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## **RECOMMENDATION:**

### **A. Minor Variance Application A2025-043 - 82 Brunswick Avenue (Future Retained Parcel)**

That Minor Variance Application A2025-043 for 82 Brunswick Avenue (Future Retained Parcel) requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2.h) to permit a minimum front yard landscaped area of 15% instead of the minimum required 20%;
- ii) Section 5.4, Table 5-3, to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 3 metres; and
- iii) Section 7.3, Table 7-3, to permit a minimum rear yard setback of 6.6 metres instead of the minimum required 7.5 metres;

to facilitate the development of a Semi-Detached Dwelling with three (3) Additional Dwelling Units (ADU) (Attached) in each half of the Semi-Detached Dwelling, for a total of eight (8) dwelling units, generally in accordance with drawings prepared by Southwood Homes, dated March 27, 2025, BE REFUSED.

**B. Minor Variance Application A2025-044 - 82 Brunswick Avenue (Future Severed Parcel / 84 Brunswick Avenue)**

**That Minor Variance Application A2025-044 for 82 Brunswick Avenue (Future Severed Parcel / 84 Brunswick Avenue) requesting relief from the following sections of Zoning By-law 2019-051:**

- i) Section 4.12.2.h) to permit a minimum front yard landscaped area of 17% instead of the minimum required 20%;**
- ii) Section 5.4, Table 5-3, to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 3 metre; and**
- iii) Section 7.3, Table 7-3, to permit a minimum rear yard setback of 5.1 metres instead of the minimum required 7.5 metres;**

**to facilitate the development of a Semi-Detached Dwelling with three (3) Additional Dwelling Units (ADU) (Attached) in each half of the Semi-Detached Dwelling, for a total of eight (8) dwelling units, generally in accordance with drawings prepared by Southwood Homes, dated March 27, 2025, BE REFUSED.**

**REPORT HIGHLIGHTS:**

- The purpose of this report is to review and make recommendations on minor variance applications for the future Severed and Retained Parcels at 82 Brunswick Avenue to facilitate the creation of a Semi-Detached Dwelling with four dwelling units on each side.
- The key finding of this report is that the two minor variance applications do not meet the 'four tests' of the *Planning Act* and refusal is recommended.
- 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 eastern side of Brunswick Avenue between Hartwood Avenue and Guelph Street within the "Fairfield" community. The subject property currently features a 1.5 storey single detached dwelling and has a frontage of approximately 15 metres and depth of approximately 30 metres. The surrounding area is generally characterised by low-rise housing, with notable exceptions being the abutting "Margaret Place" apartment buildings, each being 18 storeys tall. The parking areas of the Margaret Place property abuts the eastern and southern edges of the subject property. A short distance north of the subject property is large commercial property, currently tenanted by Giant Tiger. The Breithaupt Centre is a short distance from the subject property, across Margaret Avenue to the northeast.



**Figure 1: Aerial View Of The Subject Property (In Red)**



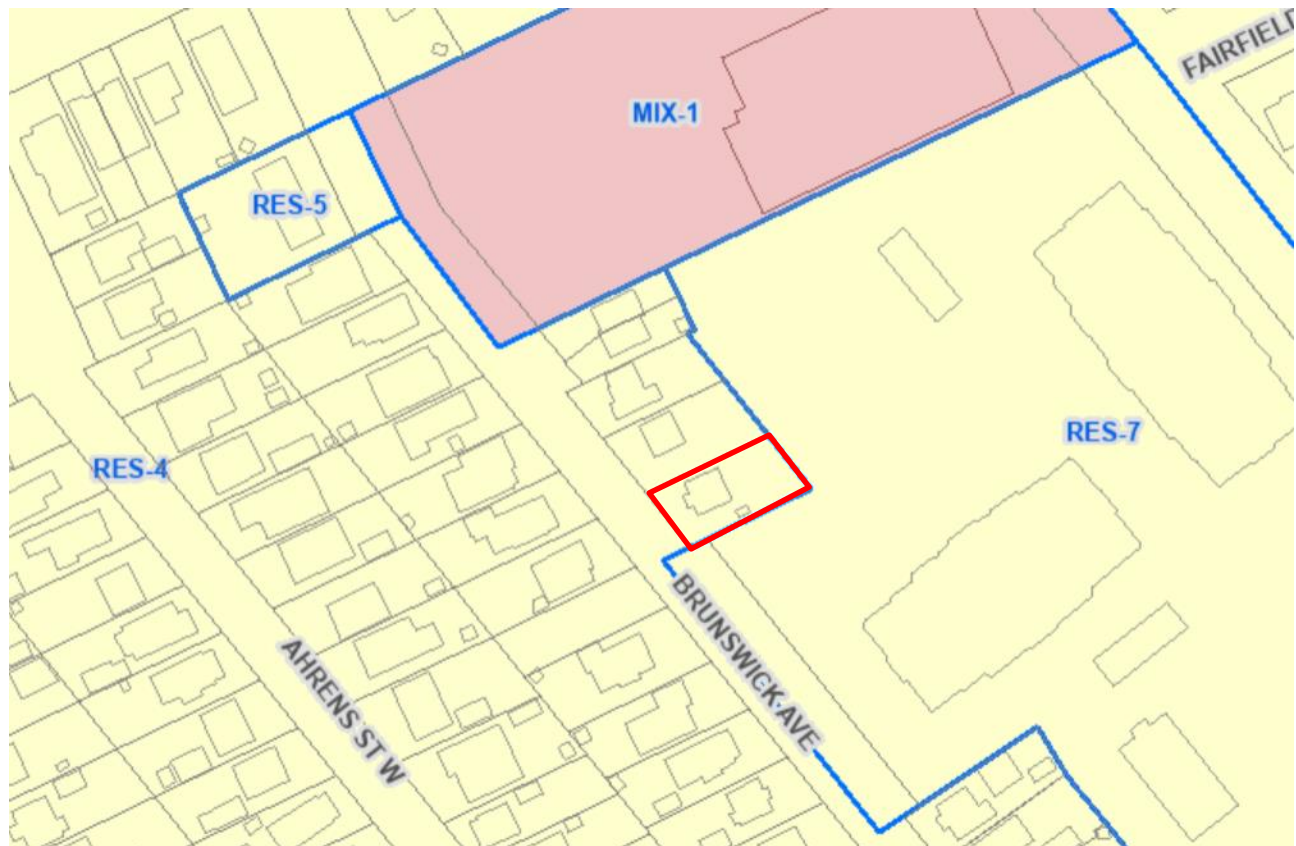
**Figure 2: Subject Property, View From Street (Taken May 2, 2025)**

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 subject property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. This zone permits semi-detached dwellings on lots with a lot width of 7.5 metres and lot area of 210 m<sup>2</sup>, which are met by the proposed lot configuration and would be implemented by a future Consent Application.

The purpose of the applications is to vary the 'RES-4' Zone requirements for minimum rear yard setback, minimum front yard landscaping, and maximum drive-way width to facilitate the development of a Semi-Detached Dwelling with three (3) Additional Dwelling Units (ADU) (Attached) in each half of the Semi-Detached Dwelling, for a total of eight (8) dwelling units.



**Figure 3: Zoning By-Law**

## **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 Official Plan provides several policies regarding the intensification of low rise residential areas, with more specific direction to the requested variances, being to the rear yard setback, front yard landscaping, and driveway width.

Of particular relevance to this application is Policy 4.C.1.8, which provides specific policy direction for minor variance applications proposing residential intensification:

*4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:*

- e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.*
- f) The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.*

Regarding policy 4.C.1.8.e), two (2) of the requested variances reduce the amount of landscaped and amenity areas on the property: the rear yard setback reduction and reduction to minimum front yard landscaping. The variances would reduce both the size of the rear yard and the usable amenity space or green area in the front yard. The reduction in front yard landscaping is also predominately due to the requested variance for the widened driveway, which would also suggest that the site is not large enough to accommodate the required parking and maintain an appropriate rear yard or the amount of landscaped area in the front yard.

As indicated in policy 4.C.1.8.f), one zoning deficiency should not create additional zoning deficiencies. The requested variance to reduce the front yard landscaped area is caused by the requested variance to widen the driveway beyond the maximum permitted width.

The Official Plan provides policy direction on the compatibility of residential intensification with the existing character of the neighbourhood. Policy 4.C.1.9 states:

*4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.*

Examining the existing context of Brunswick Avenue, while the predominant driveway form is single loaded, there are examples of double wide driveways. In instances where a double wide driveway is present, the lot features a single detached dwelling. These single detached lots are large enough to accommodate both parking and landscaping in the front yard. A side-by-side, double wide driveway at the front of the dwelling is generally uncharacteristic of the surrounding neighbourhood.

Additional policy direction regarding compatibility is provided in the Low Rise Residential land use designation policies, specifically 15.D.3.3:

*15.D.3.3. To support the successful integration of different housing types, specifically multiple residential developments, through new development/redevelopment and/or residential intensification, within lands designated Low Rise Residential, Medium Rise Residential or High Rise Residential, the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on:*

*b) the relationship of housing to adjacent buildings, streets and exterior areas;*

*c) adequate and appropriate parking areas are provided on site; and,*

*d) adequate and appropriate amenity areas and landscaped areas are provided on site.*

Policy 15.D.3.3 further emphasizes the appropriateness of parking areas, amenity areas, and landscaped areas in Low Rise Residential areas. Widening the driveway will have an adverse impact on the streetscape, and reductions to both the front and rear landscaped and amenity areas results in areas inadequate for four dwelling units.

**Based on the above review, the requested variances do not meet the intent of the Official Plan.**

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

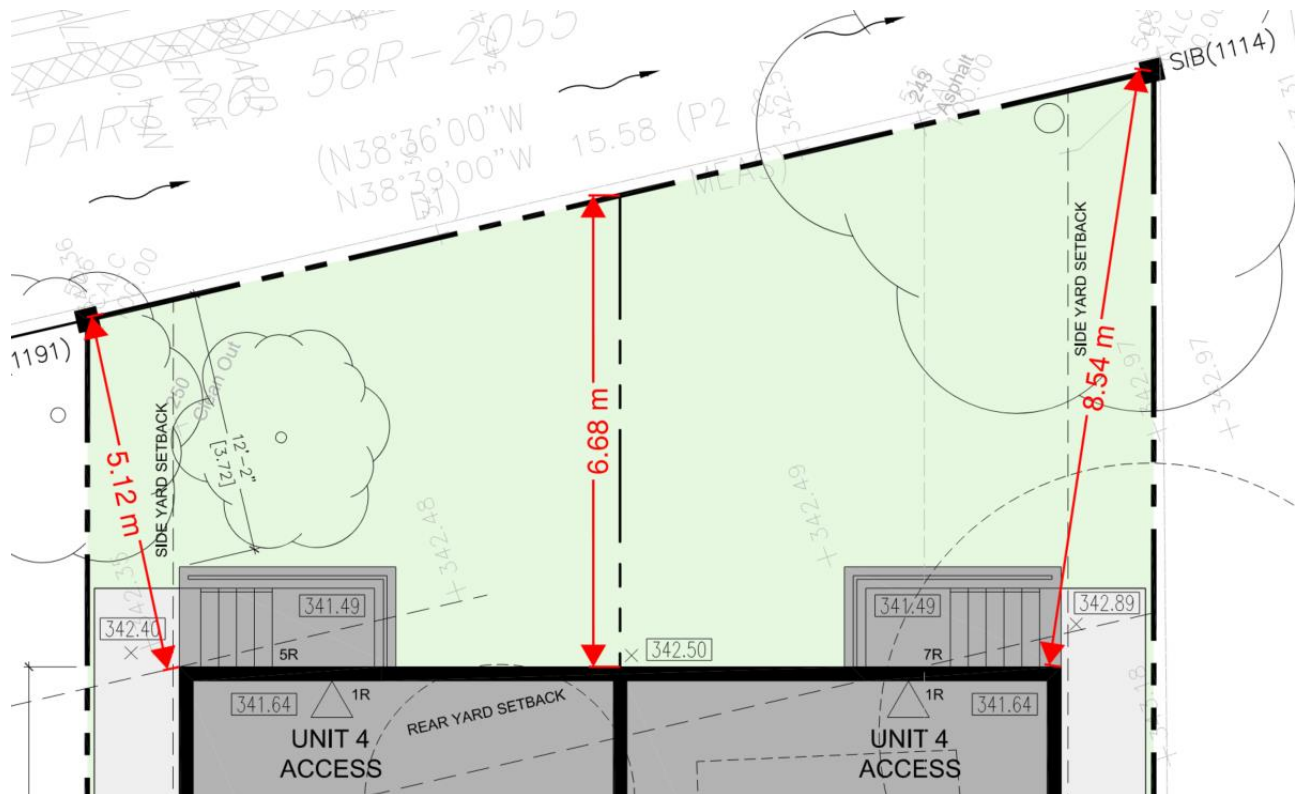
The intent of the maximum driveway width is to maintain the relationship between residential properties and the streetscape, avoiding neighbourhoods that are dominated by paved surfaces. This is facilitated by the deliberate departure from the previous driveway maximum of Zoning By-law 85-1. In Zoning By-law 81-5, the maximum permitted driveway width was 5.2 metres, which was revised down to the current maximum driveway width of 40% of the lot width in established neighbourhood areas. The requested increase to the maximum driveway width is contrary to the intent of the current Zoning By-law.

In context, the reduction to front yard landscaped area is due to the widened driveway, creating a front yard condition that is primarily paved. Reducing the landscaped area to provide additional parking area does not follow the intent of the Zoning By-law.

The intent of the rear yard setback is to ensure both sufficient distance from lot lines to ensure privacy to abutting properties, and to provide private, outdoor amenity space to the lot. The need for reductions to the rear yard setbacks are due to the angle of the rear lot line. For the future severed lot, the setback is 5.1 metres at its shortest point, which continues to increase until reaching 6.6 metres at its longest. The average rear yard setback is roughly 5.8 metres, which results in a rear yard area of approximately 43 square metres. The minimum rear yard size as calculated by the required zone provisions is 56.25 square metres (7.5 metres x 7.5 metres). The 43 square metres that would be provided is 76% the area of the typical requirement. Based on the intent of the rear yard

setback, the reduction results in an area that does not provide appropriate outdoor amenity area for a primary dwelling and three ADU's.

For the future retained lot, the setback is 6.6 metres at its shortest point, which continues to increase until reaching 8.5 metres at its longest. The average rear yard setback is roughly 7.6 metres, which is above the minimum requirement of 7.5 metres. For this lot, the reduction to the rear yard effectively meets the intent of the Zoning By-law.



**Figure 4: Rear Yard Setback Measurements**

**Based on the above review, the requested variances, aside from the 6.6 metre rear yard setback, do not meet the intent of the Zoning By-law.**

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

Regarding the variances to increase the maximum driveway width, the maximum driveway width is to be 40% of the frontage of the property. Based on the future intent to sever, two lots of 7.5 metres are proposed. 40% of the 7.5 metre frontage results in a maximum driveway width of 3 metres; large enough for one parking space. The requested increase to 5.2 metres, or 70% of the frontage, which is nearly double the maximum width permitted, is to facilitate side-by-side parking. While functionally this is a convenient option for a building with multiple units to avoid parking conflicts, it presents a scenario where a significant portion of the front yard is a paved surface.

The increased driveway width has a compounding effect, resulting in the need to reduce the minimum front yard landscaped areas for both future lots. While in some scenarios a reduced front yard landscaped area may be appropriate, needing to reduce landscaped area for additional parking is not a desirable corresponding variance.

As noted in the above analysis regarding the intent of the Zoning By-law, the future retained parcel and 6.6 metre rear yard setback is generally technical in nature due to the angled rear lot line and would be considered minor.

**Overall, the requested variances, aside from the rear yard reduction to 6.6 metres, are not minor in nature.**

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

In addition to the individual review of each variance, it is important to consider the variances in aggregate. While up to four units are permitted on residential properties in the City, it must be demonstrated that the property in question can reasonably accommodate that level of density. The applicant has prepared a concept plan that demonstrates an eight-unit development that could be constructed with no variances. This alternative concept is generally undesirable, as several of the units, such as the detached ADUs, are very small in size.

Although eight (8) units would not be feasible without variances, a semi-detached dwelling with two attached Additional Dwelling Units, for a total of six (6) units, could be constructed without the need for any variances and would provide more livable units than the as-of-right eight-unit concept. Understanding that appropriate redevelopment is possible on the subject property without need for variances reflects negatively on the desirability of the variances.

By increasing the driveway width, the front yard will largely be paved area. Increasing the amount of hard surface on a property has negative environmental and streetscape impacts. Additionally, by increasing the driveway width, a street tree will need to be removed, which is not a desirable outcome and not supported by the City's Forestry Division.

**Overall, the requested variances are not desirable for the appropriate redevelopment of the property.**

**Environmental Planning Comments:**

Environmental Planning is not in support of any variances to reduce required landscape area as permeable area and soil volume will be reduced negatively impacting water infiltration and the survival of street trees. Arborist's Report required to assess impacts to vegetation at 305-315 Maragret Ave (their required Landscape Plan).

**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 new semi-detached building and detached ADUs is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.



**Engineering Division Comments:**

No Engineering comments or concerns.

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

There is an existing City-owned street tree within the boulevard on Brunswick Avenue. 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. No revisions to the existing driveway or boulevard apron will be permitted without Forestry approval. Tree Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

**Transportation Planning Comments:**

No Transportation comments or concerns.

**Enova Power:**

Following the property severance, each municipal address must have an individual hydro service. The meter base for the accessory dwelling unit (ADU) must be located in the same area as the front units.

**Region Comments:**

No Region comments or concerns.

**GRCA Comments:**

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a 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*

**ATTACHMENTS:**

Attachment A – Site Plan

**southwoodhomes**  
ARCHITECTURAL DESIGN  
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