

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 20, 2025

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

PREPARED BY: Sean Harrigan, Senior Planning Technician, 519-783-8934

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: May 8, 2025

REPORT NO.: DSD-2025-230

SUBJECT: Minor Variance Application A2025-051- 503 Victoria St. N.

RECOMMENDATION:

That Minor Variance Application A2025-051 for 503 Victoria Street North requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 6.1.1.1.b) ii) b) to permit a minimum driveway width of 2.2 metres instead of minimum required 2.6 metres; and
- ii) Section 5.24 to permit a residential building with noise mitigation to be located 3.8 metres from an Arterial Road instead of the minimum required 12 metres;

to facilitate the development of an Additional Dwelling Unit (Attached) in an existing Duplex Dwelling, generally in accordance with drawings prepared by Fiori Design, dated November 14, 2024, BE APPROVED, subject to the following conditions:

1. That the Owner shall grant Metrolinx an Environmental Easement for Operational Emissions. The Environmental Easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.
2. That the Owner shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:

“Warning: The Applicant is advised that the subject land is located within Metrolinx’s 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-

way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

AND

That Minor Variance Application A2025-051 for 503 Victoria Street North requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.22. f) to permit an Unobstructed Walkway to overlap with the driveway whereas the By-law prohibits any part of the Unobstructed Walkway from overlapping with the driveway; and**
- ii) Section 6.1.1.1. b) vi) to permit a driveway to have the same material as the Unobstructed Walkway whereas the By-law requires the driveway material to be different and distinguishable from all other ground cover or surfacing on the lot, including landscaping and walkways;**

to facilitate the development of an Additional Dwelling Unit (ADU) (Attached) in an existing Duplex Dwelling, generally in accordance with drawings prepared by Fiori Design, dated November 14, 2024, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the requested minor variances to facilitate the development of an Additional Dwelling Unit (ADU)(Attached) in an existing Duplex Dwelling.
- The key finding of this report is that staff are satisfied the requested variances for reduced driveway width and noise mitigation fulfills the Four Tests, but the variances for the Unobstructed Walkway and driveway material do not satisfy any of the Four Tests.
- 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:

503 Victoria Street North is located within the Central Frederick neighbourhood and is situated on the south side of Victoria Street between Filbert Street and Locust Street. The property has approximately 11.2 metres of frontage on Victoria Street North, which is a Regional Arterial Road, and currently contains an existing Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached) (Duplex Dwelling). The property is within 300 metres of a railway corridor and as such, Metrolinx has requested two conditions of

approval to help ensure minimal conflicts between the proposed Additional Dwelling Unit (ADU) (Attached) and the railway corridor.



Figure 1: Location Map (503 Victoria St N shown in RED)

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Conservation B' on Map 20 – Central Frederick Neighbourhood Plan for Land Use in the City's 1994 Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1. The property also falls within Appendix H – Residential Intensification in Established Neighborhoods Study (RIENS) Area in Zoning By-law 85-1

The purpose of the application is to review the requested minor variances to facilitate the conversion of an existing duplex to a triplex. The proposed variances seek to permit an existing reduced minimum driveway width, an existing absence of noise mitigation, and for the existing driveway to overlap with and to be comprised of the same material as the required new 1.1 metre Unobstructed Walkway.

Staff note that it may be possible to avoid the variances to the Unobstructed Walkway and driveway material by modifying the existing shared entrance to include an entrance to the basement unit, as shown in Figure 9 below. This would facilitate the conversion of the existing 'Duplex' to a 'Triplex' while avoiding complications with the driveway overlapping with the Unobstructed Walkway.

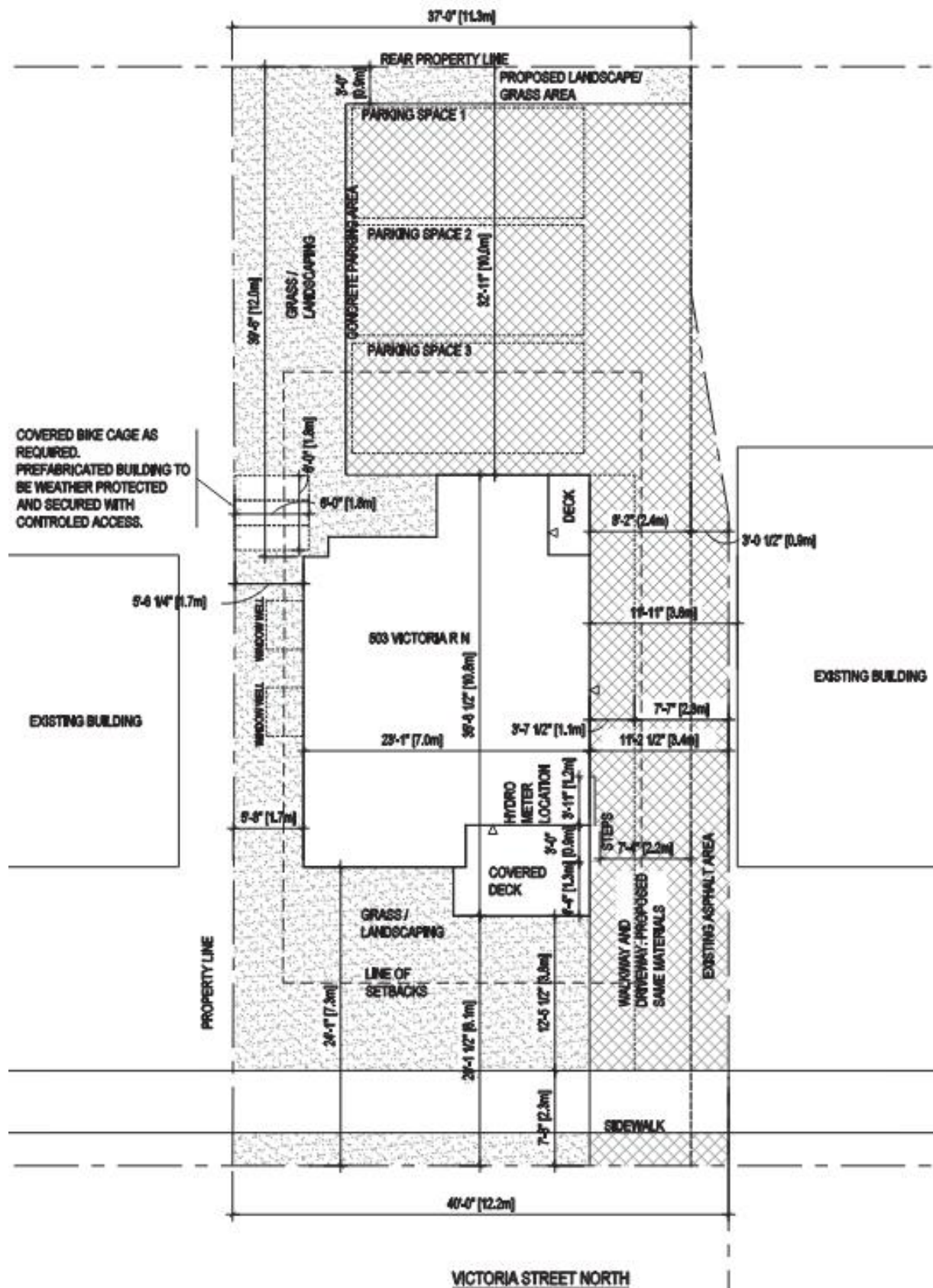


Figure 2: Site Plan



Figure 3: Existing House - Right Side



Figure 4: Existing House - Left Side



Figure 5: Existing Driveway Facing Victoria Street North



Figure 6: Existing Parking



Figure 7: Existing Parking to be Converted to Landscaping

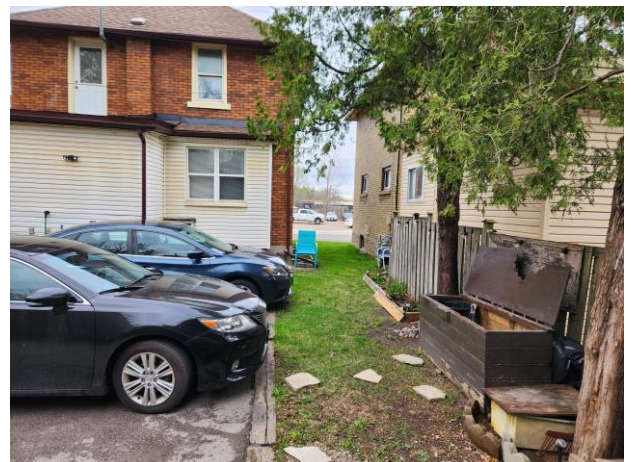


Figure 8: Existing Outdoor Amenity Space

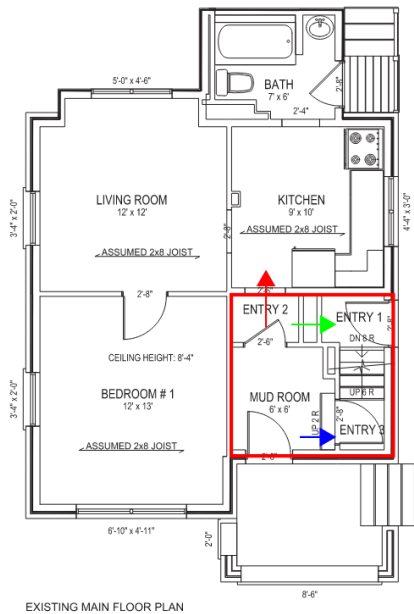


Figure 9: Possible Shared Ground Floor Entrance

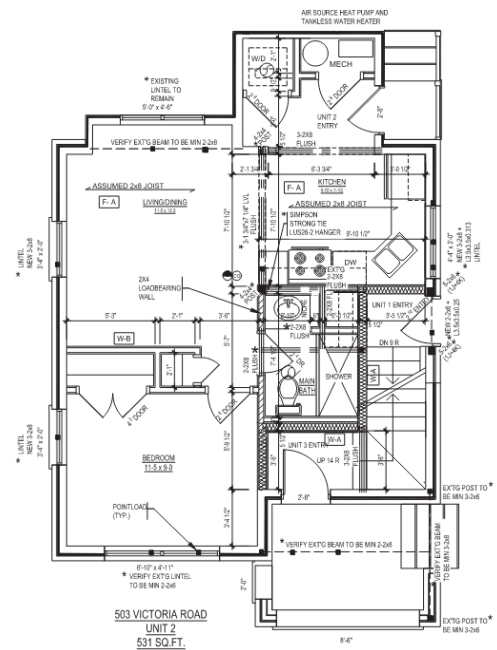


Figure 10: Proposed Ground Floor

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 general intent of the 'Low Rise Conservation B' in the Central Frederick Secondary Plan is to retain the existing low rise, low density residential character of the Neighbourhood. Retention of the existing low-rise, low-density neighbourhood scale shall be encouraged through the long-term maintenance and improvement of the existing house stock, and the creation of additional residential units through conversion of existing residential structures. To this regard, staff are satisfied that adding an additional dwelling unit to an existing residential building with an existing reduced driveway width and absence of noise mitigation maintains this general intent. Furthermore, staff are satisfied that the reduced driveway width and absence of noise mitigation do not interfere with the appropriate functions of the lands and do not create adverse impacts for adjacent properties, as required by Official Plan policy 4.C.1.8.e).

However, staff have significant concerns that the proposed variances to allow the Unobstructed Walkway to overlap entirely with the driveway will impede the appropriate functions of the land and potentially create adverse impacts on abutting properties, which conflicts with Official Plan policy 4.C.1.8.e). The applicant has stated that there is sufficient parking located within the rear yard and as such, the Unobstructed Walkway will only be temporarily obstructed when cars are entering and leaving the site. While it is true there are three (3) parking spaces located within the rear yard, Transportation Services has concerns with the functionality. As shown on Figure 11 below, the parking spaces are situated perpendicular to the house with about 8.5 metres of driveway width. After

accounting for the minimum 5.5 metre parking spot there, there is only about 3 metres of space available to make the necessary 90 degree turn to enter and leave the parking space. This is significantly lower than the standard 6.7 metres drive aisle usually provided for turning movements for single loading parking. As such, Transportation Staff anticipate significant challenges with daily parking that may encourage or even force tenants to park on the driveway directly within the path of the Unobstructed Walkway.

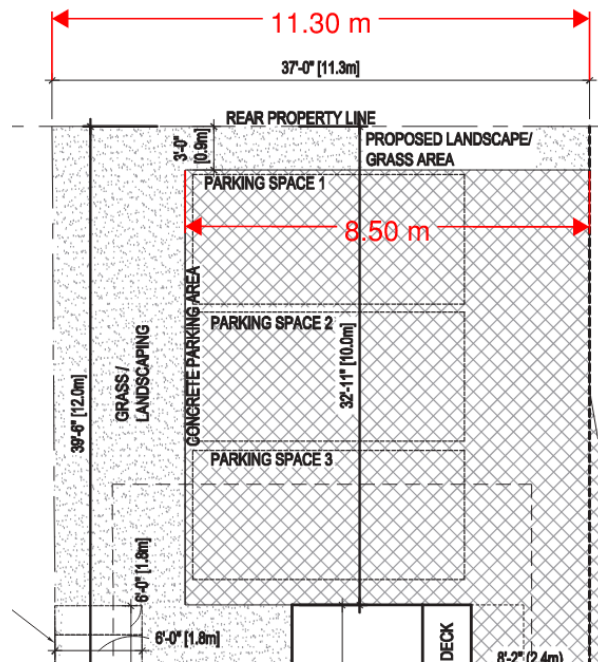


Figure 11: Proposed Rear Yard Parking (Drive Aisle Measured using Plan Scale)

In addition to Transportation Service's comments above, planning staff identified challenges with the existing parking layout during the site visit that further supports Transportation's concerns. As shown in Figures 6 and 7, the existing parking layout extends the entire length of the rear yard, which is proposed to be reduced to accommodate required rear yard landscaping. Despite this extra existing parking length, staff found it difficult to make the necessary turning movements to leave the site in either a forward motion or by reversing out of the parking space and driveway, leading staff to question whether the existing parking length could support three parking spots. This means that when the parking layout is reduced by 0.9 metres in length to meet the minimum rear yard landscaping requirements, the parking difficulties experienced by staff will only get worse and increase the chances of someone parking on the driveway beside the house directly within the path of the Unobstructed Walkway.

Staff also note that Victoria Street North is an Arterial Road which prohibits on street parking at all times and prohibits stopping during peak hours. These on street restrictions places addition pressure on the driveway and rear yard parking to accommodate things like visitors, contractors, and deliveries. Given the challenges with rear yard parking discussed above, it is anticipated that any visitors, contractors, and deliveries would have to park on the driveway beside the house thereby interfering with the Unobstructed Walkway and appropriate function of the lands.

In addition to parking concerns, Official Plan policy 4.C.1.8.a) states that where minor variances are requested to facilitate residential intensification, the overall impact of the

variances will be reviewed to ensure that any modifications to existing buildings have regard to Official Plan Section 11, amongst other provisions. Official Plan Section 11 policy 11.C.1.15 states that development applications will be reviewed to ensure they are designed to accommodate fire prevention and timely emergency response. To this regard, Emergency Services through discussions with Transportation Services have stated that proposed parking layout, driveway, and Unobstructed Walkway are not designed for adequate fire prevention and have potential to significantly impact timely emergency responses. As discussed above, there is a high probability that parking will occur on the driveway directly beside the house and within the Unobstructed Walkway. This parking situation combined with a reduced driveway width means there would be minimal space to get a stretcher or other emergency equipment to the Additional Dwelling Unit, thereby negatively impacting adequate fire prevention and timely emergency responses.

General Intent of the Zoning By-law

The general intent of the minimum 2.6 metre driveway width is to ensure there is sufficient space to park and access a vehicle. Staff note that it might be difficult to park and access a vehicle directly beside the front porch stairs where the driveway is only 2.2 metres wide, but the rest of the driveway beside the house is 2.48 metres in width which should be sufficient to park and access a vehicle. As such, staff are satisfied the variance for reduced minimum driveway width maintains the general intent of the Zoning By-law.

The general intent of the noise mitigation measures required by Zoning Section 5.24 is to ensure that any new residential buildings within 12 metres of an Arterial Road are designed to handle the increased noise associated with an Arterial Road. To this regard, the building on 503 Victoria Street North is an existing building with two units. Staff are satisfied that adding a third unit to an existing building with an existing absence of noise mitigation does not conflict with the general intent of this zoning regulation.

The general intent of the 1.1 metre wide Unobstructed Walkway comes from the Emergency Services Policy which requires a suitable emergency access route from a street or sidewalk to the principal entrance of an Additional Dwelling Unit (ADU) (Attached) where the door does not face a street. The Unobstructed Walkway must remain completely unobstructed at all times with at least 2.1 metres of overhead clearance to ensure timely emergency responses by guaranteeing that nothing will impede or block emergency equipment like stretchers or fire fighting equipment. As discussed above, staff anticipate that parking will occur on the driveway directly beside the house and within the Unobstructed Walkway due to the challenging rear yard parking layout and lack of on street parking. As such, Emergency Services are not satisfied that there is a suitable emergency access route.

The general intent of the zoning regulation requiring the driveway material to be different and distinguishable from all other ground cover, including landscaping and Unobstructed Walkways, is to ensure parking only occurs within approved and designated areas and that parking will not conflict with other outdoor areas, such as landscaping and Unobstructed Walkways. As discussed above, staff believe the rear yard cannot function as the sole parking area which means parking will most likely occur directly beside the house and within the Unobstructed Walkway. This does not satisfy the general intent of the zoning regulation.

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

Staff are satisfied that the effects of the proposed variances to allow an existing reduced driveway width and absence of noise mitigation to facilitate the conversion of a 'Duplex' to a 'Triplex' are minor in nature. As mentioned above, the driveway width is 2.2 metres directly beside the front porch steps and 2.48 metres beside the rest of the house, which does not impede proper function of the driveway and lands. The lack of noise mitigation already exists for the Duplex and should not create unacceptable impacts for the third unit.

Staff are not satisfied that the effects of the proposed variances to allow the Unobstructed Walkway to overlap and be comprised of the same material of the driveway is minor in nature. As discussed above, staff anticipate parking will occur within the Unobstructed Walkway which can have significant negative effects in an emergency.

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

Staff are satisfied that the proposed variances for an existing driveway width and absence of noise mitigation are desirable for the appropriate development and use of the land and building. These variances will facilitate a gentle intensification by allowing a third unit to be added within an existing building with no anticipated negative impacts.

Staff are not satisfied that the proposed variances for the Unobstructed Walkway and driveway material are desirable for the appropriate development and use of the land and building. As discussed above, staff anticipate these variances will create an undesirable conflict between emergency access and parking which has the potential for significant negative impacts. Staff also note that there are other design options which avoid these variances entirely, meaning that refusal of these variances does not prohibit an Additional Dwelling Unit (Attached) from being added to this building.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

The property is located within the Central Frederick Neighborhood Cultural Heritage Landscape (CHL). 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 proposed driveway relief is not anticipated to have any adverse impacts on the character-defining elements of the CHL. As such, staff have no concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering has no concerns.

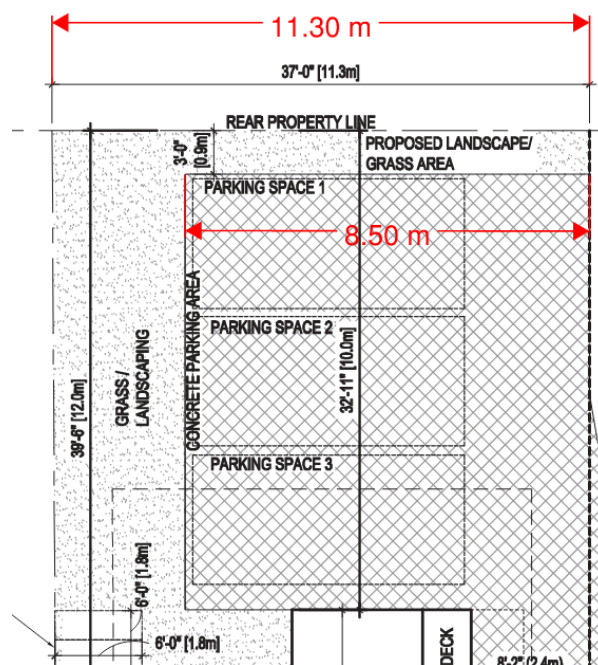
Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services has reviewed this application and offer the following comments.

- NOT SUPPORTABLE - Zoning By-law 85-1 Section 5.22.f) to permit an Unobstructed Walkway to overlap with the driveway whereas the bylaw does not permit any part of the Unobstructed Walkway to overlap with the driveway.
- SUPPORTABLE (existing driveway) - Zoning By-law 85-1 Section 6.1.1.1.b) ii) b) to permit a minimum driveway width of 2.2 metres whereas the by-law requires a minimum driveway width of 2.6 metres.
- NOT SUPPORTABLE - Zoning By-law 85-1 Section 6.1.1.1. b) vi) to permit a driveway with the same material as the Unobstructed Walkway whereas the by-law requires the driveway material to be different and distinguishable from all other ground cover or surfacing on the lot, including landscaping and unobstructed walkways.
- Based on the plan that was submitted with this application, Transportation Services cautions the applicant with the functionality of the existing parking. Accessing these parking spaces at the rear of the property will be difficult at times due to the narrow drive aisle. The plan notes in red an 8.5 metre parking length. This equates to a 3.0 metre drive aisle with a typical 5.5 metre parking space. Typically, a 6.7 metre drive aisle is provided for single loaded parking.



Region of Waterloo Comments:

No 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*
- *Emergency Services Policy*