

**REPORT TO:** Committee of Adjustment

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

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

**PREPARED BY:** Andrew Pinnell, Senior Planner, 519-783-8915

**WARD INVOLVED:** Ward 10

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

**REPORT NO.:** DSD-2025-223

**SUBJECT:** Minor Variance Application A2025-050 - 244 Samuel Street

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## RECOMMENDATION:

That Minor Variance Application A2025-050 for 244 Samuel Street requesting relief from Section 5.4, Table 5-3 of Zoning By-law 2019-051, related to a Single Detached Dwelling, within lands identified on Appendix C – Central Neighbourhoods, to permit:

- i) a driveway with a width of 8 metres (68% of the lot width), whereas only a driveway with a maximum width of 4.7 metres (40% of the lot width) is permitted; and
- ii) a driveway to be located 0.5 metres from the rear lot line, whereas the driveway shall not be located closer to this lot line than the required side yard setback of the dwelling which is 1.2 metres;

for the purposes of facilitating an enlargement of the existing driveway, while maintaining a minimum 1.8 metre high wood fence along that portion of the rear lot line (shared with 100 Stirling Avenue North) from which the proposed driveway is set back 0.5 metres, generally in accordance with drawing attached to Report DSD-2025-223, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of variances for relief from driveway width and setback regulations related to a Single Detached Dwelling within lands identified on Appendix C – Central Neighbourhoods.
- 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.



**Figure 1 – Subject Property (outlined in red) in context of surrounding neighbourhood**

#### **BACKGROUND:**

The subject property is located at the southeast corner of Samuel Street and Stirling Avenue North, in the Auditorium Planning Community. The property contains a single detached dwelling, constructed in approximately 1925, with an attached garage that was added sometime later. An existing single car driveway leads directly from the garage to Stirling Avenue North. A wood board fence with an approximate maximum height of 1.8 metres and stepping down towards Stirling Avenue North, is located along the rear lot line (shared with 100 Stirling Avenue North).

The lands immediately surrounding the subject property are comprised almost entirely of low rise residential uses (mainly detached dwellings). Sheppard Public School is located to the southeast, and Knollwood Park and the Kitchener Memorial Auditorium Complex are located to the west.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the 2014 Official Plan and is designated as 'Low Rise Residential' on Map 3 – Land Use.

The property is zoned 'Low Rise Residential Four Zone' (RES-4) under By-law 2019-051. The property is not located within a Protected Major Transit Station Area but is located only 760 metres from the Kitchener Market ION Station Stop.

Development and Housing Approvals staff visited the site on May 6, 2025.





**Figure 2 – Photo of Subject Property, taken from Stirling Avenue North. The existing driveway is shown at centre. The existing wood board fence is also shown along the rear lot line (shared with 100 Stirling Ave N).**

The purpose of the subject application is to request relief from Section 5.4, Table 5-3 of Zoning By-law 2019-051, related to a Single Detached Dwelling, within lands identified on Appendix C – Central Neighbourhoods, to permit:

- i) a driveway with a width of 8.0 metres (68% of the lot width), whereas a maximum width of 4.7 metres (40% of the lot width) is required; and
- ii) a driveway to be located 0.5 metres from the rear lot line, whereas the driveway shall not be located closer to this lot line than the required side yard setback of the dwelling (1.2 metres);

for the purposes of facilitating an enlargement of the existing driveway.

It should be noted that for the purposes of the Variances:

1. The subject property is a corner lot, and lot width is based on the front lot line, which, in this case, is the shorter lot line abutting a street (i.e., Samuel Street), even though the driveway does not technically cross this lot line. Instead, the driveway crosses the longer lot line abutting Stirling Avenue North (i.e., exterior side lot line). The zoning definition of Front Lot Line states, "...in the case of a corner lot, the shorter lot line abutting a street, not including the lot line forming part of a corner

visibility triangle, shall be the front lot line...” In this regard, the maximum driveway width is based on the front lot line (abutting Samuel Street), despite the fact that the driveway can only be accessed across the exterior side lot line (abutting Stirling Avenue North).

Also, the driveway is not a full 8 metres wide for the entire length. Rather, it is 8 metres wide only at the front façade of the garage, tapering to 5.2 metres wide at the property line (and only 3.5 metres wide at the travelled portion of Stirling Avenue North), and reduced to 4.8 metres wide beside the attached garage.

2. It should also be noted that the regulation requires a driveway setback to the rear lot line (i.e., that lot line farthest from and opposite to the front lot line abutting Samuel Street), not the side lot line, even though the regulation states that the driveway, “...shall be located no closer than the required side yard setback of the dwelling...” In this case, technically, it is the *required* side yard setback of 1.2 metres that must be applied to the driveway setback from the rear lot line. This is because the regulation is primarily intended to be applied to interior lots where the driveway crosses the front lot line, rather than be applied to a corner lot (such as this case) where the driveway crosses the exterior side lot line.

## **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 2014 Official Plan contains a few policies that are relevant to the subject application, for example:

- 11.C.1.28. Neighbourhoods in the City can be characterized as either suburban or central neighbourhoods. The Urban Design Manual provides design direction with respect to character, built form and amenities in both typologies of neighbourhoods. a) In the Central Neighbourhoods the City’s primary focus will be to ensure that new infill development is compatible with the existing neighbourhood.
- 13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...f) to result in aesthetically acceptable parking areas which blend into the general environment of the area.

The subject property is within the Central Neighbourhoods. Although infill development is not proposed, Development and Housing Approvals (DHA) staff is of the opinion that the proposed driveway width and setback are, nonetheless, compatible with the existing neighbourhood, noting that the driveway width is proportionally acceptable, since the driveway is accessed across the (longer) exterior side lot line (Stirling Avenue North), rather than from the shorter front lot line (Samuel Street).

Also, the driveway would be tapered (narrowed) from 8 metres wide at the front façade of the garage to only 5.2 metres wide at the property line. This would allow for a portion of the boulevard landscaping to be retained and would separate the subject driveway from the driveway of the abutting property (100 Stirling Avenue North). Staff is satisfied that the resultant driveway would be aesthetically acceptable and would blend into the general area, noting that driveway widths within the surrounding neighbourhood are quite varied in terms of width and other characteristics.

The Official Plan also provides several policies that state the City encourages and supports the adaption of the existing housing stock through renovation and seeks to support and attempt to accommodate residents who wish to adapt their housing to better suite their circumstances and needs that may change over time. The variances would facilitate a driveway expansion that would accommodate a second, larger vehicle, whereas the applicant states the current driveway in front of the garage can only accommodate one small vehicle. The proposal would facilitate the implementation of these policies:

- 4.C.1.10. Where appropriate, and without limiting opportunities for intensification, the City will encourage and support the ongoing maintenance and stability of existing housing stock in the city by: a) supporting the reuse and adaption of the housing stock through renovation, conversion and rehabilitation;
- 4.C.1.20. The City will support and attempt to accommodate residents who may wish to adapt their housing to better suit their circumstances and needs that may change over time, provided these changes to the housing do not significantly impact the nature or community character of the surrounding residential area.

Staff is satisfied that the requested variances meet the general intent of the Official Plan.

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

The intent of the driveway width and setback regulations is to ensure that compatibility of character is achieved, within the Central Neighbourhoods.

The driveway width variance is required because the subject property is a corner lot. If the lot width could be based on the Stirling Avenue North frontage, a driveway width variance would not be required. It should be noted that the proposal complies with Section 5.4 f), which states, “f) Despite any provision in Table 5-2 and Table 5-3 a driveway associated with a single detached dwelling...may not exceed 8.0 metres in width...”

The driveway setback variance for a minimum 0.5 metre driveway setback is proposed at the parking space and the setback would increase as the driveway approaches Stirling Avenue North (as the driveway tapers, away from the abutting rear property line (shared with 100 Stirling Avenue North).

In this regard, DHA staff is satisfied that the requested variances meet the general intent of the Zoning By-law.

Are the Effects of the Variance Minor?

DHA staff is of the opinion that the requested variances are minor, since they are not anticipated to cause unacceptably adverse impacts on adjacent properties. The majority of the driveway on the subject property will be 4.8 metres in width, only 0.1 metres greater than the permitted width, the 8 metre width will only occur at the façade of the attached garage and the driveway will be located on the longer lot line which is 22 metres in length. The proposed driveway expansion is not anticipated to significantly impact the nature or community character of the surrounding residential area. It should be noted that Transportation Services has “no concerns with this application.”

Are the Variances Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

DHA staff is of the opinion that the requested variances are desirable and appropriate for the subject property. The requested variances would facilitate a driveway expansion that would accommodate a second, larger vehicle, whereas the applicant states the current driveway in front of the garage can only accommodate one small vehicle.

**Environmental Planning Comments:**

No comments received.

**Heritage Planning Comments:**

The property is located within the Pandora 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 widening 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 variances.

**Engineering Division Comments:**

Engineering has no concerns.

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

No concerns, no requirements.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Regional Municipality of Waterloo:**

No concerns.

**Grand River Conservation Authority:**

No objections.

**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 – Plan Submitted with Application

**Attachment A – Plan Submitted with Application**

