

**REPORT TO:** Committee of Adjustment

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

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

**PREPARED BY:** Tim Seyler, Senior Planner, 519-783-8920

**WARD(S) INVOLVED:** Ward 4

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

**REPORT NO.:** DSD-2025-226

**SUBJECT:** Minor Variance Application A2025-048 - 24 Amherst Drive

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## RECOMMENDATION:

That Minor Variance Application A2025-048 for 24 Amherst Drive requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.4 f) and Table 5-2 to permit a driveway width of 8.3 metres instead of the maximum permitted driveway width of 8 metres; and
- ii) Section 7.3, Table 7-2, to permit an interior side yard setback of 0 metres instead of the minimum required 1.2 metres;

to recognize an existing driveway and facilitate the conversion of the existing garage into an entry area for an Additional Dwelling Unit (ADU) (Attached), generally in accordance with drawings submitted as part of Minor Variance Application A2025-048, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit a driveway to be 8.3 metres in width and 0 metres from the side lot line.
- 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 corner of Amherst Drive and Drummond Drive in the Doon South neighbourhood.



**Figure 1 — Location of subject property – 24 Amherst Drive**

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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to legalize an existing driveway to be 8.3 metres in width rather than the maximum permitted 8.0 metres, and to permit a driveway to be setback 0 metres from the side lot line instead of the required 1.2 metres. The owner is proposing to add an Additional Dwelling Unit (ADU)(Attached) to the existing Single Detached Dwelling and is in the process of obtaining a Building Permit.

It should be noted that the Committee of Adjustment previously approved both of the required driveway variances in 2013, in order to convert the existing Single Detached Dwelling to a Duplex Dwelling. The driveway was constructed at the time of the Minor Variance Approval; however, the owner/applicant did not clear the required conditions of the Minor Variance Approval, a Building Permit was never issued and the Single Detached Dwelling was never converted to a Duplex Dwelling. The minor variance then lapsed and was never fully in force and effect. The applicant is now applying to add an Additional Dwelling Unit (ADU)(Attached) within the Single Detached Dwelling and this now requires the minor variances for the existing driveway conditions.

The existing garage will be converted to an entrance for the Additional Dwelling Unit (ADU) and will have a principal entrance off of the front portion of the building. A 1.1 metre unobstructed walkway is not required where the principal entrance to the dwelling unit is located on the street line façade. Figure 2 does indicate a proposed walkway; however, it

is not a requirement for the development should the owner/applicant choose not to move forward with the walkway.

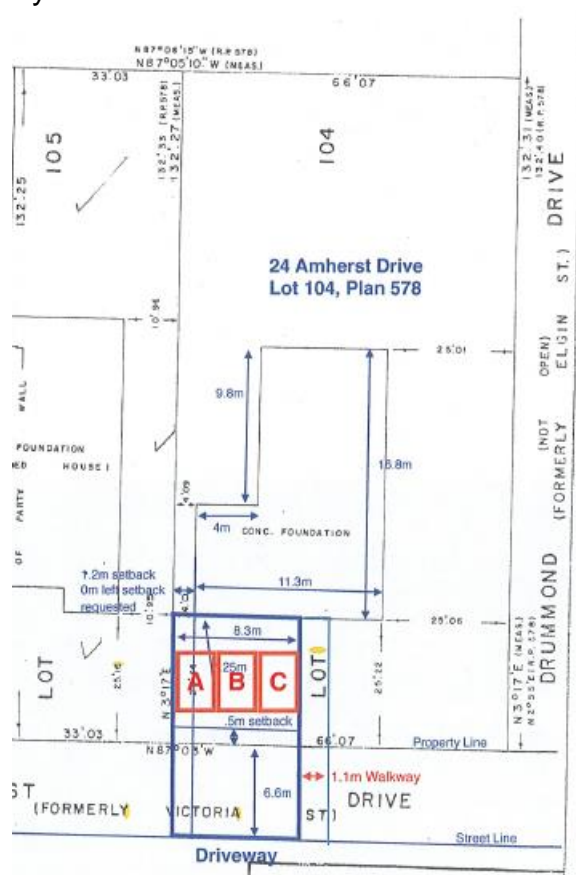


Figure 2 — Site Plan showing existing driveway location with parking

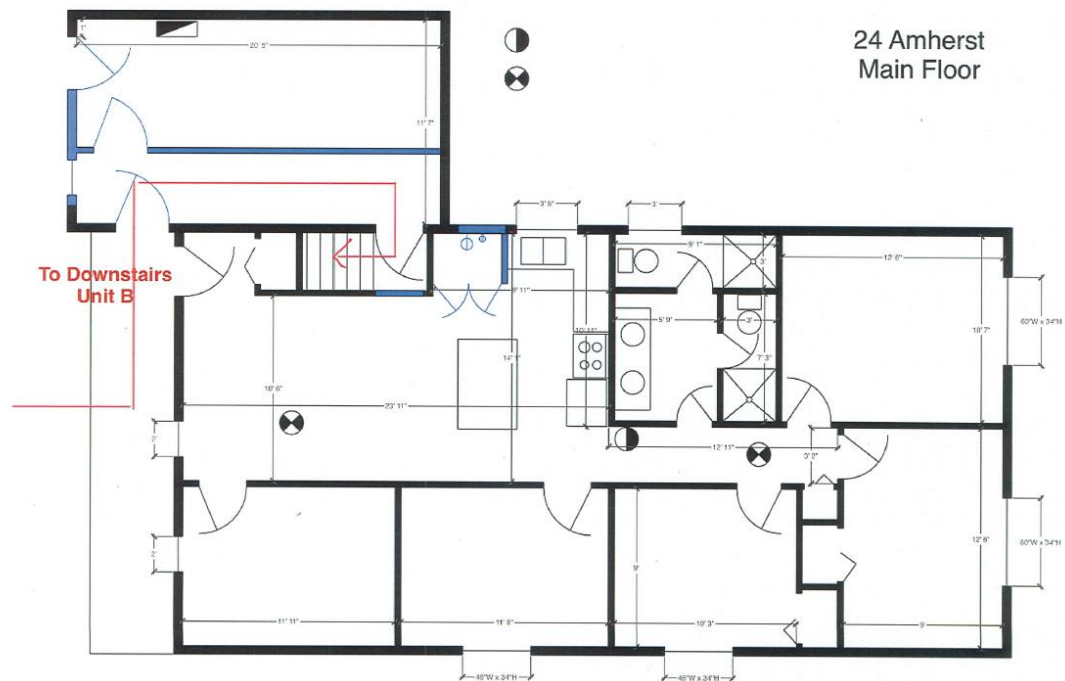


Figure 3 — Floor Plan showing proposed new entrance and garage conversion.



**Figure 4 — View of 24 Amherst Drive from the street.**

**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 Residential’ in the City’s Official Plan. The intent of this designation is to encourage a range of different housing to achieve a low rise built form in the neighbourhood.

Specifically, Section 13.C.8.4 of the Official Plan states:

“All parking area 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.”

Planning staff are of the opinion that the existing widened driveway currently blends into the streetscape and surrounding environment. The appearance of the driveway does not have any adverse impacts. Therefore, the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Section 7.3, Table 7-2 of Zoning By-law 2019-051, states that a driveway shall be no closer to the side lot line than the required side yard setback. This ensures that vehicles and their access do not encroach upon adjacent properties. Staff note that the exiting



driveway does not encroach onto the neighbouring property, and is separated with a small retaining wall, this section of the driveway does not present any encroachment issues.

Section 5.4, Table 5-2, further states that the maximum width of a driveway with an attached private garage is the width of the garage or 50% of the lot width. As well, Section 5.4 f) states that no driveway shall exceed 8 metres in width. The existing widened driveway was approved by the Committee of Adjustment in 2013 and is in line with what was approved at that time. No further widening has been requested to the existing driveway.

Therefore, the proposed variances maintain the general intent of the Zoning By-Law.

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

The proposed variances will allow an existing driveway, that was established in 2013, to remain. The proposed variance will legalize an existing situation that has received no complaints while in existence for over the past 10 years. Staff do not anticipate any changes to the appearance and function of the existing driveway. Staff do not anticipate any significant or adverse impacts as a result of the minor variance. Therefore, the effects of the proposed variances are minor in nature.

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

The proposed variances are desirable and appropriate for the use of the land because they will recognize an existing driveway that was approved previously in 2013 and facilitate a gentle intensification with the development of an Additional Dwelling Unit (ADU) (Attached).

**Environmental Planning Comments:**

No environmental concerns, as no new development/construction is proposed.

**Heritage Planning Comments:**

No heritage planning concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided a building permit for the new attached ADU is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**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. For future reference, the parking space dimensioning should be noted in the plan.

## **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*
- *Minor Variance Application A2013-020*