

REPORT TO: Committee of Adjustment

DATE OF MEETING: June 17, 2025

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

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: June 3, 2025

REPORT NO.: DSD-2025-257

SUBJECT: Minor Variance Application A2025-055 – 89 Matthew Street

RECOMMENDATION:

That Minor Variance Application A2025-055 for 89 Matthew Street requesting relief from Section 4.12.3 e) of Zoning By-law 2019-051, to permit an Additional Dwelling Unit (ADU) (Detached) to have an area of 93 square metres instead of the maximum permitted 80 square metres, generally in accordance with drawings prepared by Southwood Homes Architectural Design, dated April 24, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to permit the development of a detached Additional Dwelling Unit (ADU) with an increased area.
- The key finding of this report is that the requested minor variance meets 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.

BACKGROUND:

The subject property is located on the north-west side of Matthew Street and Marketa Crescent. It is in the Grand River North neighbourhood which is primarily comprised of low-rise residential uses.



Figure 1: Location Map – 89 Matthew Street (Outlined in Red)

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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The applicant is proposing to build a detached Additional Dwelling Unit (ADU) in the rear yard of the property having an area of 93 square metres. However, the maximum permitted building footprint of an ADU is 80 square metres. Since the proposed ADU exceeds the maximum permitted building footprint, a minor variance is required to the permit the development.

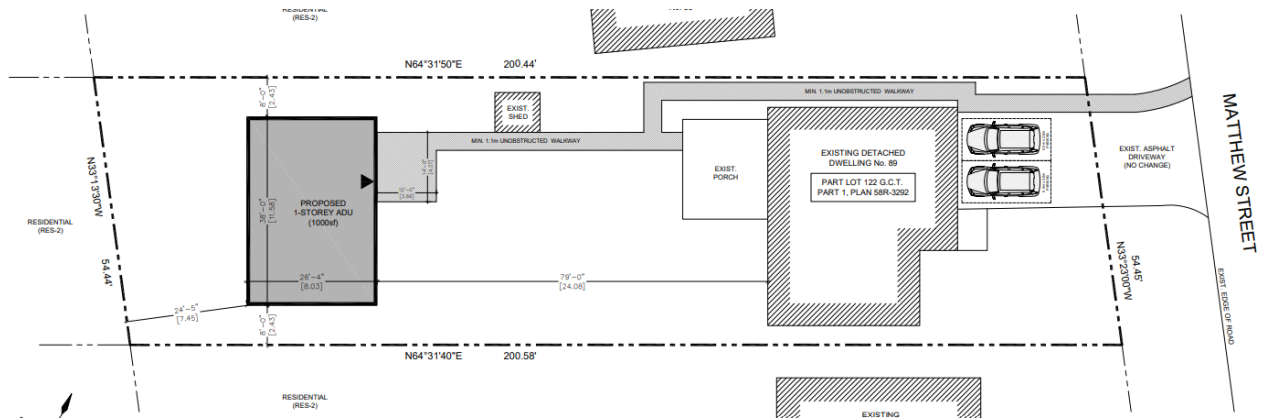


Figure 2: Proposed ADU Site Plan

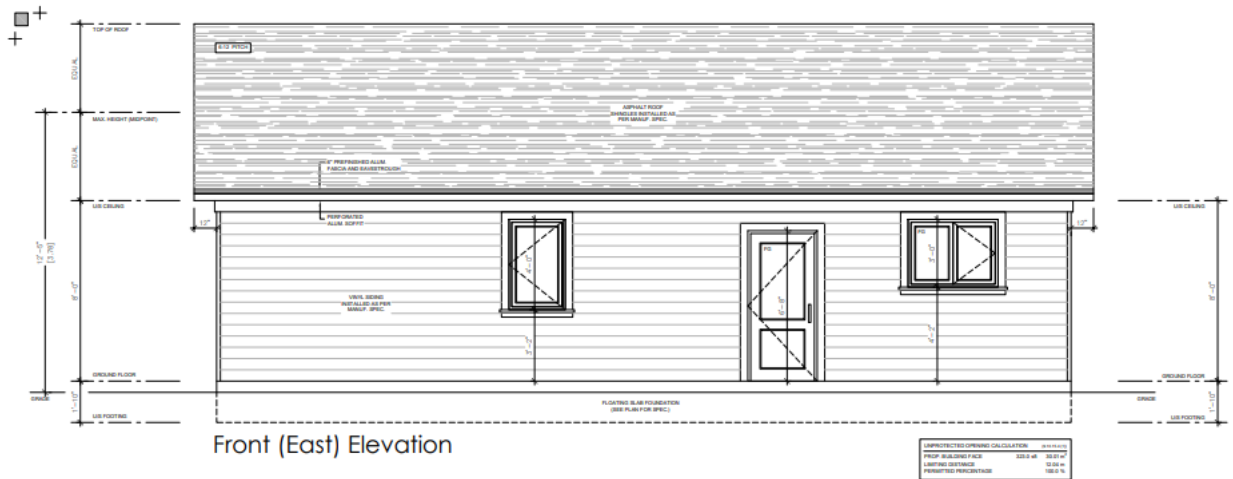


Figure 3: Proposed ADU Front Elevation

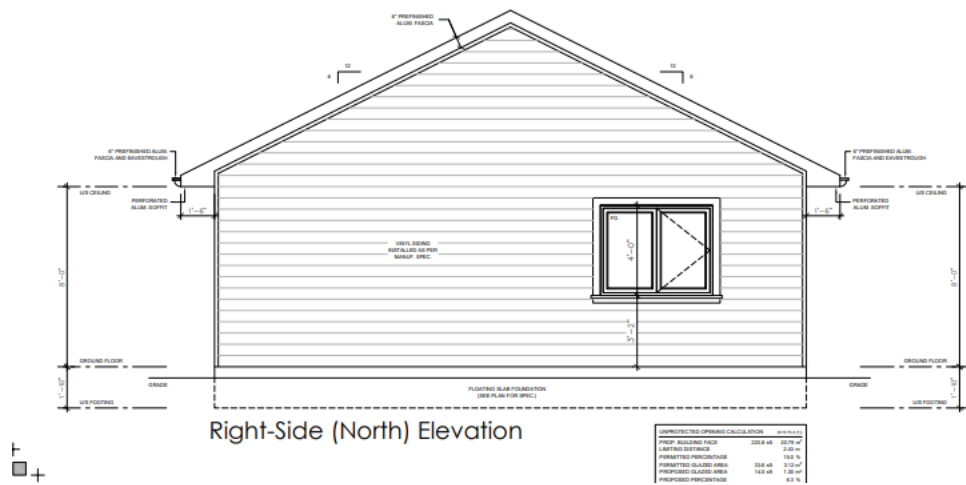


Figure 4: Proposed ADU Right Elevation

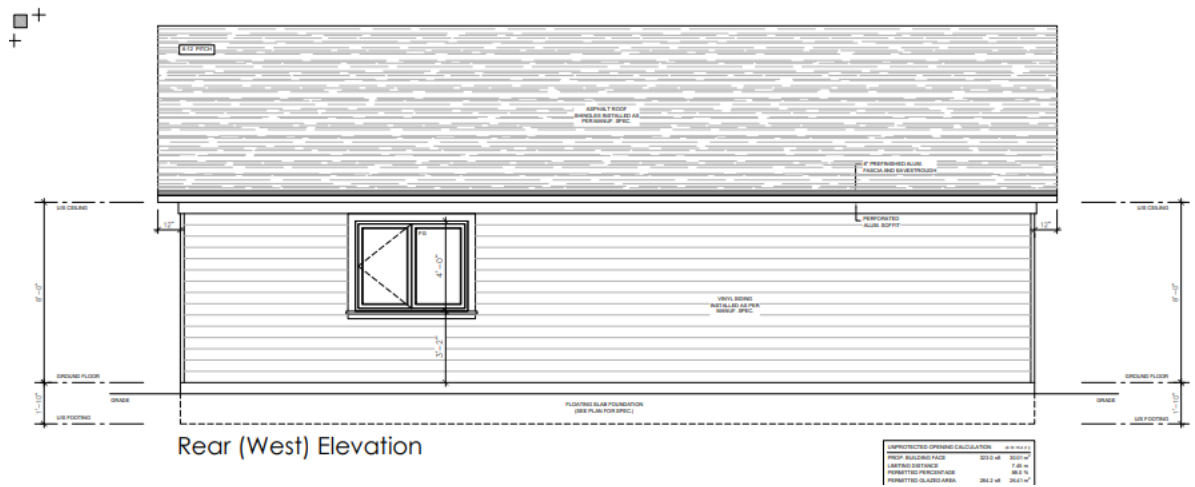


Figure 5: Proposed ADU Rear Elevation

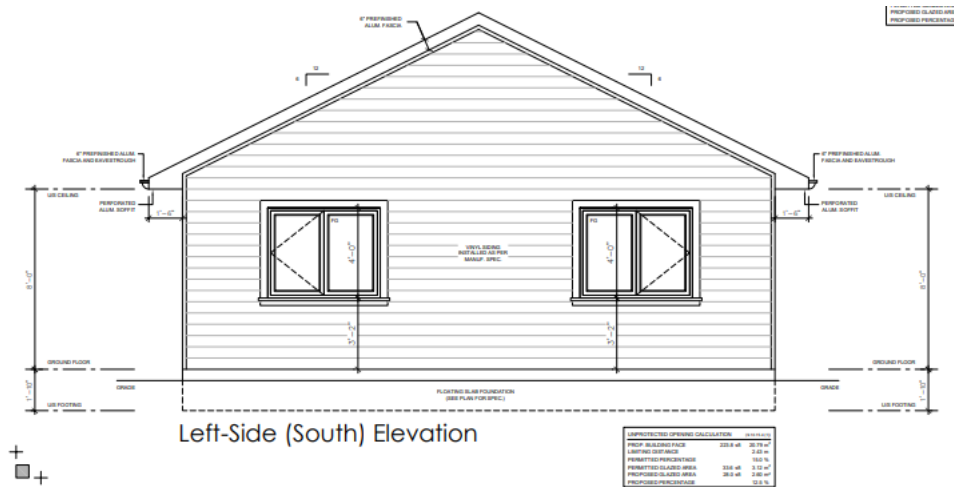


Figure 6: Proposed ADU Left Elevation

Planning Staff conducted a site visit on May 29, 2025.



Figure 7: Existing Site Conditions as of May 29, 2025

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. This designation emphasizes the importance of ensuring compatibility in building form with regard to massing, scale, and design, to facilitate the successful integration of diverse housing and building types while maintaining the low-density character of the neighbourhood.

Policy 4.C.1.23 permits up to 3 Additional Dwelling Units (ADUs) subject to meeting any other applicable policies in the Official Plan and Zoning By-law regulations.

4.C.1.23. The City may permit up to three additional dwelling units, attached and/or detached, on a lot which contains a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling as the principal use, unless otherwise limited by the policies of this Plan, and in accordance with the City's Zoning By-law, in order to provide additional housing options to Kitchener homeowners and residents.

The proposed Additional Dwelling Unit use of the property conforms to the land use designation and is a desirable addition to a residential property. Staff is in opinion that requested variance to be able to construct the Additional Dwelling Unit (ADU) (Detached) meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum building footprint is to ensure that accessory buildings remain secondary to the primary building. Although the building footprint of the accessory building exceeds the maximum permitted building footprint of 80 square metres as per Section 5.22.1 b) by 13 square metres, this increase remains proportionally smaller than the primary dwelling and does not overwhelm the primary dwelling. Staff is of opinion that the variance meets the general intent of the Zoning By-law by remaining secondary to the primary building.

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

The variance is minor in nature. The 13 square metres excess building footprint is not noticeable from the streetscape and will not impact the visual appearance of the property. The ADU will be located at the far rear of the property. Although the building footprint exceeds the maximum permitted area, the structure will maintain the maximum height of 4.5 metres. The structure's appearance will be compatible with adjacent viewpoints and visually consistent with its surroundings.

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

Planning staff is of the opinion that the variance is desirable for the appropriate development of the lands as it will facilitate the construction to an Additional Dwelling Unit at the rear of the primary dwelling. The larger footprint allows for improved internal functionality and livability. This will facilitate a gentle intensification of the subject property and support the City's Housing Pledge.

Environmental Planning Comments:

No concerns. The placement of the ADU has respected the existing trees on site. It is recommended that tree protection fencing be installed at the dripline of the trees to protect them during construction.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the detached ADU.

Engineering Division Comments:

No comments or concerns.

Parks and Cemeteries/Forestry Division Comments:

No comments or concerns.

Transportation Planning Comments:

No comments or 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 2019-051*