

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 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: July 4, 2025

REPORT NO.: DSD-2025-303

SUBJECT: Minor Variance Application A2025-064 - 82 Brunswick Avenue
(Future Severed)
Minor Variance Application A2025-065 - 82 Brunswick Avenue
(Future Retained)

RECOMMENDATION:

A. Minor Variance Application A2025-064 – 82 Brunswick Avenue (Future Severed)

That Minor Variance Application A2025-064 for 82 Brunswick Avenue (Future Severed) requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6 a), Table 5-5-1, to permit a parking requirement of 1 parking space instead of the minimum required 2 parking spaces; and
- ii) Section 7.3, Table 7-3, to permit a rear yard setback of 5.6 metres instead of the minimum required 7.5 metres;

generally in accordance with drawings prepared by Southwood Homes, dated May 29, 2025, BE APPROVED subject to the following condition:

1. That the Owner shall submit a Plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans and the Director of Parks and Cemeteries, showing the following:
 - a) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - b) the location of any existing buildings or structures to be removed or relocated;
 - c) the proposed grades and drainage;
 - d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size,

- species and condition. If necessary, the plan shall include required mitigation and or compensation measures;
- e) the location of all City-owned street-tree(s) demonstrating protection and preservation of the City-owned tree(s);
- f) justification for any tree(s) to be removed;
- g) outline tree protection measures for trees to be preserved; and
- h) building elevation drawings.

B. Minor Variance Application A2025-065 – 82 Brunswick Avenue (Future Retained)

That Minor Variance Application A2025-065 for 82 Brunswick Avenue (Future Retained) requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6 a), Table 5-5-1, to permit a parking requirement of 1 parking space instead of the minimum required 2 parking spaces; and
- ii) Section 7.3, Table 7-3, to permit a rear yard setback of 7 metres instead of the minimum required 7.5 metres;

generally in accordance with drawings prepared by Southwood homes, dated May 29, 2025, BE APPROVED, subject to the following condition:

1. That the Owner shall submit a Plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans and the Director of Parks and Cemeteries, showing the following:
 - a) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - b) the location of any existing buildings or structures to be removed or relocated;
 - c) the proposed grades and drainage;
 - d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition. If necessary, the plan shall include required mitigation and or compensation measures;
 - e) the location of all City-owned street-tree(s) demonstrating protection and preservation of the City-owned tree(s);
 - f) justification for any tree(s) to be removed;
 - g) outline tree protection measures for trees to be preserved; and
 - h) building elevation drawings.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations on Minor Variance Applications for future Severed and Retained Parcels proposed at 82 Brunswick Avenue to facilitate the creation of a Semi-Detached Dwelling with three dwelling units on each side.
- The key finding of this report is that the two Minor Variance Applications meet the 'four tests' of the *Planning Act* and approval 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 applicant submitted previous Minor Variance Applications for the subject property (Minor Variance Applications A2025-043 and A2025-044), which were ultimately refused by the Committee at the May 20th, 2025, meeting. Since this meeting, the applicant has revised the plan, now proposing two (2) Additional Dwelling Units on each property, rather than three (3) ADUs, for a total of 3 dwelling units on each half, and requests a parking reduction rather than driveway widening and front yard landscaping reduction. A rear yard setback reduction continues to be requested, but the revised plan has a slightly larger rear yard area.

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 June 27, 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 m², 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 and required parking to facilitate the development of a Semi-Detached Dwelling with two (2) Additional Dwelling Units (ADU) (Attached) in each half of the Semi-Detached Dwelling, for a total of six (6) dwelling units.

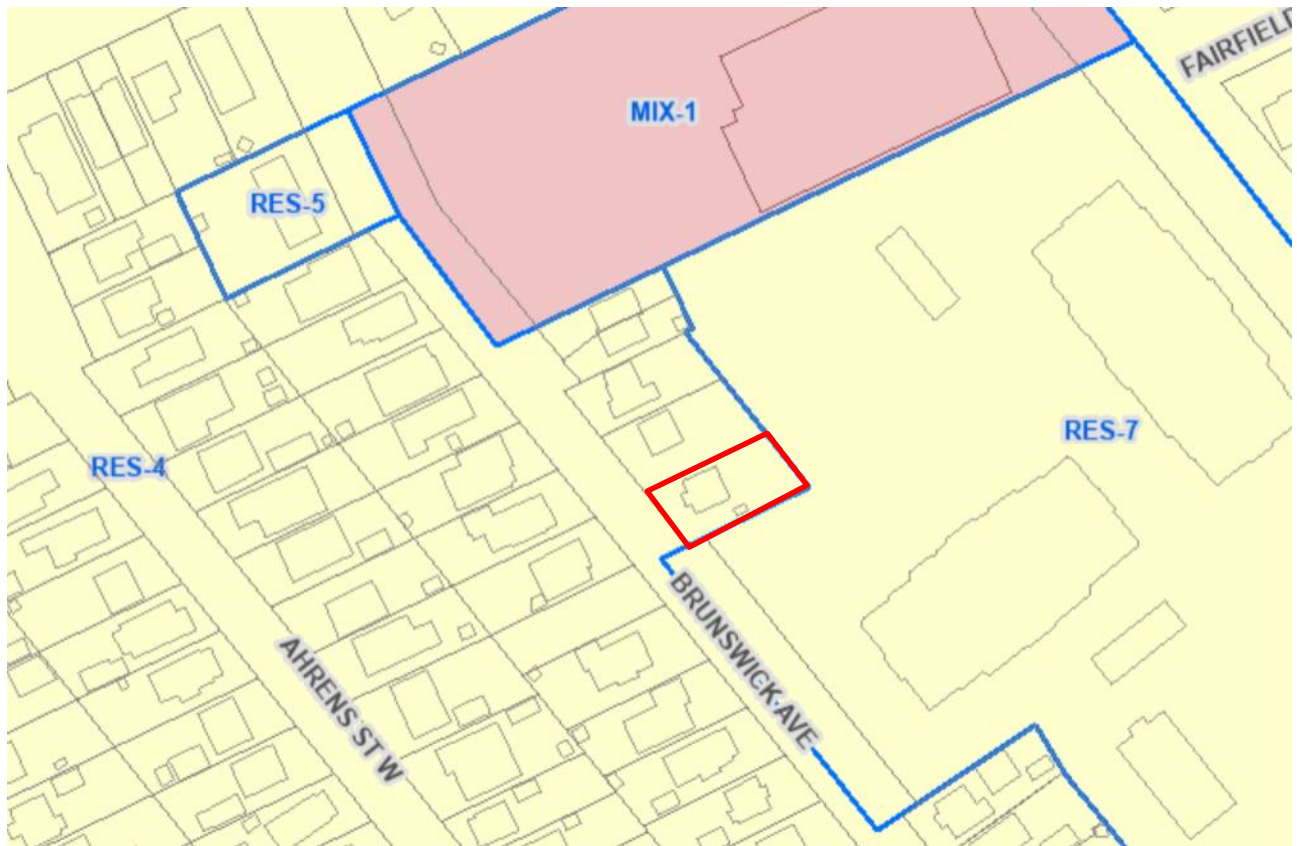


Figure 3: Zoning By-Law

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 and minimum parking spaces.

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), both requested variances would reduce the amenity area available on the site (the reduced rear yard) and the number of required parking spaces. Where the previous minor variance application sought to reduce both the rear yard area and front yard landscaped area, the revised application is only a reduction to the rear yard, maintaining the requirements for the front yard landscaped area, and the rear yard reduction is further reduced from the previous application. By maintaining the front yard landscaping and increasing the size of the rear yard from the previous application, the general intent of the amenity area is maintained. Providing one parking space for each side of the development results in two dwelling units not having a parking space. The dwellings without parking spaces are to be advertised and leased as such, and on-street parking is not a permitted alternative.

Where the previous Minor Variance Application had one (1) variance causing another, conflicting with Policy 4.C.1.8.f), the revised application does not have one variance causing another, and as such now meets this policy.

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, the predominant built form is single detached dwellings in a mix of bungalow, one and a half, and two storey forms, with occasional low-rise apartment buildings, save and except the Giant Tiger property and two tower Margaret Place development. Compatibility, as defined in the Official Plan, should not be interpreted as meaning “the same as”. Generally, a semi-detached dwelling with a single loaded driveway is compatible with the surrounding area.

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:

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. The combined area of the front and rear yards is typical of contemporary housing standards and considered sufficient landscaped and amenity area.

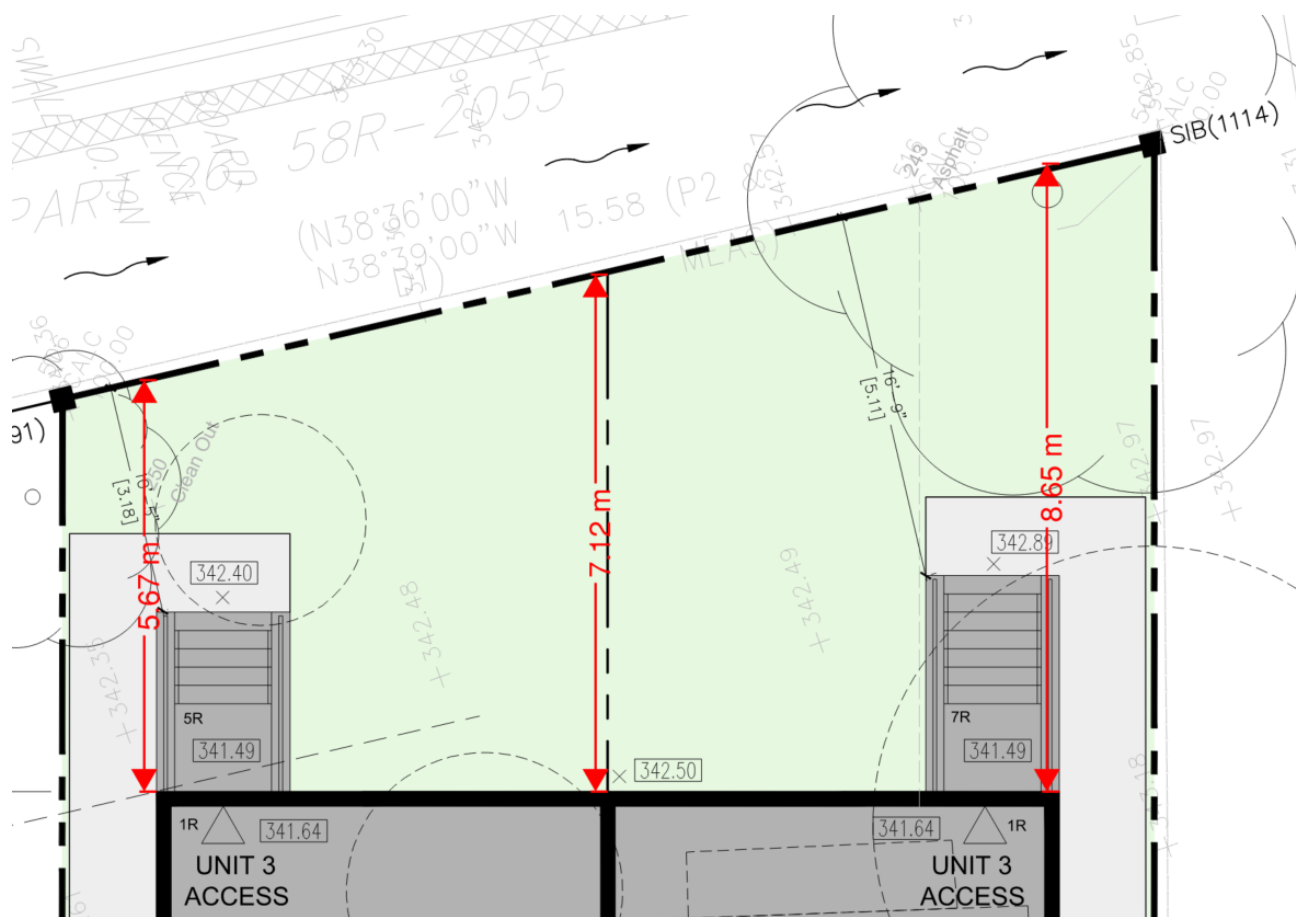
Planning staff are of the opinion that the variances would meet the general intent of the Official Plan.

General 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 5.6 metres at its shortest point, which continues to increase until reaching 7.1 metres at its longest. The average rear yard setback is roughly 6.35 metres, which results in a rear yard area of approximately 47.6 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 47.6 square metres that would be provided is 85% the area of the typical requirement. Based on the intent of the rear yard setback, the reduction results in an area that generally meets the intent of the Zoning By-law. Where this is a slight increase in rear yard area from the previous application, the now front yard landscaped area now more than meets the minimum of the Zoning By-law, providing additional amenity area that was not available in the prior plan.

For the future retained lot, the setback is 7.1 metres at its shortest point, which continues to increase until reaching 8.6 metres at its longest. The average rear yard setback is roughly 7.85 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.

Regarding the provision of parking spaces, the Zoning By-law establishes a parking rate for single detached housing and additional dwelling units, ultimately with the intent to ensure sufficient parking is provided for the proposed uses. The area has nearby transit access along Weber Street and Margaret Avenue, and cycling infrastructure is available on Margaret Avenue. Residents of additional dwelling units generally have a lower rate of car ownership and as such the variance to the required parking can be justified.



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

To assess if the effects of a variance are minor, a common approach is to consider potential adverse impacts to the area. A reduced rear yard area generally does not introduce adverse impacts to an area, and nearby green spaces such as Hart Green and Breithaupt Centre are available should outdoor activities require a space greater than the confines of the back yard. The reduced rear yard setback of the proposed dwellings will not adversely impact properties abutting a parking area for a multiple residential use in this location.

By reducing the number of parking spaces available, there is reasonable concern that cars will park in areas not designated or designed for parking. It is expected and required that the future tenants of the dwellings without a parking space are made aware and understand that they do not have a parking space, and on-street parking is not an acceptable solution.

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

Regarding the desirability of the variances, the decreased rear yard setback enables the dwelling units to be larger than typical Additional Dwelling Units. Based on the floor plans provided, the primary dwelling will be three bedrooms, with the two additional dwelling units being sizeable two bedroom units (~900-1,000 square feet). The reduced rear yard enhances the livability of the units, contributing to the mix of rental units available in the City.

The reduced minimum parking space requirements contributes to a reduction in auto-reliance, which is generally a desirable outcome. Official Plan policies 6.C.1.2.b.iv) and 7.C.7.3 both direct for a reduction in private automobile reliance to encourage active transportation use and protect air quality, respectively, furthering the proposals conformity to the Official Plan

Environmental Planning Comments:

No natural heritage features/functions. Tree(s) in shared ownership may be affected. Request tree management condition with standard wording for variance.

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 semi-detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862.00. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.58 m at a land value of \$36,080 per frontage meter, which equals \$13,674. In this case, a per unit cap of \$11,862 has been applied.

There is an existing City-owned street tree within the right-of-way 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:

Transportation Services have no concerns with this application.

Grand River Conservation Authority

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications. 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, permission from GRCA is not required.

Region of Waterloo

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 2019-051*
- *DSD-2025-211*

ATTACHMENTS:

Attachment A – Site Plan

Site Plan

82 Brunswick Avenue, Kitchener ON

scale: 1/8" = 1'-0"

May 29, 2024