

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

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

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

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: July 2, 2025

REPORT NO.: DSD-2025-306

SUBJECT: Minor Variance Application A2025-066 – 508 New Dundee Rd.

RECOMMENDATION:

That Minor Variance Application A2025-066 for 508 New Dundee Road requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.3 c) to permit a new driveway north of the existing driveway to be comprised of grass instead of a hard surface material; and**
- ii) Section 5.4 k) to permit the new driveway north of the existing driveway to not be of a distinguishable material;**

to facilitate the construction of a detached garage for motor vehicles generally in accordance with drawings prepared by Martin Simmons Sweers, dated May 9, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to permit a driveway to be comprised of grass instead of a hard-surface material and to permit the driveway to not be of a distinguishable material to facilitate the construction of a detached garage for motor vehicles.
- The key finding of this report is that the requested minor variances meet the 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-east side of New Dundee Road and Robert Ferrie Drive. It is in the Doon South neighbourhood which is primarily comprised of low-rise residential uses.

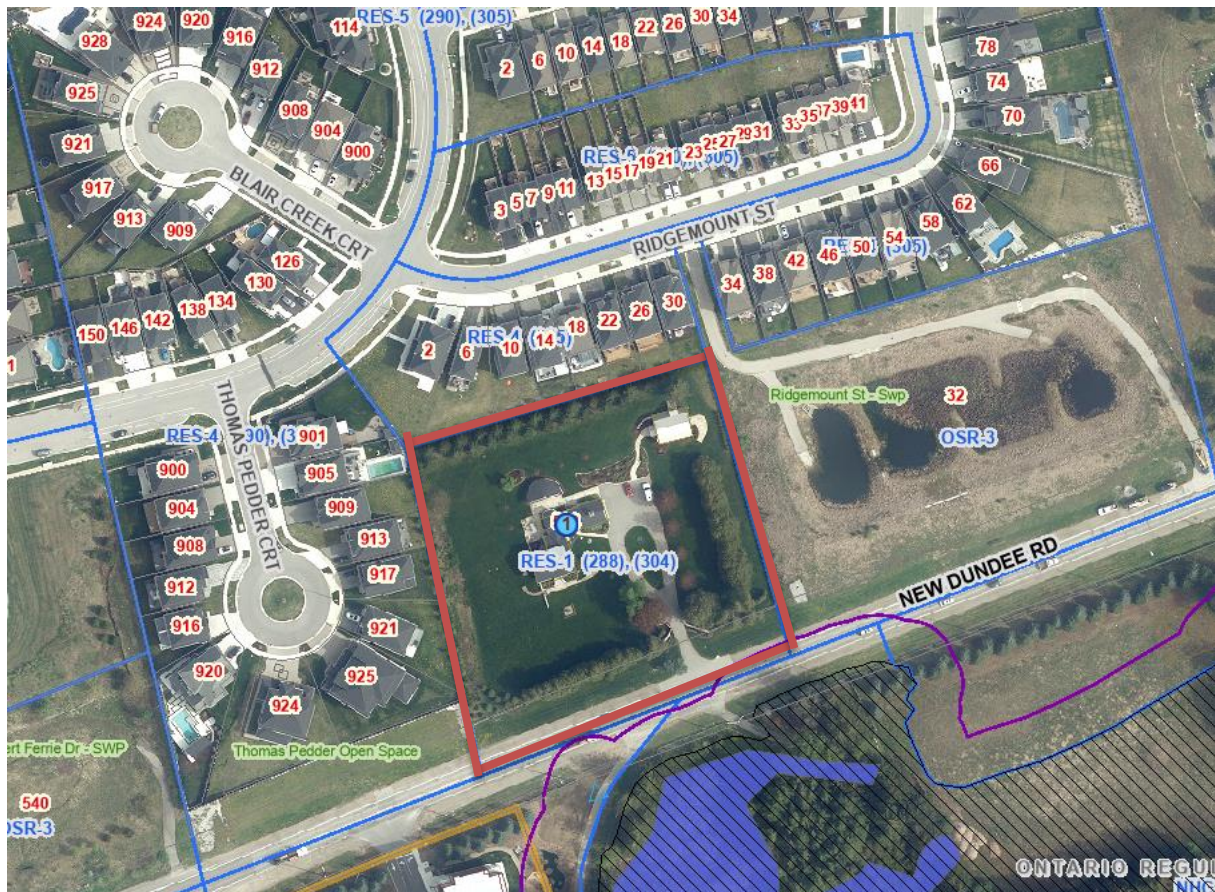


Figure 1: Location Map – 508 New Dundee Road (Outlined in Red)

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 One Zone (RES-1) with Site-Specific Provisions (288) and (304)' in Zoning By-law 2019-051.

Site Specific Provision (304) states the following:

(304) – Within the lands zoned RES-1 and shown as affected by this provision on Zoning Grid Schedule 253 of Appendix A, the driveway existing as of April 20, 2015, shall be deemed to comply with the regulations of this by-law for the existing single detached dwelling and any home occupations added thereto.

The existing driveway is in compliance with the site-specific provision. The purpose of the minor variance application is to permit a new driveway north of the existing driveway to be comprised of grass, instead of a hard surface material, and to permit the driveway to not be of a distinguishable material to facilitate the construction of a detached garage for



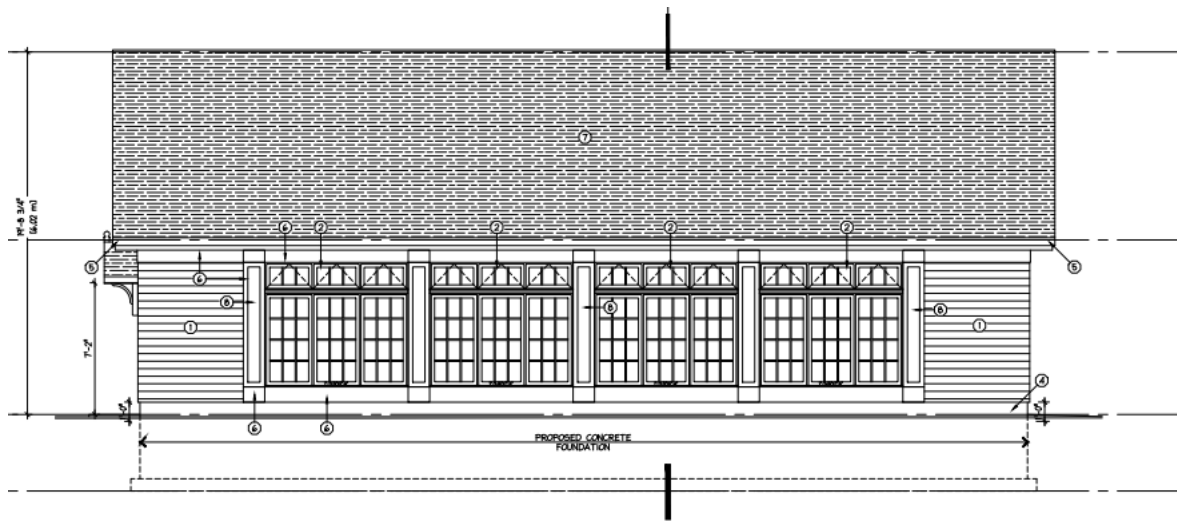


Figure 3: Front (South) Elevation of Proposed Structure

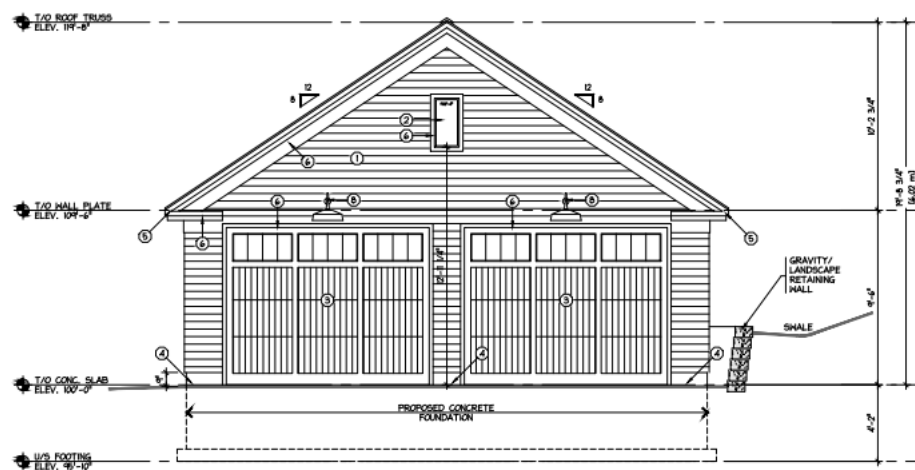


Figure 3: Right Side (East) Elevation of Proposed Structure

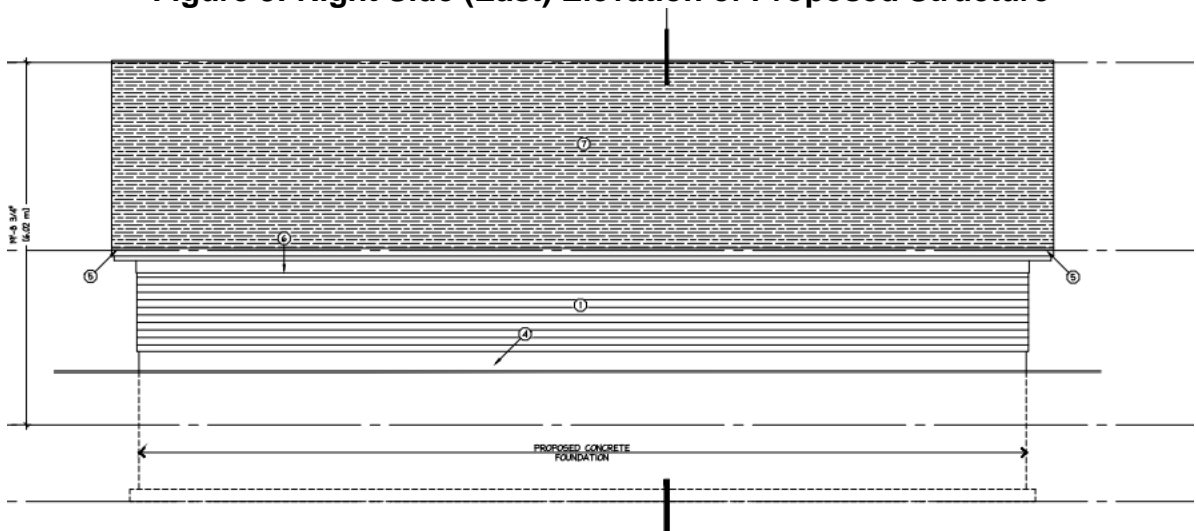


Figure 4: Rear (North) Elevation of Proposed Structure

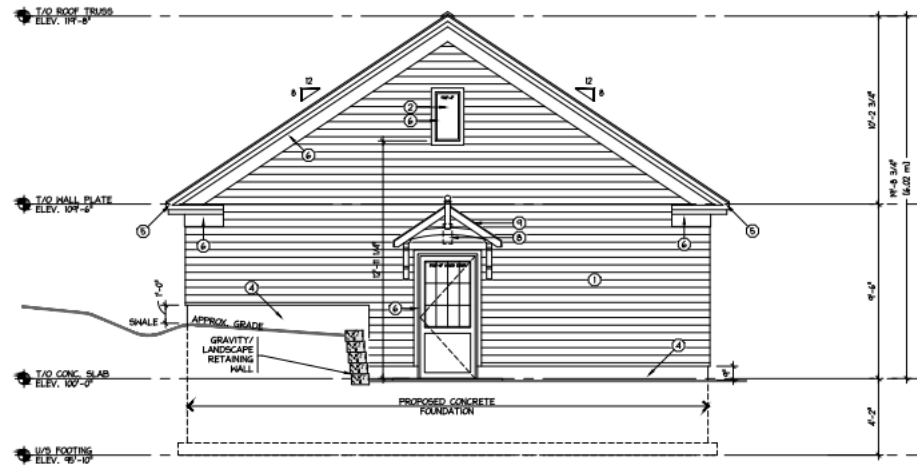


Figure 5: Left Side (West) Elevation of Proposed Structure

Planning Staff conducted a site visit on June 26, 2025.



Figure 6: Existing Site Conditions as of June 26, 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 land use designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing and building types. The proposed accessory building use of the property conforms to the land use designation and is a desirable addition to a residential property. Also, the City's Urban Design Manual encourages the minimization and use of impermeable surfaces and prioritizes the use permeable materials where possible. It is the opinion of staff the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation for driveways to be made of distinguishable materials is to clearly identify vehicle access points and to prevent vehicles from parking on sidewalks and front lawns. The proposed new driveway north of the existing driveway comprised of grass is already existing in the rear of the subject property, and it does not intersect with a sidewalk. The driveway will not be used for parking and will be used infrequently once a year for servicing only. Also, cars will not be parked on the sidewalk or the front lawn. It is the opinion of staff the requested variances meet the general intent of the Zoning By-law.

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

The proposed variances are minor in nature as it seeks to permit driveway comprised of grass that will be used only once a year. The minimal and infrequent vehicle movement will not result in significant impacts to adjacent properties and the streetscape. The variance will minimize disruption and maintain current grading and drainage patterns and will not adversely impact the heritage designation of the property.

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

The variances support the appropriate development of accessory building without altering the existing landscape and requiring unnecessary hardscaping. They will enable the property owner to maintain the current landscaping conditions and avoid introducing new construction and/or hard surfaces that would otherwise impact the current landscaping of the property. The variances will allow the preservation the established character of the lot.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

The property municipally addressed as 508 New Dundee Road is designated under Part IV of the Ontario Heritage Act. The proposed driveway and the detached garage are not anticipated to adversely impact the heritage attributes of the property. Moreover, the detached garage will be located towards the rear of the property and will not be visible

from the public realm. As such, staff do not have any concerns with this proposed application.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the new detached garage is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

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*