

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 19, 2025

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

**PREPARED BY:** Sheryl Rice Menezes, Senior Planning Technician,  
519-783-8944

**WARD(S) INVOLVED:** 9

**DATE OF REPORT:** August 11, 2025

**REPORT NO.:** DSD-2025-346

**SUBJECT:** Minor Variance Application A2025-073 – 112 Admiral Road

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## RECOMMENDATION:

That Minor Variance Application A2025-073 for 112 Admiral Road requesting relief from Section 4.12.3 h) iii) of Zoning By-law 2019-051 to permit a building height of 3.4 metres instead of the maximum permitted 3 metres for a flat roof, measured to the peak of the roof, to facilitate the construction of an Additional Dwelling Unit (ADU)(Detached) in the rear yard of an existing Single Detached Dwelling, BE DEFERRED to the October 21, 2025, meeting or sooner,

1. To allow the Applicant time to prepare an Arborist's Report documenting impacts and mitigation measures to prevent harm to four trees along the shared rear property line at/in Hearth Green, to the satisfaction of the Manager, Site Plans as the location of the proposed ADU in the southwest corner of the lot will impact these City trees. The City's Public Tree Bylaw (Property Maintenance Chapter 690) prohibits harm to City trees. If the ADU can be located outside of the trees' driplines (which indicate the Tree Root Protection zones), and protective fencing agreed to, an Arborist's Report will not be required.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property.
- The key finding of this report is that the requested Minor Variance requires further review into the impact of the proposed structure on trees that are shared with the City along the rear 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 southwest side of Admiral Road and there is a City walkway to the right side of the property and Hearth Green is located along the rear lot line.



**Figure 1 - Aerial photo**

The 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. It is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to permit the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property. There is one unit existing in the primary building which results in a total of 2 dwelling units on the property.

### **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 property is designated as 'Low Rise Residential.' The intent of the land use designation is to encourage residential intensification and/or redevelopment which includes additional dwelling units to respond to changing housing needs and as a cost-effective means to reduce infrastructure and service costs by minimizing land consumption and making better use of existing community infrastructure. The variance meets the general intent of the Official Plan.



**Figure 2 - Streetview of subject property**

### General Intent of the Zoning By-law

The intent of the building height regulation is to ensure that detached ADUs are not as prominent as the primary building and do not dominate or negatively impact the rear yard and abutting properties. The proposed structure is a prefabricated building, and the building height cannot be changed. The variance of 0.4 metre is minimal and meets the intent of the Zoning By-law.

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

The small increase in height will not impact abutting residential properties. Also, as shown in the drawing below, not all the building height is to be 3.4 metres. A portion of the structure is less than 3 metres. Considering this, and that the variance is for 0.4 metres,



staff are of the opinion that the increase in building height is not onerous and can be considered minor.

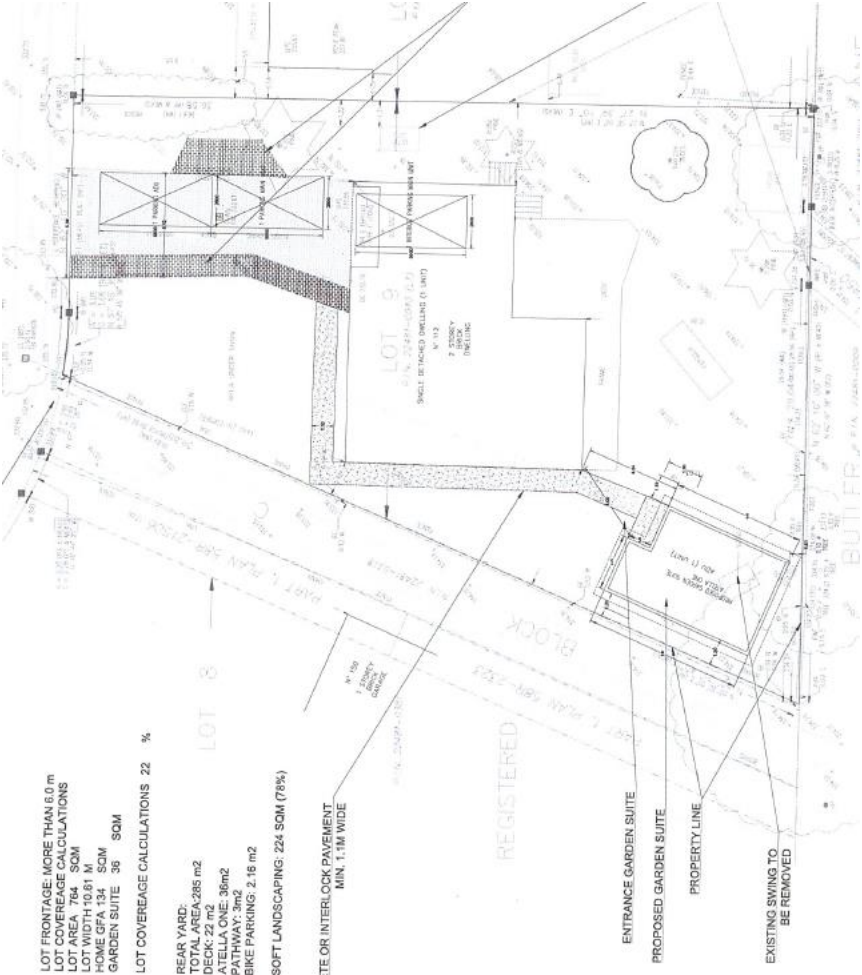


Figure 3 – Proposed Site Plan

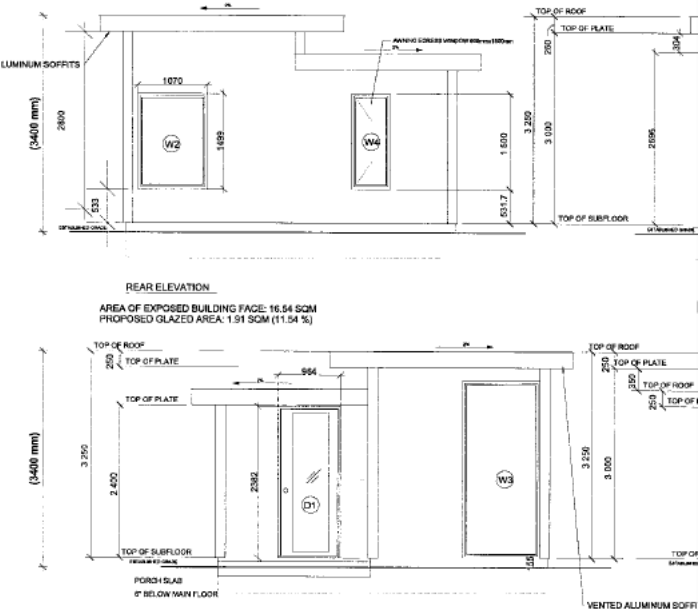


Figure 4 – Proposed Elevations

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

Parks Planning staff have advised that there are shared trees along the rear property line with the City where the subject property abuts Hearth Green (adjacent to Butler Lane). The City's Public Tree Bylaw (Property Maintenance Chapter 690) prohibits harm to City trees. As the proposed location of the structure will impact the City trees, staff are requesting an Arborist report that will document impacts and mitigation measures to prevent harm to the trees. Consequently, staff are recommending deferral to review an Arborist report and determine exact impact of the structure on City trees.

It is noted that if the applicant can relocate the Detached ADU, and not require additional variances, outside of the trees' driplines (which indicate the Tree Root Protection zones) and protective fencing agreed to, and then an Arborist's Report would not be required.

**Environmental Planning Comments:**

No concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided a building permit for the detached 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:**

No concerns.

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

There is an existing City-owned street tree within the right-of-way on Admiral Road as well as four trees along the shared rear property line at/in Hearth Green. The location of the proposed ADU in the southwest corner of the lot will impact these City trees. The City's Public Tree Bylaw (Property Maintenance Chapter 690) prohibits harm to City trees. We are requesting the reconsideration of the location of the ADU, as well as an Arborist's Report documenting impacts and mitigation measures to prevent harm to these trees. If the ADU can be located outside of the trees' driplines (which indicate the Tree Root Protection zones), and protective fencing agreed to, an Arborist's Report will not be required.

It is required that all City-owned tree assets will be fully protected to City standards throughout demolition and construction. This also applies to the City street tree at the front of the lot where construction access may impact that tree. 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.

## **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*