

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: July 30, 2025

REPORT NO.: DSD-2025-334

SUBJECT: Minor Variance Application A2025-074
288 Forest Creek Drive

RECOMMENDATION:

That Minor Variance Application A2025-074 for 288 Forest Creek Drive requesting relief from Section 4.7.2, Table 4-2, of Zoning By-law 2019-51 to permit a Personal Services Use as a Home Occupation in a Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached) (Duplex), whereas a Personal Services as a Home Occupation is only permitted in a Single Detached Dwelling, to facilitate the addition of a personal service home occupation in a an existing duplex in accordance with drawings prepared by Pawandeep Grewal, submitted with application Minor Variance Application A2025-074 and finalized on July 18, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit a home occupation (Personal Service)s to be in a Single Detached dwelling with an Additional Dwelling Unit (ADU)(Attached), a Duplex.
- The key finding of this report is that the requested Minor Variance meets 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 in the Doon Pioneer Park Neighbourhood north of Robert Ferrie Drive on Forest Creek 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 Two Zone (RES-2)' in Zoning By-law 2019-051.

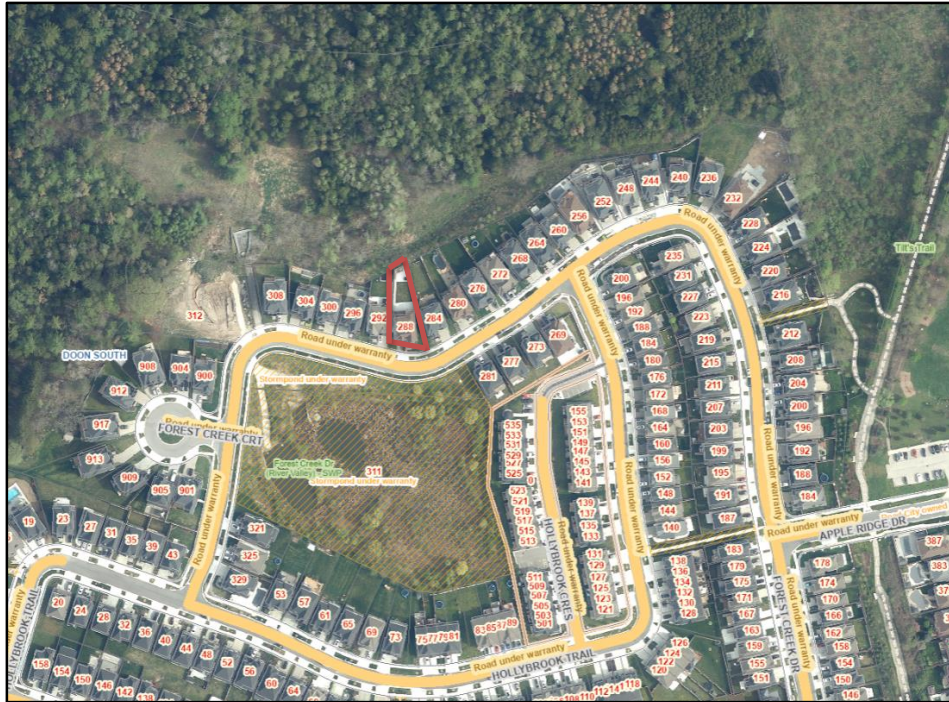


Figure 1: Location Map

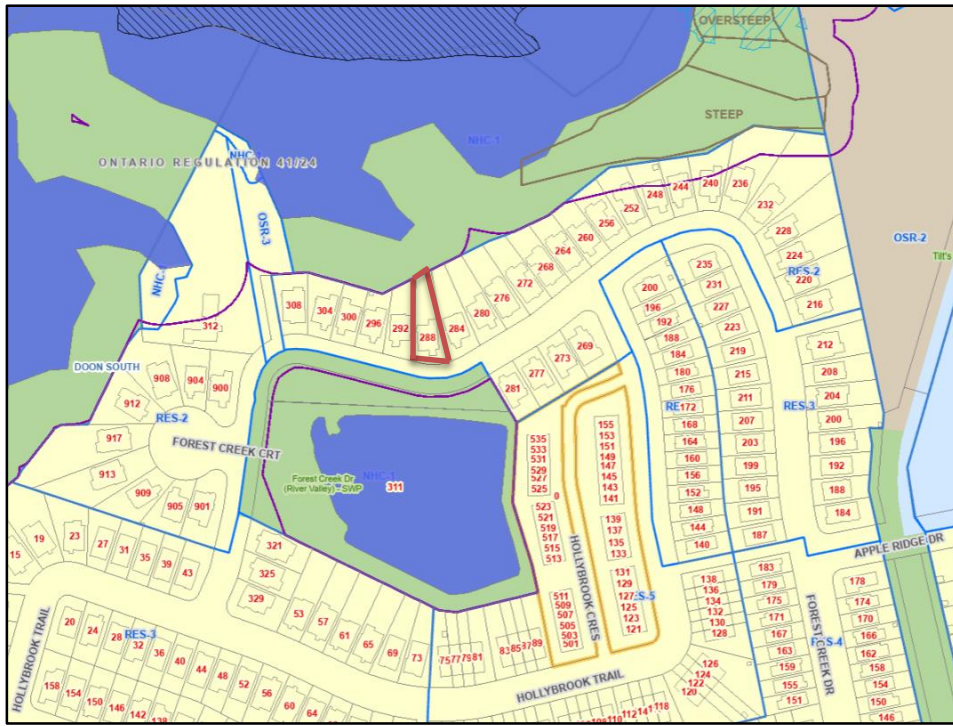


Figure 2: Zoning Map

The purpose of this application is to permit a 'Personal Services' use for women's personal care as a home occupation. The house was constructed under building permit number 17 125890 and received final inspection approval in 2020. In 2023, a building permit was issued to finish the basement and add an attached Additional Dwelling Unit. The homeowner has recently inquired about establishing a personal service business within the home. However, the Zoning By-law does not permit a home occupation when an additional dwelling unit is present. The proposed business will be operated solely by the homeowner, without non-resident employees, and will therefore require one parking space. The property provides three designated parking spaces as per Figure 3: one inside the garage and two on the driveway, which will accommodate the parking requirements for the Primary Dwelling, the Additional Dwelling Unit, and the Home Occupation.

Based on the drawings provided by the owner, the home occupation will be located on the front portion of the ground floor, in a room about 12 square metres in size.



Staff visited the site on July 31, 2025.



Figure 5: An image of the Front of the Single Detached Dwelling with one ADU (attached) showing the Garage and the Driveway



Figure 6: An Image of the Side Yard of the Dwelling that Leads to the Access of the ADU in the Rear Portion of the House

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, which places emphasis on compatibility of building form with respect to massing, scale, and design to support the successful integration of different housing types. It also emphasizes the relationship of housing to adjacent buildings, streets, and exterior areas. The existing use as a Single Detached Dwelling with an Additional Dwelling Unit (ADU)(Attached) is permitted. The addition of an accessory home business is in keeping with the intent of the residential designation. The massing and scale of the building are not changing. Therefore, the proposed variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation to prohibit a personal service home business in a dwelling with two units is to ensure that a home business does not negatively impact any other occupants in the building. As noted in the Background section above, the home occupation is limited to one room on the ground floor. The applicant states that the owner “tenant” is the only person working, with no non-resident working with one client at any given time. The site accommodates 3 parking spaces for the primary dwelling, the additional dwelling unit, and the home occupation; therefore, parking regulations are met. Staff are of the opinion that there will be no impact on the resident(s) in the second dwelling unit. The requested variance meets the intent of the Zoning By-law.

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

The area proposed for the home occupation is limited to a single room with a total area of 12 square metres, which represents a small portion of the overall building floor area of approximately 170 square metres, as shown in Figure 3. As noted above, the personal service use will have minimal impacts, with only one client being served at a time. In staff's opinion, the effects of the variance are considered minor.

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

The variance is desirable for the appropriate development and use of the residential building on the subject property, as it will allow for a suitable home-based business to operate within a building containing two dwelling units. Allowing this type of small-scale personal service use can benefit the local community by contributing to a complete and walkable neighbourhood, offering additional services within a residential area while maintaining its character. In staff's opinion, the proposed use is appropriate, compatible with the residential nature of the property, and supportive of broader planning objectives that promote mixed-use and complete communities.

Environmental Planning Comments:

No concerns as there is no site development and a change in use only. There are lands zoned 'Natural Conservation Zone (NHC-1)' to the rear of the property.

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 home business is obtained prior to construction. Please contact the Building Division at 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 Forest Creek Drive. 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, as required. 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:

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*