

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 7

DATE OF REPORT: July 30, 2025

REPORT NO.: DSD-2025-335

SUBJECT: Minor Variance Application A2025-077 - 3 Ivy Lane Court

RECOMMENDATION:

That Minor Variance Application A2025-077 for 3 Ivy Lane Court requesting relief from Section 4.7.2, Table 4-2, of Zoning By-law 2019-51 to permit a Personal Services (Home Occupation) to continue in a Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached), Duplex, whereas a Personal Services (Home Occupation) is only permitted in a Single Detached Dwelling, to facilitate the conversion of a Single Detached Dwelling to a Duplex, in accordance with drawings prepared by M. Shafii, dated June 24, 2025 , BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to permit an Additional Dwelling Unit (ADU)(Attached) to a Single Detached Dwelling with a Personal Services Home Occupation
- 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 Highland West neighbourhood, south of Victoria Street South and East of Ira Needles Boulevard

The subject property is identified as 'Community Area' 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 Four Zone (RES-4)' in Zoning By-law 2019-051.



Figure 1 - Location Map



Figure 2 - Zoning Map

The subject property currently contains a Single Detached Dwelling that includes a Personal Services Home Occupation (hair salon). The dwelling was constructed in 2005 and received approval of a Minor Variance Application to permit a driveway located 8.4 metres from the intersection of Ivy Lane Court and Westmeadow Drive, whereas the Zoning By-law requires a minimum setback of 9 metres.

A Zoning Occupancy Certificate was issued in 2016 for the operation of the Home Occupation.

In 2024, the owner applied for a building permit to construct a one-storey rear addition to the existing dwelling. In conjunction with the Building Permit Application, Minor Variance Application A2024-045 was submitted and approved to permit a reduced rear yard setback of 3 metres, instead of the required 7.5 metres, to facilitate a proposed addition for additional living space.

The current application proposes to add an attached Additional Dwelling Unit (ADU) (Attached), which is a permitted use under the Zoning By-law. However, a Personal Services Home Occupation is only permitted within Single Detached Dwelling that does not contain an Additional Dwelling Unit (ADU)(Attached). As such, this variance is requested to allow the continuation of the existing Personal Services Home Occupation (hair salon) while adding the attached ADU.

The property provides four parking spaces: two within the attached garage and two on the front driveway. There is a large mature tree located at the corner of the property. The owner has indicated that the tree will be removed, as it does not comply with the City's Corner Visibility Triangle and Driveway Visibility and Fence By-law and poses a safety concern.

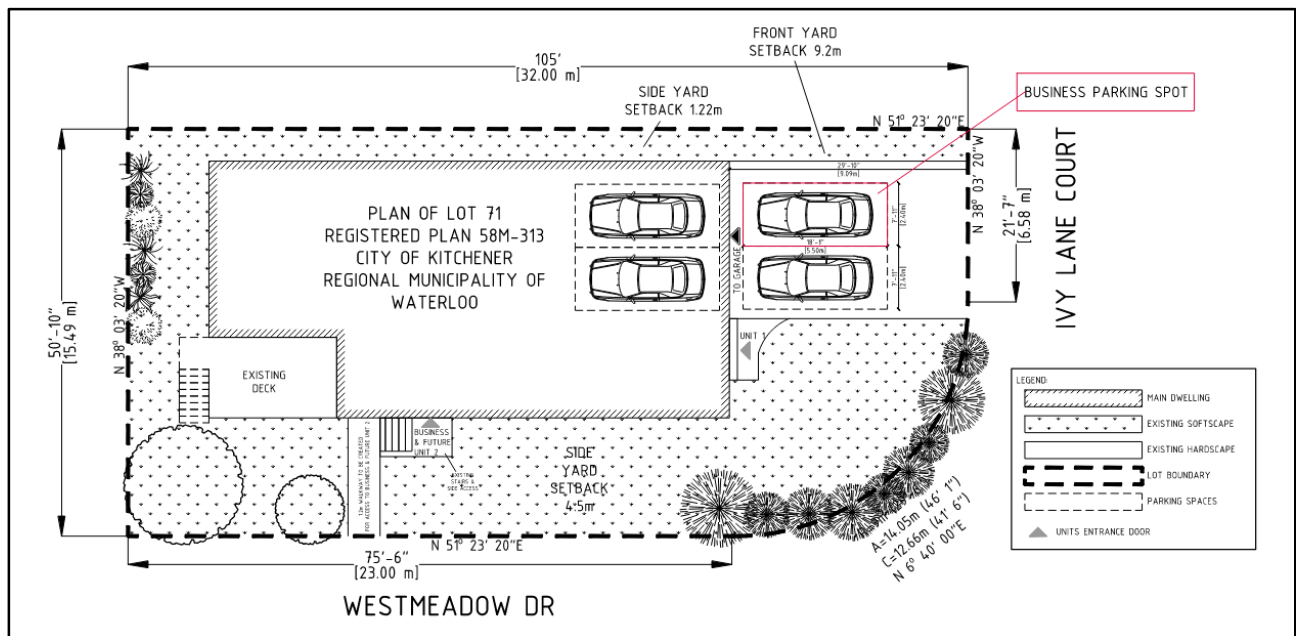


Figure 3 - The Site Plan of the Subject Property

BUSINESS AREA (UPDATED) AND FUTURE UNIT 2 AREA

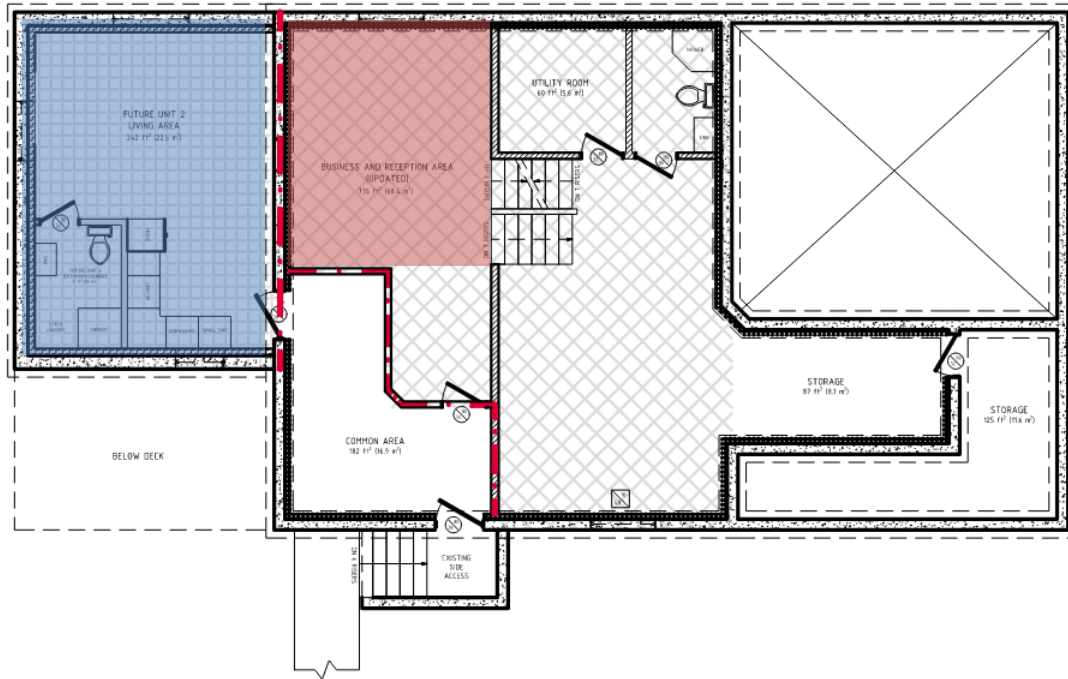


Figure 4 - The basement floor plan where the home occupation is and the ADU will be proposed

Development and housing Approval Staff visited the site on July 31, 2025



Figure 5 - An image showing the front of the detached dwelling with the garage and the driveway



Figure 6 - An image showing the corner of the property and the trees that will be removed



Figure 7 - An image of the exterior side of the property showing the rear addition that was approved last year

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' which encourages a compatible mix of low-rise housing types and emphasizes integration through appropriate massing, scale, and design. The existing use, a Single Detached Dwelling with a Personal Services

Home Occupation, is permitted in this land use designation. The proposed Additional Dwelling Unit (ADU) (Attached) will be contained within the existing built form and a recently approved rear addition, and will not alter the building's overall massing or scale. The Official Plan also encourages intensification within residential areas to support a broader range of housing options. Specifically, Policy 4.C.1.5 states that the City will identify and promote opportunities for residential intensification, including *additional dwelling units, both attached and detached*, as a means of responding to changing housing needs and making more efficient use of existing infrastructure and services. The intent of the Official Plan is to allow gentle intensification while maintaining compatibility with surrounding properties. While the Zoning By-law currently restricts personal service home occupations in dwellings that contain ADUs, the continued use of the home occupation in this case is appropriate and does not conflict with the broader goals of the Official Plan. Allowing this variance will continue to support small-scale, community-serving businesses within residential neighbourhoods and contribute to the creation of more complete communities.

As such, the proposed variance to permit the continuation of the Personal Services Home Occupation in conjunction with the addition of an ADU maintains the general intent and purpose of the Official Plan.

General Intent of the Zoning By-law

The intent of the Zoning By-law regulation that prohibits a Personal Services Home Occupation in a dwelling containing an Additional Dwelling Unit (ADU) is to minimize potential conflicts and ensure that the home business does not negatively impact the other occupants within the building.

In this case, the home occupation is limited to one room located in the basement of the primary dwelling. The business is operated solely by the homeowner, with no non-resident employees, and accommodates only one client at a time by scheduled appointment. This minimizes traffic, noise, and any potential disruption to the residents of the second unit. The property provides a total of four parking spaces: two within the attached garage and two on the front driveway. This satisfies the Zoning By-law's parking requirements for both dwelling units and the home occupation.

Given the small scale of the business, the limited number of clients, and the separation of the business space from the second unit, staff are of the opinion that the proposed variance will not create adverse impacts on the additional unit or the surrounding neighbourhood. Therefore, the variance maintains the general intent and purpose of the Zoning By-law.

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

The proposed home occupation is limited to one room in the basement, with a total area of 22.1 square metres. This represents a small portion of the overall floor area of the dwelling, as illustrated in Figure 3. The business will be operated by the homeowner alone and will accommodate only one client at a time, by appointment.

Given the scale of the use, and the limited number of clients, the impacts of the home occupation are expected to be minimal. There will be no anticipated adverse effects related to noise, traffic, or parking.

In staff's opinion, the requested variance will not result in any negative impacts on the additional dwelling unit or the surrounding neighbourhood, and therefore, 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?

Planning staff are of the opinion that the proposed variance is both desirable and appropriate, as it supports gentle residential intensification through the addition of an Additional Dwelling Unit within the existing building.

Allowing the continuation of a small-scale home occupation alongside the residential uses can provide a valuable service to the local community while maintaining compatibility with the surrounding neighbourhood. This supports the development of a more complete, walkable, and mixed-use residential area without compromising its character.

Environmental Planning Comments:

No concerns as no trees, no site development/variance for use only.

Heritage Planning Comments:

No Heritage comments or concerns

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permits for the attached additional unit 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 Westmeadow 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*
- *A2005-056*
- *DSD-2024-271*