

**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:** 10

**DATE OF REPORT:** August 6, 2025

**REPORT NO.:** DSD-2025-345

**SUBJECT:** Minor Variance Application A2025-085 - 236 Guelph Street

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## **RECOMMENDATION:**

That Minor Variance Application A2025-085 for 236 Guelph Street requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 as follows:

- i) to permit an existing westerly interior side yard setback of 1.1 metres instead of the minimum required 1.2 metres;
- ii) to permit an existing rear yard setback of 5.7 metres instead of the minimum required 7.5 metres;

to facilitate the conversion of a Single Detached Dwelling with one (1) Additional Dwelling Unit (ADU)(Attached), a Duplex, to a Single Detached Dwelling with two (2) Additional Dwelling Units (ADU)(Attached), a Triplex, generally in accordance with drawings prepared by GS Engineering Group, dated 12/06/2025, BE APPROVED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application to facilitate the conversion of a Single Detached Dwelling unit with one (1) attached ADU (Duplex) into a Single Detached Dwelling with two (2) attached ADUs (Triplex).
- The key finding of this report is that the requested minor variances meet all 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 side of Guelph Street between Waterloo Street and Weber Street West.

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 Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of the application is for minor variances to permit the conversion of the existing Single Detached Dwelling with one (1) attached ADU into a Single Detached Dwelling with two (2) attached ADUs. There is no external building changes proposed; however, the Zoning By-law only permits the existing use (Duplex) to maintain the existing setbacks. As the owner is wishing to convert the Duplex to a Triplex, the regulations of Section 7.3 (Table 7-2) are applicable.



**Figure 1 - Aerial photo**

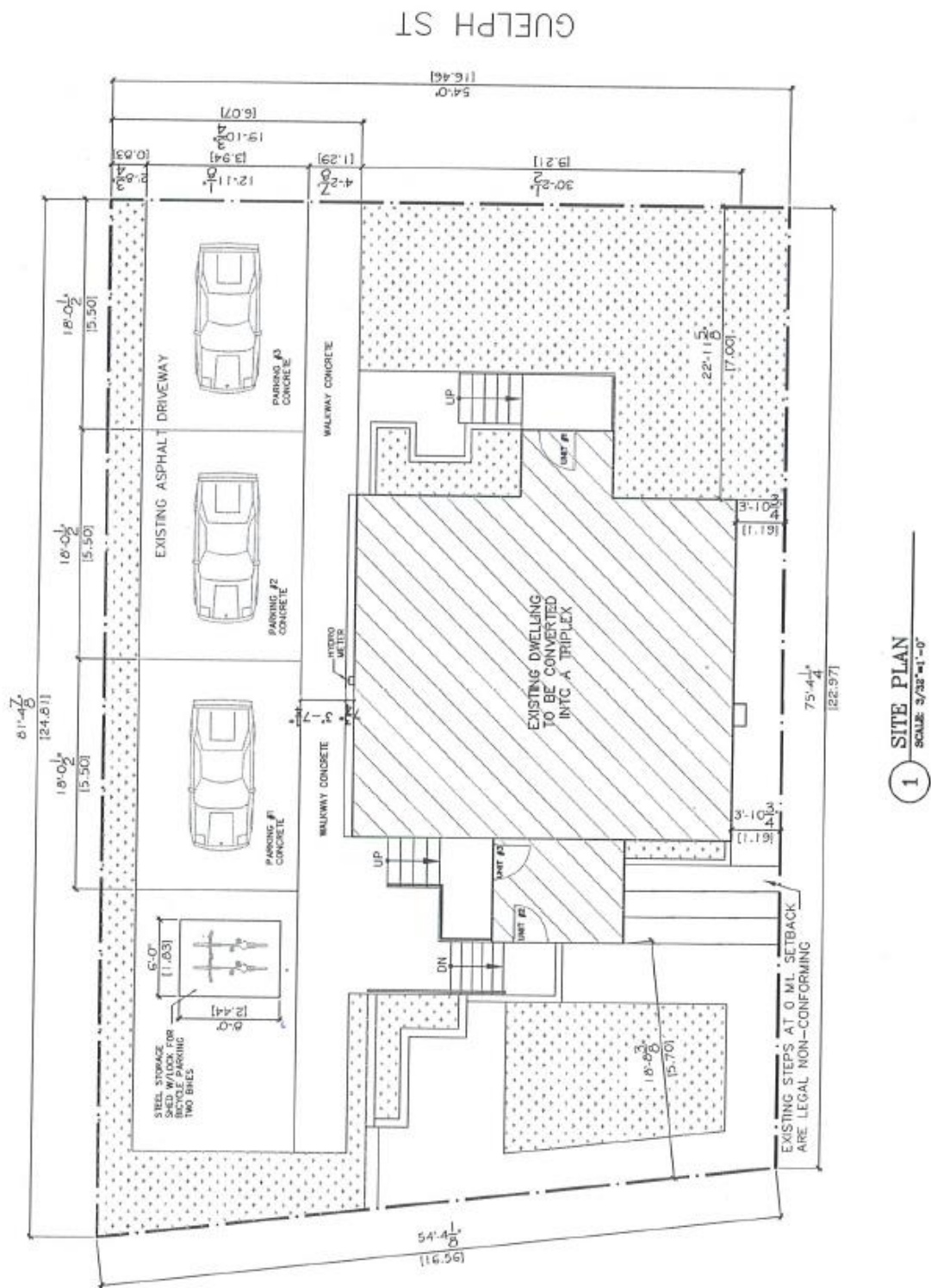


Figure 2 – Proposed Site Plan

## 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 'Low Rise Residential'. The intent of the 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. It is staff's opinion that the variances meet the general intent of the Official Plan.



**Figure 2 - Street view**

*It is noted that a gate and fence are currently located on or adjacent to the proposed 1.1 metre unobstructed walkway and may need to be removed/relocated from the walkway area in accordance with the site plan to allow for the conversion to a triplex.*

#### General Intent of the Zoning By-law

The intent of the setbacks from side and rear lot lines is to ensure that the building and use(s) in it are an appropriate setback from neighbouring properties and the streetscape. The subject building has existed since approximately 1954. Regarding the left side yard setback of 1.1 metres instead of 1.2 metres, this is a very minimal deficiency of 0.1 metre.

Regarding the rear yard setback of 5.7 metres rather than the required 7.5 metres. The 5.7 metre setback is to an existing enclosed foyer which will be the entrance for two units accessed from the rear yard. There are no windows in the foyer. The main building either

meets or is close to meeting the minimum 7.5 metre setback. Staff are of the opinion that the variances meet the general intent of the Zoning Bylaw.

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

As noted above, the reduced setbacks are to recognize a 0.1 deficiency in the side yard and to acknowledge an existing foyer with no windows. The impact of the variances on the neighbouring properties can be considered minor.

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

Staff are of the opinion that the variances to facilitate the conversion of the existing building from two to three units is desirable and appropriate for the property and will provide a gentle form of intensification which can be considered appropriate for the use of the property and compatible with the surrounding neighbourhood.

**Environmental Planning Comments:**

No concerns.

**Heritage Planning Comments:**

The property municipally addressed as 236 Guelph Street is located within the Mt. Hope/Breithaupt Neighborhood Cultural Heritage Landscape. The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The proposed application is not anticipated to have an adverse impact on the CHL's heritage attributes. As such, staff have no comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided a building permit for the additional attached ADU's 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 Guelph Street. 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:**

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*