

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Evan Wittmann, Senior Planner, 519-783-8523

WARD(S) INVOLVED: 1

DATE OF REPORT: August 12, 2025

REPORT NO.: DSD-2025-330

SUBJECT: Minor Variance Application A2025-079 – 706 Frederick Street
(Future Severed Parcel)
Minor Variance Application A2025-080 – 706 Frederick Street
(Future Retained Parcel)

RECOMMENDATION:

A. Minor Variance Application A2025-079 – 706 Frederick Street (Future Severed)

That Minor Variance Application A2025-079 for 706 Frederick Street (Future Severed Parcel) requesting relief from Section 4.12.2 g) of Zoning By-law 2019-051 to permit a lot width of 7.6 metres instead of the minimum required 10.5 metres, to facilitate the construction of a Semi-Detached Dwelling with 3 Additional Dwelling Units (ADUs)(Attached) in each half of a proposed Semi-Detached Dwelling, 4 dwelling units in each half, for a total of 8 dwelling units, as shown on drawings prepared by GRIT Engineering, dated May 9, 2025, BE REFUSED.

B. Minor Variance Application A2025-080 – 706 Frederick Street (Future Retained)

That Minor Variance Application A2025-080 for 706 Frederick Street (Future Retained Parcel) requesting relief from Section 4.12.2 g) of Zoning By-law 2019-051 to permit a lot width of 7.6 metres instead of the minimum required 10.5 metres, to facilitate the construction of a Semi-Detached Dwelling with 3 Additional Dwelling Units (ADUs)(Attached) in each half of a proposed Semi-Detached Dwelling, 4 dwelling units in each half, for a total of 8 dwelling units, as shown on drawings prepared by GRIT Engineering, dated May 9, 2025, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations on Minor Variance Applications A2025-079 and A2025-080 for the future Severed and Retained Parcels proposed at 706 Frederick Street. The applications propose a Semi-Detached

Dwelling with three Additional Dwelling Units (ADU)(Attached), 4 dwelling units in each half, for a total of eight dwelling units on the subject property.

- The key finding of this report is that the applications do not 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 Frederick Street, in between the intersections of Lois Street and River Road East. The subject property currently features a triplex with a detached rear garage. The subject property is approximately 15.2 metres wide, with a depth of approximately 45 metres, and size of 684 square metres.

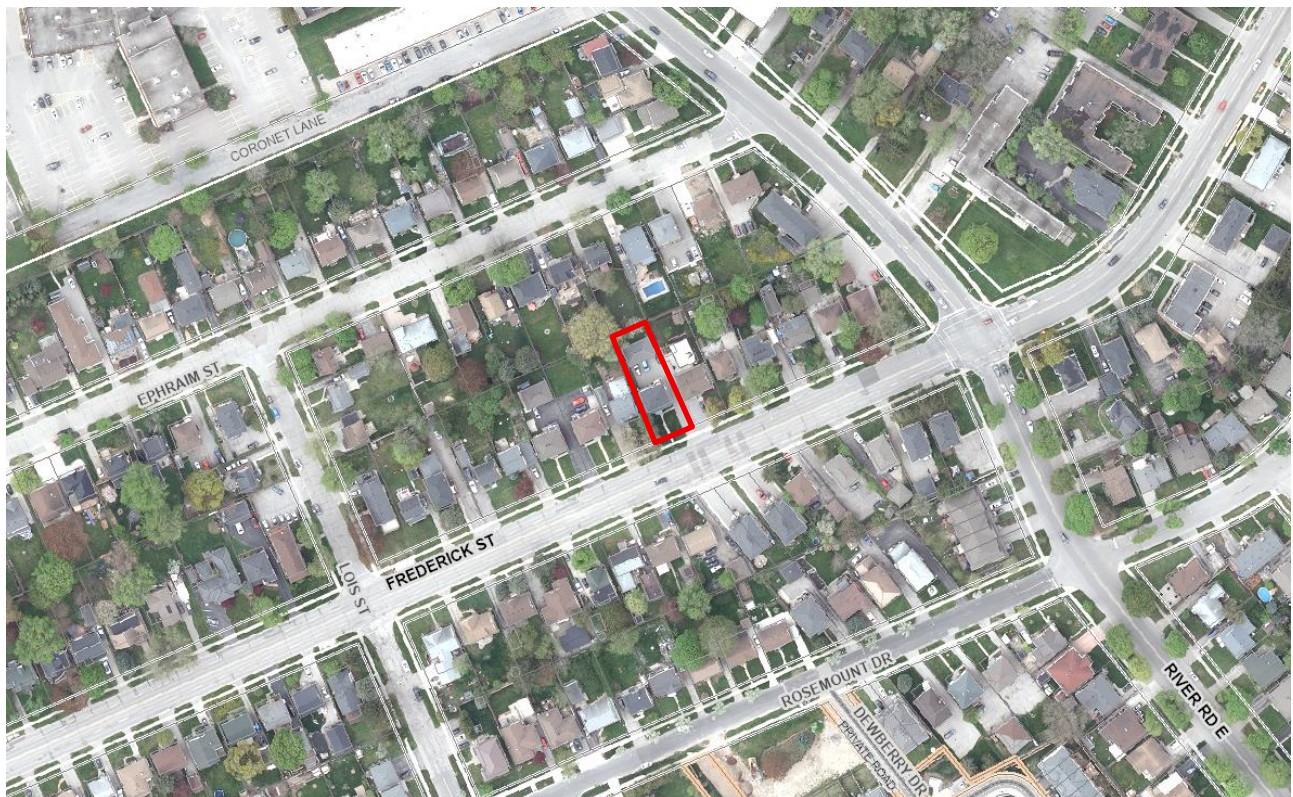


Figure 1 - Site Aerial (Subject Property Outlined In Red)



Figure 2 - Subject Property, View From Street (Taken August 5th, 2025)

Staff completed a site visit on August 5th, 2025.

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 Four Zone (RES-4)' in Zoning By-law 2019-051.

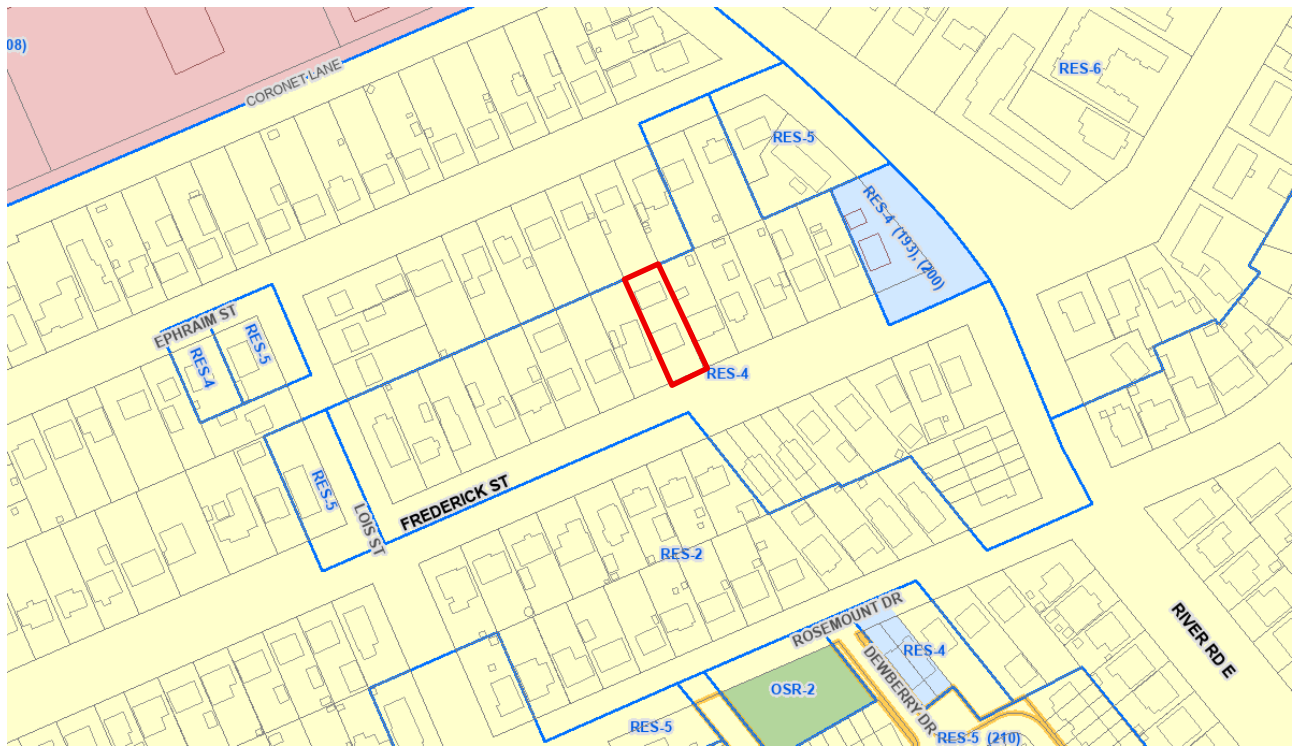


Figure 3 - Zoning By-Law 2019-051 (Subject Property In Red)

The purpose of the applications are to reduce the minimum lot width requirement to facilitate the construction of a new Semi-Detached Dwelling, with 3 Additional Dwelling Units (ADU)(Attached), each half having 4 dwelling units (i.e. Fourplex), for a total of 8 dwelling units on the subject property. The existing 'Triplex' Building on the subject property is intended to be demolished.

The applicant is requesting minor variances to both the future severed and retained parcels to permit a minimum lot width of 7.6 metres where 10.5 metres is required. Semi-detached lots require a lot width of 7.5 metres; however, where two or more Additional Dwelling Units are proposed and a property is outside both the Central Neighbourhood Area and 800 metres from an LRT station, 10.5 metres is required as four units are requested for each side of the semi-detached building. Both the future severed and retained lots will have a lot frontage of 7.6 metres, depth of 45 metres, and area of 342 square metres. A Consent Application is not being considered at this time but will be required to implement the proposed site plan.

A Zoning Occupancy Certificate (ZOC) application was received on May 29, 2025, for the proposed use of the Semi-Detached Dwelling, each side to have four (4) dwelling units. At the time of this report, the ZOC process has flagged a number of potential issues that may require further variances based on elevations submitted as part of a separate Building Permit Application. These potential additional variances were not submitted for nor are they considered as part of Minor Variance Applications A2025-079 and A2025-080.

1. The basement floors have multiple windows requiring window wells along the side yard, and the depth of these windows is not stated. The walkway running along the sides of the building would need to be adjusted to accommodate the window wells. The side yards are 1.52 metres so at most these wells can be 0.42 metres deep. This

needs to be confirmed as possible or else an additional variance for the walkway may be required.

2. Confirmation is required if steps to the entrance doors are required and their associated setback to the side lot lines.
3. The covered front porch also functions as a balcony. The porch itself complies to the Zoning By-law, but as a balcony it does not. A balcony cannot be supported by the ground when it projects into the required front yard. The balcony either needs to be removed or another variance would be required.

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. As the two applications are identical, they will be considered jointly:

General Intent of the Official Plan

The Official Plan provides several policies regarding the intensification of low rise residential areas. Of particular relevance to this application is Policy 4.C.1.8, which provides specific policy direction for minor variance applications proposing residential intensification:

- 4.C.1.8. *Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:*
- a) *Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard.*
 - e) *The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.*
 - f) *The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.*

Although the Semi-Detached Dwelling would be on a narrower lot than otherwise required, the scale and massing of the building itself is compatible with the built form of the surrounding area. Regarding Policy 4.C.1.8.e), the requested variances would reduce the amenity area available on the site by reducing the size of the front yard and force the parking arrangement to be in tandem rather than side-by-side. The Zoning By-law requirement for landscaped area is maintained, and the large rear yard provides further amenity area for the dwellings; therefore, appropriate landscaped areas are provided. The single-wide driveway can be long enough to accommodate the required parking spaces.

The Official Plan provides policy direction on the compatibility of residential intensification with the existing character of the neighbourhood. Policy 4.C.1.9 states:

4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.

Examining the existing context of Frederick Street, the predominant built form is single detached dwellings in primarily bungalow form, with occasional low-rise apartment and semi-detached buildings. Compatibility, as defined in the Official Plan, should not be interpreted as meaning “the same as”. Generally, a semi-detached dwelling is compatible with the surrounding area.

Additional policy direction regarding compatibility is provided in the Low Rise Residential land use designation policies, specifically 15.D.3.3:

15.D.3.3. To support the successful integration of different housing types, specifically multiple residential developments, through new development/redevelopment and/or residential intensification, within lands designated Low Rise Residential, Medium Rise Residential or High Rise Residential, the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on:

- a) compatibility of building form with respect to massing, scale, design;*
- b) the relationship of housing to adjacent buildings, streets and exterior areas;*
- c) adequate and appropriate parking areas are provided on site; and,*
- d) adequate and appropriate amenity areas and landscaped areas are provided on site.*

Policy 15.D.3.3 further emphasizes the appropriateness of parking areas, amenity areas, and landscaped areas in Low Rise Residential areas. The combined area of the front and rear yards is sufficient landscaped and amenity area, and the appropriate number of parking spaces can be accommodated.

It is staff's opinion that the proposed variances meet the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is located outside the Central Neighborhood Area (Appendix 'C' of Zoning By-law 2019-051) of the City and is not within 800 metres of a Light Rail Transit Station (Appendix 'E' of Zoning By-law 2019-051). Where a proposal outside Appendix 'C' and Appendix 'E' includes two or more Additional Dwelling Units, Section 4.12.2 will apply.

Section 4.12.2 g) requires the minimum lot width to be 10.5 metres, rather than the 7.5 metres typically attributed to semi-detached dwellings in the 'RES-4' Zone. The primary intent of this larger lot width requirement is to ensure sufficient parking can be provided as transit connectivity and walkability is generally weaker in the non-central areas and beyond the typical walking range to higher order transit.

Beyond the intent to provide enough parking spaces, the function of the parking spaces and driveway is integral to the 10.5 metre width. The requested variance to a minimum lot width of 7.6 metres does not allow for side-by-side parking, resulting in the required parking needing to be in tandem.

The Zoning By-law requirement for parking is three (3) parking spaces for the four (4) dwelling units, which can be met by the reduced lot width in the form of three-long tandem spaces. Zoning By-law 2019-051 allows up to three required parking to be in a tandem arrangement. Although required parking spaces are permitted to be in a tandem arrangement, the intent of the 10.5 metre width is to provide space for side-by-side parking which is a more functional arrangement, in areas outside the Central Neighbourhood Area, especially considering that the future residents will live in different units rather than the same household.

To further highlight the intent of the zoning requirement for a 10.5 metre lot width is the existing parking arrangement, directly across the road from the subject property at 707-709 and 711-713 Frederick Street, two semi-detached buildings, each duplexed (only two (2) dwelling units in each half of a Semi-Detached Dwelling, four dwelling units 4 per lot across four (4) lots for a total of eight (8) dwelling units; rather than 8 dwelling units on two (2) lots per the subject proposal). As demonstrated in the aerial in Figure 4, the sites provide side-by-side parking (which was legally permitted at the time of their construction; this design is no longer permitted in Zoning By-law 2019-051) allowing for each of the duplexed units their own "lane" in the side-by-side arrangement. A single, three-long tandem parking arrangement is not an appropriate use for a fourplex; for lots outside the 800 metre radius of an LRT Station and outside the Central Neighbourhood Area.

Environmental Planning staff note that there appears to be several large trees along the shared property lines. Environmental Planning requires more details on the construction details/footprint. A Tree Management and Enhancement Plan is required to assess the impacts of demolition and new construction. Having the required lot width would provide the opportunity to not negatively impact boundary or shared trees with adjacent properties.

It is staff's opinion that the proposed variances do not meet the intent of the Zoning By-law.

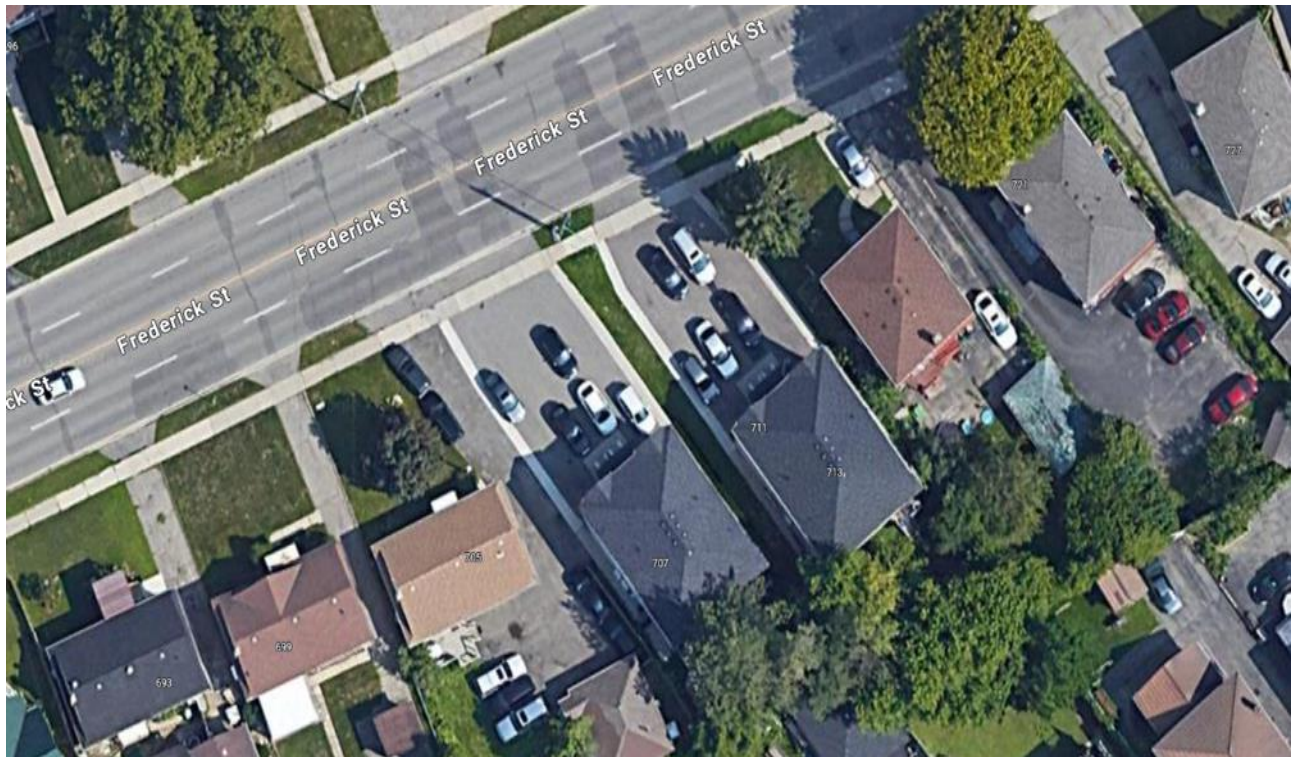


Figure 4 - 707-709 and 711-713 Frederick Street Aerial

Appendix C: Central Neighbourhood Area

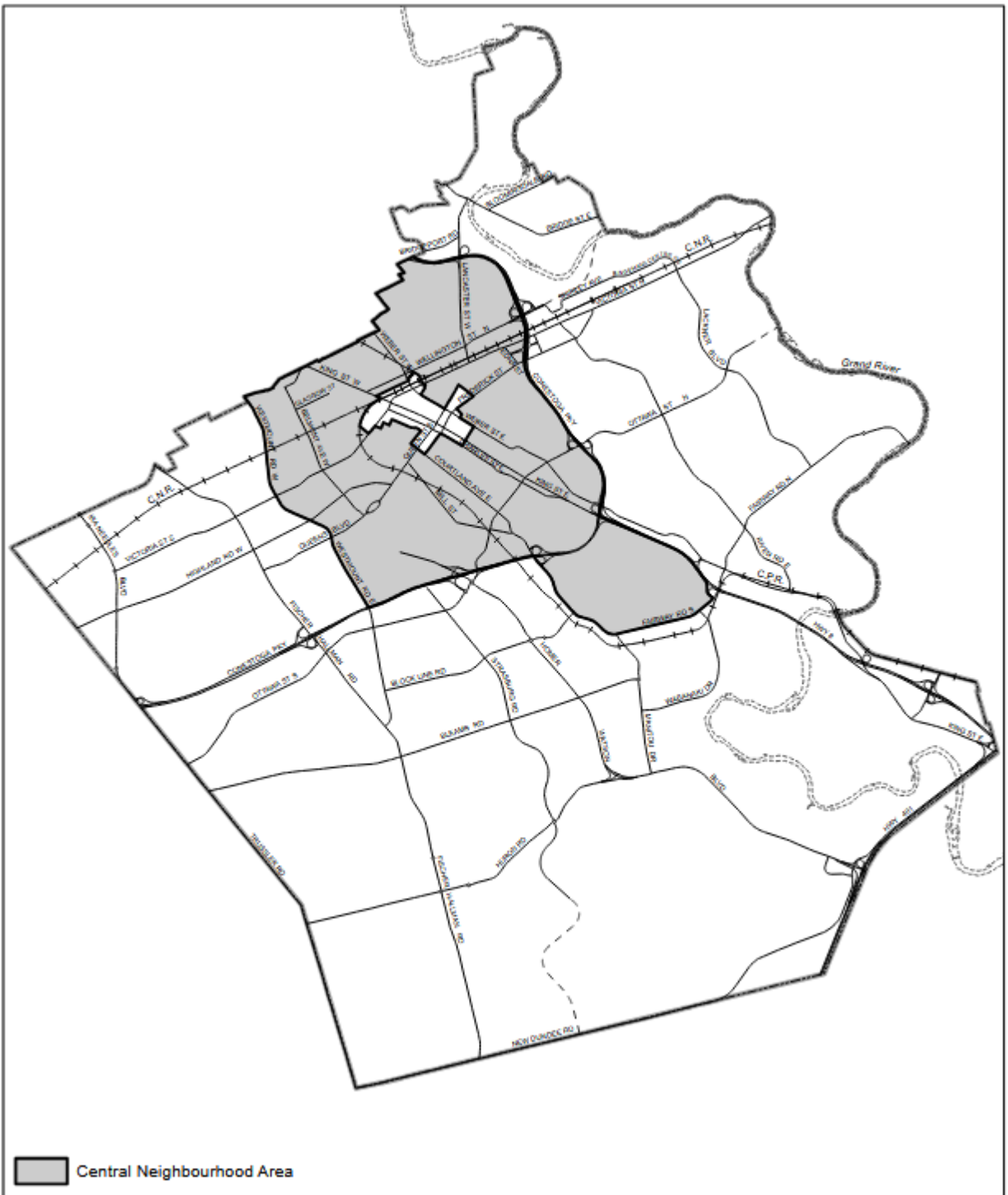


Figure 5 - Appendix 'C' - Central Neighbourhood Areas

Appendix E: Properties within 800 metres of a Light Rail Transit (LRT) Station

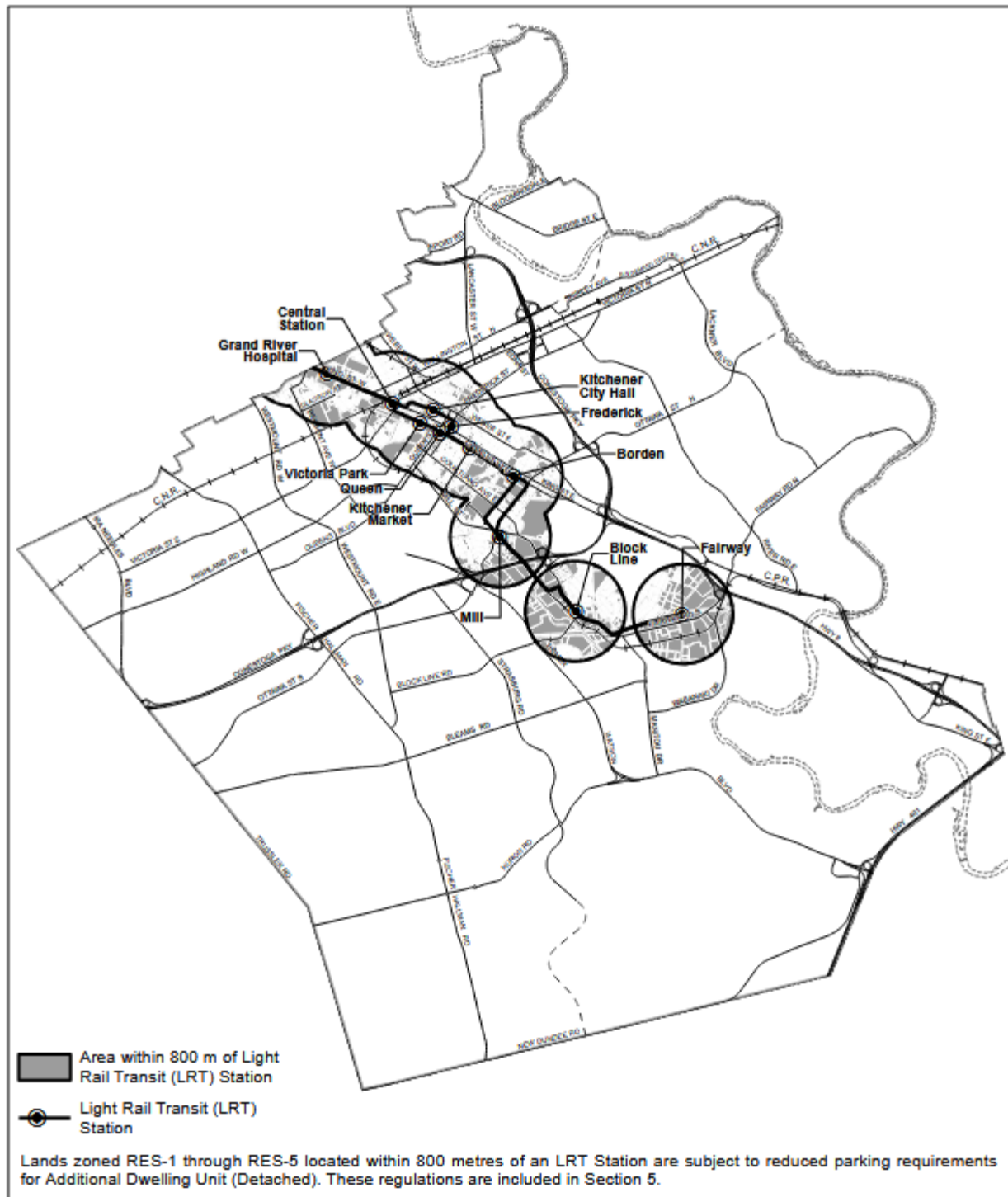


Figure 6 - Appendix 'E' - Properties Within 800 metres of LRT Station

Are the Effects of the Variances Minor?

In considering if the effect of a variance is minor, a common method of assessment is to consider the potential impacts on neighbouring properties and the surrounding area.

Frederick Street is noted as a “City Arterial Street” on Official Plan Map 11, Integrated Transportation System. Section 13.C.4.1.c) of the Official Plan states that “*Generally, City Arterial Streets distribute large volumes of traffic (people and goods) between other Regional Roads and City Arterial Streets and Major Community Collector Streets.*”

The proposed reduced lot widths force a triple-tandem parking scheme, which will require vehicles to be “juggled” (i.e. temporarily move vehicles to allow blocked-in vehicles parked further up the driveway to exit the property). As the Official Plan notes that Frederick Street distributes large volumes of traffic, the constant need to “juggle” vehicles will negatively impact the use the safe use and function of the subject property.

Although it is common for households to park their vehicles in tandem, parking requirements of the Zoning By-law allocate one space to the primary dwelling, with additional spaces being required based on the number of Additional Dwelling Units. In assessing the parking arrangement, staff cannot assume that one household will be allocated all three parking spaces with the Additional Dwelling Units having zero.

Although the Zoning By-law permits three tandem spaces to meet parking requirements, the requested variances would force the three tandem arrangement. Less units being proposed or a different built form could be considered that provides for a more functional parking arrangement.

There appears to be several large trees along the shared property lines. Environmental Planning requires more details on the construction details/footprint. A Tree Management and Enhancement Plan is required to assess the impacts of demolition and new construction. Having the required lot width would provide the opportunity to not negatively impact boundary or shared trees with adjacent properties.

It is staff’s opinion that the proposed variances are not minor in nature.

Are the Variances Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Similar to the assessment above, the three long tandem parking arrangement is not a desirable or appropriate outcome for the redevelopment of the subject property. While no parking variance is directly being sought, the reduced minimum lot width results in a single wide driveway as the only parking option for the subject property. Alternative design schemes could be considered for the subject property, such as a lower number of units and therefore lower parking requirement, or a different built form that provides for a more functional parking arrangement.

To further highlight the concerns with the proposed parking arrangement, directly across the road from the subject property are 707-709 and 711-713 Frederick Street, two semi-detached buildings, each duplexed (two units per lot across four lots for a total of eight units). As demonstrated in Figure 4, the sites provide side-by-side parking (which was legally permitted at the time of their construction; this design is no longer permitted in

Zoning By-law 2019-051) allowing for each of the duplexed units their own “lane” in the side-by-side arrangement. A single, three-long tandem parking arrangement is not an appropriate use for a fourplex; nevertheless two beside each other.

Additionally, the Zoning Occupancy Certificate Application (ZOC) has flagged a number of potential future variances, pending information confirmation or potential site plan revisions, and as such it would be inappropriate to recommend approval of variances where it is known that others made still be required.

It has not been demonstrated that a Semi-Detached Dwelling, with 4 dwelling units in each half, can function appropriately on a lot of 7.6 metres in width instead of the required 10.5 metres.

Also, there appears to be several large trees along the shared property lines. Environmental Planning requires more details on the construction details/footprint. A Tree Management and Enhancement Plan is required to assess the impacts of demolition and new construction. Having the required lot width would provide the opportunity to not negatively impact boundary or shared trees with adjacent properties.

It is staff’s opinion that the proposed variances are not desirable for the appropriate development or use of the land.

Environmental Planning Comments:

Environmental Planning require more details on the construction details/footprint. It is expected that there are no concerns if construction/site works are away from property lines.

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 new semi with 3 attached ADU’s is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

At the time of a future consent application, the following will need to be considered:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary and water municipal services are currently available to service this property.
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner’s expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.

- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering. Here is the OBC standard: This is the requirement in the code: 9.14.5.1. Drainage Disposal
 - Foundation drains shall drain to a sewer, drainage ditch or dry well.
 - A side yard swale is not considered a drainage ditch.
- The side yard currently accommodates overland stormwater flows from the rear yard. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Until the time of severance, the developer is only permitted to have one set of services for the lot. This must be shown on the plans.

Parks and Cemeteries/Forestry Division Comments:

At the time of severance, cash-in-lieu of park land dedication will be required on the severed parcel.

Transportation Planning Comments:

Transportation Services have no concerns with these applications.

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*

ATTACHMENTS:

Attachment A – Site Plan

Attachment A – Site Plan

