

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Sean Harrigan, Planner (Policy), 519-783-8934

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: August 8, 2025

REPORT NO.: DSD-2025-354

SUBJECT: Minor Variance Application A2025-081 - 942 Audrey Place

RECOMMENDATION:

That Minor Variance Application A2025-081 for 942 Audrey Place requesting relief from Section 4.14.10 b. i) of Zoning By-law 2019-051 to permit steps/access, that exceed 0.6 metres above ground level, to be setback of 0.3 metres from the northern interior side lot line instead of the minimum required 0.75 metres, generally in accordance with drawings prepared by Mechways Inc., dated April 28, 2025, revised July 21, 2025, BE APPROVED subject to the following condition:

1. That the owner shall provide evidence to the Manager of Development Approvals, City of Kitchener, that all existing and proposed window wells comply with the minimum required zoning setback.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the requested minor variance for a reduced side yard setback for steps leading to the principal entrance of an Additional Dwelling Unit (ADU)(Attached).
- The key finding of this report is that staff are satisfied that the requested variance fulfills the Four Tests.
- 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 west side of Audrey Place and south of Merkling Street. The property currently contains a Single Detached Dwelling and recently received approval for a Building Permit to add an Additional Dwelling Unit (ADU)(Attached) in the basement. The construction and inspection process for the Additional Dwelling Unit (ADU)(Attached) is ongoing. The principal entrance for the secondary dwelling unit is located in the side yard and requires external steps exceeded 0.6 metres in height. These steps were not identified on the Building Permit and do not comply with the minimum required 0.75 metre side yard setback.

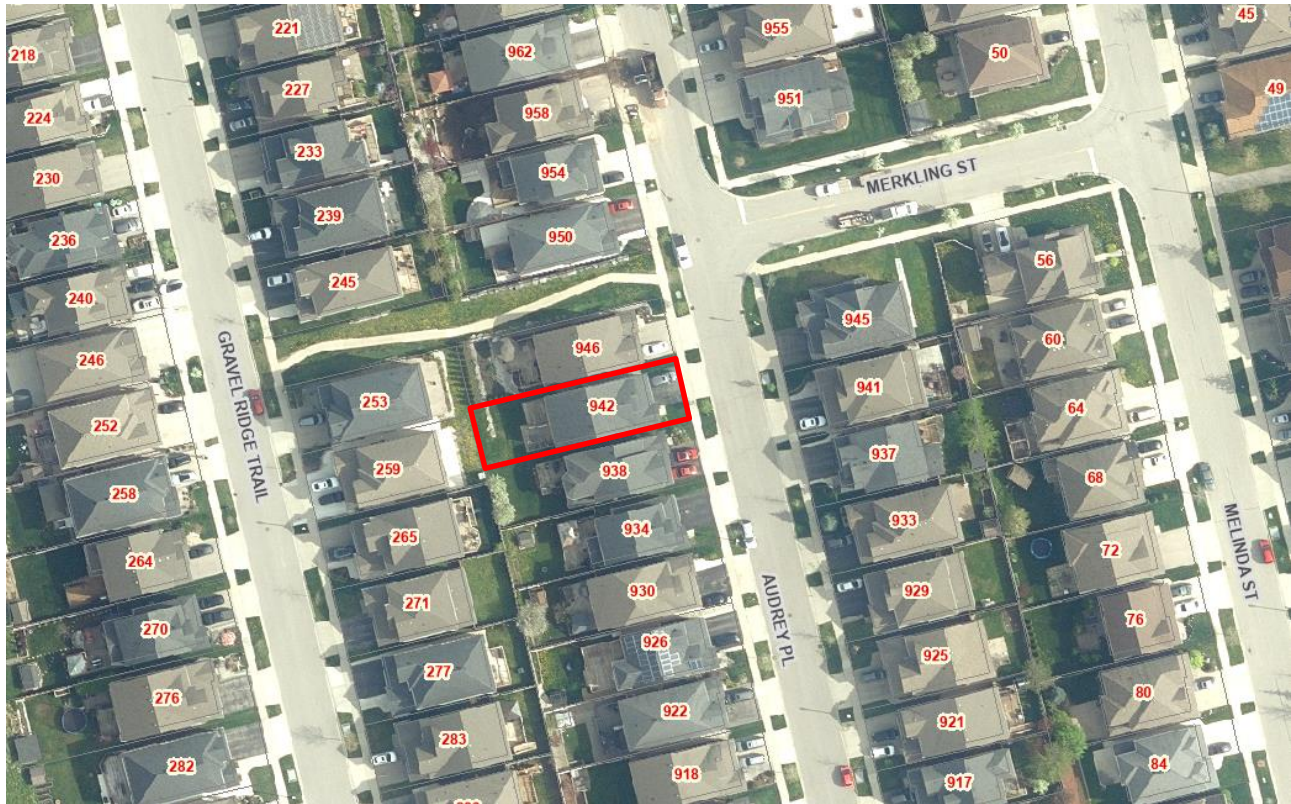


Figure 1 - Location Map (942 Audrey Place Shown in RED)

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 Three Zone (RES-3)' in Zoning By-law 2019-051.

The purpose of the application is to review the requested minor variance to facilitate the construction of steps within the side yard leading to the principal entrance of an Additional Dwelling Unit (ADU)(Attached). The existing building is approximately 1.2 metres from the northern side lot line and the principal entrance for the Additional Dwelling Unit is located approximately 0.9 metres above the surrounding ground. It is impossible to construct steps within the existing 1.2 metres side yard that complies with the Ontario Building Code for minimum width while adhering to the required 0.75 metres side yard setback.

During staff's site visit, it was identified that the window well along the southern side of the house had been enlarged. This enlarged window well most likely does not comply with the minimum required 0.5 metre side yard setback and may negative impact side yard

drainage swales. As such, staff have requested a condition of approval that requires the applicant to confirm all existing and proposed window wells comply with the Zoning By-law.

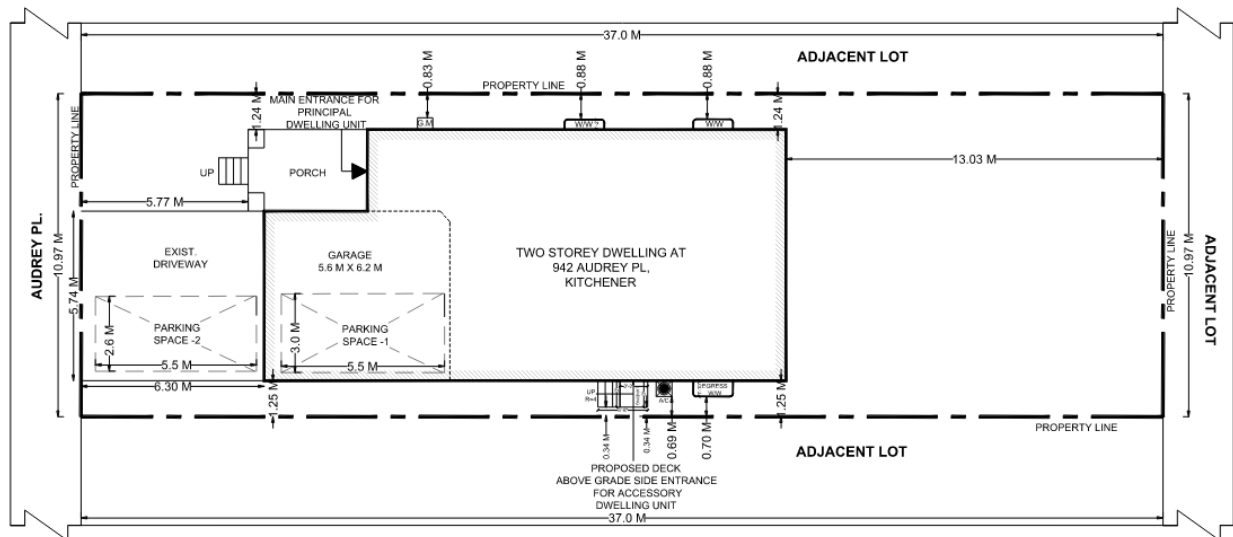


Figure 2 - Site Plan

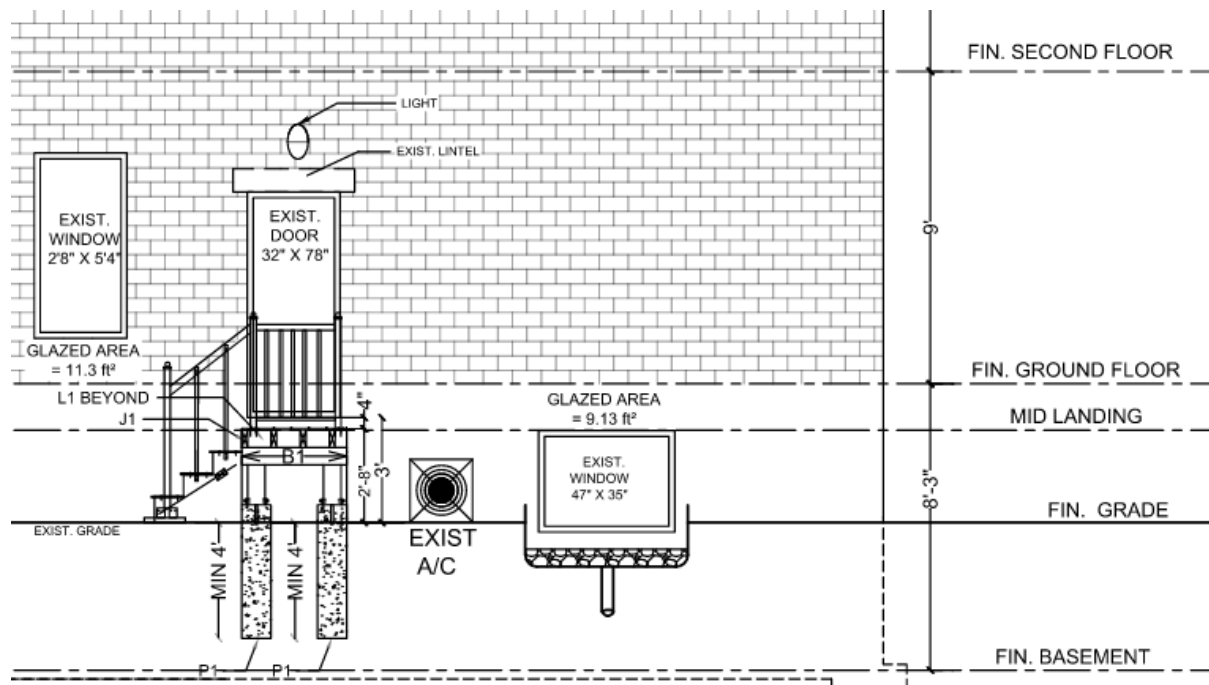


Figure 3 - Right Side Elevation and Proposed Steps



Figure 4 - 942 Audrey Place

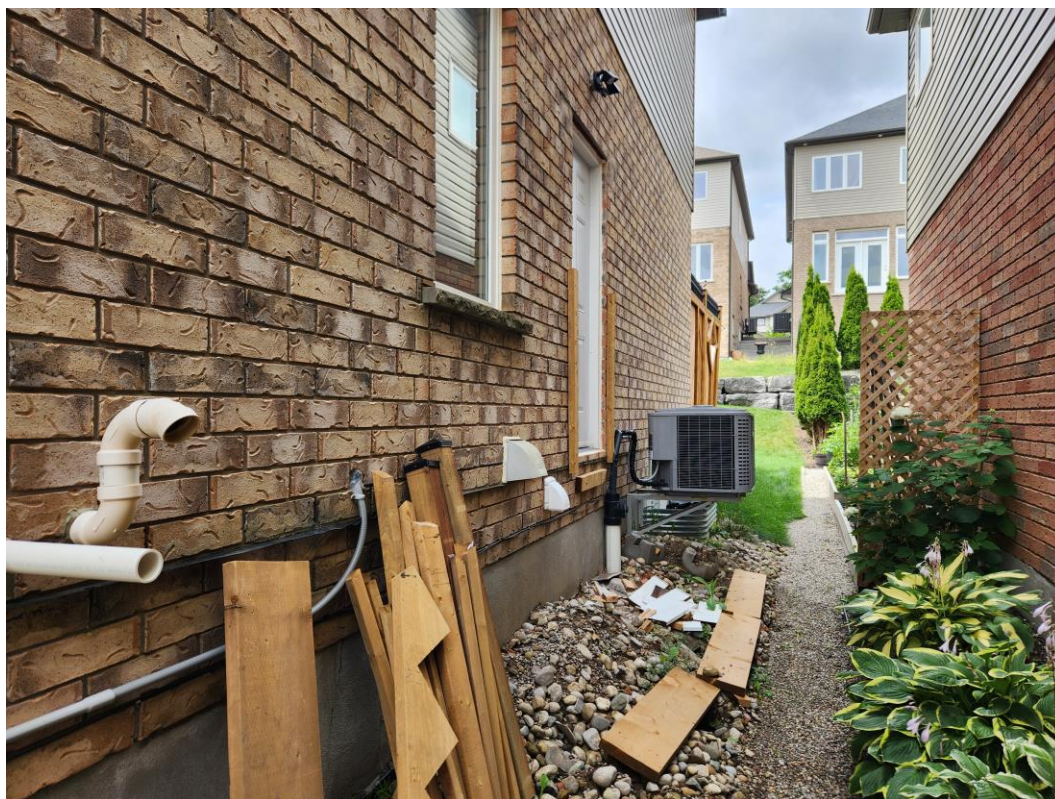


Figure 5 - 942 Audrey Place – Right Side and Proposed Steps Location

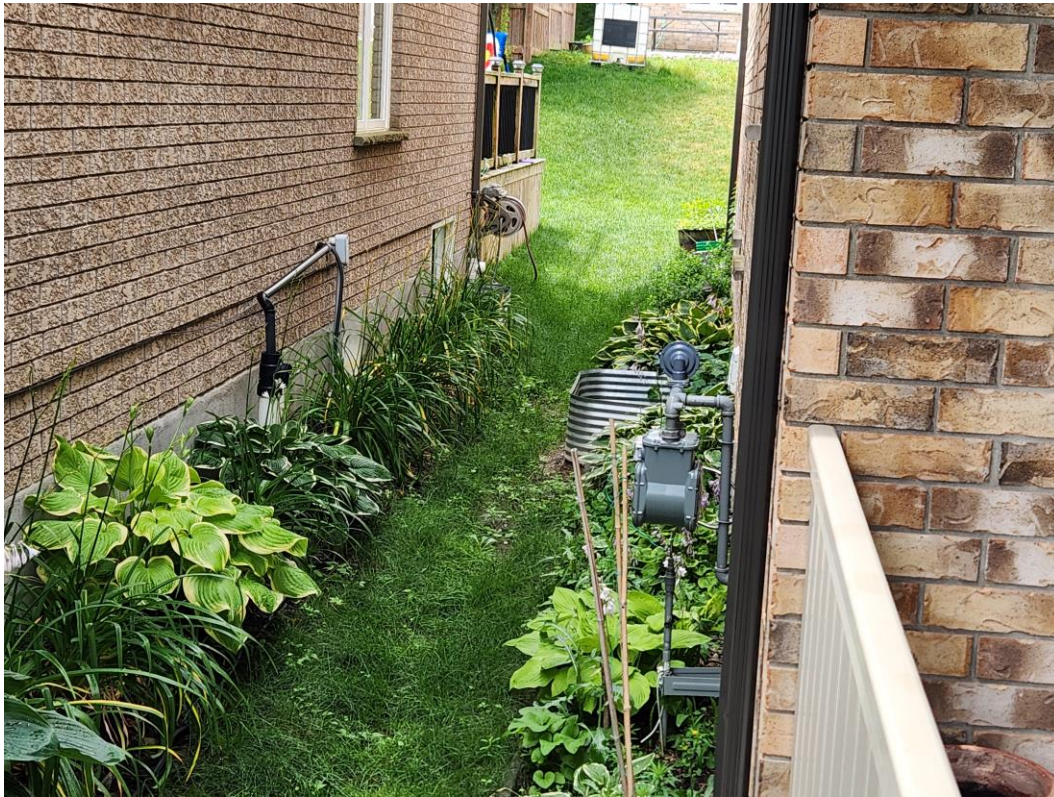


Figure 6 - 942 Audrey Place – Left Side and Enlarged Window Well

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 general intent of the 'Low Rise Residential' land use designation is to support a high quality of life while ensuring that existing and new residential areas are walkable and supported by all modes of transportation. To this regard, the proposed steps in the side yard support a higher quality of pedestrian entrance to the Additional Dwelling Unit (ADU)(Attached) that contributes to walkability.

Official Plan policy 4.C.1.8 states that where a minor variance is requested for residential intensification, the overall impact of the variance will be reviewed to ensure, amongst other provisions, that the lands can function appropriately and do not create unacceptable adverse impacts for adjacent by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on site. To this regard, there is an existing 1 metre wide drainage swale centred on the shared side yard property line. This swale should remain landscaped to allow suitable drainage to occur without impacting adjacent properties. Engineering staff confirmed that the proposed steps encroach into the approved drainage swale. However, since the steps are raised, there are no anticipated impacts to the drainage swale. As such, staff are satisfied that the proposed variance maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the minimum side yard setback for steps or access ramps is to ensure steps and access ramps do not impact approved drainage patterns, usually in the form of drainage swales located along shared side lot lines. As mentioned above, there is a drainage swale located along the shared side lot line with half of the drainage swale located on each property. The proposed steps are located approximately 0.3 metres from the side lot line and as such, encroach into the drainage swale. However, the raised steps and supporting posts with buried concrete footings are not anticipated to negatively impact the approved drainage swale and as such, the requested variance satisfies the general intent of the Zoning By-law.

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

The effects of the requested variance are considered minor in nature due given there is no anticipated negative impacts to approved drainage patterns.

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

The proposed variance to allow a reduced side yard setback for steps are considered desirable for the appropriate development or use of the land as they will enable an appropriate access to the Additional Dwelling Unit (ADU)(Attached) and support a gentle intensification of the subject property.

Environmental Planning Comments:

There are no anticipated impacts to trees, therefore no Tree Management Policy compliance issues.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit has been issued for the ADU and the includes the side yard stairs to the proposed attached ADU.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

There is an existing City-owned street tree within the right-of-way on Audrey Place. 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*