

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 20, 2026

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

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

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: December 30, 2025

REPORT NO.: DSD-2026-08

SUBJECT: Minor Variance Application A2026-006 – 235 Hoffman Street

RECOMMENDATION:

That Minor Variance Application A2026-006 for 235 Hoffman Street requesting Permission under Section 45(2)(a)(ii) of the Planning Act to expand a 'Legal Non-Conforming Use', a Single Detached Dwelling, to a Single Detached Dwelling with 2 Additional Dwelling Units (ADUs) (Attached) (Triplex), generally in accordance with drawings prepared by MW Drafting and Design Inc., dated December 15, 2025, BE APPROVED.

That Minor Variance Application A2026-006 for 235 Hoffman Street requesting relief from Section 5.4 f), Table 5-3, of Zoning By-law 2019-051 to permit a driveway width of 14.9 metres (88.3% of the lot width) instead of the maximum permitted driveway width of 6.7 metres (40% of the lot width), generally in accordance with drawings prepared by MW Drafting and Design Inc., dated December 15, 2025, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application for Permission for expansion of a 'Legal Non-Conforming Use' to allow two (2) new Additional Dwelling Units (ADUs) (Attached) in a Single Detached Dwelling. The Minor Variance Application also requests relief of a zoning regulation to permit the widening of the driveway beyond the permitted maximum.
- The key finding of this report is that the Application for Permission for the expansion of the Legal Non-Conforming meets the 2 tests of Case Law and that the Application for Minor Variance does not meet the 4 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 Southdale neighbourhood, north of Homer Watson Boulevard, on the intersection of Highland Road East and Hoffman Street.



Figure 1: Location Map



Figure 2: Zoning Map

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Medium Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051.

The purpose of this application is to request Permission under Section 45(2)(a)(ii) of the Planning Act to expand 'Legal Non-Conforming Use, and a Minor Variance to permit a driveway widening. The Application for Permission would facilitate the addition of two Additional Dwelling Units (ADUs) (Attached) within an existing Single Detached Dwelling located on a corner lot that is zoned 'Medium Rise Residential Six Zone (RES-6)'. The Minor Variance for a driveway widening would increase the parking provision beyond the Zoning By-law requirements.

Zoning Context and Legal Non-Conforming Use

The subject property is zoned 'Medium Rise Residential Six Zone (RES-6)', where Single Detached Dwellings and Additional Dwelling Units (ADUs) are not permitted uses in this zone. The existing Single Detached Dwelling is recognized as a 'Legal Non-Conforming Use.' To accommodate the proposed ADUs, exterior exit stairs are proposed to be added to provide access, requiring Permission to expand the 'Legal Non-Conforming Use' under Section 45(2)(a)(ii) of the Planning Act.

Details of the Minor Variance

The requested Minor Variance relates to the widening of the existing driveway on the flanking side of the subject property, accessed from Highland Road East. The current driveway is 6.1 metres wide and leads to a detached garage used for storage and bicycle parking. The proposed modification would increase the driveway width by 8.73 metres at its widest point, accommodating two (2) additional parking spaces and a turning hammerhead. The overall driveway width would be 14.83 metres as per Figure 3.

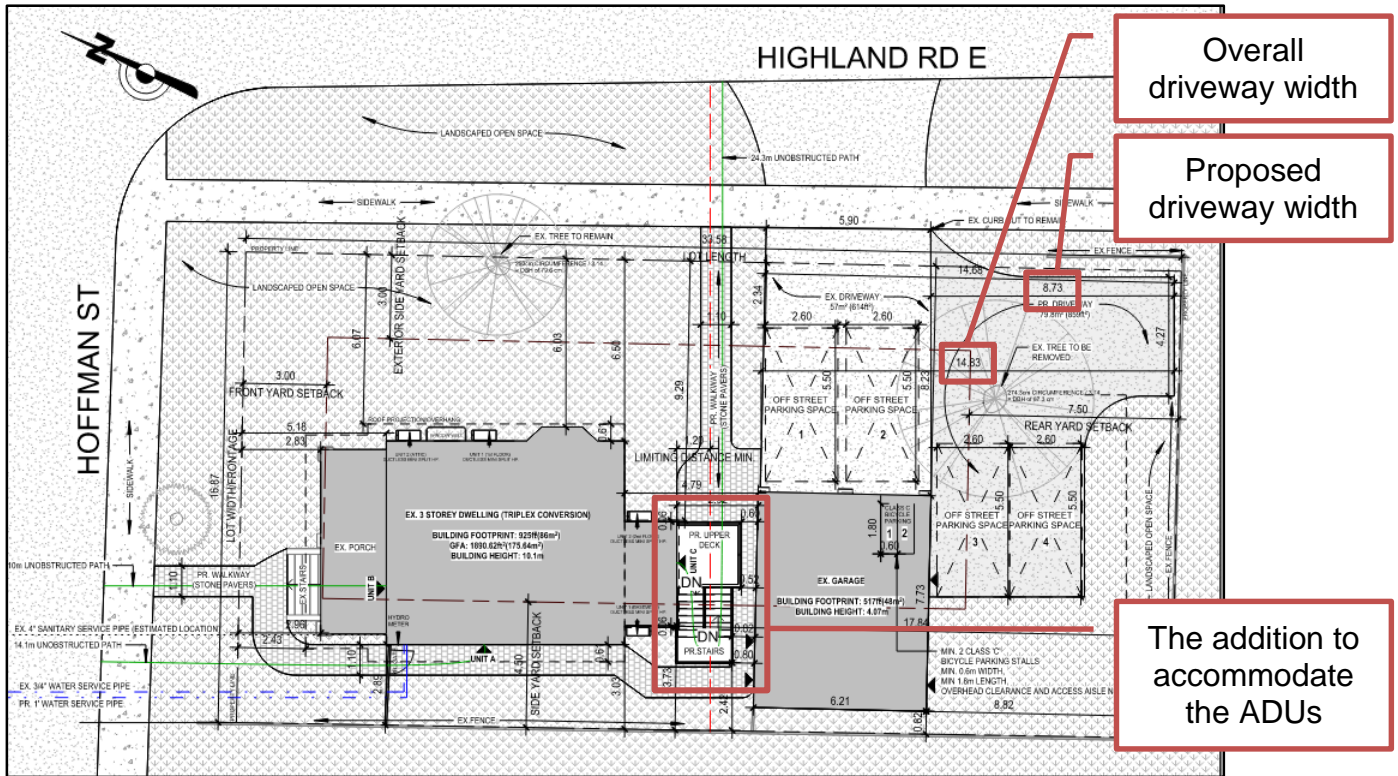


Figure 3: Proposed Site Plan

Development and Housing Approvals Staff visited the Site on January 5, 2026.



Figure 4: An Image of the Subject Property from the Flanking Side



Figure 5: An Image of the Subject Property Showing the Existing Garage and Tree



Figure 6: An Image of the Subject Property from the Front

REPORT:

Planning Comments:

For Section 45(2)(a)(ii)

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(ii). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

Is Approval in the Public Interest?

Staff are of the opinion that approval of this application is in the public interest. The proposal allows the continued use of the existing Single Detached Dwelling while introducing two Additional Dwelling Units, creating a Triplex. This represents a form of gentle intensification that supports the City's Housing Pledge and aligns with Official Plan Policy 4.C.1.24 by increasing the range of housing options. Given that the Southdale neighbourhood already contains a mix of residential forms, the proposed development is not expected to have a detrimental impact on surrounding uses.

Any Adverse or Unacceptable Impacts?

Staff are of the opinion that permitting two attached Additional Dwelling Units (ADUs) would not result in any adverse or unacceptable impacts. The existing building currently functions as a Single Detached Dwelling, and adding two dwelling units would better align the property with the intent of the Medium Density Residential land use designation. No land use conflicts are anticipated, as the required parking for a triplex is two (2) parking spaces, which can be accommodated within the existing detached garage and driveway. While the proposed increase in driveway width does not comply with the Zoning By-law and the associated variance is recommended for refusal, the expansion of the dwelling to include two ADUs is considered appropriate and would be able to function appropriately with the two (2) required parking spaces and would not create negative impacts on the surrounding neighbourhood.

Minor Variance Analysis

In considering the four tests for 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 Official Plan provides several policies regarding the intensification of housing, with more specific direction to the requested variances. Policy 4.C.1.8 provides 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:

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.

The proposed wide driveway will create a streetscape that contains more asphalt and vehicles and reduce the appearance of the existing landscape, amenity area, which does not make the site compatible and appropriate for the neighbourhood

Additional policy direction regarding compatibility is provided in the 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:

- 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 spaces, amenity areas, and landscaped areas in Residential areas. Widening the driveway will have an adverse impact on the streetscape, and reductions in the landscape visibility and existing tree canopy

Based on the above review, the requested variances do not meet the intent of the Official Plan.

General Intent of the Zoning By-law

The maximum driveway width provision intends to preserve the visual relationship between residential properties and the streetscape, ensuring that neighbourhoods are not dominated by paved surfaces. This regulation promotes a balanced streetscape with adequate landscaping, tree retention, and pedestrian-friendly design, contributing to the overall character and livability of the area.

Under Zoning By-law 2019-051, the maximum permitted driveway width is 40% of the lot width for properties located within a Central Neighbourhood. For the subject property, the maximum permitted driveway width is 6.7 metres. The requested driveway width of 14.8 metres represents approximately 88% of the lot width, which significantly exceeds Zoning By-law standard and intent.

The proposed increase is intended to accommodate additional parking spaces and a hammerhead-turning area; however, this design introduces several concerns:

- **Visual Impact:** The expanded driveway would substantially increase the amount of visible asphalt, alter the streetscape and create a more vehicle-dominated exterior side yard.
- **Excess Parking:** The proposal provides parking beyond the zoning requirement, which conflicts with the Zoning By-law's intent to limit hard surfaces and prioritize landscaping.
- **Loss of Green Space/Amenity Area:** The increased width would reduce landscaped and outdoor amenity area and necessitate a large tree removal.

Transportation Planning Staff note that due to the proposed driveway configuration outside of Parking Spaces 3 and 4, the turnaround area east of Parking Space 4 would not functionally support any vehicle movements. As the addition of driveway width in this area would not function appropriately, the proposed width of the driveway does not meet the general intent of the Zoning By-law.

Overall, the requested variance does not align with the general intent of the Zoning By-law, which seeks to maintain a harmonious streetscape, minimize impervious surfaces, and support sustainable urban design principles.

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

The requested variance to increase the maximum permitted driveway width from 6.7 metres (40% of the lot width) to 14.8 metres (approximately 88% of the lot width) is not considered minor in nature. The proposed width will be more than double the permitted maximum and the increased driveway width will have negative visual impact of the residential property and the residential streetscape. The wider driveway will have the rear yard appear as a parking lot from the street yard, with the majority of it be covered by a detached garage with two (2) parking spaces, four (4) parking spaces on a paved surface and a hammerhead. While the Applicant/Owner indicates that the additional driveway area is a convenient option for a building with additional dwelling units to avoid parking conflicts between tenants, it presents a situation where a significant portion of the rear yard and exterior side yard will be covered by a detached garage and a paved, impervious surface.

Transportation Planning Staff note that due to the proposed driveway configuration outside of Parking Spaces 3 and 4, the turnaround area east of Parking Space 4 would not functionally support any vehicle movements.

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

The requested variance is not considered desirable for the appropriate development or use of the land. Although the Applicant/Owner intends to provide additional parking spaces and provide unobstructed vehicular access for the additional dwelling units, the proposed driveway width would result in a streetscape dominated by asphalt, reduce landscaped areas, and require the removal of an exceptionally large tree. These changes conflict with the residential character and urban design objectives of the neighbourhood. As such, the variance does not support a balanced or sustainable form of development. Therefore, the requested variance related to widening the driveway is not required to facilitate the addition of dwelling units and is not desirable and appropriate.

Environmental Planning Comments:

City trees may be impacted by the proposal; Serena Soucy is the contact. No other natural heritage issues; no other tree issues.

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 two additional attached dwelling units 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:

No concerns.

Transportation Planning Comments:

Transportation Services does not support a proposed driveway width beyond 8.0 metres for this Minor Variance Application, which is consistent with Table 5-2 of the Zoning By-law and applied throughout the City for this type of parking configuration and land use.

Staff also note that due to the proposed driveway configuration outside of Parking Spaces 3 and 4, the turnaround area east of Parking Space 4 would not functionally support any vehicle movements.

Grand River Conservation Authority Comments:

No comments or concerns.

Region of Waterloo Comments:

No concerns.

Six Nations of the Grand River Elected Council (SNGREC) Comments:

No comments.

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*