

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: October 18, 2022

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review,
519-741-2200 ext. 7765

PREPARED BY: Sheryl Rice Menezes, Planning Technician (Zoning),
519-741-2200 ext. 7844

WARD(S) INVOLVED: 4

DATE OF REPORT: October 8, 2022

REPORT NO.: DSD-2022-465

SUBJECT: Minor Variance Application A2022-119 - 16 Upper Canada Drive
Owner: Sabiha Ali
Agent: Muhammad Usama/Ardprobe Inc

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-119 requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 to permit the required parking space to be located 2.7 metres from the street (property) line instead of the minimum required 6 metres, generally in accordance with a plan prepared by Ardprobe Inc., dated August 15, 2022, to facilitate the conversion of the attached garage to living space to permit a duplex use of the existing single detached dwelling, BE APPROVED.

Zoning By-law 2019-019

- B. That Minor Variance Application A2022-119 requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit the required parking space to be located 2.7 metres from the street (property) line instead of the minimum required 6 metres, generally in accordance with a plan prepared by Ardprobe Inc., dated August 15, 2022, to facilitate the conversion of the attached garage to living space to permit an additional dwelling unit (ADU)(Attached) to the existing single detached dwelling, BE APPROVED subject to the following:

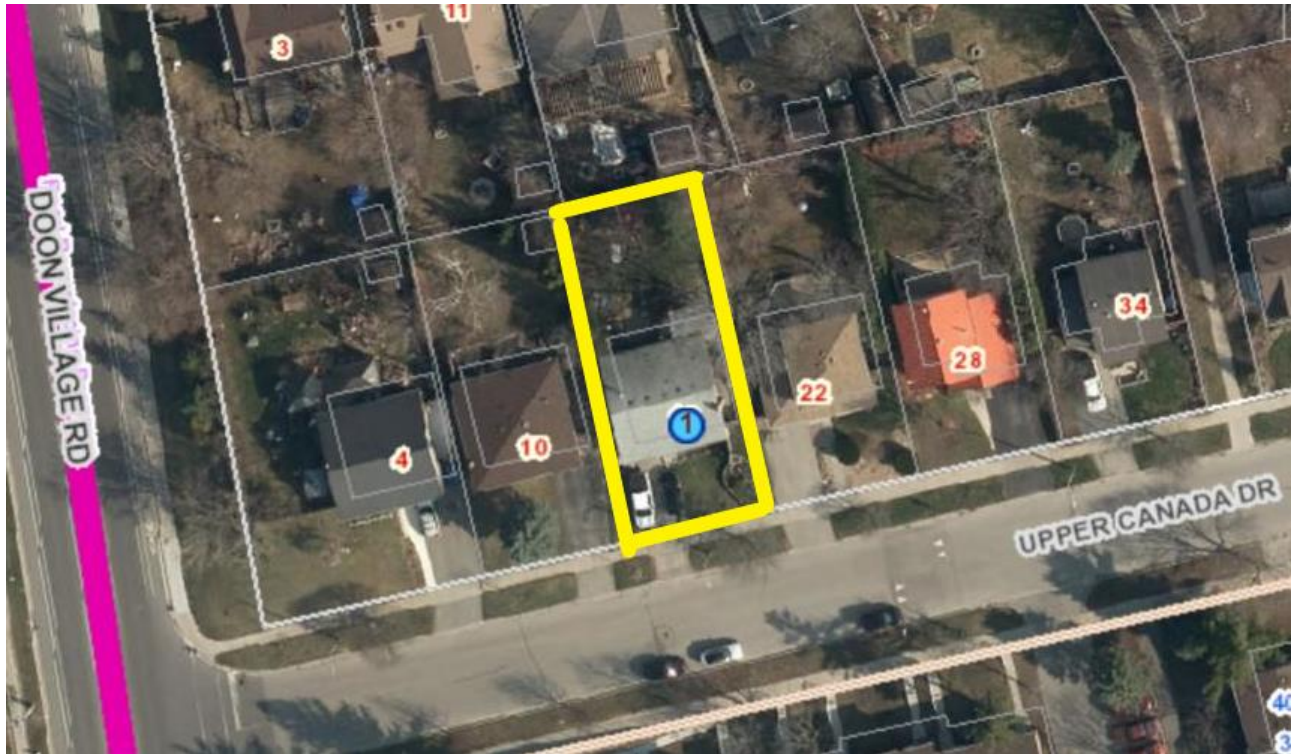
That this variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to Section 34(30) of the Planning Act, R.S.O. 1990, c P 13, as amended, at such time the variance shall be deemed to have come into force as of the date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the conversion of a single detached dwelling into a duplex dwelling.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- 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 circulation of the application via mail, notification by way of The Record and signage placed on the property.
- This report supports the delivery of core services.



BACKGROUND:

The subject property is located on the north side of Upper Canada Drive, to the east of Doon Village Road.

The property is identified as Community Area on Map 2 – Urban Structure and it is designated as Low Rise Residential on Map 3 – Land Use in the City's Official Plan. The zoning of the land is Residential Three (R-3) in By-law 85-1 and Low Rise Residential Two (RES-2) in By-law 2019-051, which is currently under appeal.

The purpose of this application is to review an application for minor variance to facilitate the conversion of the existing single detached dwelling into a duplex dwelling with a variance for the parking setback for one parking space. The second parking space does not require a variance.

Staff visited the site on October 3, 2022.

REPORT:

In considering the four tests for minor variances outlined in Section 45(1) of the Planning Act, R.S.O. 1990 Chap. P13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' in the City's Official Plan.

Policy 4.C.1.6 states that the City will 'encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and services costs by minimizing land consumption and making better use of existing community infrastructure'.

Policy 15.D.3.4 states that 'new residential buildings, additions and/or modifications to existing residential buildings and conversions in predominantly low-density neighbourhoods should be compatible with and respect the massing, scale, design and physical character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site'.

The proposed parking variance to permit the conversion of the property from a single dwelling to a duplex dwelling maintains the Low Rise Residential built form of the neighbourhood and therefore it is the opinion of staff that the requested variance meets the general intent of the Official Plan.



Figure 1 – Photo of the Front of the Property at 16 Upper Canada Drive

General Intent of the Zoning By-law

The zoning regulation for one of the two required parking spaces for a duplex use is to be located a minimum distance of 6 metres from the front lot line (street line) to ensure that there is sufficient

Is the Effect of the Variance Minor?

[illegible]

Figure 2 - Proposed Driveway/Parking Plan

Several properties in this neighbourhood utilize the driveway for the parking of the vehicles. The additional parking space, the ability to park two vehicles in tandem, will not negatively impact the streetscape.

Is the Variance Desirable for the Appropriate Development or Use of the Land, Buildings and/or Structure?

Below is a drawing showing the proposed street facing elevation of the dwelling with the garage door replaced with a window. The elevation changes are suitable for the building and will be compatible with the built form in the neighbourhood. The variance is desirable and appropriate as it will provide a gentle form of intensification within the existing building. Staff is of the opinion that the variance is appropriate for the subject property, use of the property and compatible with the surrounding residential neighbourhood.



Figure 3 - Proposed Front View Elevation (garage door to be changed to a window)

Transportation Planning:

Transportation Services supports the proposed parking setback of 2.7m from the required 6.0m setback from the property line.

Building:

The Building Division has no objections to the proposed variance. Application has been made for the change of use to duplex.

Engineering:

Engineering has no concerns with setback. Will be subject to requirements of a Curt Cut/Driveway Widening permit.

Parks/Operations:

Two City-owned trees may be impacted by the proposed development and the owner should contact the above noted staff for direction. (This will be considered through the Curb-Cutting/Driveway Widening permit).

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 council / committee meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties that they may find additional information on the City's website or by emailing the Planning Division. Lastly, a notice of the application was mailed to all property owners within 30 metres of the subject land.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *City of Kitchener Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*