

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 13, 2022

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

PREPARED BY: Julian Lee, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: December 7, 2022

REPORT NO.: DSD-2022-490

SUBJECT: Minor Variance Application A2022-134 – 192 Kent Street

RECOMMENDATION:

Zoning By-law 85-1

A. That Minor Variance Application A2022-134 for 192 Kent Street requesting relief from:

- i) Section 39.2.1 of Zoning By-law 85-1 to permit a minimum lot area of 332.5 square metres instead of the minimum required 495 square metres, a minimum lot width of 12.2 metres instead of the minimum 15 metres and a minimum side yard abutting a street of 3.3 metres instead of the minimum required 4.5 metres;**
- ii) Section 6.1.2 a) of Zoning By-law 85-1 to permit a multiple dwelling, having 3 dwelling units, to provide 2 parking spaces, instead of the minimum required 3 parking spaces; and**
- iii) Section 5.3 of Zoning By-law 85-1 to permit the corner of the existing 2-storey deck to encroach into the Driveway Visibility Triangle (DVT) whereas no encroachment is permitted;**

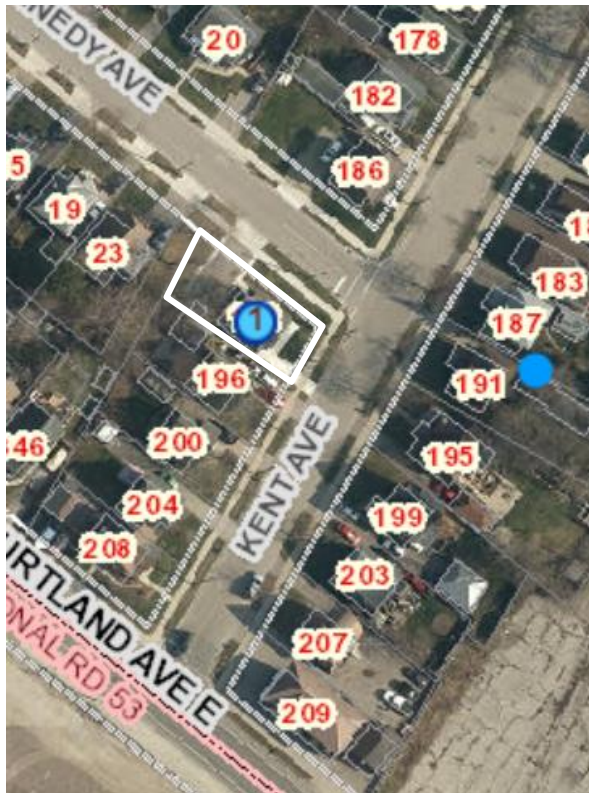
to facilitate the development of a multiple dwelling, having 3 dwelling units, on the subject property, generally in accordance with drawings prepared by Fine Line Drafting and Design, dated October 14, 2022, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to facilitate the development of a multiple dwelling, having 3 dwelling units, on the subject property.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the corner of Kent Avenue and Kennedy Avenue in the Mill Courtland Woodside Park neighbourhood. The surrounding context is comprised of primarily low rise residential and light industrial uses.



Location Map – 192 Kent Avenue



Photo of Subject Property

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 12 – Mill Courtland Woodside Park Neighbourhood Secondary Plan in the City's 1994 Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.

The purpose of the application the applicant is requesting relief from Section 39.2.1 of Zoning By-law 85-1 to permit a minimum lot area of 332.5 square metres instead of the minimum required 495 square metres, a minimum lot width of 12.2 metres instead of the minimum 15 metres and a minimum side yard abutting a street of 3.3 metres instead of the minimum required 4.5 metres, relief from Section 6.1.2 a) of Zoning By-law 85-1 to permit a multiple dwelling, having 3 dwelling units, to provide 2 parking spaces, instead of the minimum required 3 parking spaces and relief from Section 5.3 of Zoning By-law 85-1 to permit the corner of the existing 2-storey deck to encroach into the Driveway Visibility Triangle (DVT) whereas no encroachment is permitted, to facilitate the

development of a multiple dwelling, having 3 dwelling units, on the subject property.



Photo of Existing Deck

The existing 2 storey single detached dwelling is not proposed to be demolished; interior renovations and minor exterior work will be undertaken to convert the existing building into a 3-unit multiple dwelling.

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 subject property is identified as 'Major Transit Station Area' (MTSA) on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 12 – Mill Courtland Woodside Park Neighbourhood Secondary Plan in the City's 1994 Official Plan. The intent of the Low Rise Conservation designation is to retain the existing low rise, low density, primarily detached housing stock while simultaneously allowing a slight density increase by permitting conversion or redevelopment to a maximum of 3 dwelling units. Staff note that the existing 2 storey single detached dwelling is not proposed to be demolished; interior renovations and minor exterior work will be undertaken to convert the existing building into a 3 unit multiple dwelling, which is a permitted use under Mill Courtland Woodside Park Neighbourhood Secondary Plan policy 13.4.3.1. Permitting the requested variances would also facilitate the development of additional units in the area identified as an MTSA on Map 2 of the Official Plan, in accordance with Official Plan policy 3.C.2.17. As such, granting the requested variances would have no significant impact to the low rise, low density character of the neighbourhood, and accommodate growth through gentle density appropriate to the

surrounding context in support of existing and planned rapid transit, therefore maintaining the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the minimum lot area and lot width requirement for multiple dwellings in Zoning By-law 85-1 is to ensure that the lands are functionable in accommodating a 3 unit multiple dwelling on the site, and to ensure an adequate level of amenity space and access can be maintained. Staff note that the requested minimum lot area and lot width are comparable to the minimum required lot dimensions for Additional Dwelling Unit (detached) applications, which also permit a maximum of 3 dwelling units per lot. As both the lot dimensions and 2 storey duplex dwelling are existing; permitting the requested variances would not further impact the functioning of a multiple dwelling on the site, or access to the property.

The intent of a DVT and the minimum 4.5 metre side yard setback abutting a street is to ensure adequate visibility for vehicles entering/exiting the driveway, and to maintain an adequate setback from the building to the street. Staff note that the corner of the existing 2 storey deck that encroaches on the DVT is 0.5 metres in length; permitting this encroachment would not be visually discernable and would not impact the visibility of the driveway to the street.

The intent of the minimum required 3 parking spaces for a 3 unit multiple dwelling is to ensure adequate parking is provided for the residents of the dwelling. As 192 Kent Avenue is located within a Major Transit Station Area, there would be adequate alternate means of transportation from the property. Staff note that the provision of reducing the required parking for properties located within 800 metres of an LRT station is standard for ADU (detached) applications; permitting the same for the current minor variance application would not impact the parking configuration of or travel to/from the property and therefore maintain the intent of the Zoning By-law.

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

As the lot is already existing and the majority of the conversion work to the dwelling will be interior renovations, staff are of the opinion that the effects of the requested variances are minor in nature.

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

The requested variances are desirable for the appropriate development and use of the land and building. Permitting the requested variances would facilitate the conversion of an existing duplex into a legal 3-unit multiple dwelling, representing a form of gentle density in an established neighbourhood located within an MTSA.

Environmental Planning Comments:

No concerns due to no site development works, no external construction and no demolition.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the change of use to a triplex is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no comment.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns to legalize the existing minor porch encroachment into the driveway visibility triangle.

Transportation Services can support the proposed parking reduction from 3 to 2 parking spaces provided that, any possible tenants must be made aware prior to rent/sale, that their unit does not have an associated parking space available. Also, within 600 metres of the site there is access to the Iron Horse Trail, Borden ION Station and Grand River Transit Route 6. These are fantastic options for someone who does not have a passenger vehicle and is looking for an alternative mode of transportation.

Planning Comments: As Planning Staff have noted above, the parking requirement for a duplex and an Additional Dwelling Unit (ADU) (Detached) for properties located within 800 metres of an ION/LRT would be 2 parking spaces (no new parking required for ADU (Detached)); permitting the same for the current minor variance application to facilitate an Additional Dwelling Unit (ADU) (Attached) would have the same effect.

GRCA Comments:

GRCA has no objection to the above-noted minor variance application.

Documents Reviewed by Staff

GRCA staff have reviewed the following documents submitted with this application, received by GRCA staff on November 17, 2022 from the City of Kitchener:

- Application for Minor Variance (City of Kitchener, October 14 2022); and
- Site Plan (Fine Line Drafting & Design, October 14 2022).

GRCA Comments

GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our MOU with the Region of Waterloo and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains the regulated allowance to floodplain associated with Shoemaker Creek. A copy of our resource mapping is attached.

Due to the presence of the floodplain, a portion of the subject property is regulated by the GRCA under Ontario Regulation 150/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development within the regulated area on the subject property will require the prior issuance of a permit pursuant to Ontario Regulation 150/06.

The current and proposed use of the subject property is residential. We understand the purpose of this application is to permit a multiple dwelling containing three dwelling units and two parking spaces on the subject property. We understand the applicant is requesting relief from zoning by-law requirements pertaining to minimum lot area, minimum lot width, minimum side yard abutting a street, number of parking spaces, and landscape space. The GRCA does not anticipate negative natural hazard impacts as a result of this minor variance application, and we have no objection.

Consistent with GRCA's 2022 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$290 for the GRCA's review of this application.

Should you have any questions, please contact me at iconroy@grandriver.ca or 519-621-2763 ext. 2230.

Region of Waterloo Comments:

No concerns.

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 Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

Attachment A – Site Plan of Proposed Multiple Dwelling

[illegible][illegible][illegible]

No.	CHRONOLOGY	DATE
1	DATE OF THE STUDY APPROVAL	2023-03-31
2	DATE OF THE STUDY START	2023-03-31

PERSON TOTAL	
PERSON PROJECT	

NO. REVISIONS		DATE

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LINE
DRAFTING
& DESIGN

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800.333.6485

BASEMENT RENOVATION
192 KENT AVENUE, ETCHENAPOLIS,
ONTARIO R2G 3H4

SITE PLAN

DATE	2022.10.14	OFFICE	
CLASS	As instructed		
RECORD NO.	2022-079	SPA.1	