

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 17, 2023

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

PREPARED BY: Tara Zhang, Planner, 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: January 4, 2023

REPORT NO.: DSD-2023-037

SUBJECT: Minor Variance Application A2023-001 - 18 Cambridge Avenue
Owner: Jamie Quintanilla
Agent: Alex Josic

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2023-001 for 18 Cambridge Avenue 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 5.4 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing attached garage into living space to provide an additional dwelling unit, BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2023-001 for 18 Cambridge Avenue requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit the required parking space to be located 5.4 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing attached garage into living space to provide an Additional Dwelling Unit (ADU) (Attached), BE APPROVED subject to the following:

This minor 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 final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and provide a recommendation for a minor variance application to recognize the location of the required parking space to allow for the conversion of the attached garage into living space.
- There are no financial implications.
- This report supports the delivery of core services.

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

BACKGROUND:

The subject property is located within the Rosemount Neighbourhood near the intersection of Bruce Street and Cambridge Avenue. The Conestoga Parkway is located to the west of the property and the Stanley Park Conservation Area is located towards the east of the property.

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 'Residential Three Zone (R-3)' in Zoning By-law 85-1 and 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051, which is currently under appeal.

The applicant is requesting relief from Section 6.1.1.1 b) i) of Zoning By-law 85-1 and Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit the required parking space to be located 5.4 metres from the street (property) line instead of the minimum required 6 metres to facilitate the conversion of the existing attached garage into living space with a second storey addition to provide an additional dwelling unit.

The applicant is aware that the driveway will be required to be comprised of one consistent driveway material in order to comply with the zoning by-laws.

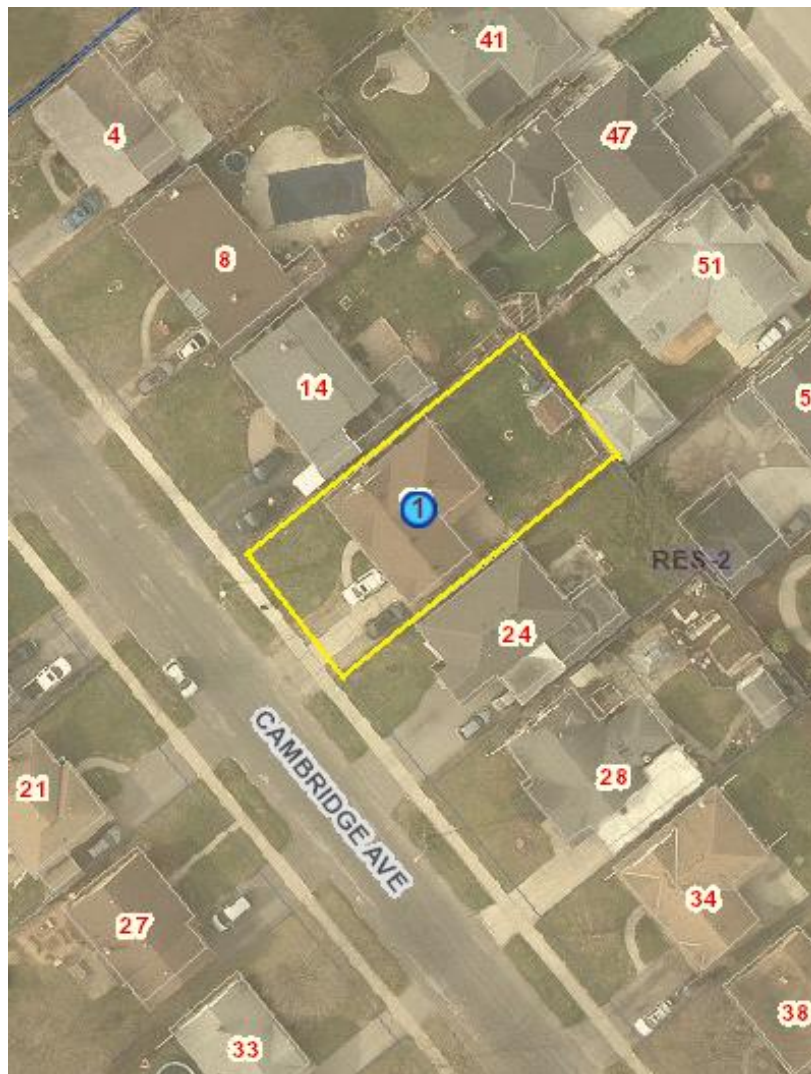
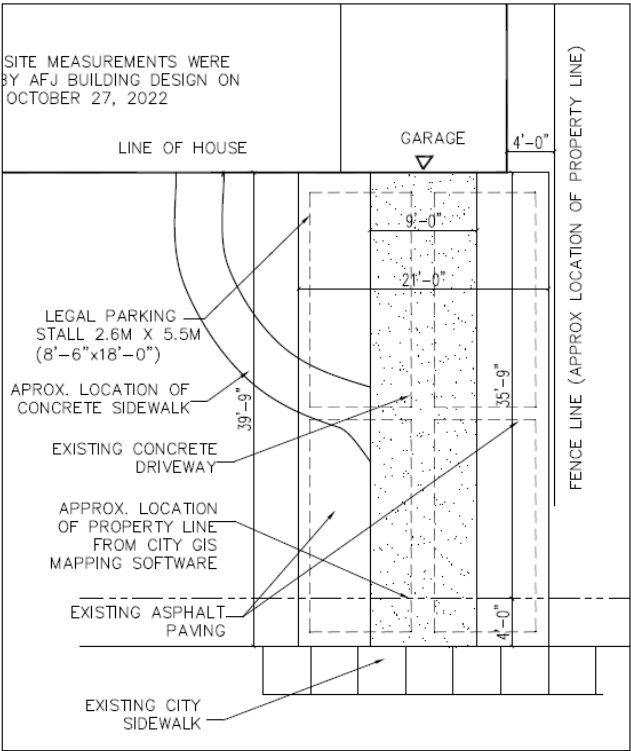


Figure 1: Location Map: 18 Cambridge Avenue



3 EXISTING DRIVEWAY MEASUREMENTS
SP1 SCALE: 1/8" = 1'-0"

Figure 2: Existing measurements



Figure 3: Front view of property

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 designated 'Low Rise Residential' in the City's Official Plan. The intent of this land use designation is to permit a variety of low-density residential uses. Official Plan Policy 4.C.1.8 specifies criteria that should be considered where a minor variance is requested. Subsection 'e' is of relevance to the requested variance and specifies that the variance should be reviewed to ensure that "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". The use of the property will still function appropriately and meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the zoning regulation requiring the legal parking space to be located 6 metres from the street line is to ensure a vehicle can be safely parked on the driveway without affecting the City right-of-way and surrounding properties. One (1) parking space currently exists in the driveway without any issues. With the removal of the garage to convert into living space, the property will still be able to function appropriately and accommodate up to two parking spaces on site subject to a driveway widening. Staff are of the opinion that the requested variance to allow the required parking space at 5.4 metres instead of the 6 metres meets the general intent of the Zoning By-law.

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

The requested variance is considered minor as the required off-street parking space can be accommodated within the existing driveway, setback 5.4 metres from the street line, in a safe manner. The property will be able to provide two (2) parking spaces with a driveway widening that will meet zoning requirements.

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

Planning staff is of the opinion that the proposed variance is desirable and appropriate as it will create additional housing while recognizing the deficiency in the location of the required parking space.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

NOTE: The applicant/owner will require a curb cut permit from the City of Kitchener if any changes are being made to the existing driveway apron.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*