

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 21, 2023

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

PREPARED BY: Ben Brummelhuis, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward(s) 8

DATE OF REPORT: March 15, 2023

REPORT NO.: DSD-2023-108

SUBJECT: Minor Variance Application A2023-029 - 57 Barbara Crescent
Minor Variance Application A2023-030 - 59 Barbara Crescent

RECOMMENDATION:

Zoning By-law 2019-051

Minor Variance Application A2023-029 – 57 Barbara Crescent

A. That Minor Variance Application A2023-029 for 57 Barbara Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.3 h) to permit a lot area of 345 square metres instead of the minimum 395 square metres; and
- ii) Section 4.12.3 i) to permit a minimum lot width of 9.4 metres instead of the minimum 13.1 metres;

in accordance with drawings prepared by ACI Survey Consultants, dated December 16, 2020, BE APPROVED.

Minor Variance Application A2023-030 – 59 Barbara Crescent

B. That Minor Variance Application A2023-030 for 59 Barbara Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.3 h) to permit a lot area of 345 square metres instead of the minimum 395 square metres; and
- ii) Section 4.12.3 i) to permit a minimum lot width of 9.4 metres instead of the minimum 13.1 metres;

in accordance with drawings prepared by ACI Survey Consultants, dated December 16, 2020, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to facilitate the conversion of accessory structures on 57 and 59 Barbara Crescent to Additional Dwelling Units (ADU)(Detached).

- The key finding of this report is that the minor variances for 57 and 59 Barbara Crescent meet the four 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 properties are located the south side of Barbara Crescent and North of Highway 7.



Figure 1 – Aerial Photo of the Subject Properties

The subject properties are identified as 'Community Area' on Map 2 – Urban Structure and are designated 'Low-rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The properties is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the applications is to facilitate the conversion of existing accessory structures into Additional Dwelling Units (ADU) (Detached). The properties addressed as 57 and 59 Barbara Crescent previously existed as one lot. In December 2020 the subject property was severed into two lots, municipally known as 57 and 59 Barbara Crescent. The existing single detached dwelling was

demolished in September 2021. Building permits for the duplex dwellings and the accessory structures and their driveways were approved and issued on November 21, 2021 and complied with Zoning By-law 85-1. The subject properties are identified in a Source Water Protection area and are not subject to either Section 57 (Prohibition) or Section 58 (Risk Management Plan) of the Clean Water Act.

Staff visited the subject sites on March 1, 2023.



Figure 2 – Front View Photo from Site Visit 57 Barbara Crescent
Figure 3 – Front View Photo from Site Visit 59 Barbara Crescent



Figure 4 – Interior View Photo from site visit of the ADU detached

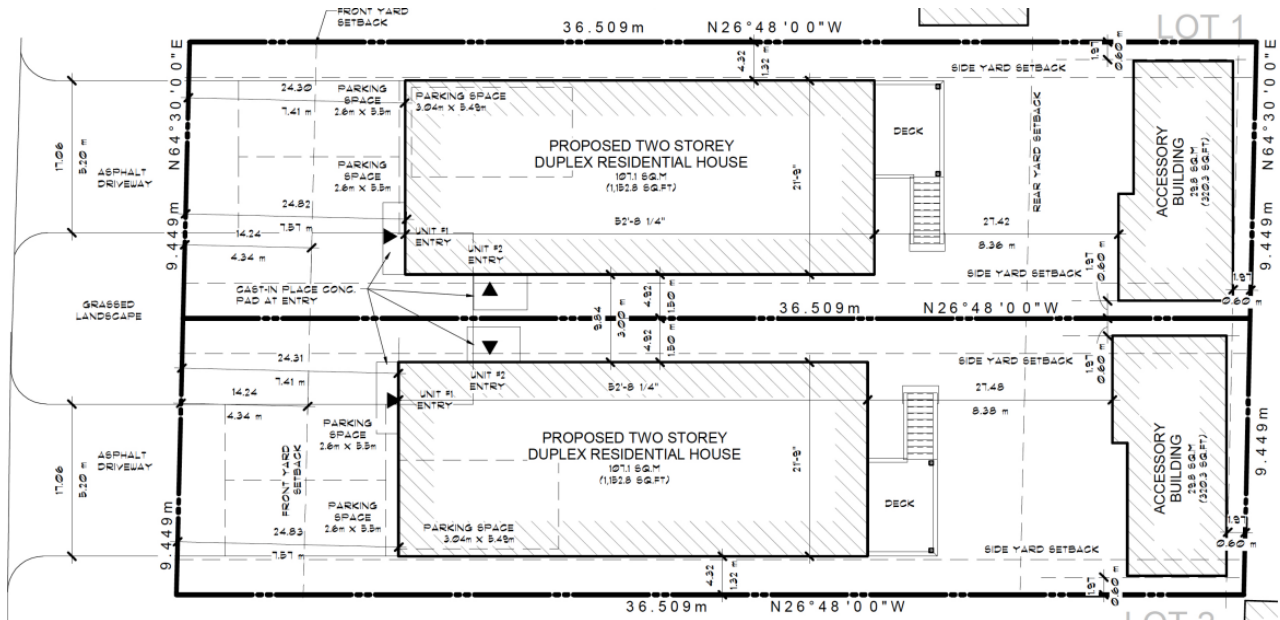


Figure 5 – Site Plan

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 properties are designated 'Low Rise Residential' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to permit a variety of low-density residential uses with an emphasis on compatibility with the built form, height, massing, scale, and design. The Low Rise

Residential policy supports a cohesive relationship of the principal buildings and accessory buildings with the streets, and within the neighbourhood. The primary dwellings are 2 storey duplex dwellings with accessory structures in the rear. The existing accessory building is similar in height, scale, and design to adjacent properties with accessory structures. Staff is of the opinion that the proposed conversion of an existing accessory structure to an ADU detached is an appropriate use that provides a mix of residential uses and meets the intent of the Official Plan.

General Intent of the Zoning By-law

Minimum Lot Area:

The intent of the 395 square metre lot area to permit the construction of an ADU detached is to ensure that there is adequate space to accommodate other regulatory functions, provides a buildable area, and the provision of adequate amenity space. Given that the reduction in minimum lot area does not impact the functionality of the site as the purpose of the application is to convert an existing accessory structure to an ADU detached, staff are of the opinion that a reduction from 395 square metres to 345 square metres reduction is appropriate and meets the intent of the zoning by-law.

Minimum lot Width:

The intent of the 13.1 metre lot width is to ensure that there is adequate side yard setbacks for the principle dwelling and the provision of access to the accessory dwelling. Given that the reduction still allows for the appropriate side yard setbacks and an appropriate access to the accessory structure, staff are of the opinion that a reduction from 13.1 metres to 9.4 metres in lot width is appropriate and meets the intent of the zoning by-law.

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

The effects of the variances are minor in nature. The reductions in the regulations will not inhibit the ability of the lot to meet other zoning regulations and provide an adequate dwelling area and amenity space. The requested variances are not expected to impact any of the adjacent properties or the surrounding neighbourhood. The ADU will be developed in an existing detached accessory structure which height, massing, scale, and design is compatible with structures on adjacent properties.

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

The variances are appropriate for the development and use of the land. The variances will support a gentle intensification of housing by facilitating the conversion of an existing accessory structures on the subject property to Additional Dwelling Unit (ADU) (Detached).

Environmental Planning Comments:

Environmental Planning has no natural heritage concerns or tree management concerns.

Heritage Planning Comments:

Heritage planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances provided building permits to convert the accessory structure into an ADU unit is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

Parks/Operations has no concerns.

Transportation Planning Comments:

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

NOTE: Ensure that the proposed ADU has a 1.5m sidewalk connection to the driveway/municipal sidewalk.

Region of Waterloo Comments:

The Region of Waterloo has no concerns.

Ministry of Transportation Comments:

The Ministry of Transportation (MTO) has no requirement for this application. The subject properties are located beyond MTO limits of permit control and therefore MTO review, acceptance and permits will not be required.

Grand River Conservation Authority (GRCA) Comments:

The GRCA has 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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *B2021-001 – Consent application*
- *2021 128685 000 00 DC Demolition Control Permit*