

**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:** Tim Seyler, Planner, 519-741-2200 ext. 7860

**WARD(S) INVOLVED:** Ward 6

**DATE OF REPORT:** March 10, 2023

**REPORT NO.:** DSD-2023-115

**SUBJECT:** Minor Variance Application A2023-034 – 106 Chandler Drive

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## **RECOMMENDATION:**

### **Zoning By-law 2019-051**

That Minor Variance Application A2023-034 for 106 Chandler Drive requesting relief from Section 7.3, Table 7-6, of Zoning By-law 2019-051, to permit;

- i) A minimum lot width of 16.1 metres instead of the minimum required 19 metres; and
- ii) A minimum front yard setback of 5.6 instead of the minimum 8.6 metres;

to facilitate a front yard addition to permit the development of 3 additional dwelling units within an existing multiple dwelling having 3 dwelling units, for a total of 6 dwelling units, generally in accordance with drawings prepared by Jackman Construction, dated October 13, 2022, **BE APPROVED.**

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review an application for minor variances to permit the development of 3 additional dwelling units within an existing multiple dwelling with 3 units, for a total of 6 units on the subject property.
- 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 at 106 Chandler Drive, near the intersection of Chandler Drive and Woodfern Court. The current use of the property is an existing multiple dwelling with 3 units.

The subject property is identified as 'Community Area' 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 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.



**Location Map: 106 Chandler Drive**



**Existing dwelling at 106 Chandler Drive**

The application is requesting relief from Section 7.3, Table 7-6 of Zoning By-law 2019-051 to permit a minimum lot width of 16.1 metres instead of the minimum required 19.0 metres. A minimum front yard setback of 5.6 metres is requested instead of the minimum required 8.6 metres. The variances will facilitate adding 3 units within an existing multiple dwelling with 3 units, for a total of 6 residential dwelling units on the property. A small front yard addition will be constructed in order to expand the existing building which requires the front yard setback and lot width variances. The parking area at the back is also proposed to be expanded and reoriented in order to support the additional parking required for the additional units.

## **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, which contains a number of policies related to density in low rise residential areas. The Low Rise Residential land use designation accommodates a full range of low density housing types including single detached dwellings, duplex dwellings, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings and special needs housing. Staff is satisfied the requested variances will maintain the low density character of the property and surrounding neighbourhood.

#### General Intent of the Zoning By-law

The 'RES-5' zone permits a range of housing types, and the intent of the minimum lot width is to ensure the lot is of an adequate size to accommodate a multiple residential development. The proposed additional units will be added to the existing multiple dwelling with the addition. The lot will still be of a sufficient size to accommodate the use and parking while maintaining compatibility with the low rise residential neighbourhood.

The intent of the front yard setback is to ensure that the properties have a consistent street setback with the neighbouring properties. The properties within this area have generally approximately the same setback and an addition of this nature will not be out of context with the setbacks of the adjacent properties.

As such, staff is satisfied the requested variances to permit a reduced lot width and front yard setback meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the requested variances are minor as the reduced front yard, and reduced lot width will not present any significant impacts to adjacent properties or the overall neighbourhood.

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

The proposed variances are appropriate for the development and use of the land as the proposed additional residential units (multiple dwelling) will facilitate a gentle form of intensification within the existing building. The scale, massing and height of the proposed addition will not negatively impact the existing character of the subject property or surrounding neighbourhood.

### **Environmental Planning Comments:**

No comments.

**Heritage Planning Comments:**

Heritage Planning has no concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the 3 additional units is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

Engineering division has no concerns.

**Parks/Operations Division Comments:**

Parks division has no concerns or requirements with the application.

**Transportation Planning Comments:**

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

**MTO Comments:**

The Ministry of Transportation (MTO) has completed a cursory review of the documents received February 24th 2023 for site located at 106 Chandler Drive. The site has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA), MTO's Highway Corridor Management Manual (HCMM) and all related guidelines and policies. MTO has no specific requirement for the Minor Variance (to permit a minimum lot width of 16.15 metres instead of the required 19.0 metres, and a minimum front yard setback of 5.6 metres rather than the required minimum front yard setback of 8.63 metres), however the following outlines our comments:

The site is along Highway 7, a **Class 1A - Freeway** and is designated as a **Controlled Access Highway** (CAH). As such, all requirements, guidelines and best practices in accordance with this classification and designation shall apply; The owner should be aware that the property falls within MTO's Permit Control Area (PCA), and as such, MTO Permits are required before any demolition, grading, construction or alteration to the site commences. In accordance with the Ontario Building Code, municipal permits may not be issued until such time as all other applicable requirements (i.e.: MTO permits/approvals) re satisfied. As a condition of MTO permit(s) MTO will require the following for review approval;

**Building and Land Use Permit**

MTO Building and Land Use Permit(s) will be required. As a condition of MTO permits, the following shall be provided:

- The Proponent shall submit an acceptable Site Plan, and Drainage Plan for MTO review and approval. These plans shall clearly identify all structures/works (existing and proposed).
- The required setback for this Highway is 14 metres. The existing parking lot is setback approximately 8 metres from the Highway property limit.
- MTO will permit a reduced setback in this instance, however, a condition of the permit will be:  
"The removal of parking within the 8-metre setback will be at the owner's expense if future expansion by MTO is required."
- MTO requires any other structure or element integral to the site to be set back a minimum of 8 metres from the property line.
- The parking lot set back must be clearly identified on the drawings submitted to MTO for the permit application.

**Planning Response**

City Planning staff have reviewed the MTO's comments and advise that a formal site plan application is not required for the development, as per Bill 23, as only 6 dwelling units are proposed. The MTO's

requirements will be addressed in accordance with the Ontario Building Code at the time of Building Permit Application, however the alterations to the parking area at the rear of the site are permitted within the City's Zoning By-law and are not subject to further City review or approvals. Planning staff advise the owner and the committee of the MTO's 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*

#### **ATTACHMENTS:**

Attachment A – Proposed Site Plan

[illegible]

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