

# Staff Report



Development Services Department

www.kitchener.ca

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 16, 2024

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

**PREPARED BY:** Ryan Hammond, Student Planner, 519-741-2200 ext. 7074.

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** April 3, 2024

**REPORT NO.:** DSD-2024-175

**SUBJECT:** Minor Variance Application A2024-023 – 423 Edwin Street

---

## RECOMMENDATION:

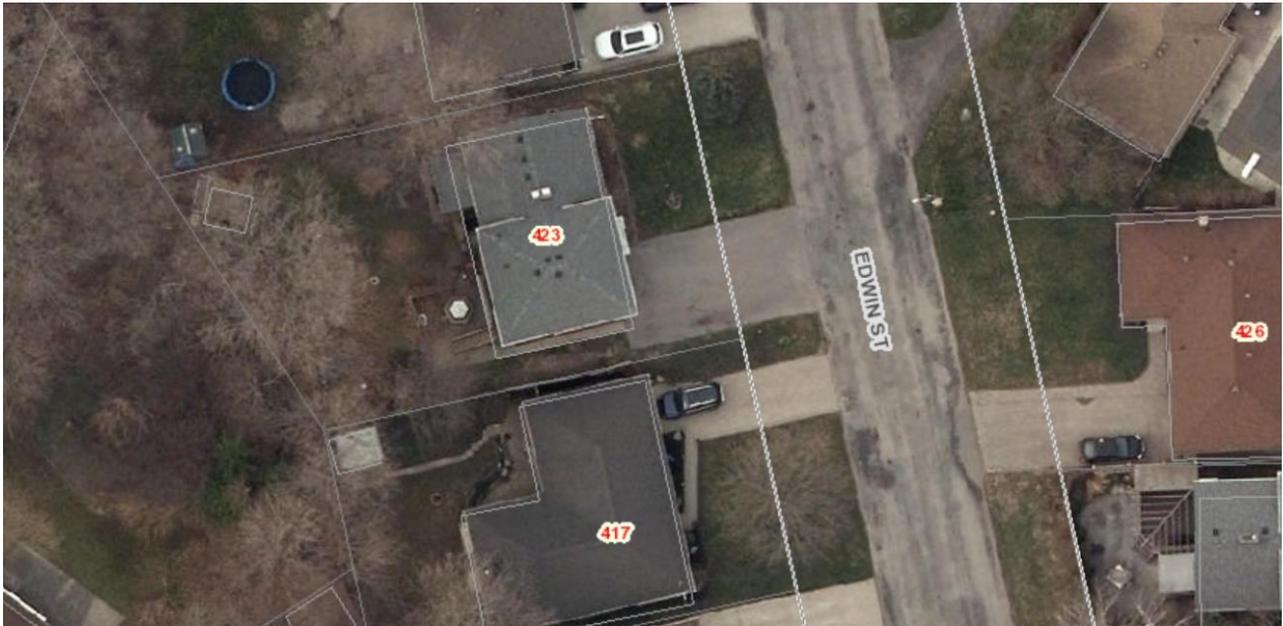
That Minor Variance Application A 2024-023 for 423 Edwin Street requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit a required parking space to be located 2.3 metres from the street (property) line instead of the minimum required 6 metres, to recognize the existing parking configuration to permit the construction of an Additional Dwelling Unit (ADU) (Attached), to facilitate the conversion of Single Detached Dwelling into a Duplex, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for parking to permit a conversion from a Single Detached Dwelling to a Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached) (Duplex).
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- There are not any 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 on the northerly side of Edwin Street between Bridgeport East and Downey Street. It is currently being used as a single detached dwelling.



**Figure 1: Aerial View of 423 Edwin Street**

423 Edwin Street 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application to allow for one required parking space on the driveway, to be located 2.3 metres from the front lot line. This is to allow for a single detached dwelling with one additional attached dwelling unit.

Council recently considered 'The Enabling Four Units Project' on March 25, 2024, and adopted By-law 2024-074 amending Zoning By-law 2019-051. The amendments to Zoning By-law 2019-051 will become effective March 25, 2024, pending the approval of Official Plan Amendment No. 47 and no appeals of either OPA No. 47 and By-law 2024-074.

With the 'Enabling Four Units' amendments a minor variance would not be required to Zoning By-law 2019-051 to facilitate this conversion. However, the applicant did not want to wait given the uncertainty of the timelines as to when these amendments would come into full force and effect.

Staff conducted a visit to 423 Edwin Street on April 2, 2024



## **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

432 Edwin Street is designated 'Low Rise Residential' in the City's Official Plan. The intent of this land use designation is to encourage residential intensification and redevelopment which includes additional dwelling units 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.

The proposed parking variance will facilitate a duplex dwelling use of the property and accordingly will maintain the general intent of the Official Plan.

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

The zoning regulation for one (1) of the two (2) required parking spaces for a duplex use to be located a minimum distance of 6 metres from the front lot line is to ensure that there is sufficient parking for a duplex use should the site only have tandem parking (which is permitted for the use). As well, it ensures that the parking spaces are not all located 0 metres from the street line which could result in vehicles dominating the streetscape. For the subject property, there is sufficient lot width, for a driveway to meet zoning requirements, so that having two parking spaces side by side near the front lot line does not dominate the property frontage or the streetscape.

With the 'Enabling Four Units' amendments parking spaces, where there is no attached garage, will be required to be located 0.5 metres from the street (front property) line.

The minor variance meets the general intent of the Zoning By-law.

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

The variance to permit the required parking space to be less than 6 metres from the street line can be considered minor as there is adequate area to provide the minimum of two parking spaces, side by side, on the existing driveway. The effects of this variance will be minor.

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

Staff are of the opinion that the variance is desirable and appropriate as it will facilitate a gentle form of intensification within the existing building, utilize existing infrastructure and support the City's Housing Pledge.

### **Environmental Planning Comments:**

No comments.

**Heritage Planning Comments:**

No comments.

**Building Division Comments:**

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

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No comments or concerns.

**Transportation Planning Comments:**

No comments or 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*