

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

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: April 3, 2024

REPORT NO.: DSD-2024-163

SUBJECT: Minor Variance Application A2024-030 – 109 Ingleside Drive

RECOMMENDATION:

That Minor Variance Application A2024-030 for 109 Ingleside Drive requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit a required parking space to be located 1.9 metres from the street (property) line instead of the minimum required 6 metres, and Section 5.4, Table 5-2 to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 4.5 metres, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for a requested driveway width of 5.2 metres, whereas a maximum of 4.5 metres is permitted, and for a requested reduced parking space setback from the property line of 1.9 metres whereas 6.0 metres is required.
- 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 on the southernly side of Ingleside Drive, near the intersection of Hazelglen Drive and Fischer Hallman Road. The surrounding context of the subject property is primarily comprised of low-rise residential uses.

The purpose of this report is to review a minor variance application for a requested driveway width of 5.2 metres (57% of the lot width), whereas a maximum of 4.5 metres (50% of the lot width) is permitted, and for a reduced parking setback from the front property line of 1.9 metres whereas 6.0 metres is required.

The owner has requested the variances to permit an additional dwelling unit (attached) within the existing semi-detached dwelling. Prior to the current owner purchasing the property, the garage had been converted to living space without the proper permits. Since that time the current owner is selling the property and wanting to legalize the parking for two units on the property so that the prospective purchaser can have two parking spaces on site, and then the prospective new owner will be applying for a building permit to legalize the second dwelling unit.

Staff acknowledge that the current width of the driveway is approximately 5.2 metres. The driveway width existed prior to Zoning By-law 2019-051 coming into effect and was considered a legal width within the context of Zoning By-law 85-1. Staff have no concerns with the driveway width as the driveway can be considered legal non-conforming, and the driveway will not be expanded further than what has existed.

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 allow the parking to be setback 1.9 metres from the front property line.

Accordingly, Staff are supportive of the reduced parking setback of 1.9 metres for the existing semi-detached dwelling as the garage has been converted to living space and should the property remain as a semi-detached dwelling or be converted to a semi-detached dwelling with an additional dwelling unit (attached) there are no concerns with the location of the required one parking space.

Staff conducted a visit to the subject property on March 28th, 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

The subject property is designated 'Low Rise Residential' in the City's Official Plan. This designation permits low density forms of housing such as semi-detached dwellings with one attached dwelling units. The proposed variances meet the intent of the Official Plan which encourages a range of different forms of housing and encourages a mix of residential uses

in residential areas. The proposed variances conform to the designation, and it is the opinion of staff that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The purpose of the maximum driveway width is to ensure that the driveway and the required parking, and presence of vehicles, do not dominate the front yard of the dwelling and the streetscape while allowing for landscaping, green space, and areas for natural water infiltration to occur. It is shown at this time that requested variance for the driveway will remain as existing, with no changes or expansions to the existing width.

The intent of the parking regulation to permit only one parking space with 6.0 metres of the street line, is to ensure that the front yard does not primarily function as a parking area, and that there is adequate separation from the street line to accommodate vehicles without impacting or impeding pedestrian use of the sidewalk right of way. The reduction to a 1.9 metre setback from the property line will still provide adequate separation from the street line and no impacts to the pedestrian use of the sidewalk is expected.

It should be noted that the 1.9 metre setback requested is greater than the recently approved 0.5 metre setback that has been approved by City Council in the update to the 2019-051 By-law, which is currently within the appeal period.

Staff is of the opinion that the variance for parking 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 variances will legalize an existing parking condition, with no exterior alterations to the existing building. It will also permit another dwelling unit within an existing structure and neighbourhood. The proposed variances will not present any significant impacts to adjacent properties or the overall neighbourhood, as it represents an existing situation.

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

The proposed variances are desirable and appropriate for the development and use of the land as their approval will legalize an existing parking situation and permit a gentle intensification within an established neighbourhood.

Environmental Planning Comments:

No natural heritage or tree management concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the change the 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 Engineering concerns.

Parks/Operations Division Comments:

No Parks/Operations concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the reduced parking setback being requested, going from the required 6.0 metres to 1.9 metres.

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:

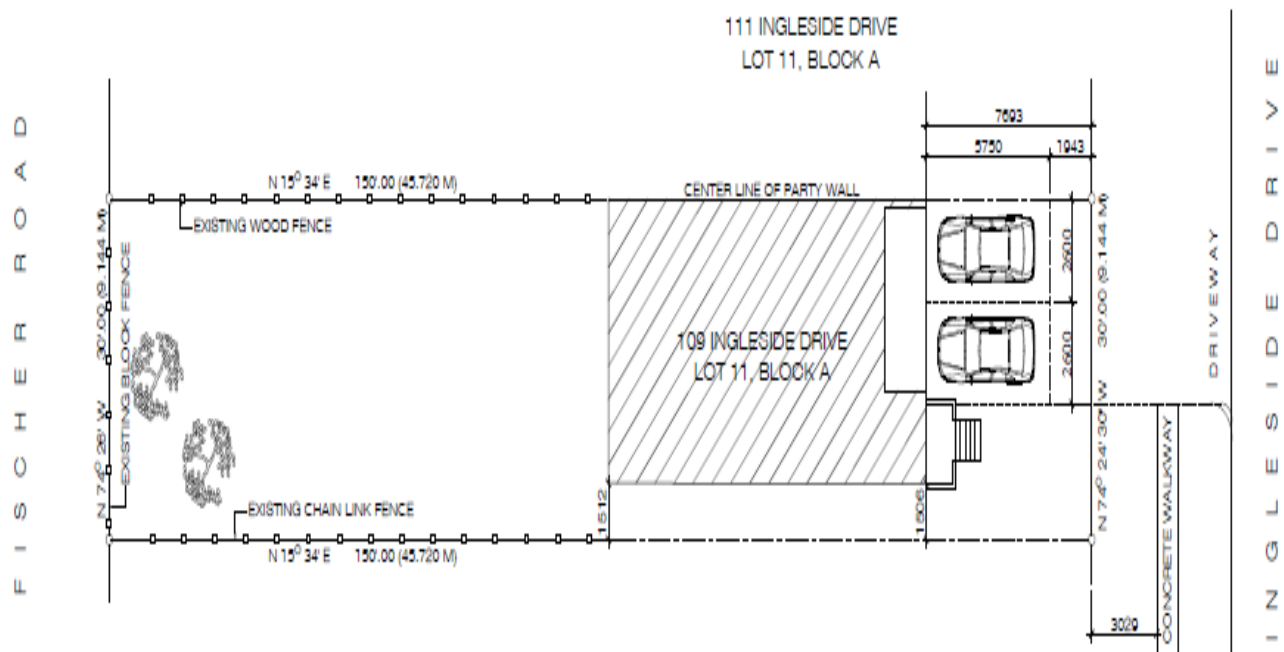
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 (below) – Proposed site plan



Attachment A - Proposed Site Plan – 109 Ingleside Drive