

# Staff Report



Development Services Department

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**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 9

**DATE OF REPORT:** March 15, 2023

**REPORT NO.:** DSD-2023-106

**SUBJECT:** Minor Variance Application A2023-036 - 183 Ottawa Street South

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## **RECOMMENDATION:**

### **Zoning By-law 85-1**

That Minor Variance Application A2023-036 for 183 Ottawa Street South requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.2 a) to permit a multiple dwelling having 8 dwelling units to have a parking requirement of 0 instead of the minimum required 10 parking spaces; and
- ii) Section 6.1.2 b) vi) A) to permit 0 visitor parking spaces instead of the minimum required 20% (2 parking spaces);

in accordance with drawings prepared by Rogan Home Design, dated January 18, 2022, BE APPROVED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to reduce the minimum parking requirement to 0 parking spaces.
- The key finding of this report is that the required minor variances 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 property is located at the corner of Ottawa Street S and Bedford Road, north east of the intersection of Ottawa Street S and Courtland Avenue East.



**Figure 1 – Ariel Photo of the Subject Site**

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Density Commercial Residential' on Map 12 – Mill Courtland Woodside Park Secondary Plan in the City's 1994 Official Plan.

The property is zoned 'Commercial Residential One Zone (CR-1)' in Zoning By-law 85-1.

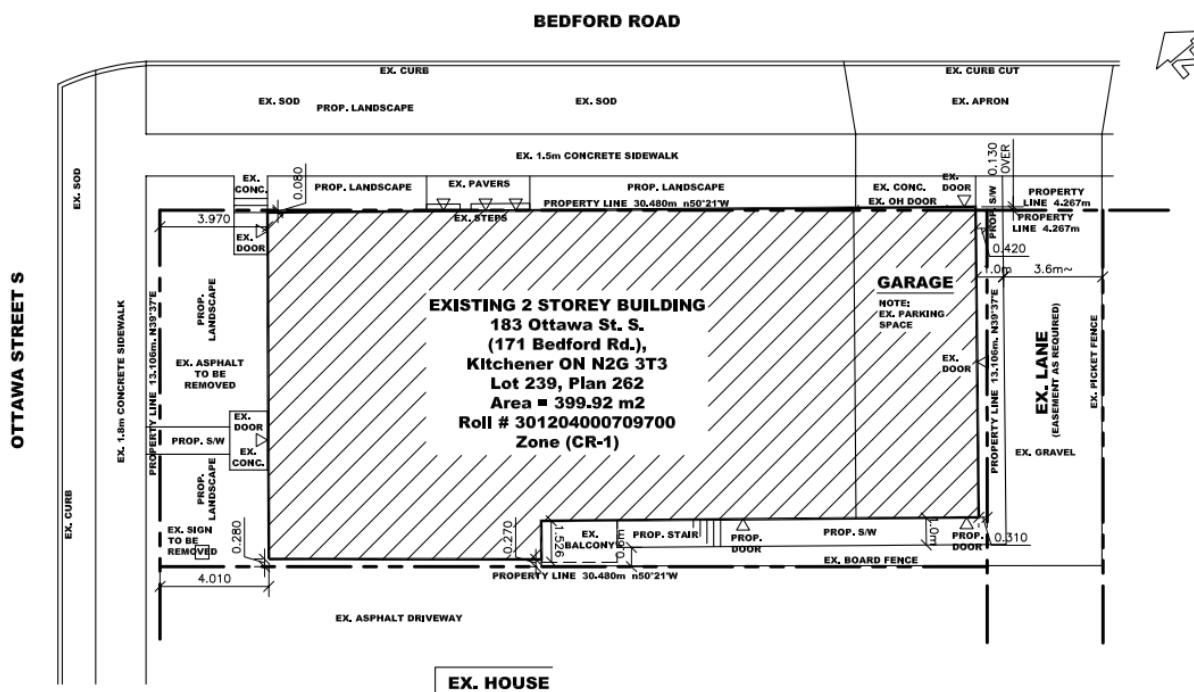
The purpose of the application is to reduce the minimum parking requirement and visitor parking requirements to 0 to facilitate renovations to the existing building to increase the number of dwelling units in a multiple dwelling from 5 to 8 dwelling units. A previous minor variance application was considered and approved in 2004 to reduce the minimum number of parking spaces to 1 indoor parking space. The subject site still currently has one (1) indoor parking space. After conversations with the applicant, staff recommend that a portion of the indoor parking space be used for Class A bike parking spaces.

Staff visited the site on March 1, 2023.





**Figure 2 – Front View of Subject Property from Site Visit**  
**Figure 3 – Parking Spaces from Site Visit**



### Figure 4 – 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 property is designated Low Density Commercial Residential in the Mill Courtland Woodside Park Secondary Plan in the Official Plan. This designation intends to recognize areas of small scale commercial development and residential development. The Official Plan promotes alternative modes of transportation such as pedestrian, cycling, and public transit. The subject site is within Major Transit Station Areas (MTSA). The Official Plan also promotes the retention of existing housing and additional dwelling units within existing dwellings and transit-supportive housing. The request for a parking reduction does not interfere with the intent of the Low Density Commercial Residential designation in the Mill Courtland Woodside Park Secondary Plan. Given that the proposed minor variance facilitates transit-supportive housing and alternative modes of transportation, staff is of the opinion that the minor variance meets the general intent of the Official Plan.

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

The intent of the regulation that requires 1.25 parking spaces per dwelling unit and 20% visitor parking is to ensure that there is adequate vehicle storage on site. The subject site currently has 1 parking space and 0 visitor parking spaces. The subject site is located in an MTSA and is within walking distance from Route 6 and 205 iXpress GRT bus stops on Courtland Avenue and Ottawa Street and is between Board and Mill Street LRT Stations. Given that the subject site is well serviced by major and local transit routes and there is opportunity for Class A bike parking spaces in the previous indoor parking garage, staff is of the opinion that 0 parking spaces is adequate and meets the general intent of the Zoning By-law.

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

The subject site previously had a minor variance application that reduce the minimum parking spaces to 1 and 5 dwelling units. Given that the subject site is within an MTSA and there is currently 1 parking space provided and the proposed dwelling unit increase is 3 units, staff are of the opinion that the proposal represents a small reduction in required parking spaces.

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

The minor variance is desirable for the proposed development and use of land. The variance facilitates the renovation of an existing multiple dwelling that has 5 dwelling units to 8 dwelling units. The requested variances are not expected to impact any adjacent properties or the surrounding neighbourhood as it maintains the existing multiple dwelling and promotes the use of alternative modes of transit and encourages transit-supportive development. Therefore, staff is of the opinion that the minor variances are desirable and appropriate development for the use of land.

### **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 variance provided building permit for the 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 has no concerns.

**Parks/Operations Division Comments:**

Parks/operations has no concerns.

**Transportation Planning Comments:**

Transportation Services can support the proposed reduction in parking to zero (0) spaces for this site given that a previous application already reduced required parking to a total of one (1) space. The site is located within a 500m walk to the Mill St LRT station, as well as in close proximity to multiple GRT bus routes, which provides good transit connections.

It is strongly recommended that the applicant consider providing secured space for residents to store bicycles on-site in order to reduce the dependency on vehicles and provide support for alternate modes of travel.

**Region of Waterloo Comments:**

The Region of Waterloo has no concerns.

**The Ministry of Transportation Comments:**

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

**Grand River Conservation Authority (GRCA) Comments:**

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 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan 1994 & 2014*
- *Zoning By-law 85-1*
- *A 2004-60 – previous minor variance application*