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<b>REPORT TO:</b>	<b>Committee of Adjustment</b>
<b>DATE OF MEETING:</b>	<b>May 16, 2023</b>
<b>SUBMITTED BY:</b>	<b>Tina Malone-Wright, Interim Manager, Development Review 519-741-2200 ext. 7765</b>
<b>PREPARED BY:</b>	<b>Tara Zhang, Planner, 519-741-2200 ext. 7760</b>
<b>WARD(S) INVOLVED:</b>	<b>Ward 10</b>
<b>DATE OF REPORT:</b>	<b>May 2, 2023</b>
<b>REPORT NO.:</b>	<b>DSD-2023-220</b>
<b>SUBJECT:</b>	<b>Minor Variance Application A2023-061 – 231 Arnold Street</b>

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## **RECOMMENDATION:**

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

**That Minor Variance Application A2023-061 for 231 Arnold Street requesting relief from Section 20.3.1 of Zoning By-law 85-1 to permit a rear yard setback of 7.6 metres instead of the minimum required 14 metres to recognize the location of an addition at the rear of an existing warehouse building, in accordance with Site Plan Application SP23/027/ATZ, BE APPROVED.**

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application to permit a reduced rear yard setback to recognize the location of an existing warehouse building at 231 Arnold Street.
- 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.

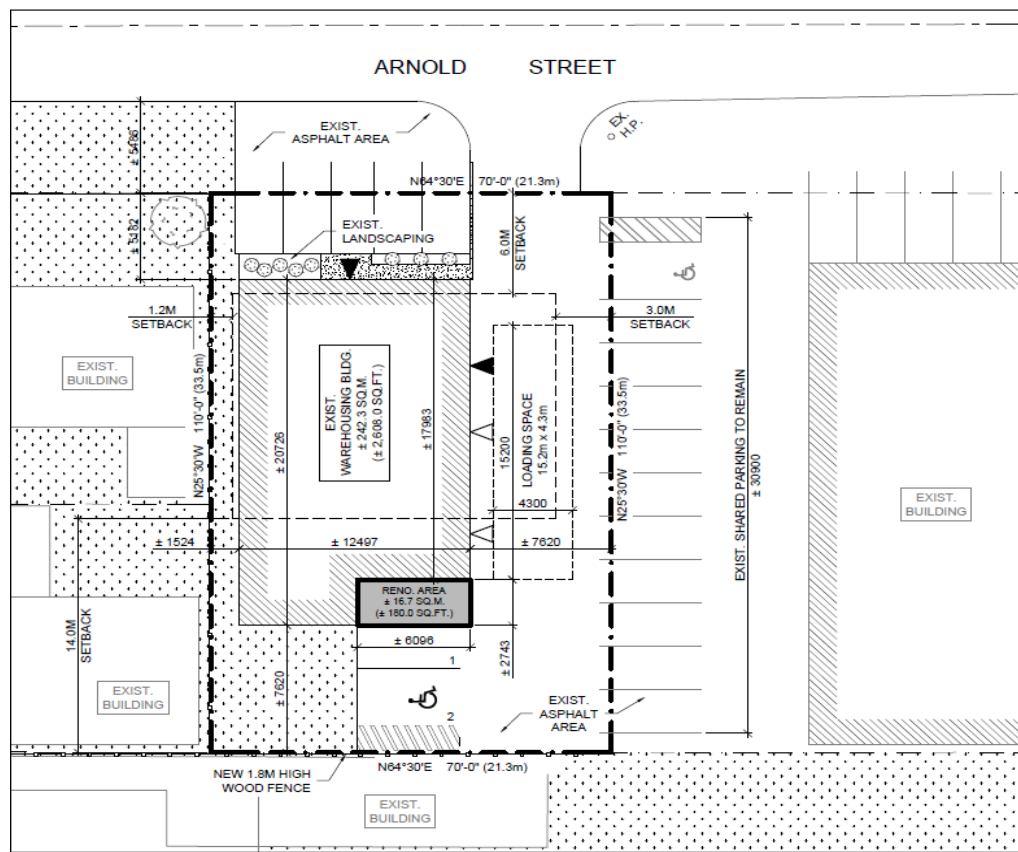
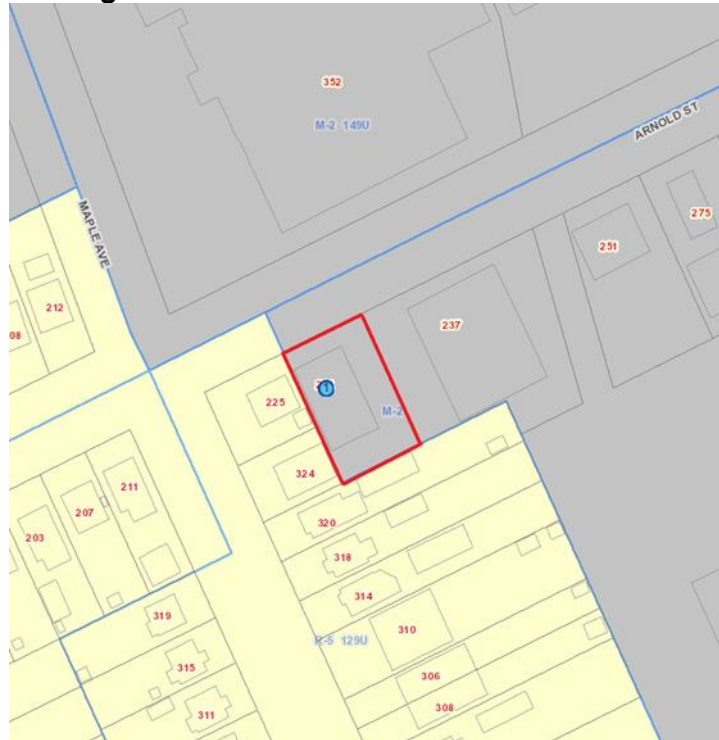
## **BACKGROUND:**

The subject property is located in the North Ward neighbourhood east of the intersection of Maple Avenue and Arnold Street. The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'General Industrial' on Map 19 – North Ward Neighbourhood Secondary Plan. The property is zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1.

The purpose of the report is to review a minor variance application to permit a rear yard setback of 7.6 metres rather than the required 14 metres, for lots abutting a residential zone, to recognize a small addition that was constructed at the rear of the existing warehouse building. It appears that the rear yard addition has existed since the early 2000's according to an aerial view inspection. A

site plan application, File SP23/027/A/TZ, has been submitted for the addition and it is currently under review with Planning staff.

**Figure 1: Site location of 231 Arnold Street**



**Figure 2: Draft Site Plan – Dark grey indicates proposed addition**

City staff conducted a site visit on April 28th, 2023.



**Figure 3: Front view of subject property**



**Figure 4: Side view of property with visual of the rear addition**

## **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 general intent of the Official Plan is to recognize and provide for the continued operation of the existing industrial operations located within the General Industrial designation as well as recognizing their historical development in their present locations, their importance in terms of employment opportunities, and their importance to the local economy. Staff is of the opinion that the rear addition meets the general intent of the Official Plan by supporting of the existing industrial operation.

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

The general intent of the minimum rear yard setback requirement of 14 metres in Section 20.3.1 of the Zoning By-law 85-1 is to protect residential properties from any adverse effects of industrial uses. The subject property has been functioning with an industrial use since March of 1975. The proposed

addition is currently existing and does not extend further into the rear yard than the existing rear wall of the warehouse building. Staff is of the opinion that the rear addition 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 variance is considered minor as the addition maintains the established setback of the existing industrial building which has existed since 1975. The applicant is also proposing to install a new 1.8-metre-high wood privacy fence, a visual barrier, in the interest of the abutting residential property.

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

The variance is desirable and appropriate as it will recognize the location of the addition and allow its continued use for industrial purposes

**Environmental Planning Comments:**

No concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

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

**Engineering Division Comments:**

No comments.

**Parks/Operations Division Comments:**

No concerns.

**Transportation Planning Comments:**

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 (1994) – North Ward Secondary Plan*
- *Zoning By-law 85-1*