

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20th, 2023

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

PREPARED BY: Tara Zhang, Planner 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: June 7th, 2023

REPORT NO.: DSD-2023-280

SUBJECT: Minor Variance Application A2023-063 – 232 Bleams Road

RECOMMENDATION:

That Minor Variance Application A2023-063 for 232 Bleams Road requesting permission under Section 45(2)(a)(i) of the Planning Act to permit the enlargement or extension of a legal non-conforming use, a car wash (automatic and self-service), having an increased Gross Floor Area from 572.7 square metres to 746.4 square metres, a total Floor Space Ratio (FSR) of 0.2, a Building Height of 10.5 metres, an internal side yard setback of 1.5 metres, a reduction of stacking spaces from 26 to 19, and a reduction of parking spaces from 32 to 2 with 19 vacuum parking spaces, to facilitate an addition and reconfiguration of the existing car wash (automatic and self-service) in the 'Mixed Use One' Zone (MIX-1) in Zoning By-law 2019-051, in accordance with Site Plan Application SP23/028/B/TZ, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application to permit the enlargement or extension of a legal non-conforming use, a car wash expansion at 232 Bleams Road.
- 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 intersection of Bleams Road and Fallowfield Drive. The property currently exists as a car wash facility established since 2010. The surrounding lands are characterized by commercial, residential, and mixed uses. The applicant is proposing a 173.72 square metre addition towards the West side of the property, interior renovations, and configuring the parking spaces on site. The purpose of the application is to facilitate changes to an existing car wash facility on the subject lands. Site Plan Application SP23/028/B/TZ identified the requirements for the relief from the Zoning By-law and permission from the Committee of Adjustment.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

The subject property is identified as 'Neighbourhood Node' on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'Mixed Use One Zone (MIX-1) with Site-Specific Provision (85)' in Zoning By-law 2019-051.

City staff has conducted a site visit at the subject property on June 2nd, 2023.



Figure 1: Site location at 232 Bleams Road



Figure 2: Existing conditions at subject property (rear yard/street side view)

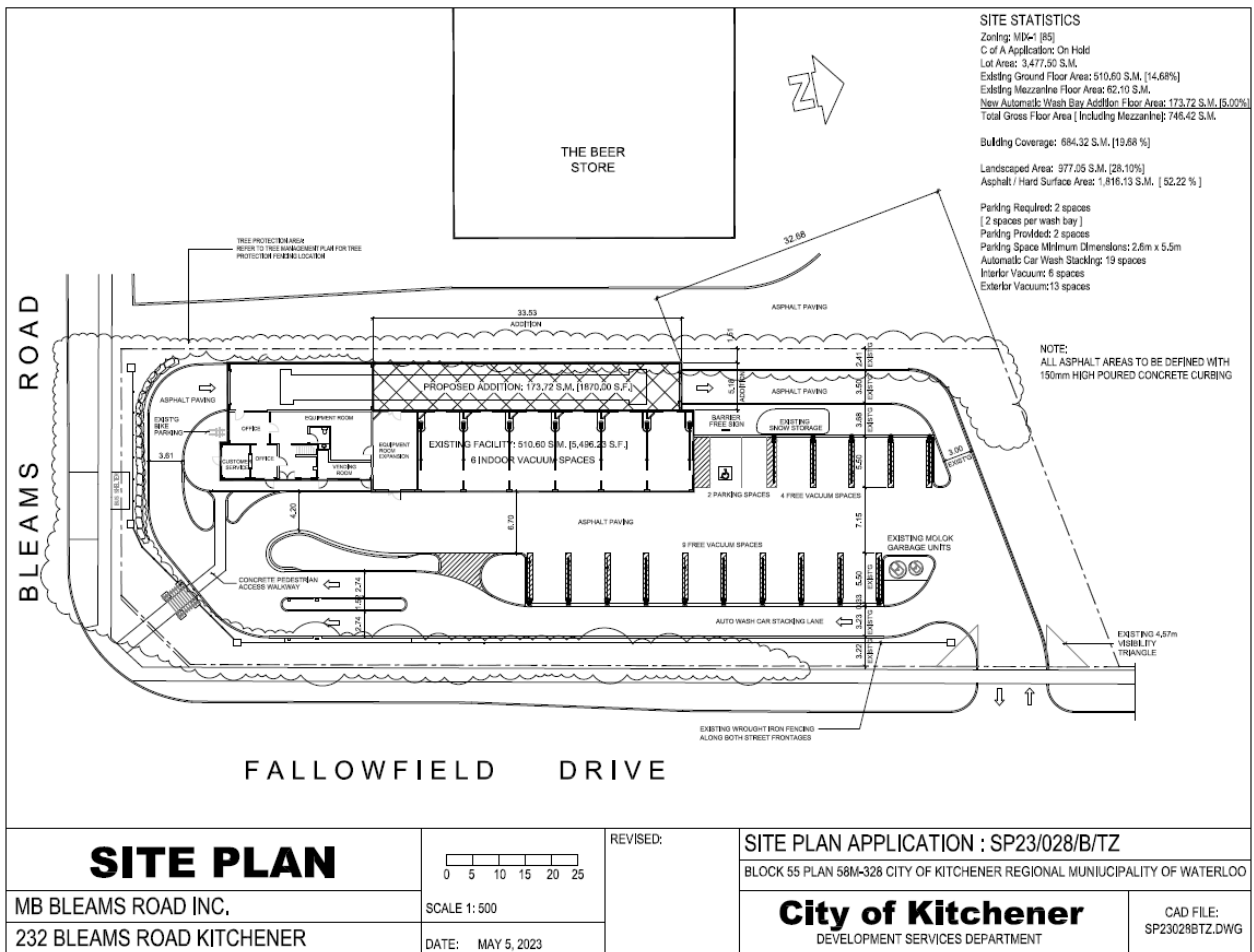


Figure 3: Proposed Site Plan (Conditional Approval Status)

REPORT:

Planning Comments:

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(i). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

Is Approval in the Public Interest?

Policies 17.E.20.8 and 17.E.20.9 of the Official Plan reiterate that the Committee of Adjustment may grant permission under the Planning Act to consider an enlargement or an extension of a legal non-conforming use subject to the enlargement/extension being in the public interest, representing good planning and not creating unacceptable adverse impacts upon abutting properties. The application is in the public interest as it will enhance the service and improve the functioning of an existing car wash facility use on the site.

Any Adverse or Unacceptable Impacts?

The application does not impose any impacts upon abutting properties, as it will be functioning as the existing use. The proposed addition is abutting a non-residential property so it will not have any

adverse impacts to the residents adjacent to the subject property. Planning Staff do not have any concerns with the proposed enlargement/expansion of the legal non-conforming use and are of the opinion that the proposed application will not cause any adverse or unacceptable impacts.

Environmental Planning Comments:

Environmental planning has no concerns as the proposed development will maintain the existing setbacks to the adjacent park/woodland as the existing paved portion of the property is not changing. The City's Tree Management Policy will be addressed through Site Plan Application SP23/028/B/TZ.

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 existing car wash is obtained prior to the construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

Parks and Cemeteries concerns and requirements have been addressed through SP23/028/B/TZ.

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 (2014)*
- *Zoning By-law 2019-051*