

Staff Report

Development Services Department



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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20, 2023

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

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

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: June 7, 2023

REPORT NO.: DSD-2023-279

SUBJECT: Minor Variance Application A2023-067 – 1198 Fischer Hallman Road

RECOMMENDATION:

That Minor Variance Application A2023-067 for 1198 Fischer Hallman Road requesting relief from Section 40.2.6 of Zoning By-law 85-1, to permit a maximum building height of 15 metres instead of the maximum permitted 10.5 metres, to facilitate the construction of 138 units in the form of townhouse and stacked townhouse blocks, in accordance with Site Plan Application SP23/006/F/AP, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to facilitate the construction of 138 units in the form of townhouse and stacked townhouse blocks.
- 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 close proximity to the corner of Fischer Hallman Road and Bleams Road. It is bordered by low rise residential uses to the north and east. Commercial uses are to the west and south. The property has received Site Plan Conditional Approval on the portion of the lands that will require the minor variance for height.

The subject property is identified as 'Urban Corridor' on Map 2 – Urban Structure and is designated 'Mixed Use Two', 'Medium Density Residential One' and 'Low Density Residential One' within the Rosenberg Secondary Plan in the City's Official Plan.

The property is zoned 'Residential Six Zone (R-6)' in Zoning By-law 85-1.

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

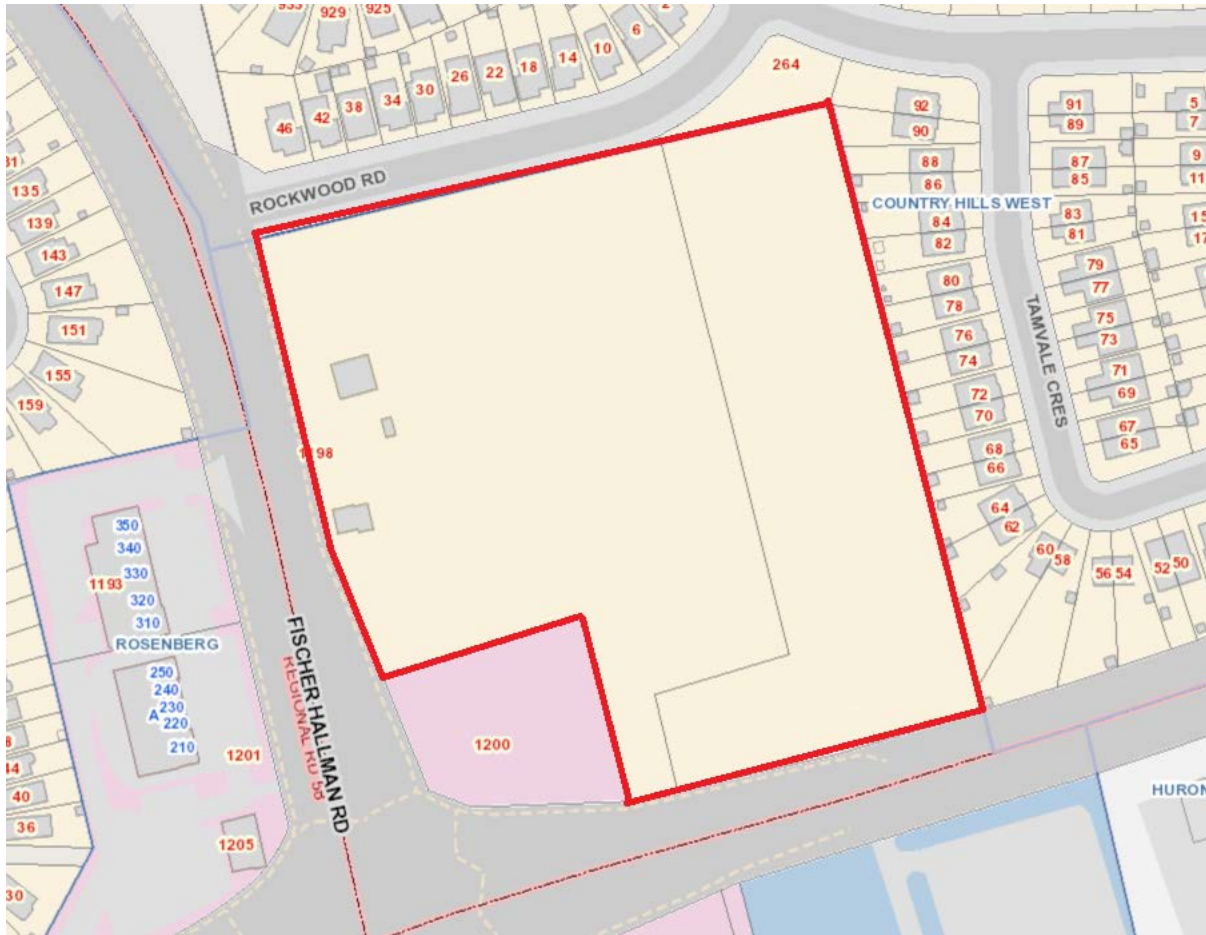


Figure 1: Subject property – 1198 Fischer Hallman Road

The purpose of the report is to review an application for a minor variance to permit the construction of 138 residential units in the form of townhouse and stacked townhouse blocks. A minor variance is being sought to permit a maximum building height of 15 metres rather than the permitted maximum height of 10.5 metres in height. It should be noted that the increase in height is being sought in relation to the grade of the property as there is a significant grade change from one side of the property to the other. A majority of the proposed townhouse blocks will meet the 10.5 metres in height maximum, however due to the grade a portion several of the buildings will require the increase in height.

The lands at the corner of Fischer-Hallman Road, shown in pink, are not part of this minor variance application. Please refer to the attached Site Plan for the proposed residential townhouses and stacked townhouses which have received conditional approval.



Figure 2: View of subject property

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 property has three designations within the Rosenberg Secondary Plan in Official Plan. The designation of 'Mixed Use Two' is applied to the portion of lands closest to Fischer Hallman Road which are not part of this application. The lands boarding the property to the North and East are designated 'Low Density Residential One', and the lands in the centre of the property are designated 'Medium Density Residential One'.

The 'Low Density Residential One' designation permits single detached dwellings, duplex dwellings, semi-detached dwellings, and street townhouse dwellings. The 'Medium Density Residential One' designation permits an increased density in the form of street fronting townhouses, stacked townhouses, and multiple dwellings. It also permits building heights that generally range between 3-8 storeys.

The intent of the Low Density Residential One designation adjacent to the existing low rise residential properties is to provide adequate transition from the established neighbourhood to the increased density within the Medium Density Residential One designation. The townhouse block proposal meets the intent of the Official Plan designations as it provides street townhouses on the outside of the property and stacked townhouses within the centre of the property. This provides an adequate transition with the increased height proposed. Staff is of the opinion that the variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum 10.5 metres in height is to ensure the low rise built form is maintained. Zoning By-law 85-1 does permit an increase in height between the lowest point of finished grade and the uppermost point of the building up to a maximum of 110% of the building height. This would permit a 11.65 metre height at the lowest point of grade. However, with the substantial grade change

the proposed developments would still exceed the 110%. A majority of the townhouse blocks meet the permitted height next to the low rise residential neighbourhood, however there are a few instances where due to the grade the proposed 15 metres is required. Staff is of the opinion that the variance meets the general intent of the Zoning By-law as the majority of the proposed buildings meet the permitted height next to the low rise residential properties, and the requested increase in height is for the interior townhouse blocks.

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

Staff is of the opinion that the requested variance is minor as the increase in height will not present any significant impacts to adjacent properties or the overall neighbourhood. The requested height maintains the low rise nature of the development and surrounding communities.

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

The proposed variance is desirable and appropriate for the development and use of the land as its approval will facilitate the construction of a residential development having 138 dwelling units, which use is permitted in Zoning By-law 85-1, working with the property's natural grade, and will contribute to the housing need in our community.

Environmental Planning Comments:

Environmental planning has no concern with the proposed minor variance. Natural Heritage and Tree Management will be addressed through Site Plan Application SP23/006/F/AP.

Heritage Planning Comments:

A Heritage Impact Assessment (HIA) for the subject property was prepared in 2022. The HIA concluded that while the structure on-site possesses cultural heritage value or interest, it's historical integrity has been lost. A demolition permit for the building has been approved. There are no further heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the new stacked townhouses are obtained prior to the construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering Division has no comments or concerns.

Parks/Operations Division Comments:

Parks and Cemeteries concerns and requirements have been addressed through Site Plan Application SP23/006/F/AP.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

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 85-1*
- *Site Plan Application SP23/006/F/AP*

ATTACHMENTS:

- Attachment A – Conditional Approved Site Plan - SP23/006/F/AP
- Attachment B – Building Elevations