

# Staff Report



Development Services Department

www.kitchener.ca

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 15, 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(s)

**DATE OF REPORT:** August 2, 2023

**REPORT NO.:** DSD-2023-350

**SUBJECT:** Minor Variance Application A2023-093 - 460 Highland Rd. W.

---

## RECOMMENDATION:

**That Minor Variance Application A2023-093 for 460 Highland Road West requesting relief from Section 9.3, Table 9-2, of Zoning By-law 2019-051 to permit a side yard setback of 0.9 metres instead of the minimum required 3 metres to facilitate the construction of an addition onto the front of the existing building in accordance with Site Plan Application SP22/133/H/TZ, BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit the construction of an addition onto the front of the existing building.
- 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 in the Victoria Hills Neighbourhood with the nearest intersection at Westmount Road West and Highland Road West and south of Filsinger Park West.

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'General Commercial (COM-2)' in Zoning By-law 2019-051.

A minor variance was granted by the Committee of Adjustment in June of 1994 to Zoning By-law 85-1 to permit the existing building to have an interior side yard setback of 0.9 metres.

The applicant would like to construct a 2.2 metre by 5.4 metre addition at the front of the existing building having an area of 11.9 square metres. The addition is proposed to be in line and maintain the same setback as the existing building. In order to facilitate this, a minor variance is required as Zoning By-law 2019-051 also requires a building to be setback 3 metres from a side lot line.

City staff has conducted a site visit on July 28<sup>th</sup>, 2023.



Figure 1: Site location



Figure 2: Front view of building during site visit

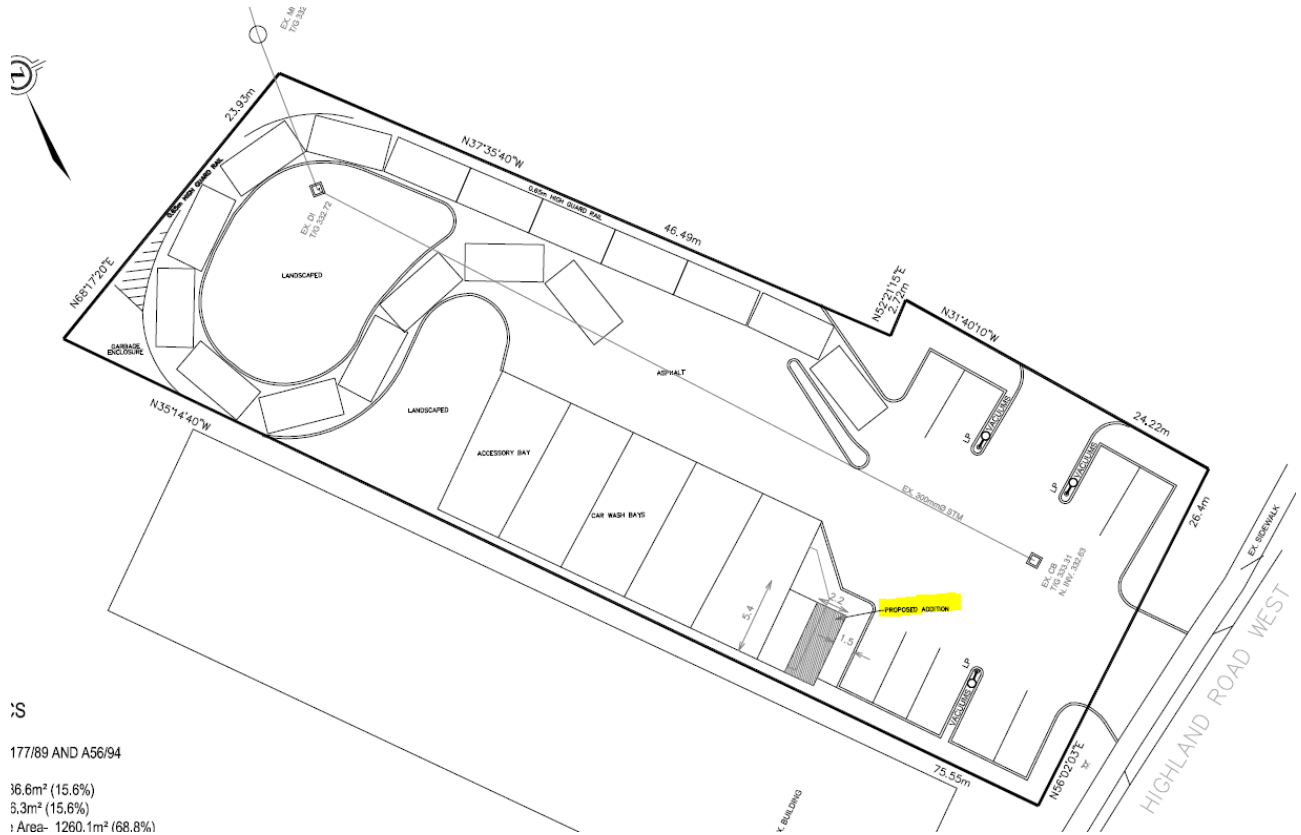


Figure 3: Proposed addition is highlighted (grey box)

## **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 identified as 'Community Node' on Map 2 – Urban Structure, and 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan. Policy 3.C.2.31 of Community Nodes in the Official Plan supports commercial uses necessary to serve and complete the surrounding residential communities. Lands designated 'Commercial' are intended to provide a wide range of commercial activities that meet the needs of the city's residents, employees, businesses, and visitors. The existing use of a car wash is a permitted use in the 'Commercial' designation. The building addition added on the property is intended to complement the services offered at this business. The proposed variance conforms to the designation, and staff is of the opinion that the requested variance meets the general intent of the Official Plan.

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

Staff is of the opinion that the proposed addition meets the general intent of the Zoning By-law. The subject property is zoned 'General Commercial' (COM-2), the purpose of this zone is to accommodate retail and commercial uses within the City's Urban Corridors; and Community and City Nodes. The intent of the side yard setback is to provide adequate distance between adjacent buildings for privacy. The adjacent property is functioning as a commercial plaza, the building adjacent to the proposed addition does not have any windows that would impact privacy concerns.

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

Staff is of the opinion that the requested variance is minor in nature and is not expected to create unacceptably adverse impacts on the subject property or to adjacent lands. The variance will be aligned with the current building's side yard setback and will complement the services provided at the car wash business.

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

The variance is desirable for the appropriate development and use of the property as the addition will support and enhance the continued operation of the car wash business at 460 Highland Road West.

### **Environmental Planning Comments:**

No natural heritage issues. Any tree concerns have been addressed through Site Plan Application SP22/133/H/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 commercial building 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:**

Parks and Cemeteries concerns and requirements have been addressed through Site Plan Application SP22/133/H/TZ

**Transportation Planning Comments:**

Transportation Services have no concerns with this 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 2019-051*