

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** September 19, 2023

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

**PREPARED BY:** Sheryl Rice Menezes, Planning Technician (Zoning),  
519-741-2200 ext. 7844

**WARD(S) INVOLVED:** 8

**DATE OF REPORT:** September 8, 2023

**REPORT NO.:** DSD-2023-405

**SUBJECT:** Minor Variance Application A2023-115 – 275 Lawrence Ave.

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## RECOMMENDATION:

That Minor Variance Application A2023-115 for 275 Lawrence Avenue requesting relief from Section 10.2 of Zoning By-law 2019-051, to permit an 'office' use of the subject property whereas the 'EMP-1' Zone does not permit an 'office' use, in accordance with Site Plan SP16/096/L/SRM, dated December 9, 2016, BE APPROVED.

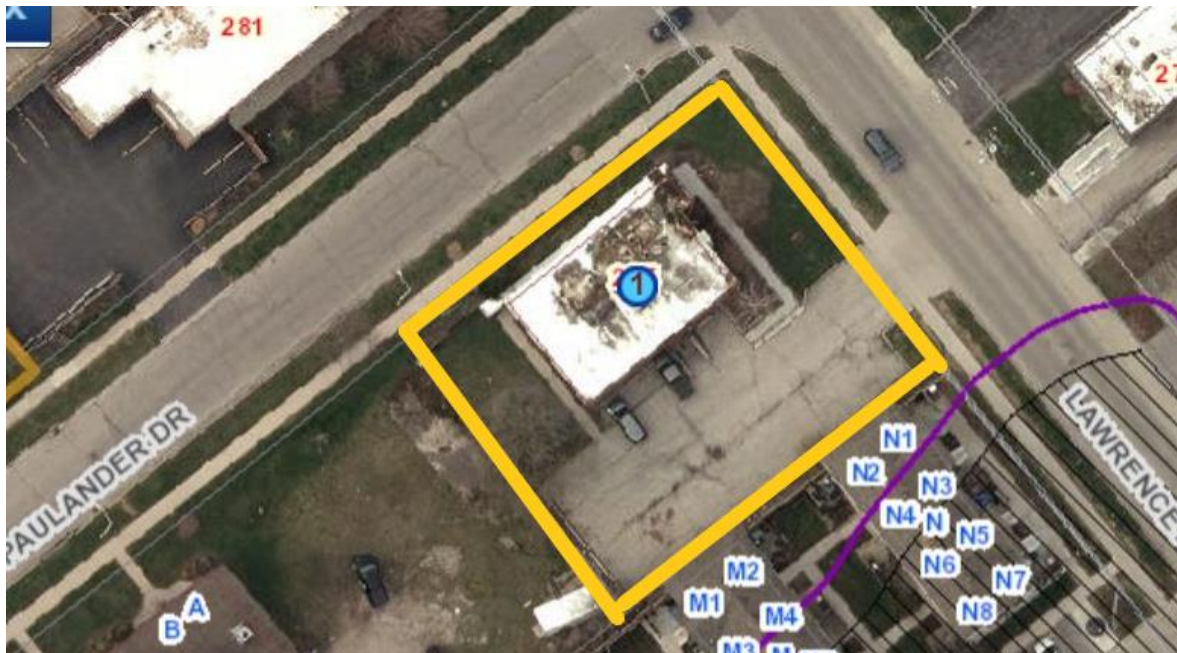
## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application requesting permission to add a new use to the property whereas the current zoning does not permit the use.
- The key finding of this report is that the requested minor variance meets all 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 south-west corner of Lawrence Avenue and Paulander Drive.

The property is identified as 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'General Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.



**Figure 1: Location map**

The property is zoned 'Neighbourhood Industrial Employment Zone (EMP-1)' in Zoning By-law 2019-051.

The purpose of the application is to add a new use to the existing building and property. The property was developed in 1955 as a 'rural office building'. In 1962 it was rezoned as Industrial. Over the years there may have been office use in parts of the building, along with documentation of industrial uses as well (tradesman/contractor, printing establishment, religious institution). Therefore, legal non-conforming status for 100% general office use of the building is no longer applicable. The current use on file is for a 'religious institution' (for their head office) under the previous industrial zoning 'M-2' (By-law 4830).

The applicant wishes to establish a new use of 100% office (no specific tenant is proposed at this time).

'Office' use is defined as: the use of a building in which clerical, administrative, consulting, advisory, or training services are performed, but shall not include a health clinic, commercial school, or industrial administrative office'.

Staff visited the site on September 5, 2023.



**Figure 2: View from Lawrence Ave**



**Figure 3: View from corner of Lawrence Ave and Paulander Dr**



## **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 intent of the 'General Industrial Employment' land use designation is to provide for a broad range of industrial uses. It also permits small free-standing offices in a mixed industrial-residential area as per Policy 15.D.6.23.

15.D.6.23. Existing single detached, duplex, and triplex dwellings as well as small free standing offices will be permitted in a mixed industrial-residential area designated as General Industrial Employment.

The minor variance to permit the existing building to be used for 'office' meets the intent of the 'General Industrial Employment' land use designation and the Official Plan.

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

The intent of the Neighbourhood Industrial Employment Zone (EMP-1) is to accommodate a limited range of industrial uses on lands located within neighbourhoods and/or Major Transit Station Areas. This property has been used for office purposes, for the entire building and for parts of the building, over the years. The legal non-conforming status for 100% office of the building was lost when industrially permitted uses no longer occupied the building (last use on file 'religious institution (head office)'). The property is located adjacent to both residential and industrial uses and office uses have served the neighbourhood in the past. Staff are of the opinion that the general intent of the Zoning By-law is met.

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

The building's construction is best suited for general small office use rather than several of the uses normally permitted in the EMP-1 zone. No exterior changes are proposed for the building and sufficient parking exists on site. Staff are of the opinion that the effects of the variance to permit an office use are minor.

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

The minor variance is desirable and appropriate as it will facilitate the use of the existing building for office which is an appropriate use for this building and for the land which is located in a mixed residential-industrial neighbourhood.

### **Environmental Planning Comments:**

No comments.

### **Heritage Planning Comments:**

No comments.

**Building Division Comments:**

No objections to the proposed variance provided building permits for the change of use to an office 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 comments.

**Transportation Planning Comments:**

Transportation Services does not have any 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 2019-051*