

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** September 18, 2023

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
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**PREPARED BY:** Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** September 6, 2023

**REPORT NO.:** DSD-2023-403

**SUBJECT:** Minor Variance Application A2023-109 – 27 Roy Street

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## RECOMMENDATION:

That Minor Variance Application A2023-109 for 27 Roy Street requesting relief from Section 6.1.2 a) and Special Regulation Provision 781R of Zoning By-law 85-1, to permit a minimum parking requirement of 0 spaces instead of the minimum required 4 parking spaces, in accordance with Site Plan Application SP22/175/R/TS, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to facilitate the construction of a mixed-use development containing 3 residential units, and 1 commercial unit.
- 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 on the south (east) side of Roy Street between Queen Street North and Young Street. The surrounding context of the subject property is primarily comprised of low-rise residential uses to the north, and mixed uses to the east, west and south.



**Figure 1: Subject property – 27 Roy Street**

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Office Residential Conversion' in the Civic Centre Secondary Plan.

The property is zoned 'Residential Five Zone (R-5) with Special Regulation Provision 781R' in Zoning By-law 85-1.

The purpose of the report is to review an application for a minor variance to permit the construction of a mixed-use development with 0 required parking. The development will contain 4 units, 3 of which are residential, and one that is commercial. It should be noted that this property was approved by Council for an Official Plan Amendment and Zoning By-law Amendment to permit the commercial uses on site, and for a reduction of parking to 4 spaces, 1 space for each of the units. The subsequent site plan application had a requirement for the creation of a legal right of way over the adjacent property 23 Roy Street. At this time the owner has been unable to obtain the easement with the adjacent property owner and would like to still move forward with the development. They are requesting a parking requirement of 0 spaces and should the legal right-of-way to the rear yard be obtained. then the 4 parking spaces that were proposed could be used and functional.



**Figure 2: Front 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 subject property is designated as 'Office Residential Conversion' in the Civic Centre Secondary Plan, with Special Policy Area 11 to permit the uses of artisan's establishment and restaurant within the same building as residential uses. Section 13.1.2.6 states that the designation of Office Residential Conversion aims to both preserve the existing structures in these areas and serve as a transition area between the higher intensity uses along Weber Street and Queen Street and the 'Low Rise Residential – Preservation' designation of the interior of the neighbourhood. Permitted uses are restricted to single detached dwellings, and the conversion of existing buildings to multiple dwellings up to a maximum of three units and professional offices. Residential and office uses may be permitted to locate within the same building. Section 13.C.8.3 states that the City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management measures or where sufficient transit exists or is to be provided.

Planning staff notes that the subject site is approximately 300 meters from an ION station stop located on Duke Street that provides connections to the broader Waterloo Region

transit system. The proposal also includes both Class A and Class B bicycle parking spaces.

Transportation Services has also reviewed the application and supports the parking reduction.

Accordingly, Planning staff is of the opinion that the requested variance for a parking reduction meets the general intent of the Official Plan.

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

The intent of the 4 parking spaces per unit parking requirement is to ensure that there is adequate parking spaces available for the residents and for visitors to the property. The reduction to 0 parking spaces per unit is permitted with an MTSA area as it is the future direction for lands within the MTSA areas to require minimal to no parking spaces. Furthermore, alternative transportation options are provided on site, as the property is located approximately 300 meters to an existing ION transit stop. Adequate bicycle parking (both Class A and B spaces) will also be provided in the new development. Should the easement be created with the adjacent landowner, then the 4 parking spaces that were initially proposed by the applicant at the time of the Zoning By-law Amendment will be fully operational for residents and visitors to use.

Staff is of the opinion that the variance 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 minor as the reduced parking will not present any significant impacts to adjacent properties or the overall neighbourhood.

#### 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 conversion of an existing building to a mixed-use building, which is permitted in Zoning By-law 85-1 and will contribute to the neighbourhood to make a complete community.

#### **Environmental Planning Comments:**

No environmental planning concerns, due to no site development.

#### **Heritage Planning Comments:**

The subject property is designated under Part V of the Ontario Heritage Act and located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD). A reduction in parking from the required four spaces to zero spaces will not have adverse impact on the property, the character of the streetscape, or the heritage character of the surrounding CCNHCD. As such, Heritage Planning staff do not have concerns with the proposed minor variance.

#### **Building Division Comments:**

The Building Division has no objections to the proposed variance.

**Engineering Division Comments:**

Engineering has no comments.

**Parks/Operations Division Comments:**

Parks has no concerns, as requirements will be addressed through SP22/175/R/TS.

**Transportation Planning Comments:**

Transportation Services can support the proposed minor variance application to reduce the required parking for the property. The property is located very close to major transit station stops as well as to several public parking options that would support the proposed uses for the subject property.

**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*
- *DSD-2022-407*

**ATTACHMENTS:**

Attachment A – Site Plan Sketch