

REPORT TO: Committee of Adjustment

DATE OF MEETING: October 17, 2023

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

PREPARED BY: Brian Bateman, Senior Planner, 519-741-2200 ext. 7869

WARD(S) INVOLVED: Ward10

DATE OF REPORT: October 3, 2023

REPORT NO.: DSD-2023-448

SUBJECT: Minor Variance Application A2023-123 – 230 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2023-123 for 230 Frederick Street requesting relief from the following sections of Zoning By-law 85-1:

1. Section 44.3.6 to permit a front yard setback of 1.9 metres instead of the minimum required 3 metres, to permit an interior side yard setback, for a building greater than 10.5 metres, of 1.2 metres instead of the minimum required 3 metres, to permit a minimum landscaped area of 9.5% instead of the minimum required 10%; and
2. Section 6.1.1.2 h) i) to permit a parking lot to be located 0 metres from a side or rear lot line instead of the minimum required 1.5 metres;

to facilitate the construction of an addition to permit the conversion of a single detached dwelling to a multiple dwelling having 4 dwelling units, generally in accordance with drawings prepared by John MacDonald Architect, submitted with Minor Variance Application A2023-123, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The applicant is seeking variances to facilitate the addition to the rear and internal renovations to convert the existing single detached dwelling into a multiple dwelling (4 dwelling units).
- The key finding of this report is that the minor variances meet 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 identified as a Major Transit Station Area on Map 2 – Urban Structure and is designated 'Low Density Commercial-Residential' on Map 20 – Central Frederick Secondary Plan in the City's 1994 Official Plan.

The property is zoned Commercial Residential One Zone (CR-1) with Special Regulation Provision 114R and Special Use Provision 148U' in Zoning By-law 85-1.

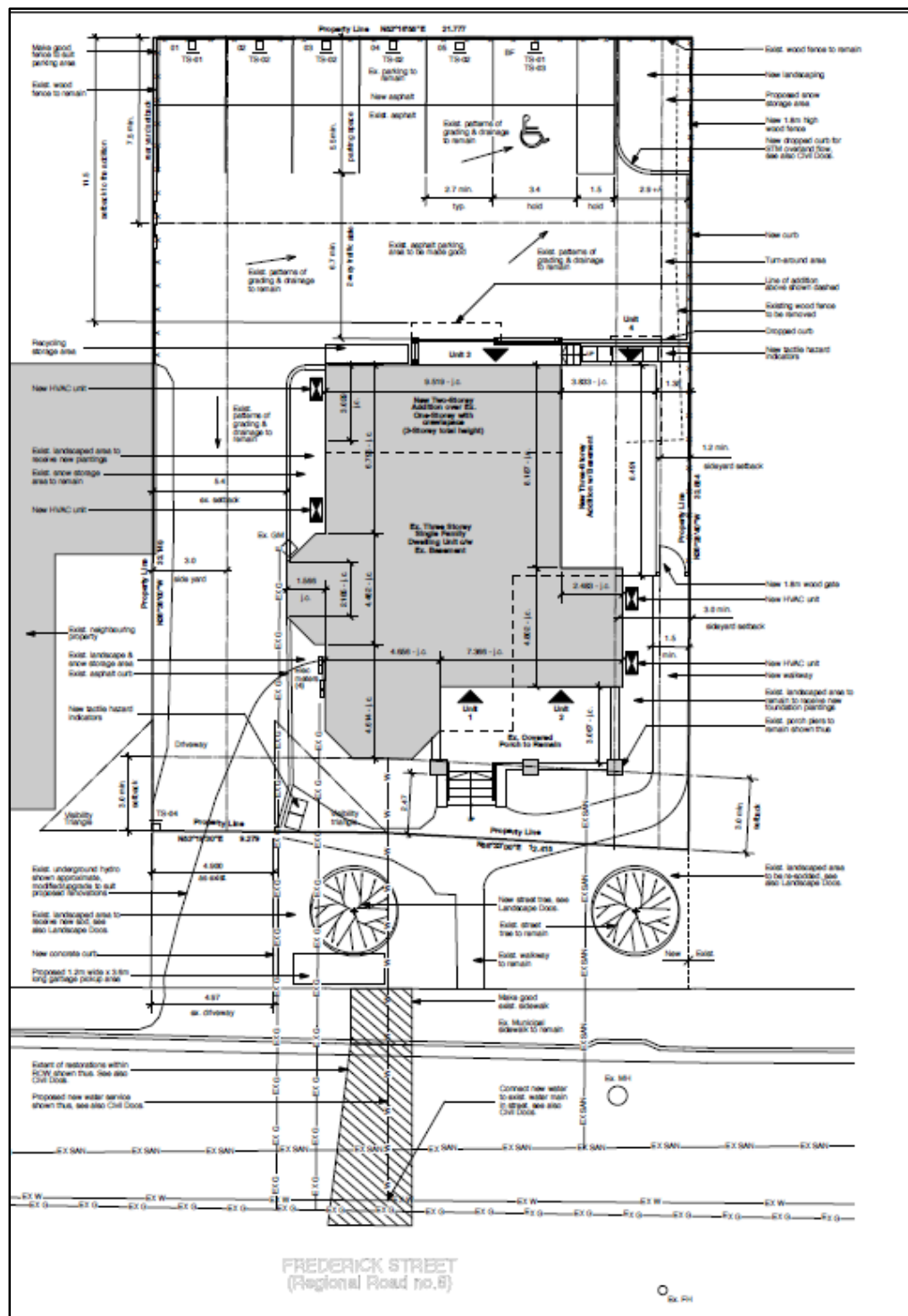
The purpose of the application is to consider variances to permit a reduced front yard setback of 1.9 metres, to permit a reduced interior side yard setback of 1.2 metres, to permit a minimum landscaped area of 9.5% instead of the minimum required 10% and to permit a parking lot to be located 0 metres from a side or rear lot line, to facilitate the construction of an addition to permit the conversion of a single detached dwelling to a multiple dwelling having 4 dwelling units.



Figure 1: Location Map- 230 Frederick Street



Figure 2: View of the Subject Site from Frederick Street (September 28, 2023)



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 'Low Density Commercial-Residential' designation within the Central Frederick Secondary Plan is to provide for a range of residential and office uses which respects the role of the Downtown as the commercial centre of Kitchener; the traffic operational constraints of Frederick Street; and the scale, and use of the adjacent low rise, low density residential area. The site also functions appropriately, the addition is at the rear of the existing dwelling and there is appropriate separation provided to minimize impacts.

Policy 4.C.1.8 states that where minor variances are requested, any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form, the lands can function appropriately and not create unacceptable adverse impacts for adjacent properties and the variances will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design.

The proposed development concept proposes to provide additional residential dwelling units on site. The building orientation, scale and existing parking area are designed to respect the surrounding properties and neighbourhood. Therefore, the proposed variances meet the general intent of the Central Frederick Secondary Plan and Policy 4.C.1.8 of the 2104 Official Plan.

General Intent of the Zoning By-law

Front Yard Setback

The intent of the regulation is to ensure buildings have a consistent setback to the property line to maintain a coherent streetscape. In this instance, steps leading up to the porch are greater than 0.6 metres in height and therefore the primary building setback applies. Due to a previous road widening dedication the property line is further back than surrounding properties thereby reducing the actual front yard setback from the building to the property line. Staff is of the opinion that the proposed setback is keeping within the general scale of the surrounding neighbourhood, and therefore meets the general intent of the Zoning By-law.

Side Yard Setback

The applicant is proposing a 3-storey addition at the back half of the easterly side yard projecting to within 1.5 metres of the side yard whereas 3.0 metres is required. The intent of the regulation to ensure adequate separation between buildings is provided. Firstly, because the addition is proposed along the rear half of the existing building, visual impact along the streetscape is reduced thereby keeping with the intent of Policy 4.C.1.8. Secondly, it is important to note that 234-240 Frederick Street is being re-developed with a 35-unit residential development proposal. As such, the impact of a 1.5 metre side yard setback for a 3-storey addition would be minimal.

Landscape Area

Zoning requires a minimum 10% landscaped area whereas 9.5% is being requested. This is reflective of the fact the site is mostly hardscaped within an urban context and therefore, staff has no concerns.

Parking Lot Rear Yard Setback Reduction

The intent of the regulation is to ensure a buffer is provided for both separation and landscaping. In this situation, the parking area already exists and has a 0 metre setback.

Are the Effects of the Variances Minor?

The requested reductions for front are small deviations that can maintain the intent of the By-law, while increasing the use and function on the current site. Staff do not anticipate any adverse impacts from the requested variances and expect any effects to be minor.

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

Staff is of the opinion that the proposed scale, design, and use are complementary to the existing site and surrounding neighbourhood and can therefore be considered desirable for the use of the land. The proposed development provides a gentle intensification of the subject property and contributes to the City's Housing Pledge.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 230 Frederick St. is located within the Central Frederick Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Central Frederick Neighbourhood area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Central Frederick Neighbourhood CHL, please visit the following link: www.kitchener.ca/npr.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the addition and change of use to the existing residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Comments:

Applicant to provide a minimum 0.5 metre setback from property line to ensure an unobstructed shared property line swale is maintained.

Transportation Planning Comments:

Transportation Services have no concerns with this application as the vehicle parking is an existing condition and parking layout is being maintained.

Parks/Operations Division Comments:

As Site Plan approval will no longer be required for residential development proposing 10 units or less, Parkland Dedication will be required for the proposed new residential units prior to the issuance of the Building Permit.

GRCA

No concerns.

Region of Waterloo

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 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan & ROPA 6*
- *Official Plan (2014)*
- *Central Frederick Secondary Plan (1994)*
- *Zoning By-law 85-1*