

REPORT TO: Committee of Adjustment

DATE OF MEETING: December 12, 2023

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

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: November 29, 2023

REPORT NO.: DSD-2023-543

SUBJECT: Minor Variance Application A2023-138 – 136 River Road East

RECOMMENDATION:

That Minor Variance Application A2023-138 for 136 River Road East requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 7.3, Table 7-6, to permit a lot width of 19.1 metres instead of the minimum required 30 metres;
- ii) Section 7.3, Table 7-6, to permit an interior side yard setback of 3 metres instead of the minimum required 4.5 metres;
- iii) Section 7.3, Table 7-6, to permit a rear yard setback of 5.9 metres instead of the minimum required 7.5 metres;
- iv) Section 5.3 e) 1) to permit a parking lot to be set back 0.5 metres from the rear lot line instead of the minimum required 1.5 metres;
- v) Section 5.6, Table 5-5, to permit 0.7 parking spaces per dwelling unit (7 parking spaces) instead of the minimum required 1 parking space per dwelling unit (9 parking spaces); and
- vi) Section 5.6, Table 5-5, to permit 0.1 visitor parking spaces per dwelling unit (1 parking space) instead of the minimum required 0.15 visitor spaces per dwelling unit (2 parking spaces);

generally, in accordance with drawings prepared by Russell Wilton and Pam Hallman, dated October 27, 2023, and submitted with Minor Variance Application A2023-138, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the development of a 9-unit multiple dwelling 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 located on the East side of River Road East between Frederick Street and Rosemount Drive. The lands have an irregular shape at the rear of the lot. The subject lands currently contain a single detached dwelling.



Figure 1: Location of Subject Property

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Medium Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the redevelopment of the lands with a 3-storey low rise multiple dwelling building containing 9 dwelling units and 8 parking spaces. A site plan application is not required for developments with 10 or fewer dwelling units.

regulation is intended for medium rise built forms of up to 8 storeys in height as permitted 'as of right' in the 'RES-6' zone. In this situation, the applicant is proposing a low-rise built form of a 3 storey building. Staff is of the opinion that the proposed 3 metre setback is commiserate with a low-rise building form, matches the side yard setback for multiple dwellings in the low-rise residential zones, and therefore meets the general intent of the Zoning By-law.

Rear Yard Setback

The intent of the regulation that requires a 7.5 metre rear yard setback is to provide for adequate building separation and to provide sufficient on-site outdoor amenity space. The subject lands have a unique shape and placement on the block, being the only property with a front yard facing River Road on the block between Frederick Street and Rosemount Drive. This results in an unorthodox existing condition of building separation, with abutting properties being a mix of side and rear property lines facing the existing property. Further, the proposed building is located further from the rear property line than the current dwelling building. In regard to outdoor amenity, each unit is proposed to be provided with private outdoor amenity. This is comprised of an at-grade patio for the ground floor unit, functional (1.5 metres deep) balconies for the second floor units, and large outdoor terraces for the third floor units. Accordingly, it is staff's opinion that the requested variance for a reduction in the rear yard setback meets the general intent of the Zoning By-law.

Parking Lot Setback

The intent of the regulation that requires a 1.5 metre setback for a parking lot is to ensure an adequate separation and landscape buffer can be provided, to provide a sufficient space for the planting of vegetation and trees. The applicant has provided a 1.5 metre landscape strip that surrounds the site and parking area; however, the irregular shape of the lot creates a situation in which a small portion of the property line (2.8 metres in length) abuts the visitor parking space at 0.5 metres. Staff consider this to be a technical variance brought upon by the irregular shape of the lot and acknowledge that the vast majority of the abutting property lines. Accordingly, it is staff's opinion that the requested variance meets the general intent of the Zoning By-law.

Parking and Visitor Parking

The intent of the regulations that require 1.15 spaces per unit (1 parking space per dwelling unit plus 0.15 visitor spaces per dwelling unit) are to ensure adequate vehicle storage is provided on site for the proposed uses. The subject lands are located in an area well served by transit, as nearby GRT route 1, 20, and iXpress route 204 are available in close walking distance. To encourage active transportation, the applicant is proposing to provide secured bicycle parking at a rate of 1 space per dwelling unit instead of the minimum required 0.5 bicycle spaces per dwelling unit. The parking will be unbundled from the rent, allowing for units to be rented without a parking space. Planning staff is of the opinion that the proposed parking supply of 8 parking spaces will be sufficient for a development with this unit typology, and therefore the requested variance meets the general intent of the Zoning By-law.

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

The effects of the requested minor variances are considered to be minor, as the development concept has considered design principles and means of functionality in order

for the site to perform as a low-rise multiple built form. Planning staff are of the opinion that any effects of the requested variances are considered minor.

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

The requested variances allow for the development of the lands with a built form and scale that is appropriate to the lot size and location of the lands. The zoning allows for medium rise development, but due to the lot size it is more appropriate for a low-rise development. It is staff's opinion that the requested variances allow for the appropriate development and use of the lands.

Environmental Planning Comments:

No environmental planning concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

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

Engineering Division Comments:

No engineering concerns.

Parks/Operations Division Comments:

Parkland Dedication will be assessed and required for the proposed fourth to ninth residential units at the time of Building Permit application. Parkland dedication will be paid prior to the issuance of the Building Permit.

There is an existing City-owned street tree that will be impacted by the proposed development and suitable arrangements including the submission and approval of a Tree Protection and Enhancement Plan showing full protection for the existing tree; an ISA valuation of City-owned tree and any required securities or compensation for removed trees will be required to the satisfaction of Parks and Cemeteries as part of a Building Permit submission and approval.

Transportation Planning Comments:

Transportation Services have reviewed the provided parking justification and are of the opinion that the proposed 8 parking spaces for 9 units is sufficient for this development. However, to further assist in reducing on-site vehicle parking demand and support for a reduced parking rate, parking spaces must be unbundled for the cost of a unit. Unbundled parking allows residents to only pay for parking that they need, rather than the cost being automatically included with the unit.

Region of Waterloo Comments:

There are no conditions/concerns for the proposed development. However, the applicants are advised that the subject existing and the proposed dwellings would have impacts from

environmental noise from traffic on the municipal street system in the vicinity, and the owners are responsible for ensuring that the proposed development does not have any impacts from the environmental noise in the vicinity.

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*

ATTACHMENTS:

No attachments.