

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 16, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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PREPARED BY: Brian Bateman, Senior Planner, 519-741-2200 ext. 7869

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 3, 2024

REPORT NO.: DSD-2024-038

SUBJECT: Minor Variance Application A2024-010 - 7 Morrison Road

RECOMMENDATION:

That Minor Variance Application A2024-010 for 7 Morrison Road requesting relief from Section 19, Site-Specific Provision (361), to permit a Floor Space Ratio (FSR) of 1.0 instead of the maximum permitted 0.9, to facilitate the redevelopment of the property with two (2) stacked townhouse buildings with 16 units each, for a total of 32 dwelling units, generally in accordance with the drawings prepared by Orchard Design Studio Inc., dated August 24, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of a minor variance that would increase the Floor Space Ratio (FSR) due to technical considerations.
- The proposed building height, unit count nor visual massing will not increase.
- 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 located at 7 Morrison Road has an area of 0.35 hectares and consists of a large estate residential lot on the northeast corner of King Street East and Morrison Road. The lands are bounded by low rise residential uses to the north, the Grand River Freeport Campus Hospital to the east, a railway and King Street East to the south and a multiple residential development to the west, opposite Morrison Road. The subject lands are designated 'Low Rise Residential with a Site-Specific Policy' in the 2014 Official

Plan and are zoned 'Low Rise Residential Five Zone (RES-5) with Site-Specific Provision (361)' in Zoning By-law 2019-051 to allow for a FSR of 0.9.

Applications to amend the City's Official Plan and Zoning By-law were approved by Council to support re-development of a 32 stacked townhouse dwelling units with a maximum Floor Space Ratio of 0.9. The increased FSR in the Low Rise Residential land use designation was a result of the slope of property which exposes a portion of the basement level. What wasn't apparent at the time of the Official Plan and Zoning By-law Amendment Applications was that due to the grades was that the exposed 4th level was not fully below ground level meaning that, according to the definition of FSR in the Zoning By-law, the entire basement level must be counted towards FSR including those portions fully underground. This has resulted in an increase in FSR from 0.9 to 1.0 and hence the need for a minor variance. It is important to note that the plan submitted with the OPA and ZBA Applications is unchanged. There is no additional building height or floor area being added and no additional units proposed. As such, Staff views this as a technical variance only.



Figure 1: Location Map – 7 Morrison Road

The purpose of the application is to request a minor variance that would increase the FSR from 0.9 to 1.0 for the development as proposed below in Image 2. This plan was approved conceptually by Council in support of the OPA/ZBA and this application has not altered the layout. A Site Plan application is intended to be submitted shortly. Image 3 illustrates the proposed building renderings. The side view of the building shows the grades and exposed 4th level of the building.

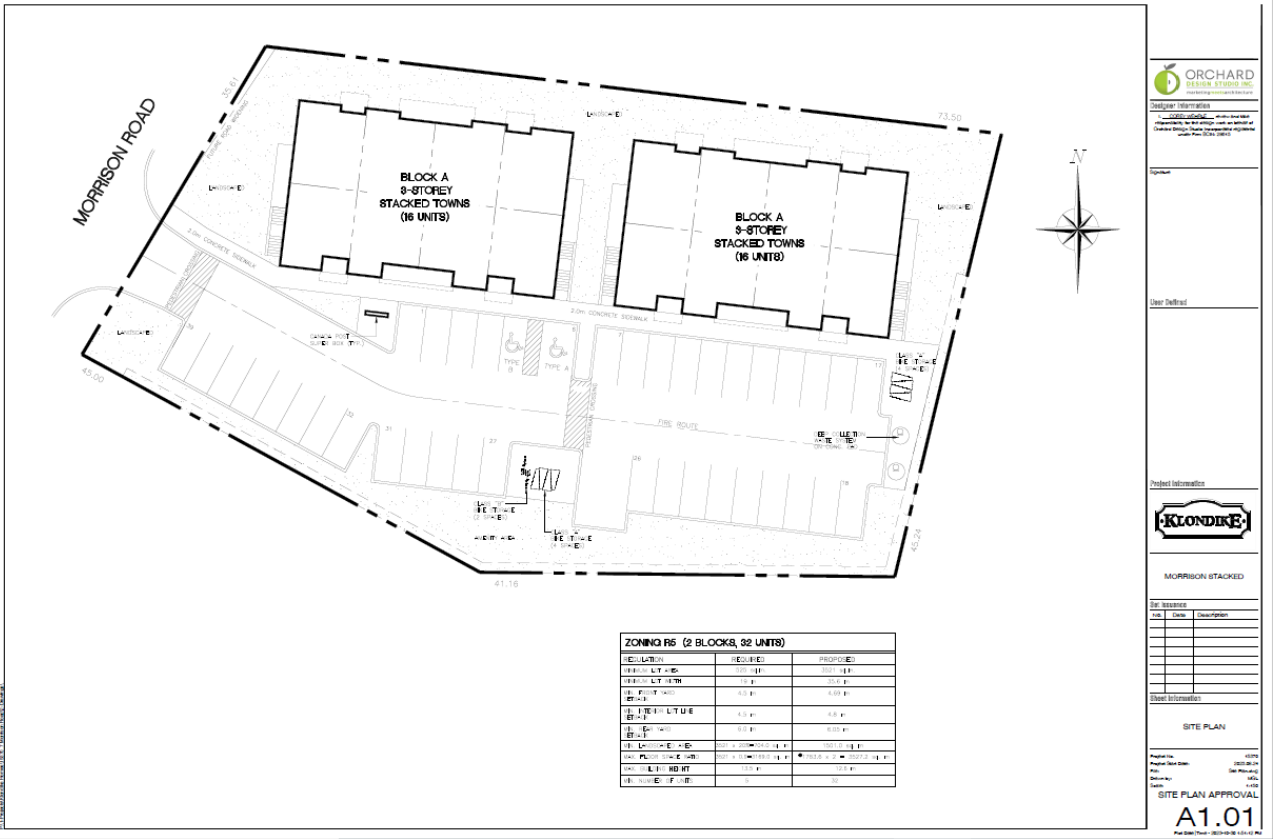


Figure 2: Proposed Site Plan

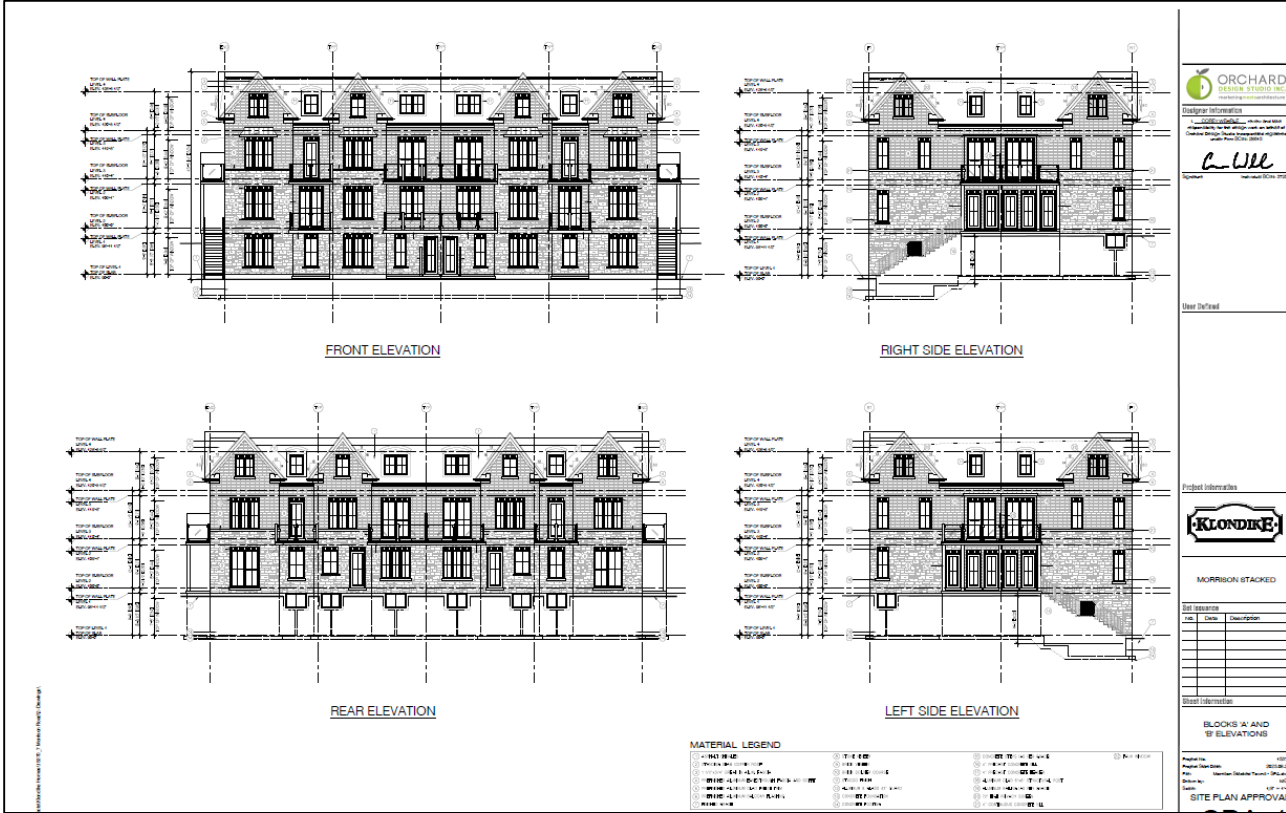


Figure 3: Building Renderings

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 requested minor variance will maintain the general intent and purpose of the Official Plan and the recent Official Plan Amendment by facilitating a compact form of development at a transit-supportive density that is compatible for the area and with existing residential uses. As there are no proposed changes to the plans reviewed and approved by Council, the minor variance will maintain the intent of the Low Rise Residential land use designation and policies.

General Intent of the Zoning By-law

The subject lands are zoned 'Low Rise Residential Five Zone (RES-5)' in the City of Kitchener Zoning By-law 2019- 051. The proposed development of stacked townhouse buildings is a permitted use in the 'RES-5' Zone. Site-Specific Provision (361) to permit a FSR of 0.9 was approved through the Zoning By-law Amendment. As noted earlier in the report, it was discovered afterwards that the 4th level would be fully exposed at-grade; meaning the entire basement level is counted towards FSR and hence the increase from 0.9 to 1.0. This is a technical variance as the plan remains unchanged and will visually not result in an increase in massing, floor area and building height. The general intent of the zoning by-law will be maintained.

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

The effects are minor as the variance will not result in any changes in building massing, gross floor area, building height nor increase the unit count beyond what was approved by Council.

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

The variance is desirable and appropriate as it will recognize an increase in FSR and facilitate the redevelopment of the property which conceptually received approval by Council.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

No concerns.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

Parkland Dedication will be assessed and required at a future site plan application.

Transportation Planning Comments:

No concerns.

Region

No concerns.

GRCA

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

None

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 & ROPA 6*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2023-120*