

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: February 20, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-741-2200 ext. 7765

PREPARED BY: Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: February 7, 2024

REPORT NO.: DSD-2024-085

SUBJECT: Minor Variance Application A2024-016 – 962 Guelph Street

RECOMMENDATION:

That Minor Variance Application A2024-016 for 962 Guelph Street requesting relief from Section 20.1 of Zoning By-law 85-1 to permit a "Pet Aquamation" use as a permitted use in the 'General Industrial Zone (M-2)' to facilitate the reuse of the existing building for a use not currently permitted in the 'M-2' Zone and Zoning By-law 85-1, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to permit the existing building to be used for a 'Pet Aquamation' use.
- 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 near the intersection of Guelph Street and Spring Valley Road and currently developed with a vacant industrial building. The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'General Industrial' on Map 19- North Ward Neighbourhood Secondary Plan in the City of Kitchener's Official Plan.

The property is zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1 which permits a wide range of industrial and commercial uses such as manufacturing, Research and Development Establishment, Veterinary Services, and Laboratories among other uses.

The purpose of the application is to recommend the approval of a variance to permit 'Pet Aquamation' as use in the existing building as the use is currently not permitted in the 'M-2' Zone and Zoning By-law 85-1.

Pet Aquamation is the eco-friendly alternative to cremations and burials which uses water to return the pet back to nature (the process of hydrolysis).

City Planning staff conducted a site inspection of the property on February 1, 2024.



Figure 1: Location Map – 962 Guelph Street



Figure 2: Existing Building at 962 Guelph Street

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 identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'General Industrial' on Map 19- North Ward Neighbourhood Secondary Plan in the City of Kitchener's Official Plan.

The General Industrial designation allows provides for opportunities for a wide range of manufacturing and industrial business uses; technical/scientific businesses; transportation depots; truck transport terminals; veterinary services; and warehouses.

Staff is of the opinion that the minor variance to add 'Pet Aquamation" use as a permitted use is consistent with the General Industrial land use designation and meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1 which permits a wide range of commercial and industrial uses such as manufacturing, Research and Development Establishment, Veterinary Services, and Laboratories among others.

Given that an 'Pet Aquamation" is not a permitted use in Zoning By-law 85-1 but is similar in use to a Laboratory and has similar operations to a Research and Development Establishment, and components of the operation of a Veterinary Services all which are permitted in the M-2 zone. Staff is of the opinion that a Pet Aquamation operation in the existing building on the subject property would meet the intent of the Zoning By-law.

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

The parking requirement for 'All Other Uses Not Otherwise Listed Above in the By-law is 1 parking space for each 40.0 square metres of gross floor area which accommodates such use.' The subject property, with a building which is 116 square metres in gross floor area, would need to provide 3 parking spaces and 3 parking spaces can easily be accommodated on the subject property.

The requested variance is considered minor as the Zoning By-law currently allows for similar uses. The effects of adding 'Pet Aquamation' as a permitted use will be minor and staff are of the opinion the new use will not have any negative impacts on the adjacent or surrounding properties and will not negatively impact the functioning of the industrial employment area.

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 variance is desirable and appropriate, as it will allow the applicant to operate a new unique business in the existing vacant building.

Environmental Planning Comments:

No Concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *North Ward Secondary Plan*
- *Zoning By-law 85-1*