

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 16, 2024

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

PREPARED BY: Tara Zhang, Planner, 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: April 3, 2024

REPORT NO.: DSD-2024-164

SUBJECT: Minor Variance Application A2024-027 - 610 Wabanaki Drive

RECOMMENDATION:

That Minor Variance Application A2024-027 for 610 Wabanaki Drive requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a maximum parking requirement of 67 parking spaces instead of the maximum permitted parking requirement of 26 parking spaces, to facilitate the creation of parking spaces in an existing gravelled area on the property in accordance with Site Plan Application SP23/076/W/TZ, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to facilitate the creation of additional parking in an existing gravelled area on the subject property.
- 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 in the Trillium Industrial Park Neighbourhood, adjacent to the East of Schneider Creek-Manitou Greenway, nearest intersection at Wilson Avenue and Wabanaki Drive.

The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'Heavy Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

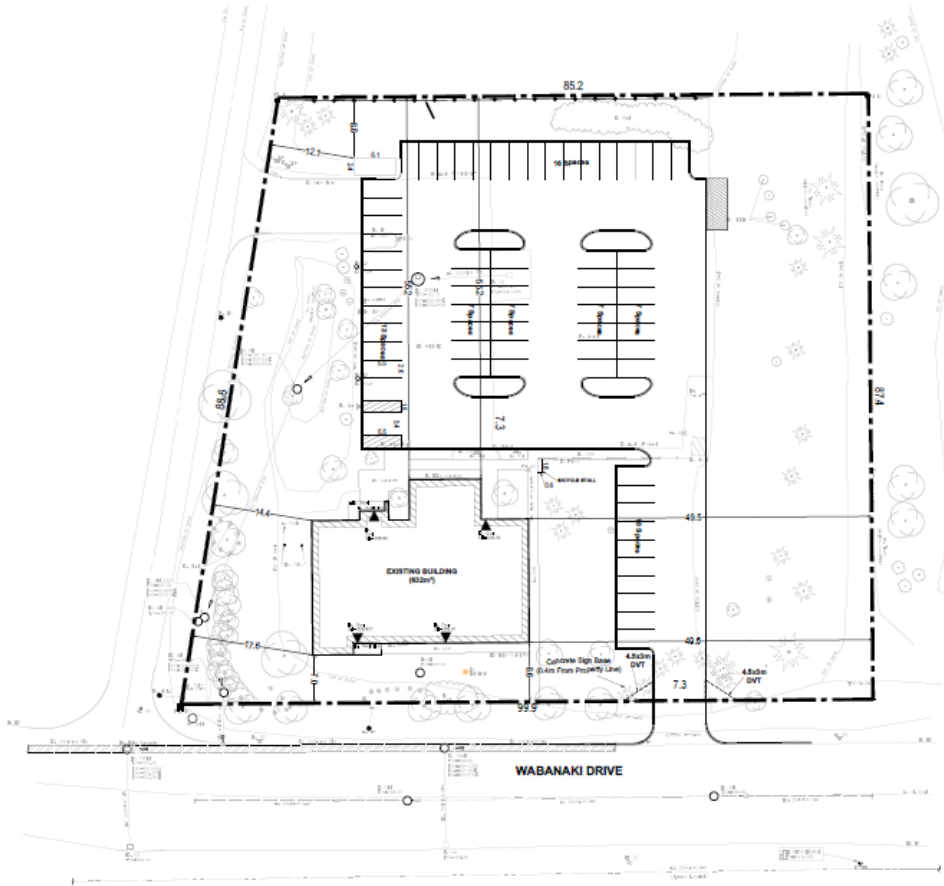
The property is zoned 'Heavy Industrial Employment Zone (EMP-3)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the creation of formal parking spaces in an existing gravelled area on the subject property, to permit a maximum of 67 parking spaces rather than the maximum requirement of 26 parking spaces, for an existing legal non-conforming office use.

The current use of an office is a legal non-conforming use that was established since at least 2007 and is permitted to continue as an office use. Although the office use can be considered legal non-conforming, the maximum number of parking spaces for an office use cannot. This is due to lack of delineation in the gravelled area on a previously approved site plan and in the field. As the number of parking spaces in the gravelled area was never established, it cannot be considered legal non-conforming and a minor variance is required.

Figure 1: Aerial view of 610 Wabanaki Drive.





SITE STATISTICS

Zoning - EMP-3
 Lot Area - 8,087m²
 Building Coverage- 632m² (7.81%)
 Landscaped Area - 4,910m² (60.0%)
 Asphalt / Hard Surface Area- 2,543m² (31.4%)

Parking Required - 20 Spaces
 (1sp / 33m²)
 Parking Provided - 67 Spaces
 Parking Space Minimum Dimensions- 2.6m x 5.5m
 Class B Parking Required - 1 Space
 (1sp/750m²)

NOTE: ALL ASPHALT AREAS TO
 BE DEFINED WITH 0.15M HIGH
 POURED CONCRETE CURBING

SITE PLAN		REVISED:	SITE PLAN APPLICATION No.
	SCALE 1: 500		1525 PT LOT 33 RP 58R-15535 PT 1
ELEMENTARY TEACHERS FEDERATION OF ONTARIO 610 WABANAKI DRIVE	DATE: NOVEMBER 3, 2023		City of Kitchener COMMUNITY SERVICES DEPARTMENT
			CAD FILE: SP.DWG

Figure 2: Conditionally Approved Site Plan.



Figure 3: Front view of the subject property.



Figure 4: Gravel parking area for proposed parking spaces.

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 designated 'Heavy Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan. Policy 3.C.2.53. states that the planned function of Industrial Employment Areas is to support and maintain economic activity in the city by providing an adequate supply of land for a range of industrial-related employment uses and appropriate accessory and ancillary uses. Staff is of the opinion that the variance meets the intent of the Official Plan as it is supporting the existing use in the employment area.

General Intent of the Zoning By-law

The subject property is zoned 'Heavy Industrial Employment Zone (EMP-3)' in Zoning By-law 2019-051 which permits a wide range of industrial uses. The intent of limiting the parking for an office use is to encourage use of alternative modes of transportation and ensure sites are not unnecessarily dominated by asphalt parking areas. Given the location of this property and that the gravelled area had previously informally been used as parking, the variance to recognize this parking area will meet the intent of the Zoning By-law.

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

Staff is of the opinion that the effects of the requested variance is minor, the existing site has sufficient space to accommodate the additional parking spaces.

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 variance is desirable for the appropriate development as it will not create any adverse impacts to the industrial area and will support the existing development/use of the site.

Environmental Planning Comments:

No natural heritage concerns. Tree management will be addressed through the site plan application.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

GSP Group submitted a Parking Justification (March 1, 2024) for this application and based on their justification; Transportation Services have no concerns with the additional on-site parking being requested.

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*