

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 21, 2024

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

PREPARED BY: Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: May 8, 2024

REPORT NO.: DSD-2024-225

SUBJECT: Minor Variance Application A2024-037 - 67 and 71 Blucher St.

RECOMMENDATION:

That Minor Variance Application A2024-037 for 67 and 71 Blucher Street requesting relief from Section 7.3, Table 7-6, of Zoning By-law 2019-051 to permit:

- i) A front yard setback of 4.49 metres instead of the minimum required 6.62 metres;
- ii) A rear yard setback of 3.2 metres instead of the minimum required 7.5 metres; and
- iii) A Floor Space Ratio (FSR) of 0.75 instead of the maximum permitted FSR of 0.6;

to facilitate the development of two (2) buildings for stacked townhomes, each having 8 dwelling units, in accordance with Site Plan Application SP23/084/B/TS, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit a new townhouse development with 16 residential units, while keeping the existing 10 dwelling units at the rear of the 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 on the southernly side of Blucher Street, near the intersection of Blucher Street and Weber Street West. The surrounding context of the subject property is primarily comprised of low-rise residential uses.

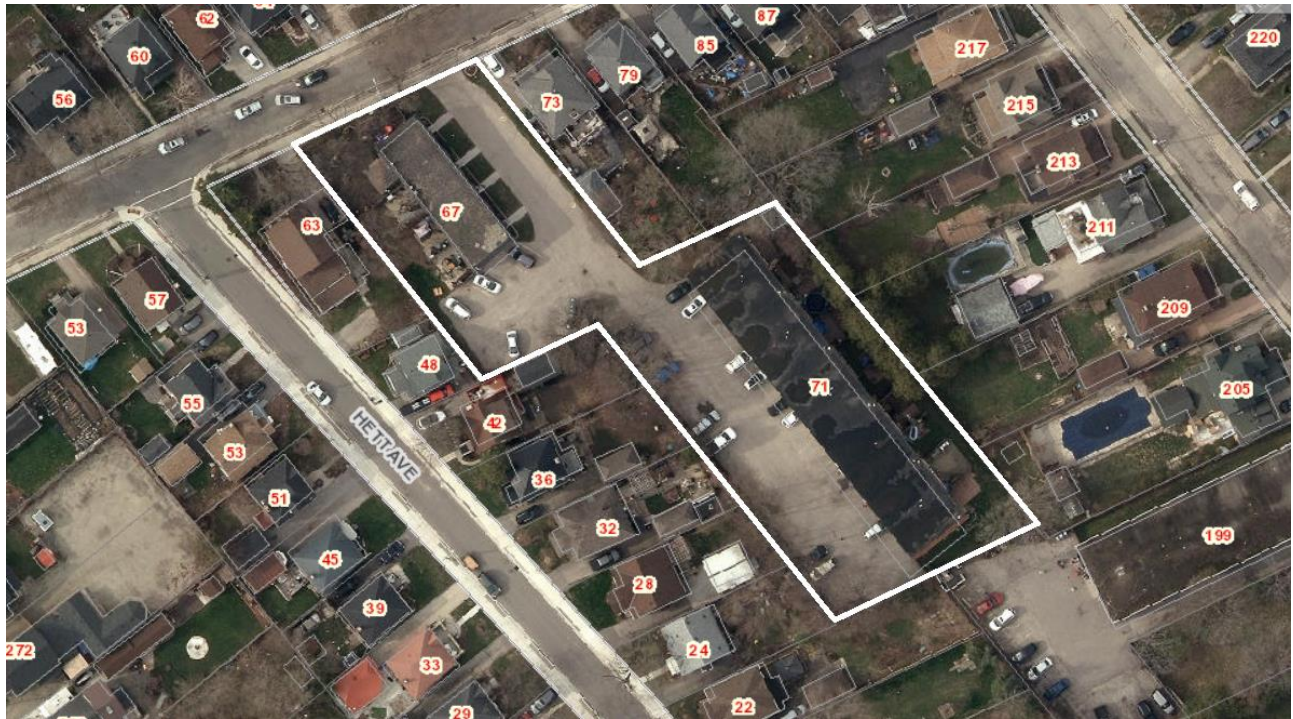


Figure 1 - Subject property – 67-71 Blucher Street

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

The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.



Figure 2 – Existing front building – 67 Blucher Street



Figure 3 – Existing rear building – 71 Blucher Street



Figure 4 – Existing rear yard setback – 71 Blucher Street

The purpose of this report is to review a minor variance application to permit a new townhouse development with 16 residential units that will replace the current 4 units that are existing on the property, while keeping the existing 10 units at the rear of the property. The application is requesting a front yard setback of 4.49 metres whereas 6.62 metres is required, a rear yard setback of 3.2 metres whereas 7.5 metres is required, and a Floor Space Ratio (FSR) of 0.75 whereas a maximum FSR of 0.6 is permitted.

The owner has requested the variances to permit 2 new stacked townhouse buildings, each containing 8 dwelling units. These units will replace the existing 4 dwelling units at the front of the property. The variances required for Floor Space Ratio and for the front yard setback are to help facilitate the proposed development. The variance requested for the rear yard setback is to legalize the rear yard setback of the existing 10 unit townhouse block at the rear of the site. This rear yard setback is legal non-complying and a minor variance is not required, however, the applicant would like to formally recognize this setback with respect to Zoning By-law 2019-051.

Staff conducted a visit to the subject property on May 3rd, 2024.

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 designated 'Low Rise Residential' in the City's Official Plan, which contains a number of policies related to density in low rise residential areas. The Low Rise Residential land use designation accommodates a full range of low density housing types including single detached dwellings, duplex dwellings, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings and special needs housing. Policy 15.D.3.11 applies a maximum Floor Space Ratio (FSR) of 0.6, however site-specific increases up to a maximum FSR of 0.75 may be considered, where it can be demonstrated that the increase in the FSR is compatible. Staff is of the opinion that the increase in the FSR meets the general intent of the policies of the Official Plan. Staff is satisfied the requested variances to facilitate this form of development will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The 'RES-5' zone permits a range of housing types, and the intent of 0.6 FSR maximum is to ensure development occurs at a scale which is compatible with other low-rise housing forms in adjacent neighbourhoods. The proposed townhouse units will provide a mix of housing types while maintaining compatibility with the low-rise residential neighbourhood. Further, the increase in the FSR will not attribute to a taller built form as the proposed units will adhere to the 11.0 metre building height maximum in the 'RES-5' zone. As such, staff is satisfied the requested variance to increase the maximum FSR from 0.6 to 0.75 meets the general intent of the Zoning By-law.

The intent of the front yard setback is to ensure that new buildings maintain a consistent front yard setback with the adjacent properties and the existing neighbourhood as per the zoning regulations, developed as part of the RIENS Study. Staff are satisfied that due to the placement of the building and that only the front corner of the new property will be 4.49 metres from the front property due to the shape of the lot, the majority of the building will be further than the 4.49 metres proposed and thus there would be no major impact to the surrounding properties. Further if the property wasn't within a central neighbourhood the

minimum front yard setback would be 4.5 metres which the requested 4.49 metres would approximately meet. It is staff's opinion that the front yard setback variance meets the general intent of the Zoning By-law.

The intent of the rear yard setback is to ensure adequate separation from adjacent properties and to ensure there is an appropriate amount of amenity space for the residents. The proposed 3.2 metres legalizes an already existing condition, as the building has existed for an extended period of time. There have been no concerns with the existing rear yard setback and staff expect that to continue. Locations of amenity space for the entire property will be reviewed through the site plan approval process. It is staff's opinion that the rear yard setback variance meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the requested variances are minor as the reduced front yard, rear yard, and increased FSR will not present any significant impacts to adjacent properties or the overall neighbourhood.

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

The proposed variances are desirable and appropriate as they will facilitate the development of stacked townhomes which will be compatible in scale, massing and height, make use of existing infrastructure, and contribute 16 new dwelling units to the City's 'missing middle' Housing Inventory and support the City's Housing Pledge.

Environmental Planning Comments:

A tree management plan will be required and will be included as part of the site plan approval process.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permits for the stacked townhouses are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No engineering comments or concerns.

Parks/Operations Division Comments:

No parks/operations comments or concerns.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

Region of Waterloo Comments:

No comments or 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:

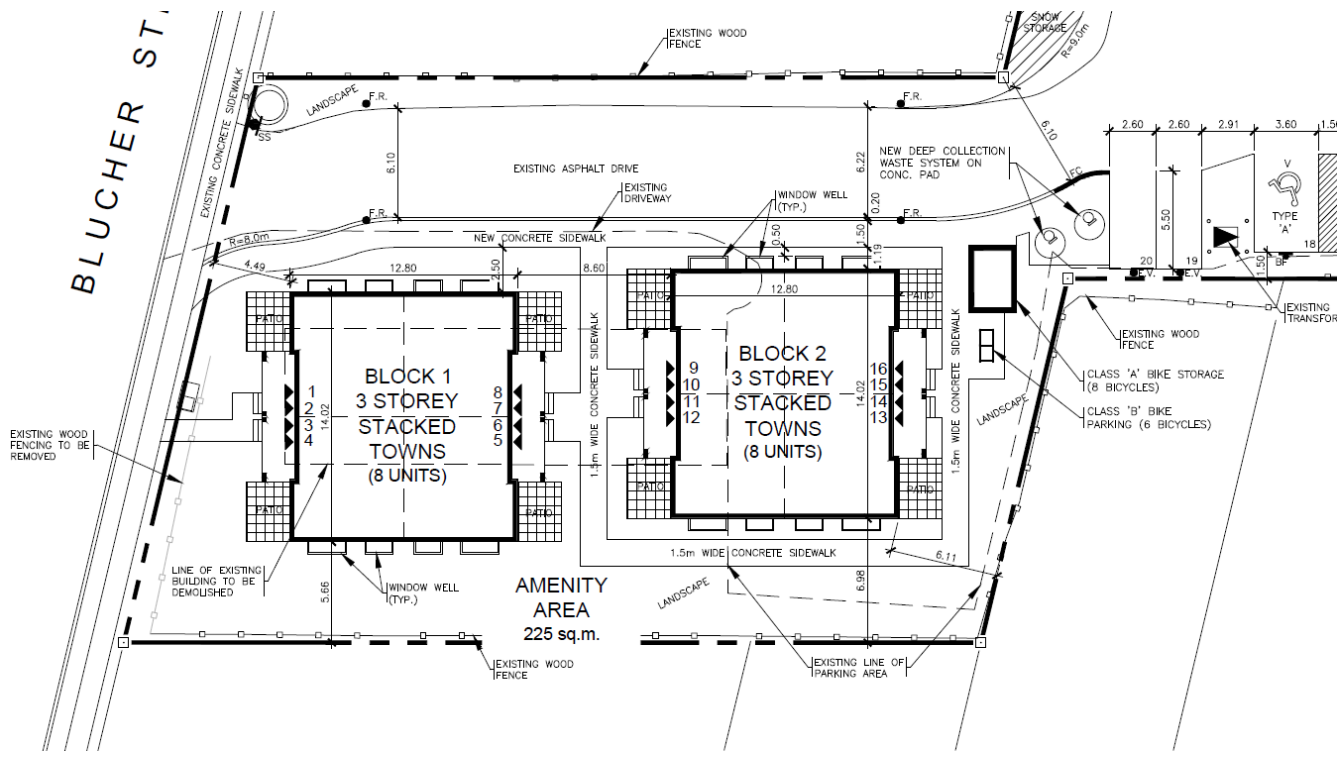
INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Proposed Site plan for new development



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