

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: Arwa Alzoor, Planner, 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: May 1, 2024

REPORT NO.: DSD-2024-221

SUBJECT: Minor Variance Application A2024-035 - 42 Hazelglen Drive

RECOMMENDATION:

That Minor Variance Application A2024-035 for 42 Hazelglen Drive requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit:

- i) a Floor Space Ratio (FSR) of 0.75 instead of the maximum permitted 0.6;
- ii) a Building Height of 11.9 metres instead of the maximum permitted 11.0 metres; and
- iii) to not require private patio areas for the ground floor units, whereas the zoning by-law requires a private patio for ground floor units;

to facilitate the construction of a stacked townhouse development having 20 dwelling units, in accordance with Site Plan Application SP23/081/H/AA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a Multiple Dwelling having 20 dwelling units in the form of stacked townhouses.
- The key finding of this report is that the requested variances meet the four tests of the Planning Act.
- 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.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

The subject property is located in the Victoria Hills area north of Victoria Street South and west of Westmount Road West.

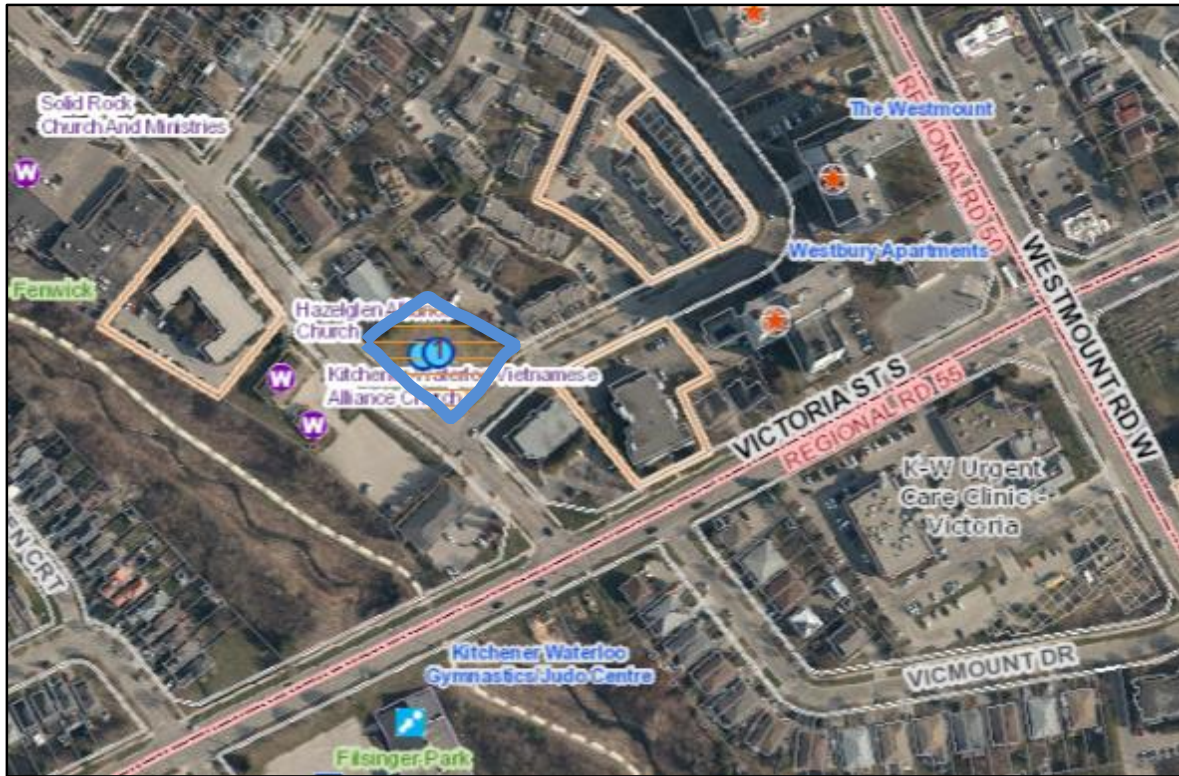


Figure 1: The subject property in an aerial view



Figure 2: The subject property on the zoning map

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.

The purpose of the application is to facilitate the development of a Multiple Dwelling having 20 dwelling units in the form of stack townhouses. The following minor variances are required:

- A Floor Space Ratio (FSR) of 0.75, whereas only a maximum FSR of 0.6 is permitted;
- A building height of 11.9 metres, whereas only a maximum building height of 11 metres is permitted; and
- The ground floor units do not have a ground floor patio which is required.

The applicant has submitted a Site Plan Application, SP23/081/H/AA, which has been reviewed with all applicable divisions and agencies and has received 'conditional approval' subject to receiving approval of the minor variances.

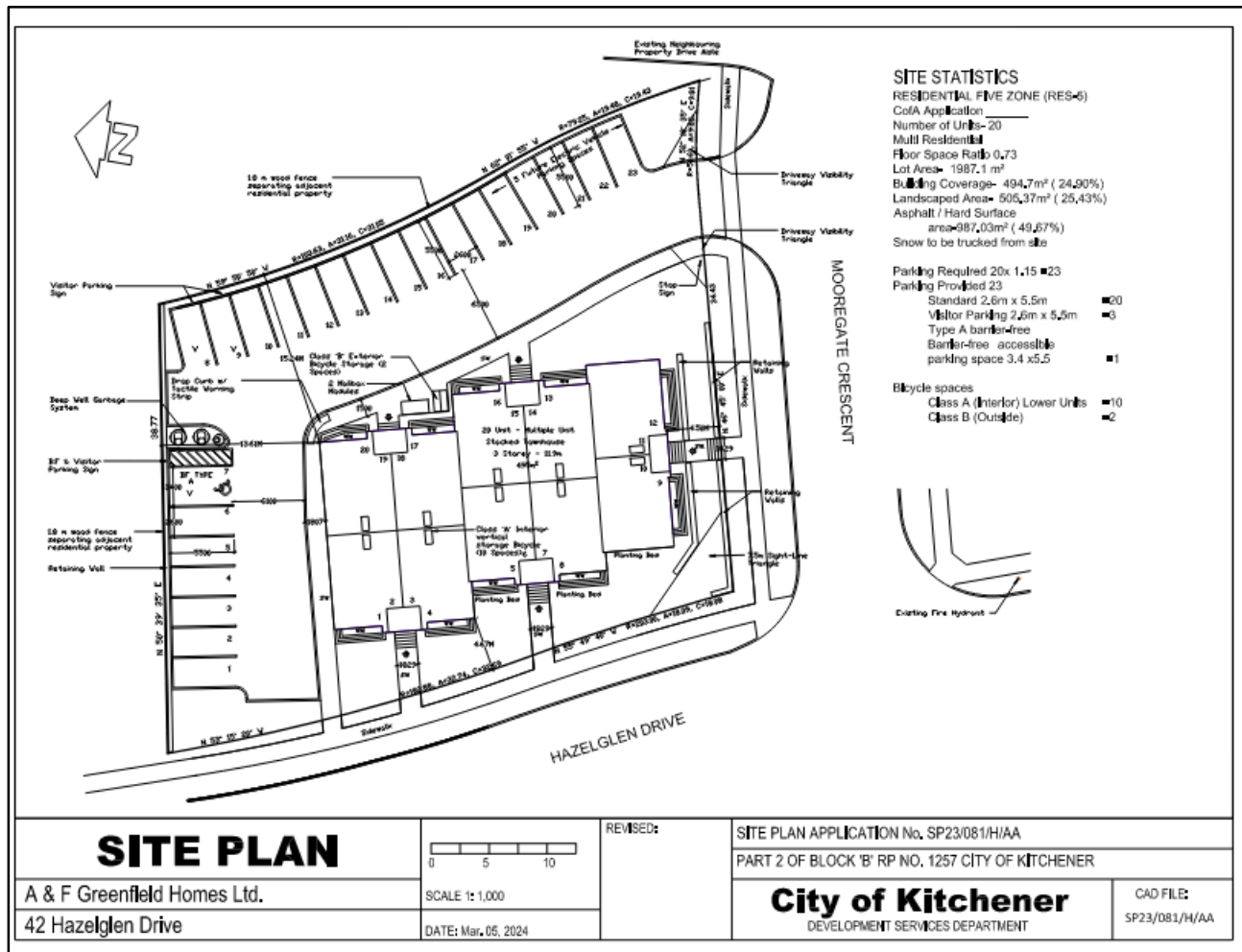


Figure 3: The proposed Site Plan

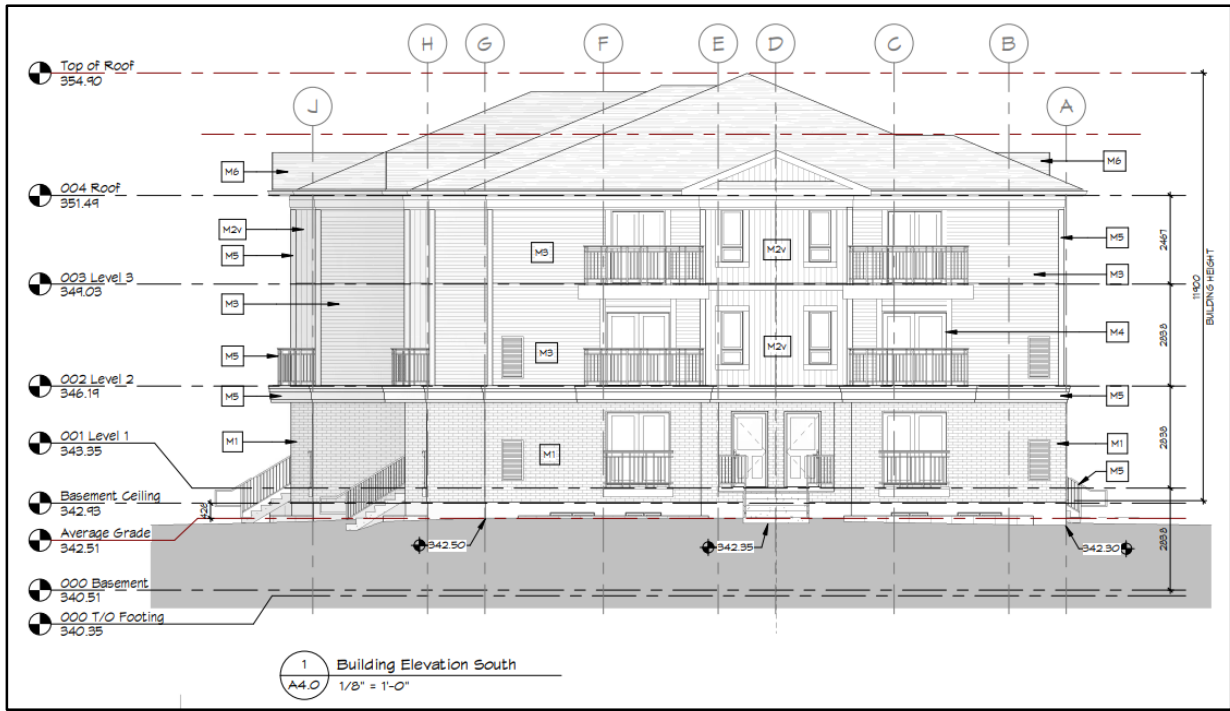


Figure 4: The proposed building's south elevation

Staff visited the subject property on May 02, 2024.



Figure 5: The subject property from Hazelgen Drive



Figure 6: The subject property from the corner of Mooregate Crescent

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.

Floor Space Ratio: 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.

Building Height: Policy 15.D.3.12 applies a maximum building height of 3 storeys or 11 metres in height, at the highest grade elevation. Relief from the building height may be

considered for properties with unusual grade conditions and for buildings and/or structures with increased floor to ceiling heights and architectural features provided the increased building height is compatible with the built form and physical character of the neighbourhood. The building height is measured to the highest point of the sloped roof. The proposed height is measured as 10.2 metres to the roof midpoint as it is a sloped roof. In addition, the building is compatible with respect to the massing, scale and design of the neighbourhood

Private patio: Policy 15.D.3.3 states the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on adequate and appropriate amenity areas, and landscaped areas will be provided on-site. Although the proposal does not have a private patio on the ground floor units, it meets the landscape percentage required with a space for the outdoor amenity. Additionally, some of the units will have a second or third-floor balcony.

Based on the above, staff is of the opinion that the variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The 'RES-5' zone permits a range of housing types. The 0.6 Floor Space Ratio and building height requirements are intended to ensure development occurs at a scale compatible with other low-rise housing forms with adjacent properties. The proposed stacked townhouse dwelling units will provide a mix of housing types while maintaining compatibility with the massing, scale, and design of the low-rise residential neighbourhood.

In addition, the required private patio ensures that each unit has enough private amenity space. The development will meet the minimum landscape requirement of 20% and will provide more than 75 square metres of outdoor amenity space. Also, some of the units on the second and third floors will have balconies.

Therefore, the proposal 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 effects of the requested variances are minor as the proposal has received conditional site plan approval to demonstrate that the site can function appropriately and that the increased FSR, increased building height, and not providing a private patio for ground floor units will not present any significant impacts to adjacent properties, the overall neighbourhood or the streetscape.

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 a multiple dwelling which will be compatible in scale, massing and height, make use of existing infrastructure, and contribute 20 dwelling units to the City's 'missing middle' Housing Inventory and support the City's Housing Pledge.

Environmental Planning Comments:

The tree management will occur via the site plan application.

Heritage Planning Comments:

No comments

Building Division Comments:

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

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

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

The Region of Waterloo 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)*
- *Zoning By-law 2019-051*