

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 18, 2024

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

PREPARED BY: Kirsten Hoekstra, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: June 5, 2024

REPORT NO.: DSD-2024-274

SUBJECT: Minor Variance Application A2024-049 - 174 Wellington St. N.

RECOMMENDATION:

That Minor Variance Application A2024-049 for 174 Wellington Street North requesting relief from Section 4.12.2 i) and Section 7.3, Table 7-6, of Zoning By-law 2019-051, to permit the following:

- i) A rear yard landscaped area of 24% instead of the minimum required 30%; and
- ii) A front yard setback of 0.98 metres instead of the minimum required 4.5 metres;

to facilitate the conversion of a semi-detached dwelling (2 dwelling units on one lot) into a semi-detached duplex dwelling, for a total of four (4) dwellings units on one lot, generally in accordance with drawings prepared by Jeffrey Blackham, submitted with Minor Variance Application A2024-049, BE APPROVED subject to the following conditions:

1. The Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.
2. The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:

“Warning: The Applicant is advised that the subject land is located within Metrolinx’s 300 metres railway corridor zone of influence and as such is advised

that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow for the conversion of an existing semi-detached dwelling (2 dwelling units), to a semi-detached duplex dwelling (4-unit multiple dwelling) with a reduced front yard setback and a reduced rear yard landscaped area.
- The key finding of this report is that the requested minor variances meet all 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.

BACKGROUND:

The subject property is located on the north side of Wellington Street North between Weber Street West and Ahrens Street West. It currently contains a semi-detached dwelling. Both dwelling units of the semi-detached dwelling are on one lot under one ownership.

The subject property is identified as ‘Community Areas’ 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 1 - Location of the subject property.

The purpose of the application is to allow for the conversion of an existing semi detached with two dwelling units, to a semi-detached duplex on one lot (multiple dwelling with 4 dwelling units) having a reduced front yard setback and a reduced rear yard landscaped area.

At the time of submission of the Minor Variance Application seven (7) variances were requested and advertised, however By-law 2024-074 of the 'Enabling Four Units' Project is now in effect, and only two variances, to amended Zoning By-law 2019-051, are required to facilitate this application.

Staff note that 174 Wellington Street South is located within 800 metres of a Light Rail Transit (LRT) Station as shown on Appendix 'E' in Zoning By-law 2019-051.

Appendix 'E', Zoning By-law 2019-051, has been amended as per the 'Growing Together Project' and By-laws 2024-065 and 2024-066. Consequently, with the proposed amendments, the property will still be in the Central Neighbourhoods but no longer located within 800 metres in Appendix 'E' and will need to provide 4 parking spaces to meet zoning by-law requirements. The minor variance for a reduced rear yard landscaped area is a balance between providing required parking and a sufficiently sized rear yard amenity area.

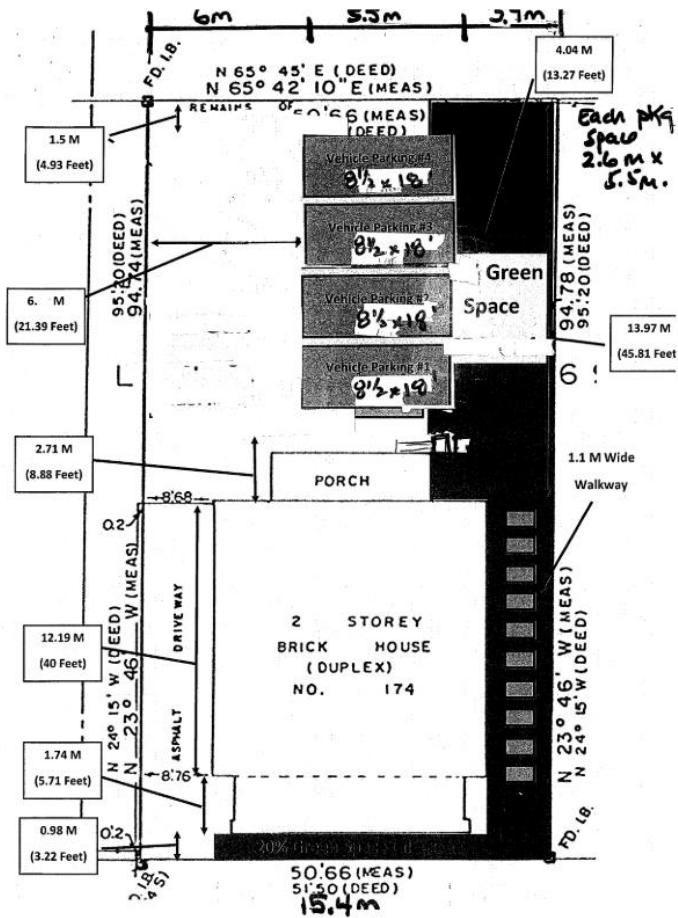


Figure 2 – Proposed Site Plan.

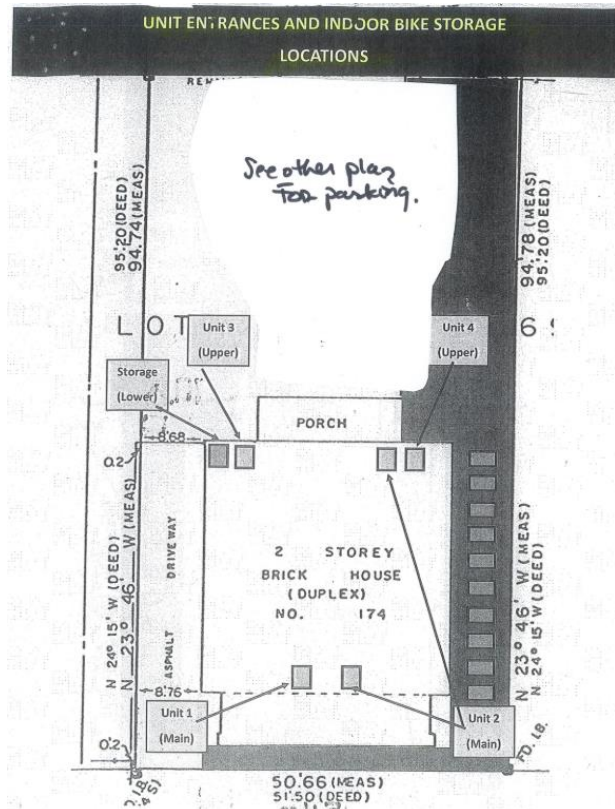


Figure 3 – Proposed unit entrances and indoor bike storage locations.

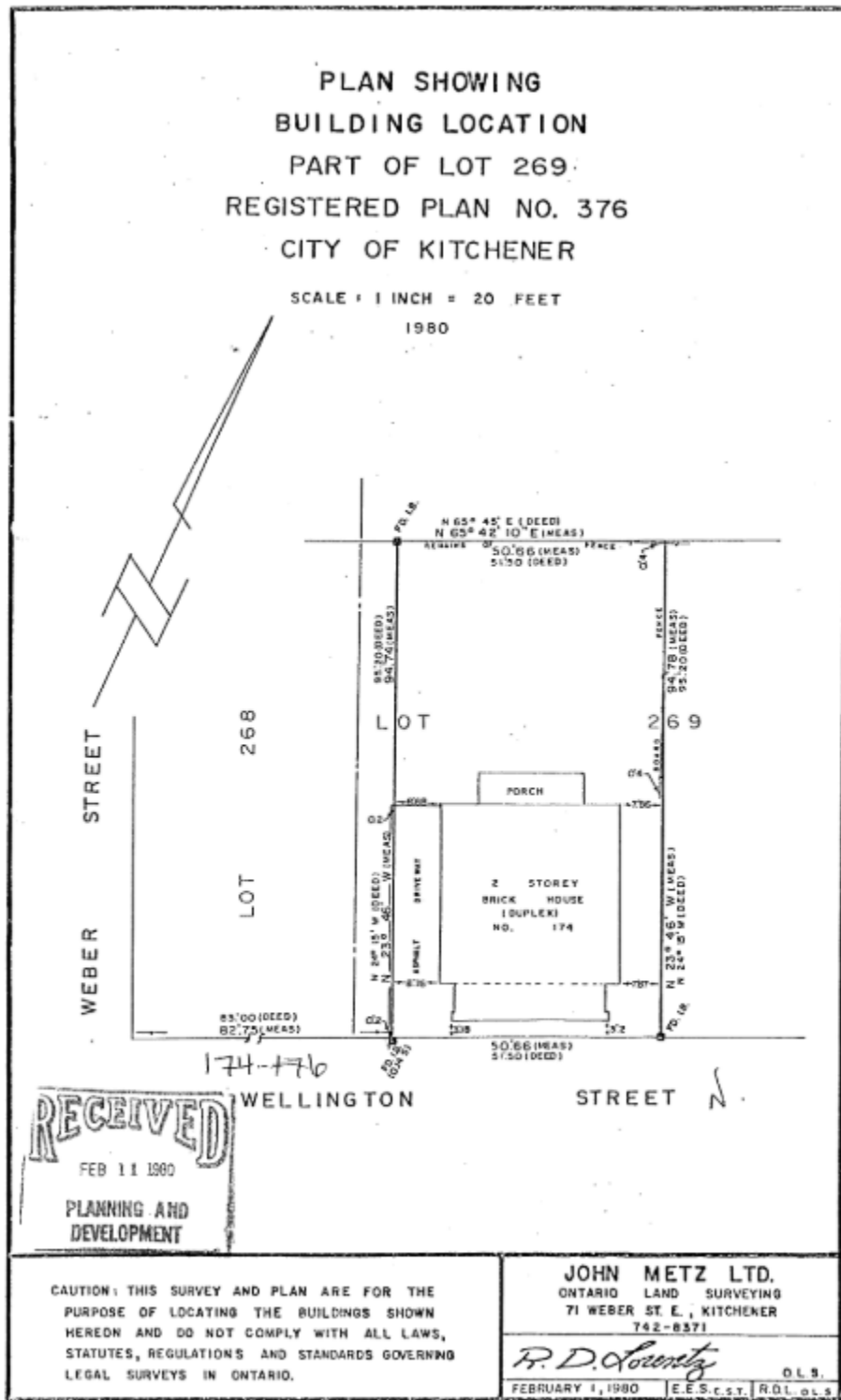


Figure 4 – Survey plan of Subject Property.

Planning Staff conducted a site visit on May 30, 2024.



Figure 5 - View 174 Wellington Street North from the street.



Figure 6 - View of the existing front yard setback.



Figure 7 - View of the existing rear yard amenity space (a).



Figure 8 - View of the existing rear yard amenity space (b).

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 intent of the 'Low Rise Residential' Official Plan designation is to encourage the highest range of low-density dwelling types on the widest range of lot sizes in low rise areas. This designation encourages residential intensification and redevelopment including additional dwelling units to respond to changing housing needs and as a cost-effective means to reduce infrastructure and services costs. The requested reduced front yard setback and rear yard landscaped area will facilitate the conversion of the existing semi-detached dwelling to a semi-detached duplex (4 dwelling units) which will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Rear yard landscaped area: The intent of the regulation for minimum rear yard landscaped area is to ensure adequate amenity space for residents. The existing rear yard has a width of 15.4 metres and an approximate depth of 12.3 metres. Staff is of the opinion that there is sufficient land to accommodate four parking spaces and an appropriately sized amenity area. Therefore, Planning Staff are of the opinion that the requested variance for a reduced rear yard landscaped area meets the general intent if the Zoning By-Law.

Front yard setback: The intent of the front yard setback regulation is to ensure buildings have a consistent setback to the property line to maintain a coherent streetscape. In this instance the 0.98 metre front yard setback is pre-existing and there are no proposed changes to the front yard setback. Staff notes that there is approximately 2.5 metres of existing city owned land between the property line and the sidewalk. Further, the subject property and its abutting properties have similar front yard setbacks to the principal dwelling. Therefore, staff are of the opinion that the proposed setback of 0.98 metres is and existing situation and in keeping within the general intent of the Zoning By-law.

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

The requested reduction of the rear yard landscaped area is minor in nature as this reduction will permit four rear yard parking spaces in addition to adequate amenity area. Further, the requested front yard setback is pre-existing and there are no further proposed changes to this setback. Staff is thus of the opinion that the effects of the variances will be minor.

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

Staff are of the opinion that the requested variances are desirable and appropriate as they will facilitate a gentle form of intensification within the existing residential building and utilize existing infrastructure which is a desirable and appropriate use of the land. The additional dwelling units will also support the City's Housing Pledge.

Environmental Planning Comments:

No concerns due to nature of application (no apparent expansion of building footprint or site development work). Requirement for 24% rear yard landscaping looks like it will be improvement over existing large parking area.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 174 Wellington Street North is located within the Mount Hope/Breithaupt Neighbourhood CHL. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

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

Engineering Division Comments:

No comment.

Parks/Operations Division Comments:

Parkland Dedication will be required for the fourth residential unit to be paid prior to the issuance of the Building Permit.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

GRCA Comments:

GRCA has no objection to the approval of the above application.

Metrolinx Comments:

The subject property is located within 300 metres of the Metrolinx Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions

and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Region of Waterloo Comments:

There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise & railway noise/vibration to the existing and the proposed dwellings/building. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.

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*