

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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PREPARED BY: Sheryl Rice Menezes, Senior Planning Technician
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WARD(S) INVOLVED: 10

DATE OF REPORT: July 9, 2024

REPORT NO.: DSD-24-322

SUBJECT: Minor Variance Application A2024-052 – 250 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2024-052 for 250 Frederick Street requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.2 a) to permit a parking requirement of 117 parking spaces instead of the minimum required 140 parking spaces; and
- ii) Section 6.1.2 b) vi) to permit 8 visitor parking spaces instead of the minimum required 28 parking spaces;

to facilitate the development of four (4) additional dwelling units in an existing multiple dwelling having 108 units, for a total of 112 units, generally in accordance with Site Plan Application SP24/032/F/SRM, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of common amenity space on the top floor of a high-rise apartment building to be converted into four residential dwelling units with reduced parking requirements for overall parking and visitor parking spaces.
- The key finding of this report is that the requested minor variances meet all 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.

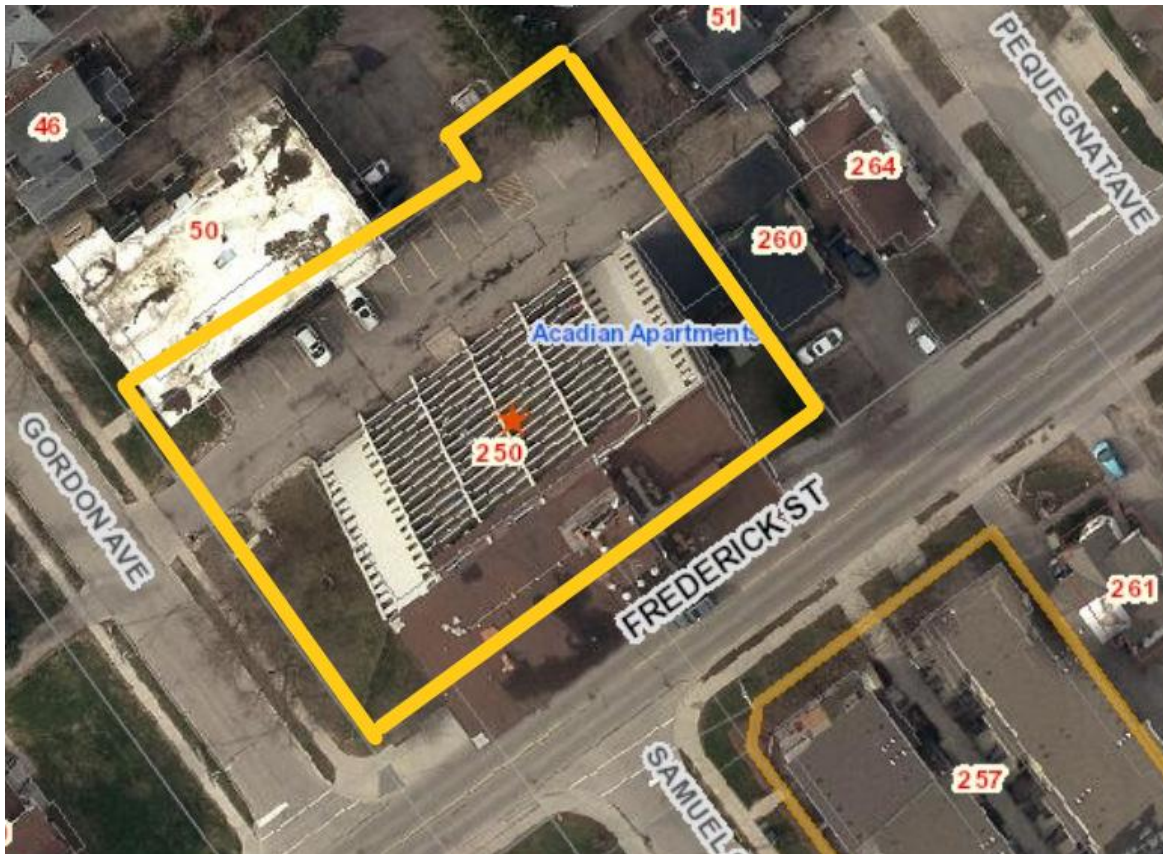


Figure 1: Aerial photo

BACKGROUND:

The subject property is located on the intersection of Frederick and Gordon Streets.

It is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'High Rise Multiple Residential' in the Central Frederick Neighbourhood Plan in the City's 1994 Official Plan.

The property is zoned 'Residential Nine Zone (R-9)' in Zoning By-law 85-1.

The purpose of the application is to permit parking variances for the conversion of existing common space on the top floor (17th floor) to four dwelling units.

The applicant has indicated that the basement and parking levels in the building have storage lockers and laundry facilities. The top floor area on the 17th floor was originally designed as recreation area with a sauna room and a hobby room. During a site visit of the building, it was observed that these were unutilized vacant rooms and the owner felt this was a good opportunity to provide additional rental dwelling units.

Site Plan Application SP24/032/F/SRM has received 'Conditional Approval' for the 4 new dwelling units. It was primarily prepared to identify the required Visitor and Barrier Free parking spaces.

Drawings for the two levels of underground parking have been received and are attached to this staff report.

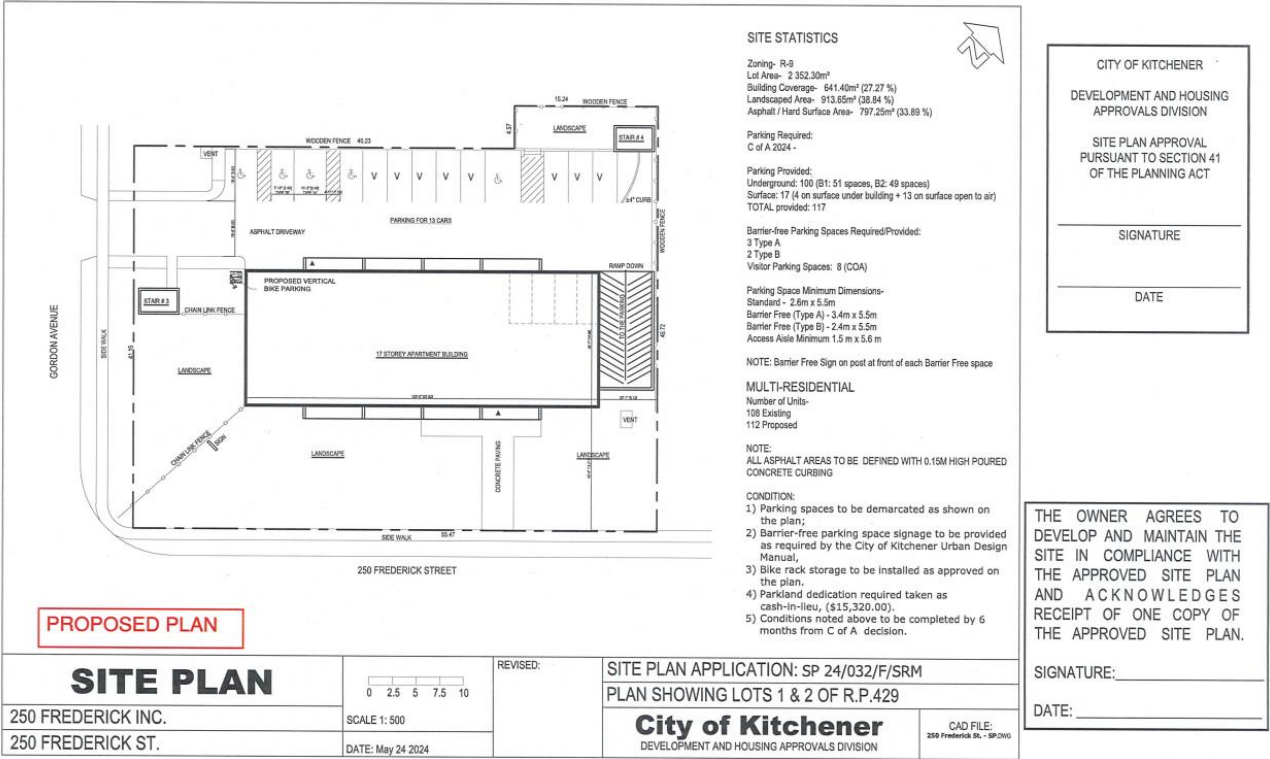


Figure 2: Proposed Site Plan

Staff visited the site June 28, 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 intent of the High Rise Multiple Residential designation in the Central Frederick Neighbourhood Plan is to acknowledge and permit the Acadian Apartment on the subject land. Multiple dwellings more than 200 units per hectare are permitted. The maximum floor space ratio is 4, with the above grade gross floor area not exceeding 4 times the lot area. As the building area is existing floor area, the residential conversion of space is permitted and will meet the general intent of the Official Plan.



Figure 3: View of property from street.

General Intent of the Zoning By-law

The intent of the parking requirement is to ensure sufficient parking spaces are available for residents and visitors of the building. The current zoning, 'R-9', is within By-law 85-1 which has existed since 1994 on this property. This zoning requires the proposed total of 112 dwelling units to have 140 parking spaces (1.25 parking spaces per dwelling unit) and 28 visitor parking spaces (20% of the required parking). It is noted that the property will be rezoned in the future into the newest City Zoning By-law 2019-051. In the new by-law, the parking requirement for 112 units would be 112 (1 parking space per dwelling unit) with an additional 12 visitor parking spaces. This is substantially less parking than currently required and is closer to the 117 spaces proposed in the Site Plan.

Currently, there are no visitor parking spaces on site as this was not a requirement when the building was originally constructed in 1968 and therefore, they have not been shown previous plans. Providing 8 visitor spaces on the surface outside the building ensures demarcated and dedicated parking spaces for visitors.

Staff note that the property is one block from the Strategic Growth Area which has no minimum parking requirement. The property is on a bus route and just outside the 800 metres to an LRT station. Transportation Planning staff support the proposed parking variance.

It is noted that 5 barrier-free parking spaces are required (under both by-laws) and that 5 barrier-free spaces are proposed. There is no variance required for these spaces.

Accordingly, the variances will meet the general intent of the Zoning By-law.

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

As noted above, the parking reduction is closer to what will be required when the property is rezoned under By-law 2019-051 and close to public transportation. The owner has also noted on the Site Plan that vertical bicycle parking will be provided on the ground floor adjacent to the building. Staff are of the opinion that the parking variances are minor.

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

The applicant has advised that the common amenity space on the top floor was a recreation area with a sauna and hobby room and on a visit by the new owner, was an unutilized vacant area. There does exist a landscaped area with a picnic table in the north-east corner of the property as shown on the ground level of the Site Plan.

The parking reductions, as noted above, can be considered minor and meeting the intent of both Official Plan and Zoning By-law. The addition of dwelling units is a gentle intensification of the residential building on the subject property and supports the City Housing Pledge in the supply more residential rental units.

Environmental Planning Comments:

No comments.

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 250 Fredrick Street is located within the Central Fredrick 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 additional residential units in the existing building 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:

All Parks requirements will be addressed through Site Plan Application SP24/031/F/SRM.

Transportation Planning Comments:

Transportation Services can support the proposed parking reduction as the existing parking supply will remain as is.

Region of Waterloo Comments:

No comments.

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 85-1*

ATTACHMENTS:

Attachment A – Underground garage parking plan (2 levels)