

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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

PREPARED BY: Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

WARD INVOLVED: Ward 1

DATE OF REPORT: July 2, 2024

REPORT NO.: DSD-2024-319

SUBJECT: Minor Variance Application A2024-054 - 124 Woolwich Street

RECOMMENDATION:

That Minor Variance Application A2024-054 for 124 Woolwich Street requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.3.3 b) i) to permit parking spaces to be located within the front yard, whereas the Zoning By-law does not permit parking spaces in the front yard;
- ii) Section 7.3, Table 7-6 to permit an interior side yard setback of 2.5 metres instead of the minimum required 3 metres;
- iii) Section 7.3, Table 7-6 to permit a rear yard setback of 5.5 metres instead of the minimum required 7.5 metres; and
- iv) Section 7.3, Table 7-6 to permit a Floor Space Ratio (FSR) of 0.75 instead of the maximum permitted 0.6;

to facilitate the development of two stacked townhouse buildings, consisting of 44 dwelling units in total (22 units per building), in accordance with conditionally approved Site Plan Application SP23/085/W/AP, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of all requested variances.
- 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:

It should be noted that the subject property fronts onto Woolwich Street, which is within the boundary of the City of Waterloo. However, the subject property itself is located within the City of Kitchener.

The subject property is located on the southeast side of Woolwich Street, between Bridle Trail and Exmoor Street (both on the City of Waterloo side of Woolwich Street), in the Bridgeport North Planning Community. The subject property is irregular in shape and has an approximate width of 20.8 metres, a depth of 137 metres, and an area of 5,826 square metres. The property contains a single detached dwelling that was constructed in approximately 1925. Development and Housing Approvals staff visited the site on June 28, 2024.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the 2014 Official Plan and is designated 'Low Rise Residential'. The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

The property immediately to the northeast is currently under construction with a 3-storey, 31 dwelling unit stacked townhouse development, comprising one multiple dwelling (132 Woolwich Street). The property immediately to the southwest (104 Woolwich Street) is the subject of Site Plan Application SP24/042/W/AP, which proposes a low rise, 50-unit stacked townhouse development, comprising three multiple dwellings. The surrounding neighbourhood, both on the Waterloo and Kitchener sides of Woolwich Street, is comprised low density residential land uses.

The subject property is the subject of Site Plan Application SP23/085/W/AP, which proposes a stacked townhouse (multiple dwelling) development with 44 dwelling units (two buildings comprising 22 units each). The existing single detached dwelling is proposed to be demolished to facilitate the proposed redevelopment. The Site Plan Application received conditional approval (with a red-lined drawing) on May 3, 2024 (see Attachment 'A'), subject to several conditions, including the following:

Prior to Site Plan Approval, the Owner shall apply for and obtain approval of a Minor Variance Application for all zoning deficiencies, and the variances shall be in full force and effect, to the satisfaction of the City's Director of Development and Housing Approvals.

The purpose of the subject application is to fulfill this condition. In this regard, the applicant is requesting the following relief from Zoning By-law 2019-051, to facilitate conditionally approved Site Plan Application SP23/085/W/AP:

- i) Section 5.3.3 b) i) to permit parking spaces to be located within the front yard, whereas the Zoning By-law does not permit parking spaces in the front yard;
- ii) Section 7.3, Table 7-6 to permit an interior side yard setback of 2.5 metres instead of the minimum required 3 metres;
- iii) Section 7.3, Table 7-6 to permit a rear yard setback of 5.5 metres instead of the minimum required 7.5 metres; and
- iv) Section 7.3, Table 7-6 to permit a Floor Space Ratio of 0.75 instead of the maximum permitted 0.6.



Figure 1: Photo of existing single detached dwelling (at center) on the subject property, taken from the opposite side of Woolwich Street. The stacked townhouses under construction (at left) are located immediately northeast of the subject lands (132 Woolwich Street).



Figure 2: Subject Property (outlined in red).

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 Official Plan contains several policies that are relevant to the requested variances, for example:

- Variance i): 13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...f) to result in aesthetically acceptable parking areas which blend into the general environment of the area.
- Variances ii) through iv):
 - 4.C.1.7. The City may require a site plan, elevation drawings, cross-sections, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built form, landscaping, screening and/or buffering, conforms to zoning, and provides for a healthy, safe, accessible and sustainable building and site design. These requirements are intended to address the relationship to adjacent residential development, to ensure

compatibility with the existing built form and the community character of the established neighbourhood and to minimize adverse impacts.

- 4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:
 - a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard...
 - d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy...
- Variance iv): 15.D.3.11. A maximum Floor Space Ratio of 0.6 will apply to all development and redevelopment. Site-specific increases to allow up to a maximum Floor Space Ratio of 0.75 may be considered where it can be demonstrated that the increase in the Floor Space Ratio is compatible and meets the general intent of the policies in this Plan. An Official Plan Amendment will be required to consider an increase in the Floor Space Ratio greater than 0.75.

Development & Housing Approvals (DHA) staff is of the opinion that Variance i), to permit parking spaces to be located within the front yard, meets the general intent of the Official Plan (OP). The lot is irregularly shaped, with a narrow (20.8 metre) lot width at Woolwich Street, which widens to approximately 68 metres, 46 metres away from Woolwich Street. At this point, the property begins to taper towards the rear lot line. DHA staff understands that it is not possible for the owner to acquire additional frontage from adjacent properties to make the property more rectangular, since the property from which this frontage would need to come (i.e., 132 Woolwich Street) is subject to a separate site plan application that is further along in the development process. In this regard, to redevelop the property in an efficient manner, the owner is proposing to locate parking at the front of the property, where the lot width is narrowest, and to locate the dwellings farther from Woolwich Street, where the lot width is greatest. To mitigate the visual impacts of parking located close to the street, the owner is proposing two small, landscaped areas between the parking and the street. These landscaped areas would comprise plantings / sod and would contain mailboxes. In this context, the parking area will be aesthetically acceptable. Also, Transportation Services does not have concerns with the requested parking space location. Safety is not a concern.

DHA staff is of the opinion that Variances ii) through iv) meet the general intent of the OP. The variances for side yard setback, rear yard setback, and floor space ratio will result in development that is compatible with the adjacent uses with respect to massing, scale, and design. An FSR up to the requested 0.75 is justified since the increase is compatible and meets the intent of the OP, noting that the proposal for low rise development includes the

facilities necessary to support the proposed use (e.g., parking, landscaped areas, amenity space).

General Intent of the Zoning By-law

Regarding Variance i), the purpose of the zoning regulation to prohibit parking between the street and the building is to ensure an aesthetically pleasing streetscape by encouraging street-oriented buildings. In this case, due to the irregular lot shape and narrow lot width, it would be difficult to maximize the development potential of the property if a building was placed close to the street. The proposal seeks to maximize the use of the front portion of the property by incorporating the drive aisle and parking spaces in this area. As mentioned above, two small, landscaped areas at the front of the property will assist in mitigating visual impacts. DHA staff is of the opinion that this variance meets the general intent of the Zoning By-law (ZBL).

With respect to Variances ii) through iv), the purpose of the regulations for which relief is sought is to ensure that the facilities necessary to support the proposed use are provided, adequate buffering is provided, and character and compatibility are maintained. In this case, the necessary facilities are adequately provided (e.g., parking, landscaping, amenity space), adequate setbacks are provided considering the low-rise nature of the proposal, and the FSR is appropriate, since the variances will not result in compatibility issues. DHA staff is of the opinion that these variances meet the general intent of the ZBL.

Are the Effects of the Variances Minor?

DHA staff is of the opinion that Variances i) through iv) are minor, meaning that they will not cause unacceptably adverse impacts on adjacent properties. As aforementioned, the proposed development will provide the facilities necessary to support the proposed use, and character and compatibility would be maintained.

Are the Variances Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

DHA staff is of the opinion that Variances i) through iv) are desirable for the appropriate development of the land. These variances will permit the land to be redeveloped at a higher density, while remaining compatible with and sensitive to the surrounding land uses.

Planning Conclusion:

Variances i) through iv) meet the four tests for minor variances, under the Planning Act. Accordingly, DHA staff recommends approval.

Environmental Planning Comments:

Environmental concerns and Tree Management requirements have been addressed through the Site Plan Application process.

Heritage Planning Comments:

124 Woolwich St was reviewed for the Kitchener Inventory and determined to have no cultural heritage value or status under the Ontario Heritage Act in 2013.

Building Division Comments:

The Building Division has no objections to the proposed variances provided building permits for the stacked townhouse are 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 SP23/085/W/AP.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

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:

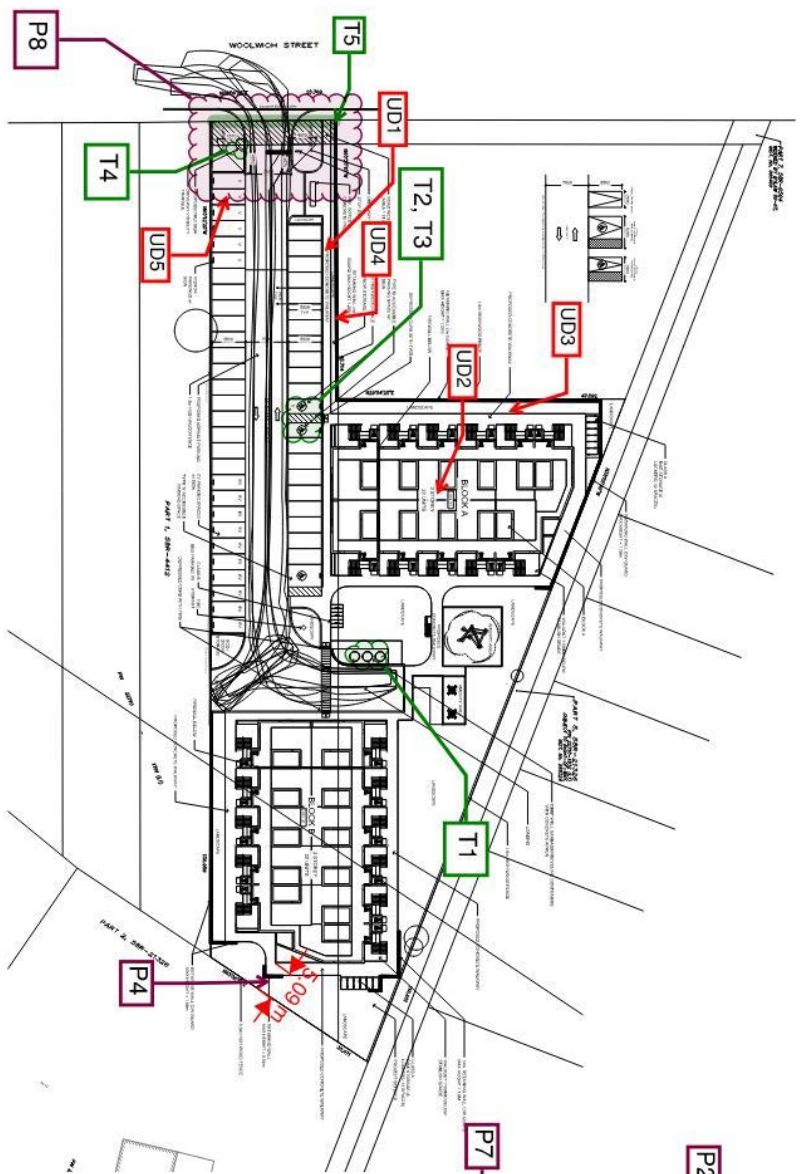
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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*
- *Site Plan Application SP23/085/W/AP (Conditional Approval Issued)*
- *KDA Report 24-03 (Removal of Holding Provision)*

ATTACHMENTS:

Attachment A – Conditionally-Approved, Red-Lined Site Plan Drawing



SITE STATISTICS

P2 → Zoning- RES-5, 25H → **P3**

Lot Area- 5826m²
Net Lot Area- 5745m²
Road Widening Area- 81m²
Building Coverage- 1500.4 m² (26.1%)
Landscaped Area- 1302.6m² (22.7%)
Asphalt / Hard Surface Area- 2057 m² (35.8%)

P7 → Parking Provided- Owner Parking : 44
Visitor Parking : 7
EV Ready Spaces: 10
Barrier Free Type A Parking : 1
Barrier Free Type B Parking : 2

Parking Required- Owner Parking : 1 per unit
Visitor Parking : 0.15 per unit
EV Ready Spaces: 20%

MULTI-RESIDENTIAL

Total Number of Units- 44
Two Bedroom Units- 28
Three Bedroom Units- 16
Floor Space Ratio- 0.75 (calculated based on lot area)

P1 → NOTE: ALL ASPHALT AREAS TO BE DEFINED WITH 0.15M HIGH POURED CONCRETE CURBING

P6

SITE PLAN		REVISD:	SITE PLAN APPLICATION NO.	
13281612 CANADA INC.		0 5 10 15 20 25	LEGAL DESCRIPTION : PART 1 & 6, 58R-21326	
124 Woolwich Street, Kitchener, ON		SCALE 1: 1,000	City of Kitchener	
		DATE: FEBRUARY 08, 2024	DEVELOPMENT SERVICES DEPARTMENT	
			CAD FILE: SP.DWG	