

Staff Report



Development Services Department

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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: Craig Dumart, Senior Planner 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: June 27, 2024

REPORT NO.: DSD-2024-320

SUBJECT: Minor Variance Application A2024-055 – 71 Kingsbury Drive

RECOMMENDATION:

That Minor Variance Application A2024-055 for 71 Kingsbury Drive requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6, Table 5-5, to permit a minimum parking requirement of 46 parking spaces (1 parking space per 59 square metres of Gross Floor Area (GFA)) instead of the minimum required 68 parking spaces (1 space for 40 square metres of Gross Floor Area (GFA)); and
- ii) Section 9.3, Table 9-2, to permit a minimum Landscaped Area of 17% instead of the minimum required 20%.

to facilitate the redevelopment of the site with a 'Commercial School' providing on-site hockey instruction, in accordance with Conditionally Approved Site Plan Application SP24/016/K/CD, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the redevelopment of the property with a 'Commercial School' providing on-site hockey instruction.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included notice signs 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 information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the southeast side of Kingsbury Drive near the intersection of Kingsbury Drive and Weber Street East.



Figure 1: Location Map

The subject property is identified as 'Urban Corridor' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'General Commercial Zone (COM-2)' in Zoning By-law 2019-051.

The purpose of the application is to permit the redevelopment of the property with a 'Commercial School' providing on-site hockey instruction. The applicant is proposing additions and interior alterations to the existing commercial building and have received conditional site plan approval.



Figure 2: View of Existing Site Conditions

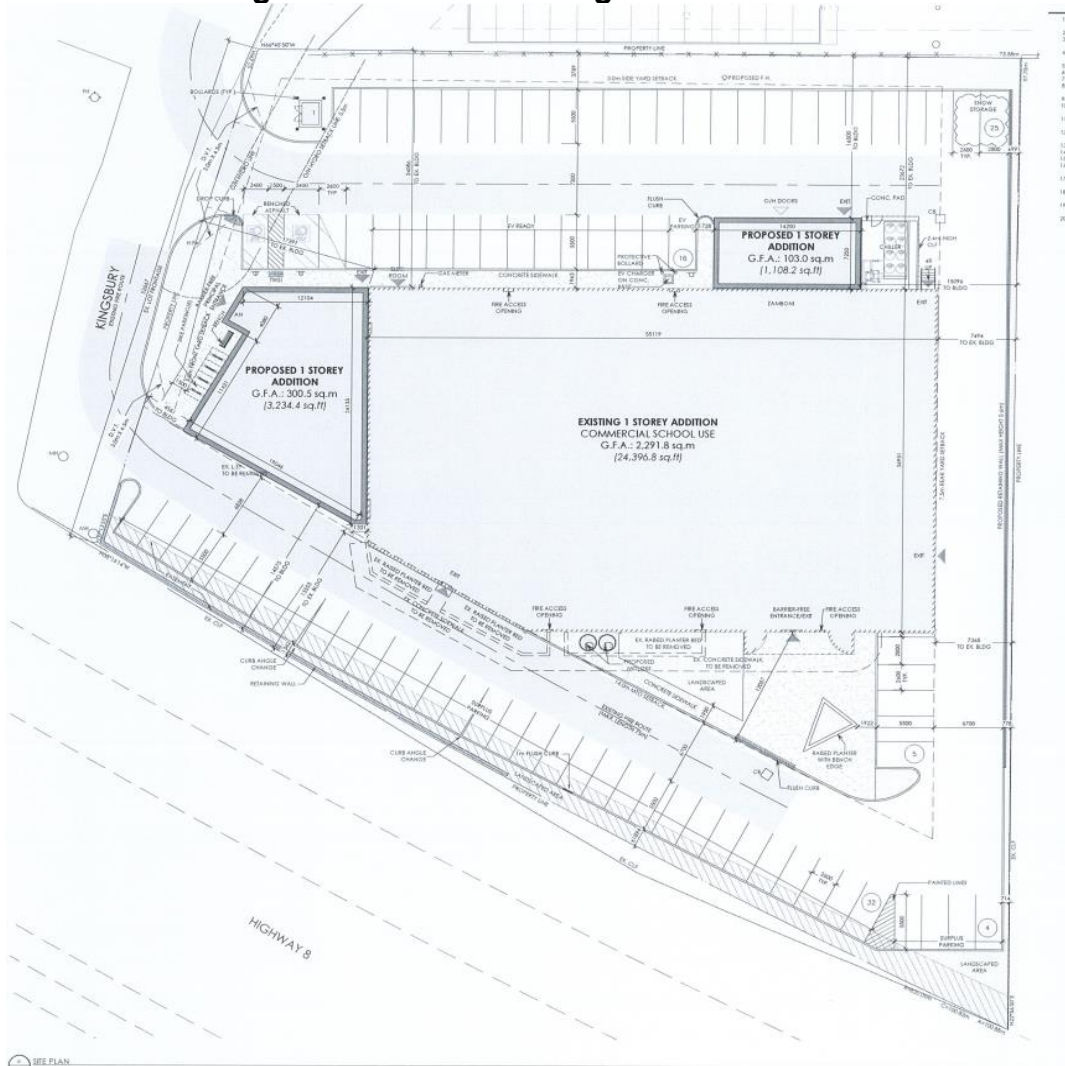


Figure 3: Site Plan.

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 'Commercial' land use designation is to provide for a wide range of commercial activities and use intended to ensure that commercial activities are well distributed, accessible and able to respond to the needs of the city's residents, employees, businesses and visitors. The proposed commercial school is a permitted use in the 'Commercial' land use designation and an appropriate use for subject building and lands. Planning Staff are of the opinion that the requested variances will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 1 parking space per 40 square metres of Gross Floor Area (GFA) is to provide adequate parking for users of the proposed development. The applicant provided a cover letter with a detailed explanation of the requested parking reduction which was reviewed by Transportation Services who have no concerns with the proposed parking rate of 1 parking space per 59 square metres of Gross Floor Area (GFA).

The proposed redevelopment of the site will include 92 surface parking spaces of which only 46 can be included towards the required Zoning By-law parking requirement as 36 existing surface parking spaces are located in the MTO setback within the subject lands. The MTO has no concerns with the spaces continuing to be used however they cannot be counted towards the required parking. In addition to adequate on-site parking, on-street parking is available on Kingsbury Drive and bicycle parking spaces will also be provided for users of the development. Staff are of the opinion that the proposed parking provision will provide for adequate parking for users of the proposed commercial school.

The intent of the required 20% landscaping regulation is to ensure developments are not dominated by parking and buildings. The applicant is proposing additions and interior alterations to the existing commercial building which results in existing landscaping being removed and replaced by surface parking and additional building area. Adequate landscaping is proposed, and a landscape buffer will screen the new surface parking from the street and adjacent properties.

In the opinion of Staff, the requested variances meet the general intent of the Zoning By-law.

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

The requested variance to reduce the required parking to 1 parking spaces per 59 square metres of GFA rather 1 parking space per 40 square metres of GFA and the requested variance to reduce the required landscaping from 20% to 17% are minor in nature. Staff is of the opinion that the requested variances will not inhibit the appropriate functioning of a commercial school on the property and will not negatively impact any of the adjacent

properties or surrounding neighbourhoods. The 3% landscaping reduction is minor and adequate on-site parking is being provided.

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

The variances are desirable and appropriate for the development and use of the land as they will facilitate the adaptive reuse of the existing building and the commercial property in an Urban Corridor for a commercial school that will provide on-site hockey instruction.

Environmental Planning Comments:

No Environmental Planning concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Applications have been made for the renovations to the existing building for the change of use.

Engineering Division Comments:

No Engineering comments.

Parks/Operations Division Comments:

No Parks/Operations comments.

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*