

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 20, 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 9

**DATE OF REPORT:** August 2, 2024

**REPORT NO.:** DSD-2024-348

**SUBJECT:** Minor Variance Application A2024-059 – 15 Strange Street

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## RECOMMENDATION:

That Minor Variance Application A2024-059 for 15 Strange Street requesting relief from the following zoning sections of Zoning By-law 2019-51:

- i) Section 5.3 a) to not have to provide a visual barrier on the north and the west sides of the parking lot, where the by-law requires visual barriers in these locations, where a parking lot abuts a residential lot; and
- ii) Section 5.6, Table 5-5, to permit 6 parking spaces (0.50 parking spaces per dwelling unit) instead of the minimum required 12 parking spaces (1.0 parking space per dwelling unit) and 1 visitor parking space (0.075 of the required parking) instead of the minimum required 2 visitor parking spaces per dwelling unit (0.15 of the required parking);

to facilitate the conversion of the existing 9-unit multiple dwelling to a 12-unit multiple dwelling in accordance with conditionally approved Site Plan Application SP24/048/S/AA, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the conversion of the existing 9-unit multiple dwelling to a 12-unit multiple dwelling.
- 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 information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

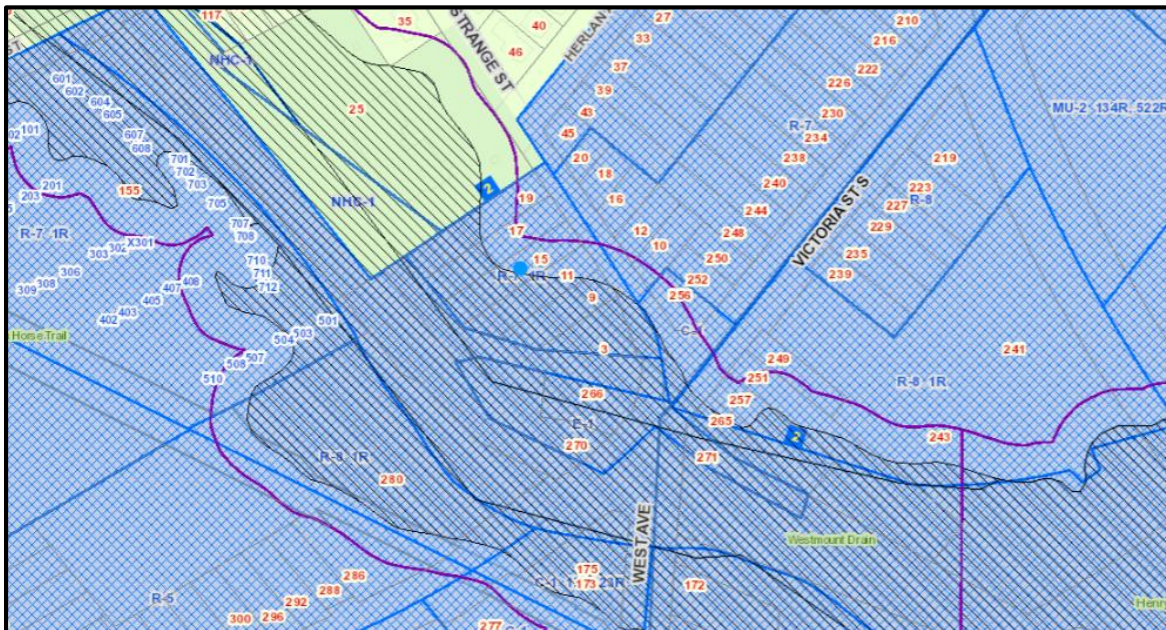
- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located north of Victoria Street South and east of the Iron Horse Trail in the Cherry Hill neighbourhood.



**Figure 1: Location Map**



**Figure 2: Zoning Map**

The subject property is identified as a ‘Community Area’ on Map 2 – Urban Structure and is designated as “Medium Rise Residential” on Map 3 – Land Use in the City’s 2014 Official Plan.

The property is zoned 'Medium Rise Residential Six Zone (RES-6)' under Zoning By-law 2019-051.

The purpose of the application is to facilitate adding three (3) dwelling units in an existing 9-unit multiple dwelling (for a total of 12 dwelling units) without any additions or exterior work to the existing building. The parking lot in the rear yard is being modified to move the parking spaces closer to the east side to increase the drive aisle in front of the parking and to accommodate type A barrier-free parking space. The following minor variances are required:

- No visual barrier on the north and the west sides of the parking lot, whereas the zoning by-law requires visual barriers when a parking lot abuts a residential lot.
- A reduction in the required number of parking and visitor parking.

The notice for Minor Variance Application lists the variances under two Zoning By-laws, as the property was governed by Zoning By-law 85-1 and Zoning By-law 2019-51 (as amended by By-law 2024-066). Official Plan Amendment No. 49, which applies to the 'Non-Protected Major Transit Station Area' lands, to move them into Zoning By-law 2019-051, received Regional final approval and came into full force and effect on July 26, 2024. Therefore, this report is only reviewing the variances under Zoning By-law 2019-51.

The applicant has submitted a Site Plan Application, SP24/048/S/AA, which has been reviewed with all applicable divisions and agencies and has received 'conditional approval' subject to receiving approval of the minor variances.

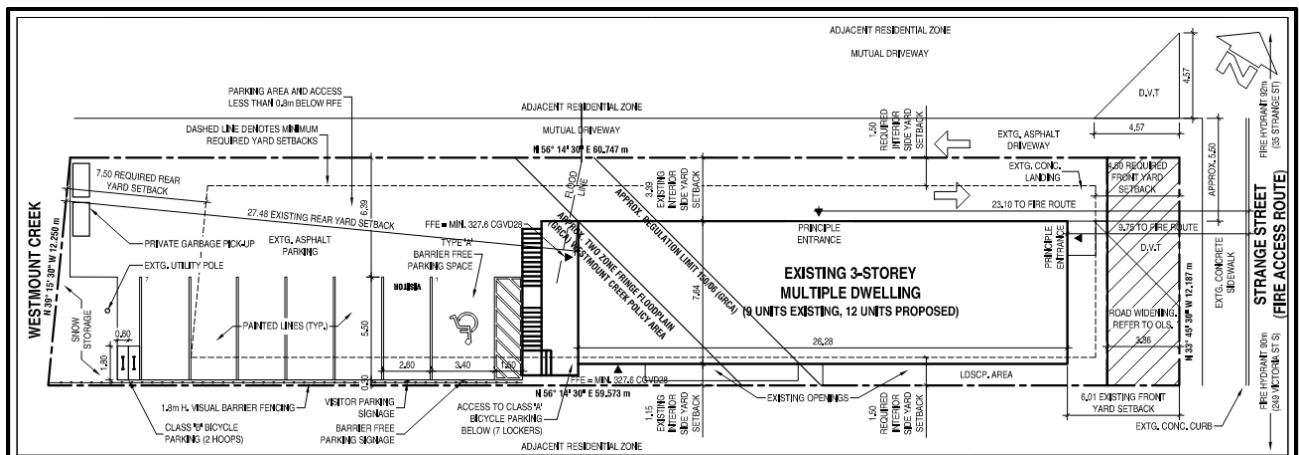


Figure 3: Conditionally Approved Site Plan SP24/048/S/AA

Staff visited the subject property on August 02, 2024.



**Figure 4: The front view of the subject property from Strange Street**



**Figure 5: The rear view of the subject property**



**Figure 6: A view of the west side of the property showing the existing rear parking lot relation with the abutting lot**

## **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 shown within a 'Community Area in the Urban Structure which plans to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas.

The city's 2014 Official Plan also designated it a 'Medium-Rise Residential' Land Use. This land use accommodates a range of medium-density housing types, including townhouses in a cluster development, multiple dwellings, and special-needs housing.

According to the Official Plan, Policy 13.C.8.6, the City will develop a parking reduction strategy for lands located within the Urban Growth Centre (Downtown) and Major Transit Station Areas to recognize the availability of and encourage the use of rapid and public transit. The parking strategy will consider parking regulations for lands located outside of these areas and requirements in neighbouring municipalities. The resultant parking strategy will be implemented through the City's Zoning By-law.

This subject property is located near the Major Transit Station Areas, which provide access to active public transit and support a reduction in parking spaces. The requested variances to facilitate the conversion of the existing Multiple dwellings by adding three additional dwelling units maintain the residential form of development, while the use of

multiple dwellings is permitted and would remain as the use on site. The proposed variance aligns with this designation. Planning Staff are of the opinion that the proposed development meets the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The subject property is zoned 'Medium Rise Residential Six Zone (RES-6)' under Zoning By-law 2019-051. This zone permits various residential uses such as Multiple Dwellings, Residential Care Facilities, and Semi-Detached Duplex Dwellings.

The intent of the visual barrier regulation when the parking lot abuts a residential lot is to minimize the impacts of car traffic, noise and light on the residential property. The parking lot location, in this case, exists, and it abuts the parking lot of the neighbouring residential property, which both are located in the rear yard. Thus, the cars in the parking lot have minimal effect on the residential buildings and both parking lots function in an open concept, as per Figure 6.

The intent of the parking regulation is to ensure that the residents on site have sufficient parking spaces for travelling. Since the property is located near the Major Transit Station Areas, the residents of 15 Strange Street will have various options for modes of transportation locally, including an active bus route at Victoria Street South. The site also provides six Class-A bicycle parking spaces in the basement of the building to support the reduction in parking. Transportation staff has confirmed that the reduction of parking spaces also meets the intention of Zoning By-law 2019-051.

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 requested variances' effects are minor, as the proposal has received conditional site plan approval to demonstrate that the site can function appropriately. The site is well-serviced by frequent transit and is in close proximity to existing commercial uses. As per the reasons previously noted, staff are of the opinion that the requested variances are minor in nature and will not create unacceptable adverse impacts on the subject property itself or adjacent lands.

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

The requested variance will facilitate a desirable form of missing middle housing inventory by adding three units to an existing building and by making use of existing infrastructure. Planning Staff is of the opinion that the requested variances are appropriate and desirable for the use of the lands.

#### **Environmental Planning Comments:**

Tree Management and flooding hazards will be addressed via Site Plan Application SP24/048/S/AA

#### **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 15 Strange St. is located within the Warehouse District. 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 units is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No comments

**Parks/Operations Division Comments:**

Park Dedication fees will be addressed through SP24/048/S/AA.

**Transportation Planning Comments:**

Transportation Services recommends that the vehicle parking for tenants be unbundled from the cost of a unit. This is more equitable for a tenant, as they do not pay for a parking space that they do not have.

**Grand River Conservation Authority Comments:**

The GRCA has no concerns with the above-noted application. Please refer to the GRCA comments attached for Site Plan Application SP24/048/S/AA for details.

We received review fees as part of the site plan application, and no further fees are required. A separate fee will be required for a GRCA permit.

**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*