

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** September 17, 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 4

**DATE OF REPORT:** September 4, 2024

**REPORT NO.:** DSD-2024-390

**SUBJECT:** Minor Variance Application A2024-070 – 47 Hugo Crescent

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## RECOMMENDATION:

That Minor Variance Application A2024-070 for 47 Hugo Crescent requesting relief from Section 5.6 a), Table 5-5, of Zoning By-law 2019-051 to permit a reduction in the number of required parking spaces from 14 to 13 (from 1.15 parking spaces per dwelling unit to 1.08 parking spaces per dwelling unit) to facilitate the development of an additional dwelling unit within the existing 11 unit multiple dwelling for a total of 12 dwelling units, generally in accordance with Site Plan Application SP24/046/H/TS, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of an existing office to a residential dwelling unit with reduced parking requirements for overall parking and visitor parking.
- The key finding of this report is that the requested minor variance meets 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 east side of Hugo Crescent in the Southdale neighbourhood. This neighbourhood is primarily comprised of low to medium-rise residential uses.

\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.



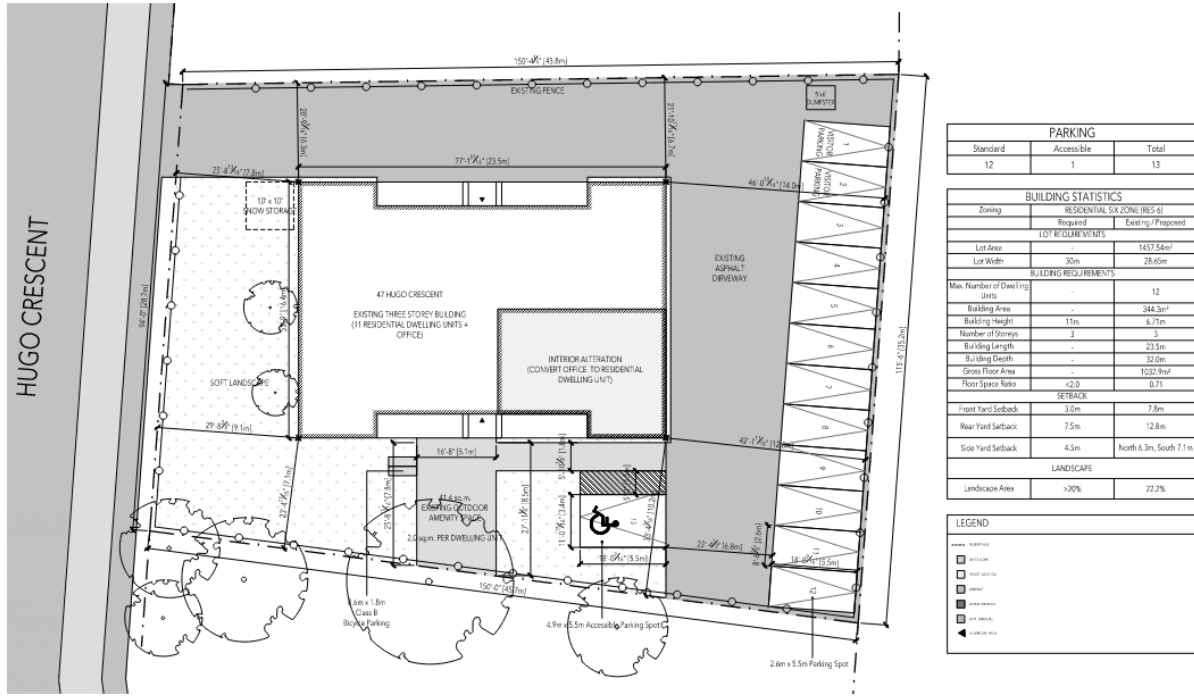
**Figure 1 – Location of subject property (outlined in Red)**

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated '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)' in Zoning By-law 2019-051.

The purpose of the application is to permit a parking reduction of 1 space to facilitate the conversion of existing office space into an additional dwelling unit, for a total of 12 dwelling units.

Site Plan Application SP24/046/H/TS has received 'Conditional Approval' for the one new dwelling unit. It was primarily prepared to identify required parking spaces.



**BUILD X DESIGN**  
(Vector Sierra Inc.)  
53 Greenlaw Avenue  
Toronto, ON M6H 3V7

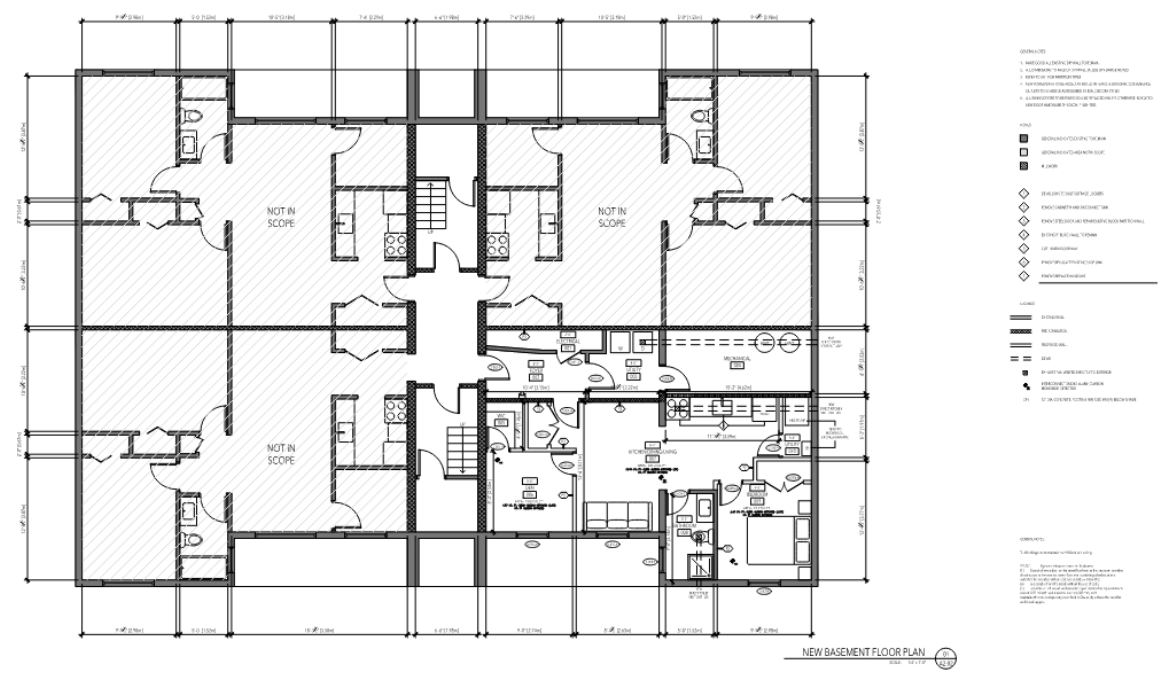
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**47 HUGO CRESCENT**  
47 HUGO CRESCENT, KITCHENER, ON, N2M 3Z3

**Issue For** 24 018  
**Project No.** JC  
**Drawn By** VS  
**Reviewed By** VS  
**Scale** VS  
**Plot Date** 2024.07.08

**SITE PLAN**  
**A1.01**

**Figure 2 – Proposed Site Plan.**



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**47 HUGO CRESCENT**  
47 HUGO CRESCENT, KITCHENER, ON, N2M 3Z3

**Issue For** 24 018  
**Project No.** JC  
**Drawn By** VS  
**Reviewed By** VS  
**Scale** VS  
**Plot Date** 2024.07.12

**NEW BASEMENT FLOOR PLAN**  
**A2.04**

**Figure 3 – Proposed basement floor plan.**

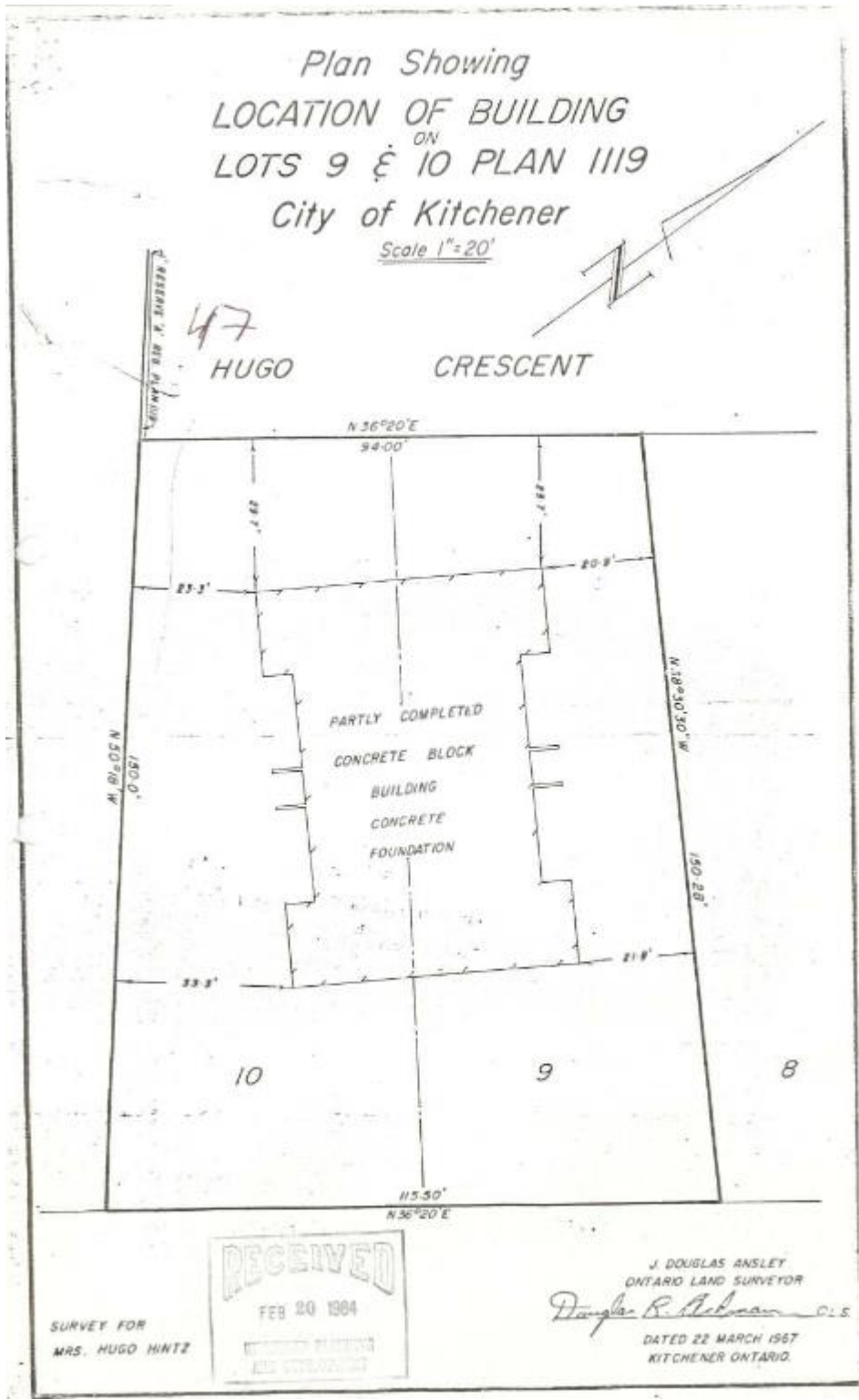


Figure 4 – Survey plan of 47 Hugo Crescent.

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





**Figure 5 – View of 47 Hugo Crescent from the street.**



**Figure 6 – View of entrance to parking lot.**





**Figure 7 – View of existing parking lot.**



**Figure 8 – Proposed location of barrier free parking spot.**

## **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 general intent of the Medium Rise Residential Designation is to encourage a range of medium density housing to achieve and maintain a medium rise-built form. As the proposed new unit is already counted within the existing floor area, the proposed conversion will not see a change in the massing, scale, or design of the building, which will meet the general intent of the Official Plan.

#### 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 requires the proposed total of 12 dwelling units to have 12 parking spaces (1.0 parking spaces per dwelling unit) and 2 visitor parking spaces (0.15 parking spaces per dwelling unit). The applicant is proposing to provide 13 parking spaces rather than the required 14 spaces.

Staff note that the subject property is located approximately 450 metres from a bus stop for route 16. The applicant is also proposing to provide a minimum of 6 Class A bicycle parking stalls to encourage the use of active transportation. Thus, Planning Staff is of the opinion that the proposed parking reduction is in keeping with the intent of the Zoning By-law.

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

With respect to the proposed variance to allow for a reduction in parking, staff are of the opinion that the requested variance is minor in nature. The applicant is proposing to include a minimum of 6 Class A bicycle parking spaces. Additionally, this site is close to transit connections. As per the reasons previously noted, staff are of the opinion that the requested variance satisfies the 'minor' test to facilitate the proposed parking reduction.

#### 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 gentle intensification within the existing building and utilize existing infrastructure. The scale, massing, and setbacks of the existing building will not change as a result of this variance. The proposed 12<sup>th</sup> unit will also support the City's Housing Pledge. Thus, Planning Staff are of the opinion that the requested variance is appropriate and desirable for the use of these lands.

### **Environmental Planning Comments:**

No site development works; work internal to existing structure. Therefore, no concerns.

### **Heritage Planning Comments:**

No Heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. An application has been made to convert the existing office into a residential unit.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

All Parks requirements will be addressed through the Site Plan application SP24/046/H/TS

**Transportation Planning Comments:**

In this circumstance as this is an existing condition and site limitations for additional parking, Transportation Services can support the proposed parking reduction of one parking space, for a total of 13 spaces from the required 14 spaces.

**Region of Waterloo Comments:**

No concerns.

**GRCA Comments:**

The GRCA has no objection to the proposed minor variance application.

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that a portion of the subject property is within the regulated allowance adjacent to Shoemaker Creek, floodplain, and valley slopes. A copy of GRCA's resource mapping is attached.

Due to the presence of the above-noted features, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

It is understood that the minor variance application is requesting permission to allow a reduced number of parking spaces to facilitate the creation of an additional dwelling unit within the existing building. The existing building and proposed dwelling unit are located outside of the regulated area noted above. As such, the GRCA has no objection to the approval of the minor variance.

The internal renovations proposed in the circulated plans will not require a GRCA permit under Ontario Regulation 41/24.

We wish to acknowledge receipt of the applicable plan review fee associated with the related application SP24-046-H-TS. As such, an additional plan review fee is not



required for our review of 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*