

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: October 15, 2024

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

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: October 4, 2024

REPORT NO.: DSD-2024-455

SUBJECT: Minor Variance Application A2024-080 – 92 River Road East

RECOMMENDATION:

That Minor Variance Application A2024-080 for 92 River Road East requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.12.4 a) to not require 1 pedestrian entrance on the front face of the principal building whereas the Zoning By-law requires a pedestrian entrance on the front face of the principal building;
- ii) Section 5.3 e) i) to permit the parking lot to be set back 0.15 metres from the rear lot line and 0.5 metres from the southerly side lot line instead of the minimum required 1.5 metres;
- iii) Section 7.3, Table 7-6, to permit a lot width of 19.4 metres instead of the minimum required 30 metres; and
- iv) Section 7.3, Table 7-6, to permit an interior side yard setback of 3 metres instead of the minimum required 4.5 metres;

to facilitate the redevelopment of the lands with a new multiple dwelling building having 10 dwelling units, generally in accordance with drawings prepared by Dryden, Smith and Head, dated August 30, 2024, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the redevelopment of the subject lands by demolishing the existing detached dwelling and replacing it with a multiple dwelling building with 10 dwelling units.
- 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 a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the

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Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

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 North side of River Road East between Victoria Avenue North and Frederick Street.



Figure 1: Location Map

The subject property is identified as a 'Community Area' 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 facilitate the redevelopment of the lands by demolishing the existing detached dwelling and replacing it with a new multiple dwelling building containing 10 dwelling units.

A Site Plan application is not required for developments with 10 dwelling units or less. A Zoning Occupancy Certificate (ZOC) has been submitted and is under review.



Figure 2: View of Existing Detached Dwelling (September 27, 2024)

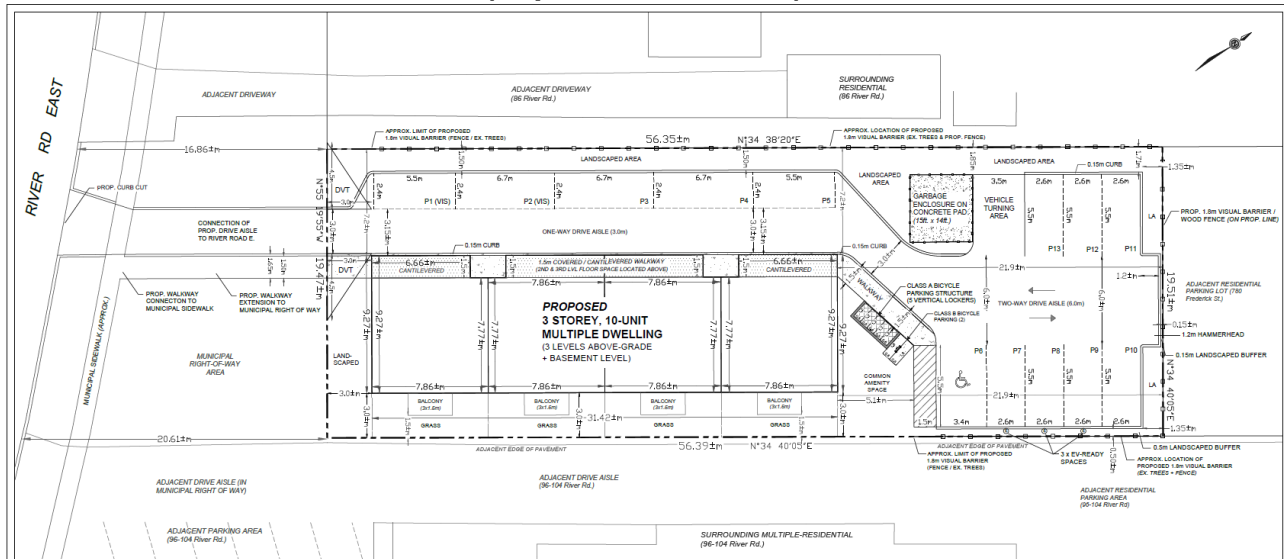


Figure 3: Concept Plan (Dryden, Smith, and Head)

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 Medium Rise Residential land use designation is to accommodate a range of medium density housing types, including multiple dwellings and townhouse dwellings. It is also to encourage and support the mixing and integrating of innovative and different forms of housing. The applicant is proposing to provide a Low Rise form of development, due to the lot size being inadequate for a Medium Rise form. The use of multiple dwelling is permitted in the land use designation, and it will help to achieve a mix and integration of housing types in the neighbourhood. Planning Staff is of the opinion that the requested variances will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Pedestrian Entrance

The intent of the regulation that requires the building to contain at least one pedestrian entrance on the front façade of the principal dwelling is to address the street, avoid blank walls, and animate the streetscape with building articulation. The subject lands have an atypically large distance between the front lot line and the sidewalk River Road East (approximately 15 metres); thus, any new building will be set back a great distance from the public realm and would not impact the streetscape as much as lots that have a typical distance (1-2 metres) between the front lot line and the sidewalk. To address architectural articulation and avoiding blank walls, the applicant has provided elevation drawings that include windows on all three levels and a Juliet balcony on the second level (see Figure 4). Planning Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

Parking Lot Setback

The intent of the regulation that requires a 1.5 metre setback for a parking lot is to provide an adequate space for landscape plantings and to provide a buffer for the parking area to adjacent properties. The subject lands are abutting a parking area for the adjacent apartment buildings on the rear lot line and southerly side lot line. Therefore, there is not as great of a need to provide a buffer on those lot lines as the condition would be surface parking abutting surface parking. In turn, this request would enable a greater landscape buffer and setback (1.85 metres) to the northerly side property line, providing a buffer to the existing residential lands currently used for a detached dwelling. In the opinion of Planning Staff, the requested variance meets the general intent of the Zoning By-law.

Lot Width

The intent of the regulation that requires a 30 metre lot width is to provide adequate functionality for a midrise building, as a building of 25 metres in height (approximately 8 storeys) is permitted in the RES-6 zone as-of-right. However, the applicant is seeking to develop the lands with a 3 storey building, typical of the building type that is permitted in the Low Rise Residential Five Zone (RES-5). The minimum lot width in RES-5 zone is 19

metres, demonstrating that the subject lands, without lot consolidation are better suited towards a low rise residential development with the provided lot width of 19.8 metres. Staff are of the opinion that the type of development proposed will be functional on a lot size of 19.8 metres and therefore are of the opinion that the requested variance for reduction in lot width meets the general intent of the Zoning By-law.

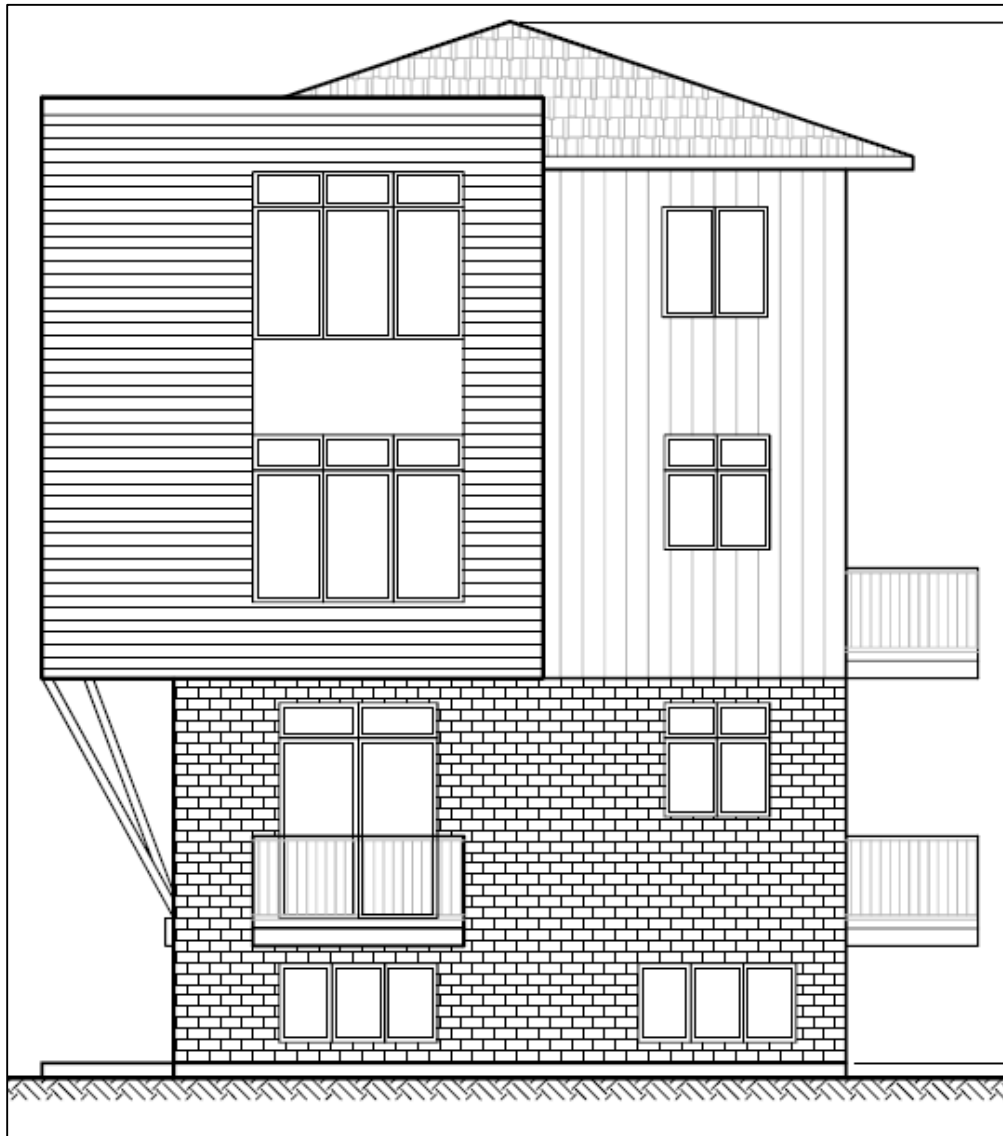


Figure 4: Proposed Elevation facing River Road East

Side Yard Setback

The intent of the regulation that requires a 4.5 metre setback is to provide for adequate building separation for a midrise building of up to 8 storeys. The proposed development is to be 3 storeys in height, which would have significantly lesser impacts on abutting lands than an 8 storey midrise building in regards to total massing, shadows, views, etc. Staff acknowledge that a 3 metre setback is the standard for a 3 storey building in the Low Rise Residential Five Zone (RES-5) and are of the opinion that a 3 metre setback meets the general intent of the Zoning By-law by providing adequate building separation for a building 3 storeys in height.

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

Staff do not anticipate adverse impacts caused by the requested variances as the proposed development offers similar standards for low-rise residential development in the RES-5 Zone. The applicant has worked with staff to mitigate potential adverse impacts and ensure if there are impacts, they will be minor. Therefore, Staff are of the opinion that the effects of the requested variances are minor.

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

The lands are inadequately sized for a midrise development, as they do not possess the lot width that would allow for a functional development at greater building heights. The requested variances are desirable and appropriate as they will enable the applicant to develop a low-rise form of development, which in the opinion of staff is more appropriate for the development of the lands.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the new residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No Engineering concerns.

Parks/Operations Division Comments:

Parkland Dedication will be required for the net new residential units to be paid prior to the issuance of the Building Permit.

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.

CONSULT –Planning staff had one-on-one conversations with a resident in person and on the telephone in regards to the proposed application.

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*

ATTACHMENTS:

Attachment A – Concept Plan