

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
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PREPARED BY: Kirsten Hoekstra, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: October 2, 2024

REPORT NO.: DSD-2024-437

SUBJECT: Minor Variance Application A2024-081 – 236 Margaret Avenue

RECOMMENDATION:

That Minor Variance Application A2024-081 for 236 Margaret Avenue requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a reduction in the number of required parking spaces from 17 parking spaces including 3 visitor spaces, to 7 parking spaces including 2 visitor spaces (from 1.15 parking spaces per dwelling unit to 0.43 parking spaces per dwelling unit), to facilitate the redevelopment of the existing building with 14 dwelling units, generally in accordance with drawings prepared by Margaret-Benton Properties (Kitchener) Ltd., submitted with Minor Variance Application A2024-081, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to allow for the redevelopment of an existing building to a 14-unit multiple residential building 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 Margaret Avenue, near the intersection of Blucher Street and Margaret Avenue in the Mt. Hope Huron Park neighbourhood. This

neighbourhood primarily consists of low to medium rise residential dwellings and a small collection of commercial uses.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Local Commercial (COM-1)' in Zoning By-law 2019-051.



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

The purpose of the application is to facilitate the redevelopment of the existing building with 14 dwelling units, having 7 total parking spaces of which 2 are visitor spaces on site, rather than the required 17 total parking spaces of which 3 are visitor spaces.

Staff note that this site previously received site plan approval (SP21/002/M/LT) in January of 2022, and a corresponding minor variance application (A2020-107) was approved in December of 2020. The previously approved minor variance was to recognize reductions of side yards, legalize ground floor residences and reduce the required parking/visitor parking ratio to allow for the conversion of the existing two-story mixed-use building to a 14-unit multiple dwelling.

Minor Variance A2020-107 sought relief from Zoning By-law 85-1 for a reduced parking requirement of 9 total parking spaces, 2 of which are visitor (0.6 parking spaces per dwelling unit), rather than the required 18 total parking spaces, 3 of which are visitor (1.25 parking spaces per dwelling unit). The applicant has informed staff that through the detailed design of the site plan, it was concluded that two of the proposed parallel parking stalls within the laneway would be too difficult to build as it would require the relocation of a hydro pole and the construction of a retaining wall. As a result, this minor variance

seeking greater relief from Zoning By-law 2019-051 than previously considered with respect to Zoning By-law 85-1.

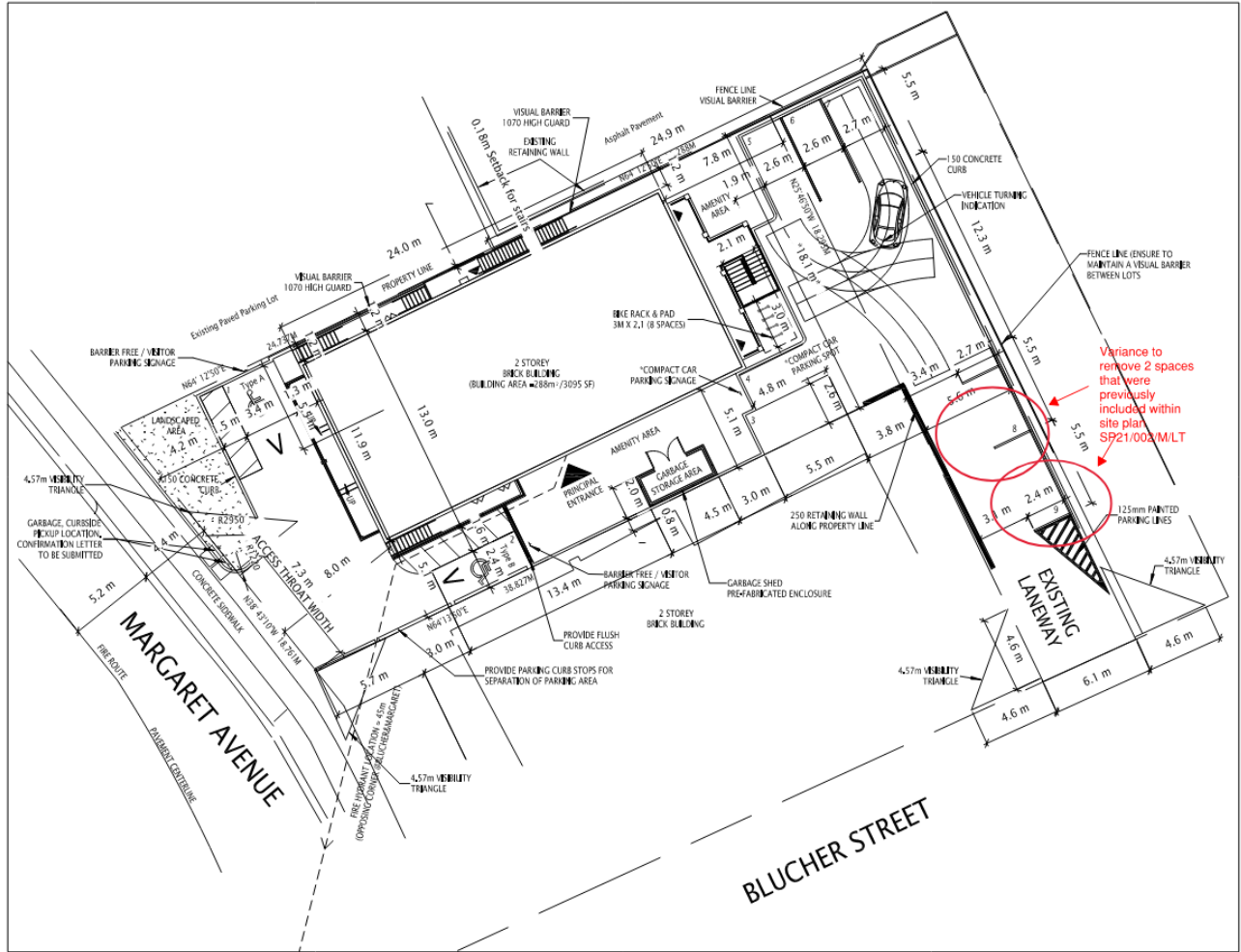


Figure 2: Site Plan



Figure 4: Existing view of 236 Margret Avenue from the sidewalk.



Figure 5: Existing Laneway where parallel parking spaces were previously included in site plan SP21/002/M/LT.

Planning Staff conducted a site visit on September 26, 2024.

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 'Low Rise Residential' Official Plan designation is to encourage the highest range of low-density dwelling types on the widest range of lot sizes in low rise areas. This designation encourages residential intensification and redevelopment as a cost-effective means to reduce infrastructure and service costs. As all 14-units are already counted within the existing floor area, the proposed redevelopment will not see a change in the massing, scale, or design of the building. The requested relief from parking requirements will facilitate the redevelopment of the existing building with 14 dwelling units. Thus, staff are of the opinion that the proposed minor variance will maintain 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 14 dwelling units to have 14 parking spaces (1.0 parking spaces per dwelling unit) and 3 visitor parking spaces (0.15 parking spaces per dwelling unit), 17 parking spaces in total. The applicant is proposing to provide 5 parking spaces, with 2 visitor parking spaces, 7 parking spaces in total (1.15 to 0.43 parking spaces per dwelling unit).

Staff note that the subject property is located adjacent to a Grand River Transit bus stop for Route 4. Additionally, Route 4 connects to the Light Rail Transit line and The Boardwalk station with bus stops for connecting routes 202, 204, 1, 4, 5, 13, 20, 29, and 77. The applicant is also proposing to include 8 Class A bicycle parking stalls to encourage the use of active transportation.

Further, Staff note that the previous minor variance decision of A2020-107 included a condition that all Transportation Demand Management (TDM) measures are to be implemented through the site plan approval process. The applicant has informed staff that they are committed to the continued implementation of TDM measures.

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 8 Class A bicycle parking spaces, implement Transportation Demand Management measures, and 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 redevelopment 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. Thus, Planning Staff are of the opinion that the requested variance is appropriate and desirable for the use of these lands.

Environmental Planning Comments:

Tree management was addressed through Site Plan Application SP21/002/M/LT.

Heritage Planning Comments:

The property is located adjacent to the Mount Hope/Breithaupt Neighbourhood CHL. 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. Staff have no comments or concerns regarding this application.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

Park planning concerns have been addressed through SP21/002/M/LT

Transportation Planning Comments:

Transportation Services have reviewed this application and offer the following comments. The submitted plan notes two visitor parking spaces allocated to barrier free parking, where one barrier free space can be allocated to visitor but not both. Based on the rationale within the application for a reduced parking rate, the proposed ratio of 0.43 parking spaces/unit is acceptable.

Grand River Conservation Authority (GRCA) Comments:

GRCA has no objection to the approval of the above application.

Region of Waterloo Comments:

No Concerns.

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*
- *Minor Variance A2020-107- DSD-20-209*
- *Site Plan Application SP21/002/M/LT*