

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: Arwa Alzoor, Planner, 519-741-2200 ext. 7847

WARD(S) INVOLVED: 10

DATE OF REPORT: September 25, 2024

REPORT NO.: DSD-2024-451

SUBJECT: Minor Variance Application A2024-084 – 18 Pine Street

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2024-084 for 18 Pine Street requesting relief from Section 5.6.2 a) and c) of Zoning By-law 85-1, to permit a projected a canopy to project into the front yard 3.3 metres instead of the maximum permitted 1.8 metres and to be supported by the ground, to facilitate internal renovations within an existing building to accommodate a health clinic and pharmacy, in accordance with Conditionally Approved Site Plan SP24/068/P/AA, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2024-084 for 18 Pine Street Requesting relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 4.14.3. to permit a canopy to project into the front yard 3.3 metres instead of the maximum permitted 1.8 metres;
- ii) Section 4.14.10 b) to permit steps and access ramp, above 0.6 metres in height, to be located 1.2 metres from the street line instead of the minimum required 3 metres;
- iii) Section 6.3.2, Table 6-3, to permit a minimum landscaped area of 23% instead of the minimum required 30%; and
- iv) Section 6.3.2, Table 6-3, to permit a rear landscaped area of 23% instead of the minimum required 40%;

to facilitate internal renovations within an existing building to accommodate a health clinic and pharmacy, generally in accordance with Conditionally Approved Site Plan SP24/068/P/AA, BE APPROVED subject to the following:

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

This Minor Variance shall become effective only at such time as By-law 2024-065 comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow the site work to the parking lot and the construction on the front ramp and steps with a canopy.
- The key finding of this report is that the requested minor 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 report supports the delivery of core services.

BACKGROUND:

The subject property is located in the KW Hospital area neighbourhood, at the corner of Mary Street and Pine Street. It currently contains a vacant four-storey building that was previously used as a health clinic.

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Mixed Use Corridor' on Map 12 - KW Hospital Neighbourhood Secondary Plan, in the 1994 Official Plan and has recently been designated "Strategic Growth Area A" on Map 3- Land Use in the City's 2104 Official Plan as part of the Growing Together Project.

The property is zoned 'High-Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 and is zoned 'Mid Rise Growth Zone (SGA-2)' in Zoning By-law 2019-051, as amended by By-law 2024-065, which by-law is still under appeal.



Figure 1: Location Map

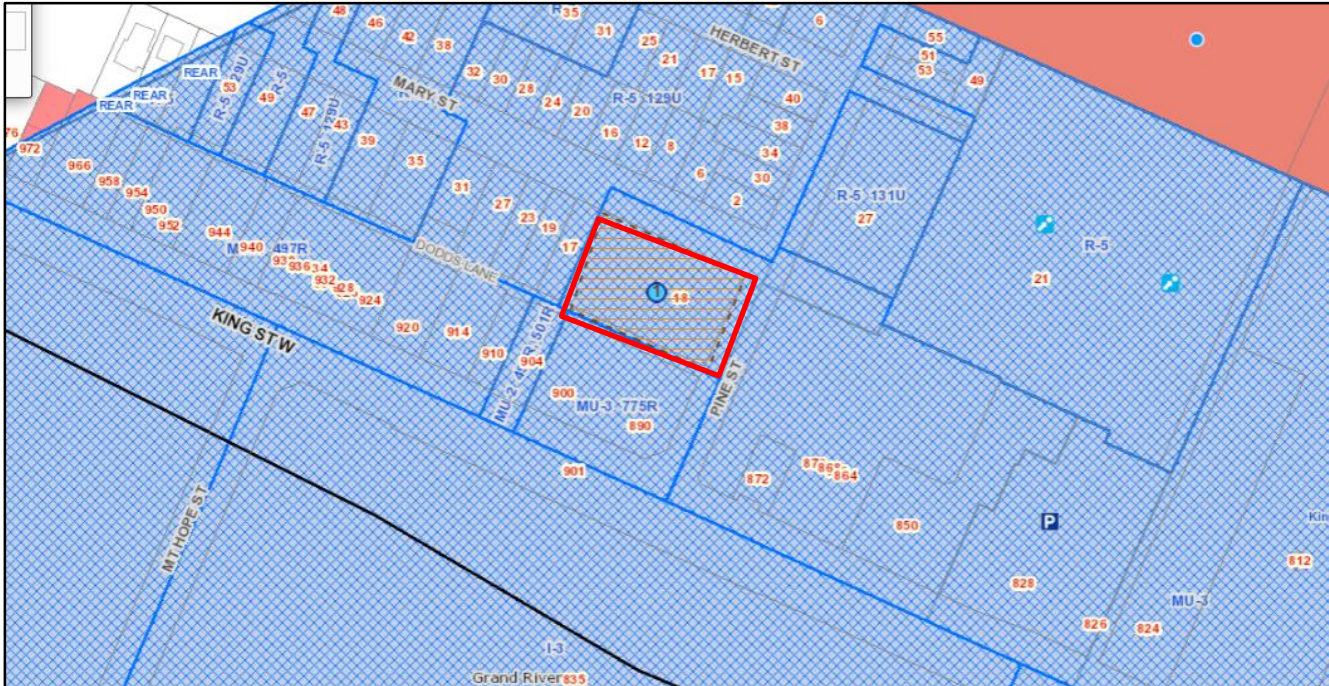


Figure 2: Zoning Map

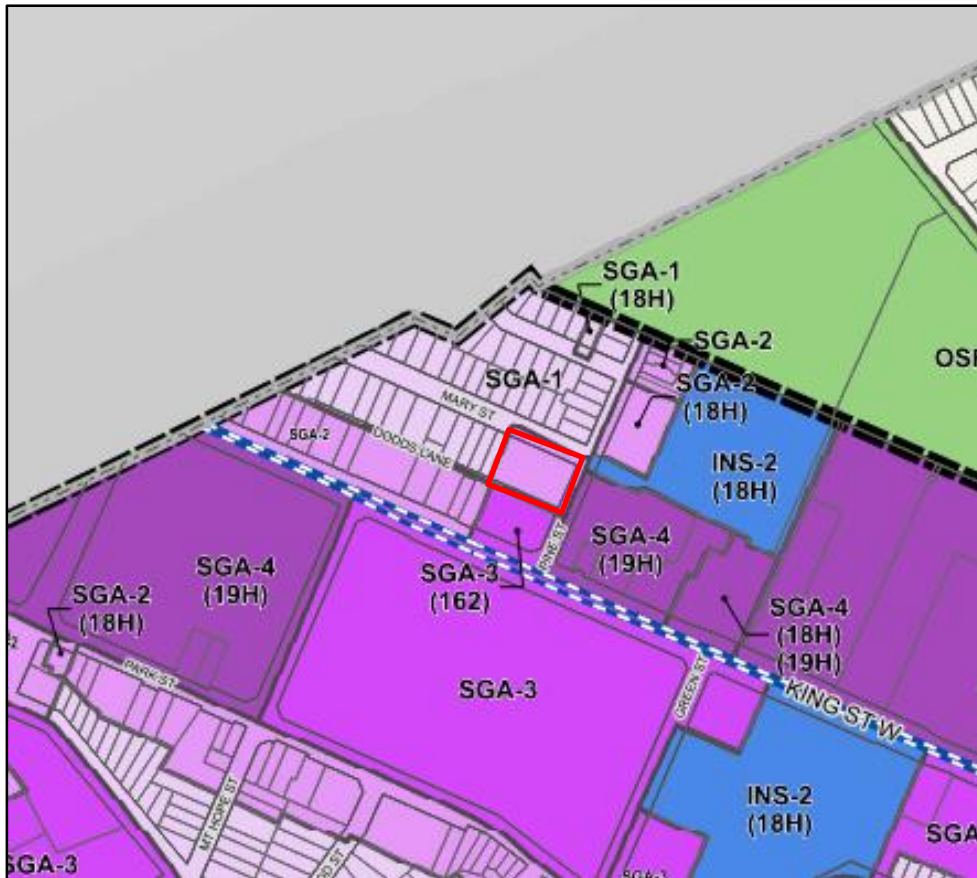


Figure 3: PMTSA Zoning Map

The purpose of this minor variance application is to facilitate the redevelopment of the existing four-storey building to accommodate a Health Clinic and Pharmacy for Grand River Hospital. Proposed modifications to the building include the installation of a new ramp, steps, and a canopy over the main entrance to improve accessibility. Additional site enhancements include improvements to the parking lot, the installation of a new generator, the addition of outdoor waste bins, new bicycle parking, and designated accessible parking spaces. Furthermore, a visual barrier consisting of hedges will be maintained around the parking lot where it abuts adjacent residential properties to ensure privacy and aesthetic consistency.

The applicant has submitted a Site Plan Application, SP24/068/P/AA, which has been reviewed with all applicable divisions and agencies and has received 'Conditional Approval' subject to receiving approval of the minor variances.

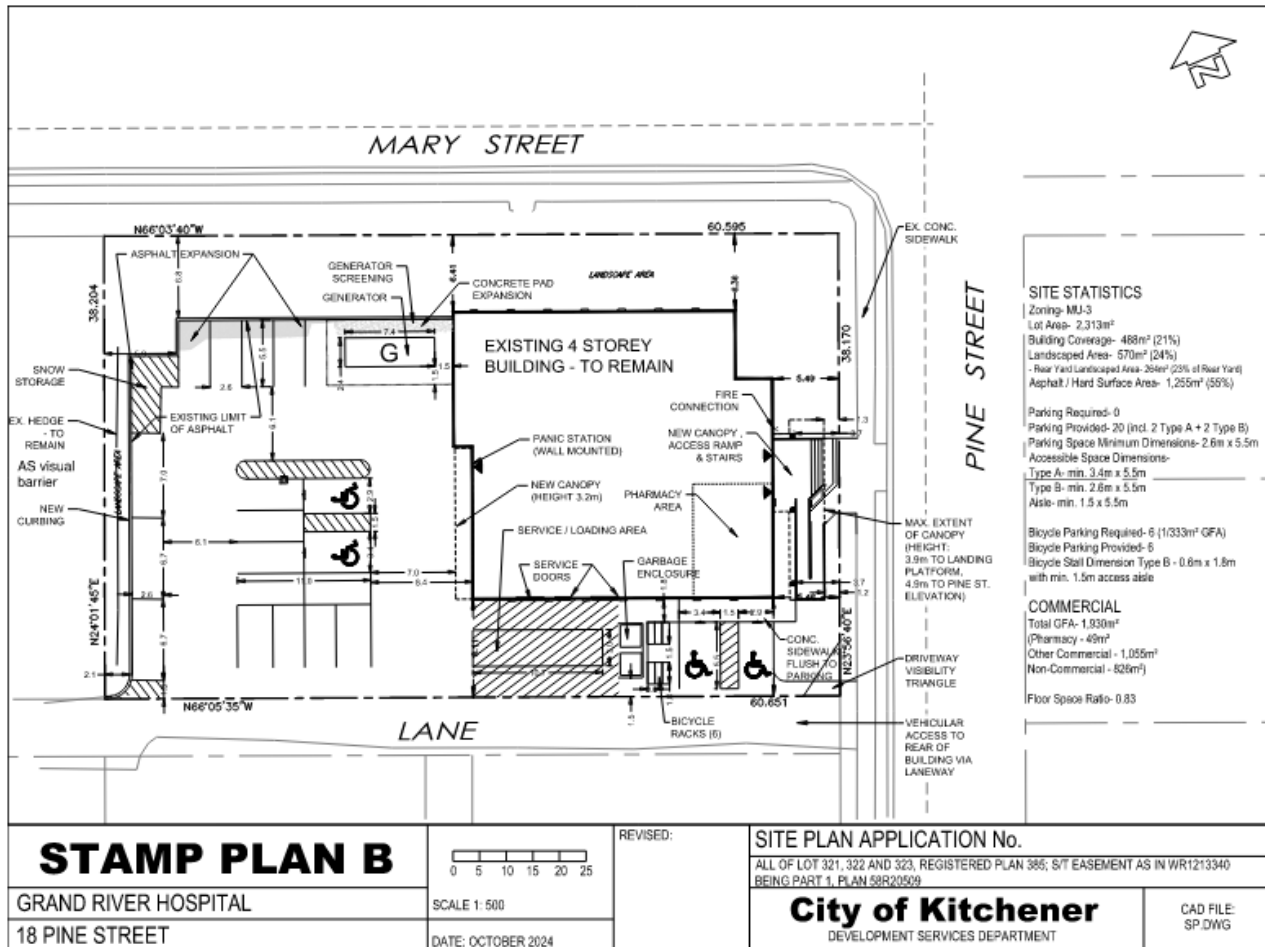


Figure 4: Conditionally Approved Site Plan

Staff visited the subject property on September 27, 2024



Figure 5: A photo of the east main entrance where the steps, ramp and canopy are being proposed



Figure 6: A photo of the side of the building



Figure 7: A photo of the parking lot from Mary Street



Figure 8: A photo of the parking lot from the east side

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 designated 'Mixed Use Corridor' on Map 12 - K-W Hospital Neighbourhood Secondary Plan in the 1994 Official Plan. Mixed Use Corridors generally have strong pedestrian linkages with the surrounding residential neighbourhoods. To strengthen these linkages, new development may be required to orient a portion of the building mass to the street, provide for integration of cycling facilities, provide on-site pedestrian facilities, and provide pedestrian connections to abutting developments or off-site transit facilities.

The property is also designated as "Strategic Growth Area A" on Map 3 - Land Use in the City's Official Plan Growing Together amendment, which is generally intended to accommodate intensification within existing predominantly low-rise residential neighbourhoods and lands that are generally too small to support high-rise buildings. The amendment also permitted residential uses, including health-related uses.

The proposal aims to fulfill both Official Plan objectives as it meets the permitted use and massing outlined in the Official Plan. Therefore, staff are of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Projected canopy supported by the ground: The Zoning By-law includes provisions to allow ground-supported canopies while maintaining the integrity of the streetscape and ensuring that structures do not obstruct yards or detract from the surrounding environment. The proposed canopy meets the intent of the by-law by incorporating a cantilevered design for the portion projecting into the yard, with supporting columns set back 3.7 metres from the street line. This setback minimizes the visual impact on the streetscape and maintains clear, unobstructed yard space, thus aligning with the by-law's objectives.

Ramp and steps projection: The Zoning By-law also regulates the projection of ramps and steps to ensure they do not encroach excessively on the front yard or streetscape. Due to the existing non-conforming setback of the building's front wall and front porch, and the new by-law's required 4.5 metres, any new projections, including ramps and steps, would technically be non-compliant. However, these elements are essential to improve accessibility to the building, which has an elevated entrance and nearby accessible parking spaces. The proposed steps and ramp are key to meeting accessibility standards and ensuring compliance with current Building Code. The new canopy structure, which encloses these updated site elements, has been carefully designed to enhance the streetscape within the constraints of the existing site conditions, as demonstrated in Figure 9.

Landscaping area on the property and in the rear yard: The intent of the landscaping regulations is to ensure adequate land for proper drainage and to support the growth of vegetation and trees, while rear yard landscaping requirements aim to provide sufficient private outdoor amenity space. The subject property serves as a transitional area between high-rise and low-rise developments, with the current rear and side yard parking area being an existing condition dating back to the 1970s. Despite the proposed reduction in landscaped area to 23% (compared to the required 30% for the overall site and 40% for the rear yard), the overall landscape provision still exceeds the requirements of the previous Zoning By-law 85-1.

The minor extension of the rear yard parking area is intended to regularize the parking layout without disturbing existing vegetation, including existing trees. This adjustment also ensures that the parking area conforms to current standards for drive aisles and parking space dimensions, thereby enhancing the safety and functionality of the space.

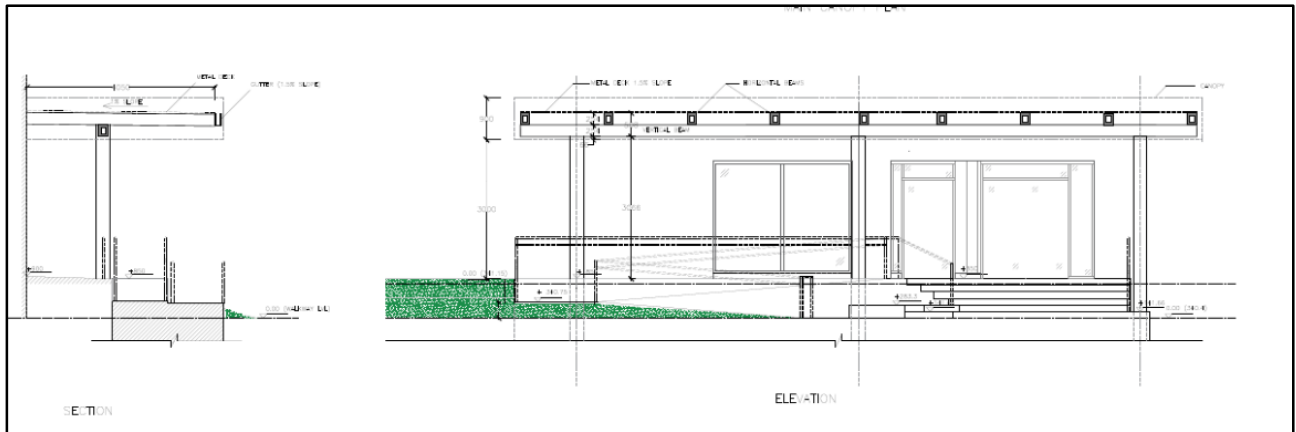


Figure 9: Proposed Canopy drawing.

Therefore, staff is of the opinion, the proposed variances maintain the general intent and purpose of the Zoning By-law, while balancing the needs of both the site and the surrounding neighborhood.

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

The requested minor variances are considered minor in nature as they will not negatively impact neighboring properties or the overall streetscape. The ground-supporting columns for the canopy will be situated well within the required setback, and its projection into the yard is designed to provide shelter for the ramp and steps without negatively impacting adjacent properties or obstructing views. Additionally, the reduction in landscaped area remains consistent with the existing condition and will not detract from the character of the surrounding area. The preservation of mature trees and vegetation ensures that the impact on the landscape is minimal. Therefore, it is the staff's opinion that the effects of the above-mentioned variances may be considered minor.

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

The requested variances for the canopy projection, steps, ramp, and landscape area are desirable and appropriate for the redevelopment and functional use of the site. The addition of the canopy, steps, and ramp will significantly enhance accessibility and safety for the building's users. Furthermore, the reduction in the landscaped area complies with

the existing by-law and it is mainly due to existing situation. Staff is of the opinion that the variances are appropriate and desirable

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

No comments or concerns

Building Division Comments:

The Building Division has no objections to the proposed variances provided a building permit for the canopy and access ramp is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

Through Site Plan Application SP24/068/P/AA it was noted that there was an existing City-owned tree along the on Mary Street frontage at the northwestern corner of the property. Although the proposed site plan does not indicate any site changes, this tree should be protected to City standards throughout construction and tree protection fencing shown on all building permit drawings.

The applicant is advised that tree protection is required on all trees during construction work as indicated in Municipal Code section 690.4.2 Protection - Trees on City Property. It shall be the responsibility of the person or persons in charge of any lot on which the construction, alteration or demolition of any building is taking place, to take adequate steps for the protection of any trees on City property within 6.09 metres (20 feet) of any such lot and no such work shall be commenced until such protection has been provided.

Transportation Planning Comments:

Transportation Services has no concerns with this application.

Grand River Conservation Authority Comments:

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications. GRCA has no objection to the approval of the 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*
- *Secondary Plan K-W HOSPITAL NEIGHBOURHOOD PLAN FOR LAND USE*
- *Official Plan (2014)*
- *2024-062 - OPA 49 - Growing Together - PMTSA Lands*
- *Zoning By-law 85-1*
- *Zoning By-law 2019-51, as amended by Zoning By-law 2024-065*