

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: February 18, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: February 5, 2025

REPORT NO.: DSD-2025-058

SUBJECT: Minor Variance Application A2025-008 – 1035 Ottawa St. N.

RECOMMENDATION:

That Minor Variance Application A2025-008 for 1035 Ottawa Street North requesting relief of the following Sections of Zoning By-law 2019-051:

- i) Section 4.14.3 to permit a canopy to be ground supported, project 1.5 metres into the front yard and be located 0 metres from the street line, whereas a canopy cannot be ground supported, have a maximum projection of 1.8 metres and be located 0.6 metres from the street line;
- ii) Section 5.6 Table 5-5 to permit 53 parking spaces, (a parking rate of 0.74 parking spaces per dwelling unit inclusive of visitor parking) instead of the minimum required 72 parking spaces (a parking rate of 0.9 parking spaces per dwelling unit and 0.1 visitor parking spaces per dwelling unit);
- iii) Section 8.3, Table 8-2 to permit a side yard setback of 5.3 metres abutting a residential zone instead of the minimum required 7.5 metres;
- iv) Section 8.3, Table 8-2 to permit a rear yard setback of 3.9 metres instead of the minimum required 7.5 metres;
- v) Section 8.3, Table 8-2 to permit 0% non-residential gross floor area instead of the minimum required 20% non-residential gross floor area;
- vi) Section 8.3, Table 8-2 to permit a minimum ground floor street façade building height of 4.0 metres and 3.0 metres instead of the minimum required 4.5 metres; and
- vii) Section 8.3, Table 8-2, to permit a minimum 35% and 10% street line façade openings instead of the minimum required 50%;

to facilitate the construction of a new affordable housing development consisting of 71 dwelling units, generally in accordance with drawings prepared by ABA Architects Inc., dated September 2, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of an affordable housing development with 71 residential dwelling units.
- 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 River Road near the intersection of Ottawa Street North and River Road East.



Figure 1: Location Map: 1035 Ottawa Street North

The subject property is identified as 'City Node' on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Mixed Use Three Zone (MIX-3) with Site-Specific Provision (49)' in Zoning By-law 2019-051.

The subject development is being proposed in partnership with the City of Kitchener and is a project supported by the Housing Accelerator Fund. The proposed affordable housing development consists of a 6 storey, 53-unit apartment adjacent to River Road East and three 3-storey, 6 unit stacked townhouse buildings, for a total of 71 residential units. The units will offer a range of unit types including 1, 2, 3 and 4 bedroom units.

It should also be noted that through the annual Zoning By-law update, the variances for the parking rate reduction, and the reduction in non-residential gross floor area, are no longer required for 'Public Service Uses' within the By-law. These updates were approved by Council in January 2025 and are currently within the appeal period. The variances were included within this application to ensure that the development can move forward should there be an appeal to the updated By-law.

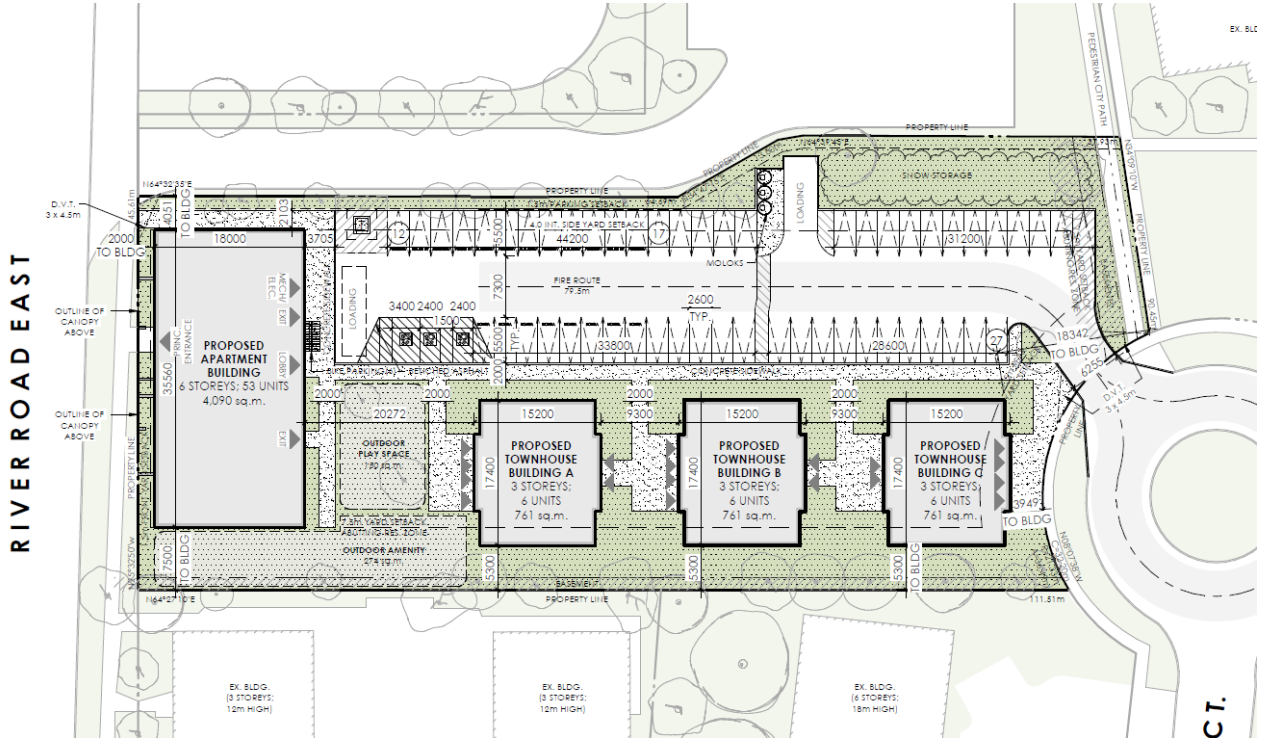


Figure 2: Proposed Site Plan





Figures 3 and 4: Current site conditions – 1035 Ottawa St. North

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 lands are designated 'Mixed Use' (Map 3). The Mixed Use land use designation is designed to achieve an appropriate mix of commercial, residential and institutional uses on the designated lands. It is also intended to be flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities. Permitted residential uses may include those medium and high rise residential uses which includes special needs housing. Staff is of the opinion that the variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Canopy

The intent of the canopy regulations for projections, setbacks and ground supporting, are to ensure that a canopy does not encroach into the road and sidewalk right of way. The intent of the proposed canopy along River Road is to enhance the streetscape and provide refuge space along that portion of the proposed building. Staff have reviewed initial concepts of the proposed canopy and have no concerns with the canopy being ground supported, project 1.5 metres and have a 0 metre setback, and all can be considered minor.

Parking

The intent of the Zoning By-law parking rate is to ensure that there is sufficient parking available for residents and visitors within the development. The intended use of the new development is affordable and supportive housing which the proposed parking rate is expected to be appropriate as not every resident may have access to a personal vehicle. The property is adequately serviced by a number of bus routes in close proximity to the subject property. There are also adequate services within walking distance with Stanley Park Mall directly adjacent to the property. Further, changes to the By-law have now exempted 'Public Service Uses' from the minimum parking requirements. Transportation staff are also supportive of the reduction in parking rates, and to the change within the By-law. Appropriate bicycle parking and barrier-free parking will continue to be applied to the site.

Side yard setback abutting residential and rear yard setback

The intent of both the side yard setback abutting a residential zone and rear yard setback is to ensure there is adequate separation and no adverse impacts to the adjacent residential properties. The development will be setback 5.3 metres from the adjacent residential apartment building, which still provides adequate separation. Further, because the property has frontage on both River Road and Holborn Court, the City considers the front yard to be along River Road. The rear yard setback would apply to Holborn Court, and the proposed stacked townhouse is closer than the 7.5 metres required. The area between the building and Holborn Court is considered to also be more of a front yard space and not intended to be used as rear yard space. The reduction to 3.9 metres is appropriate for the development and staff will ensure adequate landscaping is provided at the site plan stage.

Minimum ground floor street façade building height and openings

The intent of the minimum ground floor building height and façade opening regulation is to ensure a ground floor space that can accommodate active uses on the ground floor of the building and adequately address and enhance the streetscape. Staff acknowledge that there is no commercial on the ground floor of the buildings and the applicant is providing adequate glazing and enhancements to the front façade to ensure an appropriate streetscape along both River Road and Holborn Court. The reduction of façade building height of 0.5 metres along River Road, and 1.5 metres along Holborn Court is minimal, and the reduction of openings to 35% and 10% and will not have any impact in the overall building design.

Non-residential use

The intent of the percentage of non-residential use with the By-law is to ensure that mixed use properties provide an adequate portion of the development towards non-residential uses. The intended use is a public use and through the update to the Zoning By-law it was proposed that these types of uses do not require non-residential uses within the development. City staff provided recommendations to City Council which ultimately approved the recommendations. Flexibility has been provided within the By-law in order for the 'Public Service Use', an affordable housing project, to be successful in its development.

Staff is of the opinion that the variances meet 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 are minor as the variances that are requested are to enhance an approved development. The proposed variances will not

present any significant impacts to adjacent properties or the overall streetscape and neighbourhood.

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

The proposed variances are desirable and appropriate for the development and use of the land as their approval will facilitate the construction of a new affordable housing development within a mixed use area.

Environmental Planning Comments:

No environmental concerns. Tree Management will be addressed through the Site Plan Application process.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering division has no concerns.

Parks and Cemeteries/Forestry Division Comments:

Park Planning concerns including any street tree protection or required park dedication will be addressed through a future Site Plan application.

Transportation Planning Comments:

Transportation Services have assessed the parking supply review that was submitted (December 20, 2024) by Paradigm Transportation Solutions Ltd. and are in support of the proposed parking supply of 53 to 57 spaces.

Transportation Services have reviewed the TDM plan submitted (December 20, 2024) by Paradigm Transportation Solutions Ltd. and are in support of the TDM plan. The plan notes that bike parking will be provided to meet zoning requirements, sidewalks are provided on the surrounding road network and existing GRT stops within a 5-minute walk from the site.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*