

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: Eric Schneider, Senior Planner, 519-783-8918

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: February 6, 2025

REPORT NO.: DSD-2025-073

SUBJECT: Minor Variance Application A2025-007 – 864 King Street West

RECOMMENDATION:

That Minor Variance Application A2025-073 for 864 King Street West requesting relief from Section 19, Site-Specific Provision (415) e) of Zoning By-law 2019-051, to permit the physical separation of the 7th storey of a proposed multiple dwelling to be setback from the east property line 3.1 metres instead of the minimum required 4.2 metres to facilitate the development of the site with a 45 storey building in accordance with Site Plan Application SP24/069/K/ES, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to facilitate the development of the subject lands with a 45 storey multiple residential building.
- The key finding of this report is that the requested variance meets 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 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 northeast corner of King Street West and Pine Street.

The subject property is identified as a 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area C' on Map 3 – Land Use in the City's 2014 Official Plan.

The 'Growing Together' Zoning By-law Amendment to Zoning By-law 2019-051 is currently under appeal. As a result, zoning the subject lands are currently "dual testing" in which both Zoning By-law 85-1 and Zoning By-law 2019-051 are in effect. The property is zoned 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1, and "High Rise Growth Zone (SGA-4)" in Zoning By-law 2019-051.



Figure 1 – Location Map: 864 King Street West

The purpose of the application is to facilitate the redevelopment of the lands with a 45-storey tower. The applicant is proposing to develop the lands with a 45-storey multiple dwelling building. The proposed development represents "Phase 1" of a multi-phase build-out of the lands. On October 28th, 2024, the Planning and Strategic Initiatives Committee approved Zoning By-law Amendment application ZBA24/022/K/ES. The application was to be ratified at the following City Council Meeting on November 18th, 2024. At the November 18th, 2024 Council Meeting, the applicant requested changes to the concept based on building structural needs that resulted in changes to the site specific zoning provision requested as part of the Zoning By-law Amendment. City Council approved the changes requested by the applicant. Through review of the subsequent Site Plan Application (SP24/069/K/ES), Staff determined that a request for reduction in physical separation of the east property line was not included in the requested changes to Council, and relief from Zoning is required.

Site Plan Application SP24/069/K/ES is currently under review.



Figure 2 – Location Map: View of Site from King Street West (January 29, 2025)

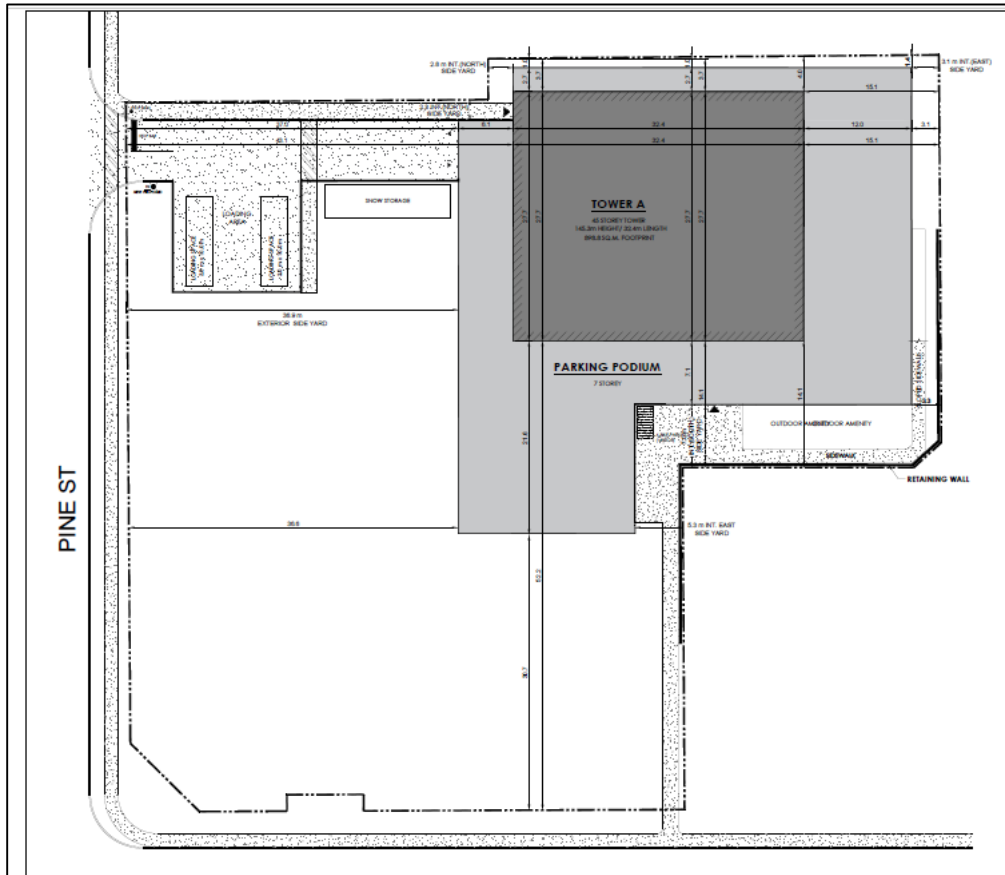


Figure 3 – Site Plan Drawing

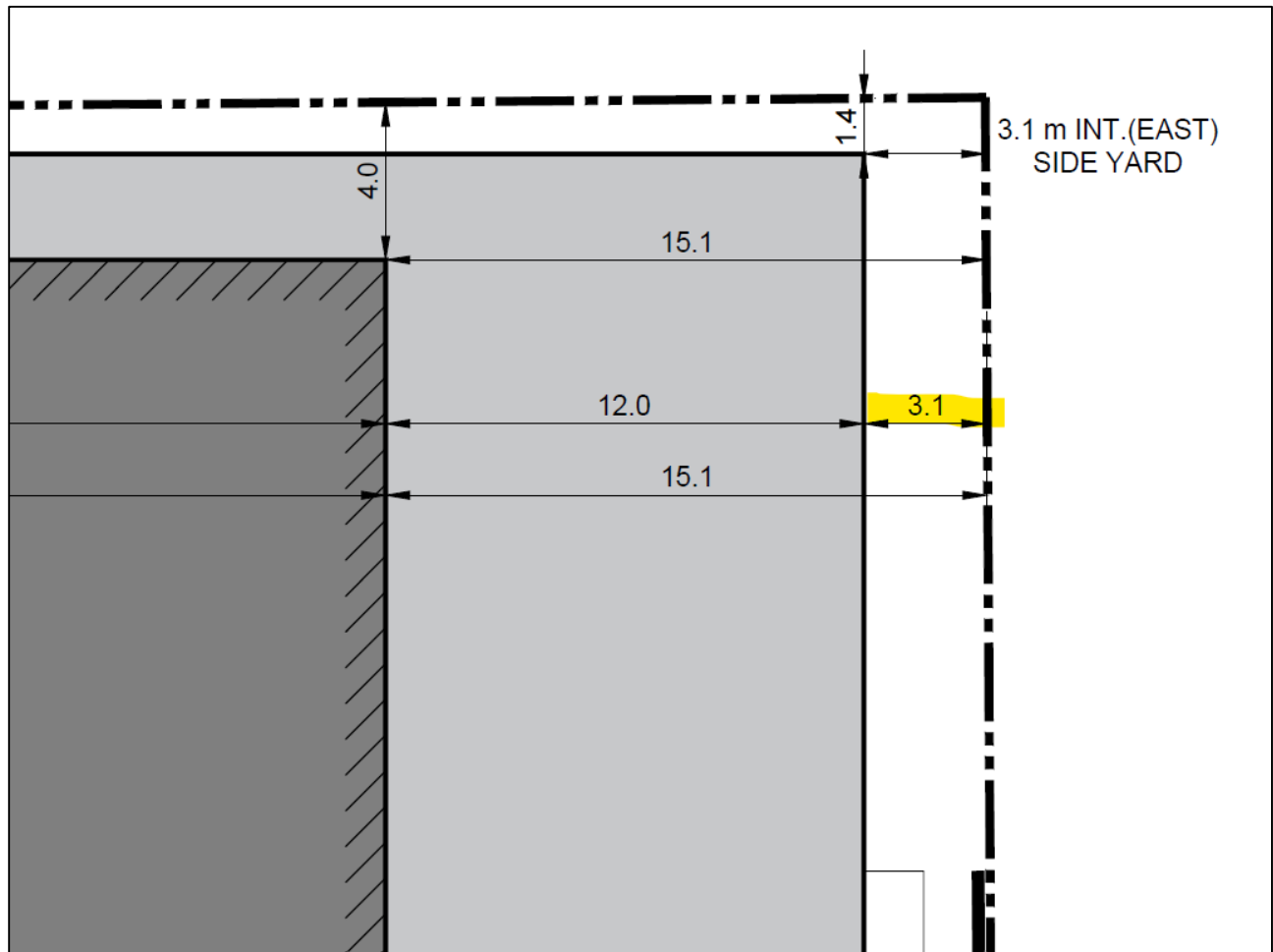


Figure 4 – Site Plan Drawing (requested variance shown)

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 'Strategic Growth Area C' land use designation is intended to accommodate significant intensification at high density. Lands designated 'Strategic Growth Area C' are generally centrally located within Intensification Areas and/or represent redevelopment opportunities at higher density. The request for a reduction in physical separation for the 7th storey of the parking podium facilitates the redevelopment of the lands with high density and achieves the intent of the Official Plan designation. Planning Staff are of the opinion that the proposed development meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The requirements for physical separation are intended to control the massing and building placement of development and redevelopment, to ensure that there are no adverse

impacts to surrounding lands, and that the redevelopment potential of abutting lands is not frustrated or compromised by development of the subject lands. The requested variance for a reduction in physical separation is for a portion of the building used as parking garage and will not contain dwelling units and balconies like in the tower portion of the building. Staff anticipate this will result in lesser impacts in regards to privacy, overlook, and sufficient physical separation. The requested variance for physical separation is only applicable to the 7th storey (top floor) of the parking podium, as the first 6 storeys comply to current zoning. Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

Staff note that the as-of-right permissions for the subject property allow for the first 6 floors of the structure to have a 0 metre interior side yard (Section 6.6 a), vii)), as the subject lands are on a Priority Street (King Street) in Appendix 'G' of Zoning By-law 2019-051. The requested variance is for the 7th storey only, which will be used as a parking structure. Planning Staff are of the opinion that the effects of the variance are minor.

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

The subject lands are zoned and designated for high density development and the requested variance will facilitate the redevelopment of the lands for high density use. Planning Staff are of the opinion that the variance is desirable for the appropriate development and use of the land.

Environmental Planning Comments:

Environmental comments being addressed through Site Plan Application SP24/069/K/ES.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No Engineering concerns.

Parks and Cemeteries/Forestry Division Comments:

Park Planning concerns including any street tree protection or required park dedication will be addressed through Site Plan application SP24/069/K/ES.

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.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act
- Provincial Planning Statement (PPS 2024)
- Regional Official Plan
- Official Plan (2014)
- Zoning By-law 85-1 and 2019-051
- [DSD-2024-467 \(ZBA24/022/K/ES\)](#)

ATTACHMENTS:

Attachment A – Site Plan Drawings