

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: February 27, 2025

REPORT NO.: DSD-2025-093

SUBJECT: Minor Variance Application A2025-020 – 15 Palace Street

RECOMMENDATION:

That Minor Variance Application A2025-020 for 15 Palace Street requesting relief from Section 5.5 c) of Zoning By-law 2019-051 to reduce the width of a bicycle space to 0.45 metres instead of the minimum required 0.6 metres and to reduce the bicycle parking overhead clearance to 1.2 metres instead of the minimum required 2.1 metres, to facilitate the minor revision to the bicycle parking of the proposed development of the 8-storey multiple dwelling in accordance with the conditionally approved Site Plan Application SP24/081/P/AA, BE APPROVED subject to the following condition:

1. That the Owner obtains approval from the City's Director of Transportation Services of the final vendor/design of the bicycle parking racks to confirm their functionality.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to reduce the bicycle parking dimensions in the underground parking level of an eight-storey multiple dwelling building currently under construction
- The key finding of this report is that 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 at 15 Palace Street, situated on a private street (Palace Street) and located near the intersection of Elmsdale Drive and Ottawa Street South.



Figure 1: Location Map of the Subject Property

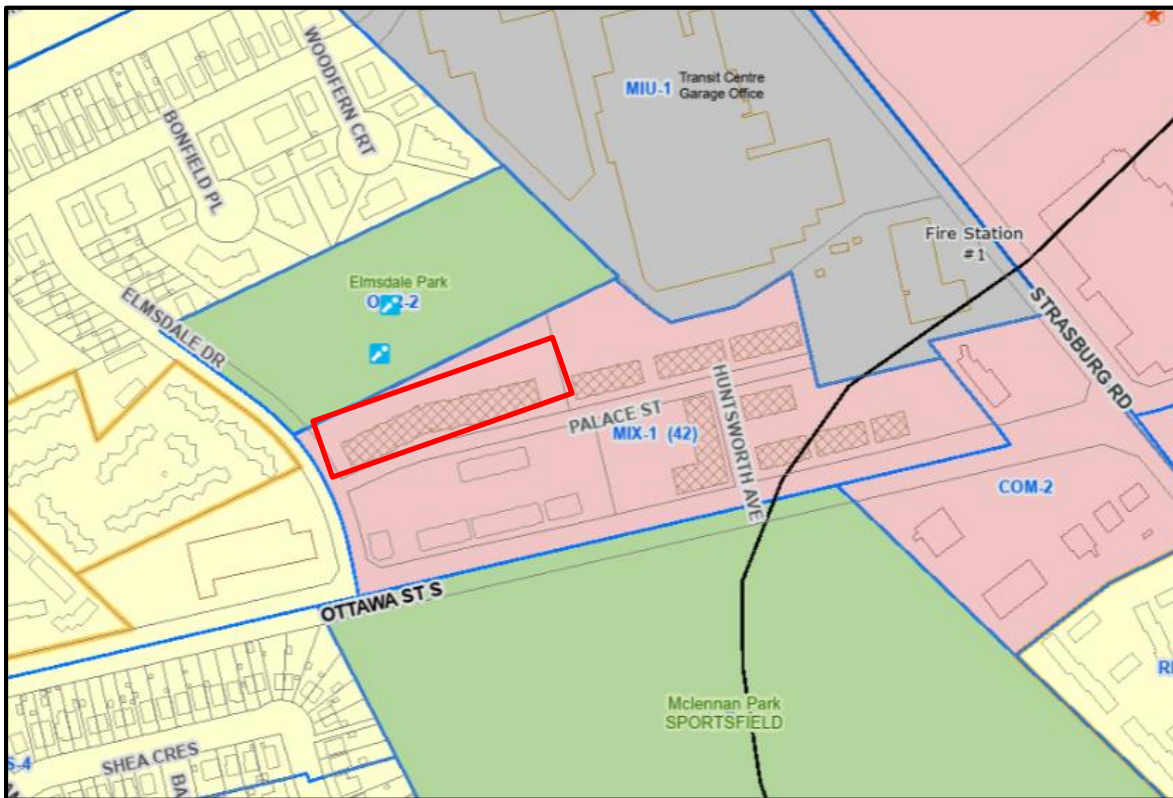


Figure 2: Zoning Map of the Subject property

The subject property is identified as a 'Neighbourhood Node on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan, and Specific Policy Area 31 applies to the subject lands.

The property is zoned 'Mixed Use One Zone (MIX-1) with Site Specific Provision (42)' in Zoning By-law 2019-051.

The subject property is currently being constructed to develop two eight-storey multiple dwelling buildings comprising 266 residential units, per the approved Site Plan Application SP21/038/P/CD.

A previous Minor Variance Application (A2022-061) was approved to reduce the required parking rate for the development and to increase the maximum building height. Following the approvals, the applicant filed a Stamp Plan B Application (SP24/081/P/AA) for minor revisions to the approved site plan, including adjustments to the location of visitor parking, EV parking, and bicycle parking. These modifications have resulted in the bicycle parking being accommodated within a smaller locker space, leading to overlapping bicycle racks that do not meet the minimum dimensions required by the Zoning By-law. (Figures 3 and 4)

The purpose of this minor variance application is to review and approve the reduction in bicycle parking width and overhead clearance to align with the revised site conditions.

- Bicycle parking width to be 0.45 metres instead of 0.6 metres.
- Bicycle parking overhead to be 1.2 metres instead of 2.1 metres.

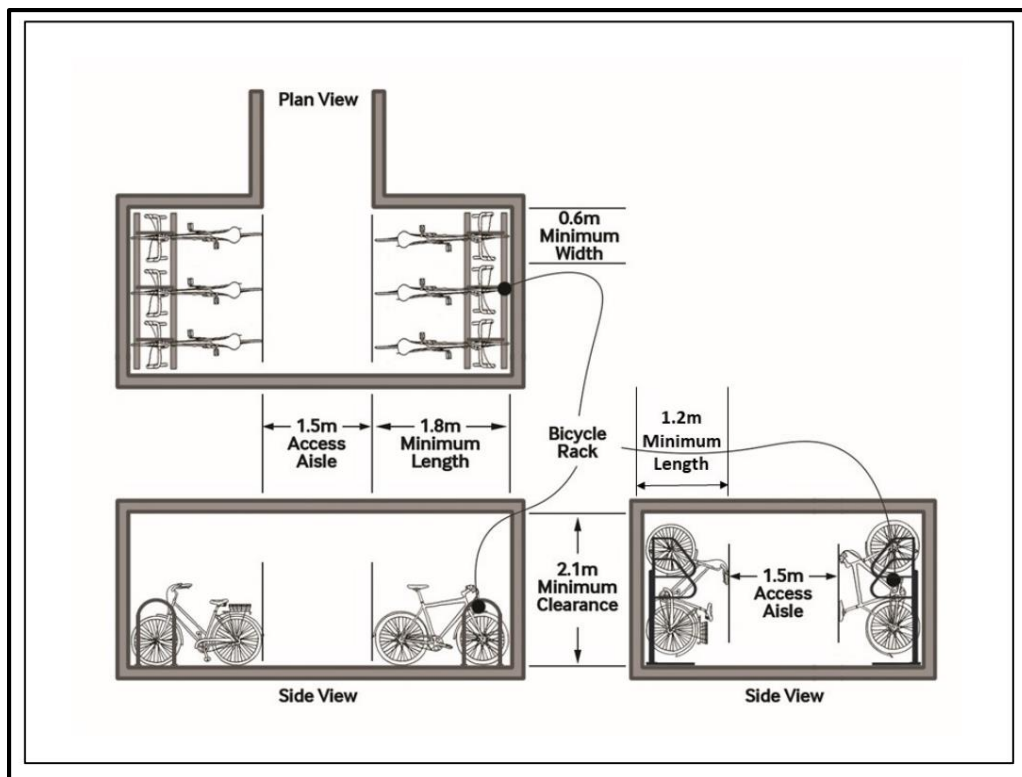


Figure 3: The Required Bicycle Parking Minimum Dimension

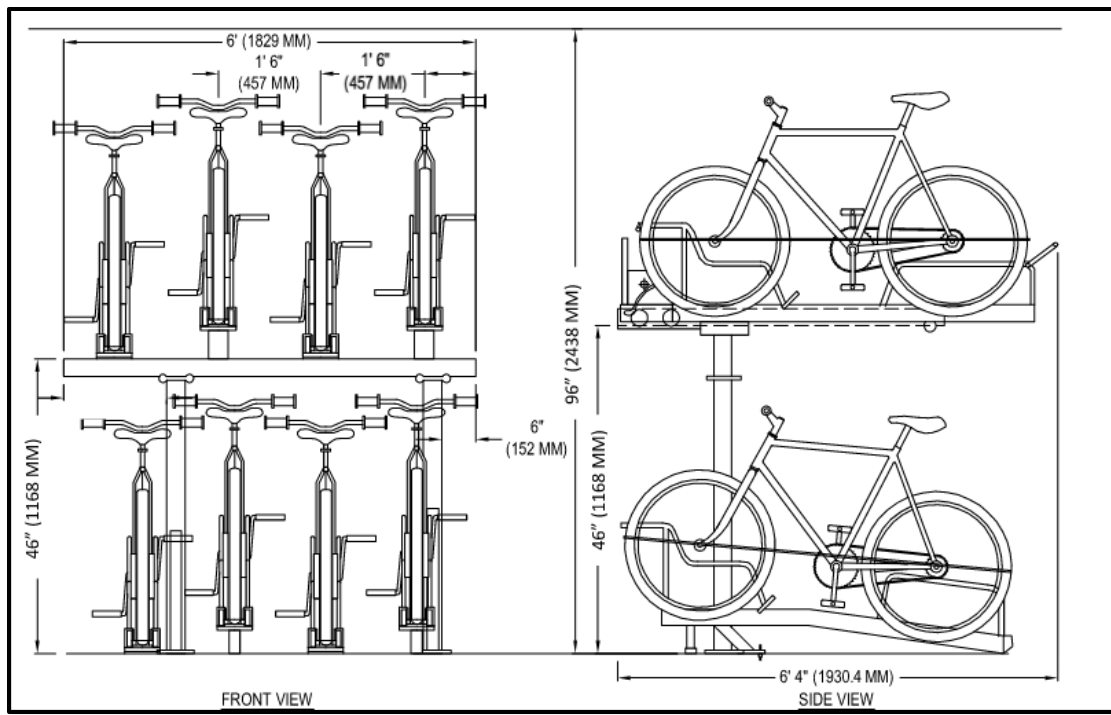


Figure 4: The Proposed Bicycle Parking Configuration

Planning staff visited the site on February 28th, 2025

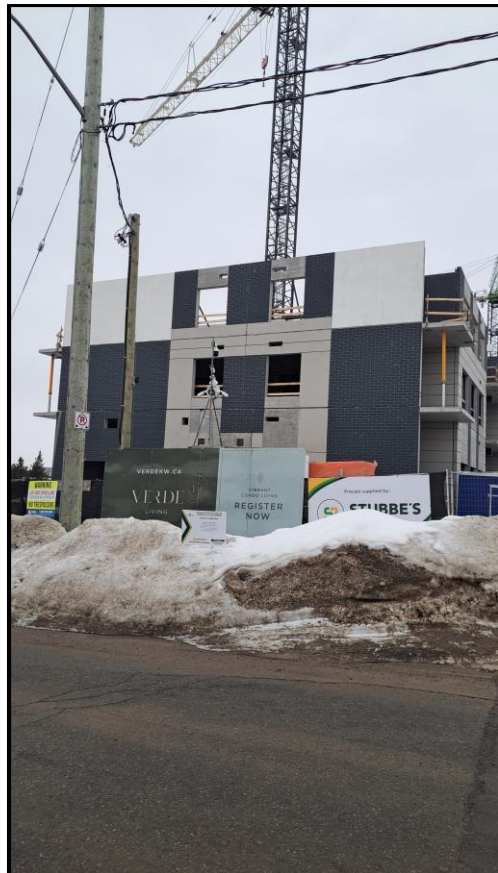


Figure 5: A photo of the subject building is under construction

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 with Specific Policy Area 31' in the City of Kitchener's Official Plan. The mixed use land use designation provides for a broad range of commercial, retail, institutional and residential uses at different scales and intensities. The Intent of Site Specific Policy Area 31 is to allow for redevelopment of the underutilized brownfield property to become a new mixed use focal point in the community. Site Specific Policy Area 31 contemplates mid-rise residential developments on the site up to 8 storeys in height, as well as a variety of office, retail, convenience and service-oriented uses that serve the day-to-day needs of the surrounding neighbourhood.

The proposed construction of two 8-storey multiple dwellings with reduced bicycle parking dimensions meets the intent of the official plan as it provides the required bicycle parking that is functional to support the use. Planning staff is of the opinion that the requested variances are appropriate and meet the general intent of the City's Official Plan.

General Intent of the Zoning By-law

The minimum bicycle parking dimension in the zoning by-law intends to ensure that bicycle parking spaces are functional, accessible, and accommodate safe spaces without obstruction. Although the proposed reduction in bicycle parking dimensions does not comply with the minimum requirements, the applicant has demonstrated that the modified layout can still accommodate bicycles in an organized manner while maintaining accessibility and usability for residents. (As per figure 4) Transportation Services staff will review the final vendor/design of the bicycle parking racks to confirm their functionality.

Additionally, the revised bicycle parking arrangement remains consistent with intent of promoting active transportation by ensuring that secure and designated bicycle parking spaces are provided on-site. Given that the proposed modification allows for the efficient use of space while maintaining the functional intent of the By-law, the requested variances meet the general intent and purpose of the zoning by-law.

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

The variances do not compromise the usability of the bicycle parking area, nor do they negatively impact the residents' ability to store and access their bicycles. Therefore, the variances are minor in nature.

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

The variances does not negatively impact the development's functionality or accessibility. The proposed bicycle parking configuration continues to provide a secure and organized storage solution for residents, ensuring that alternative transportation options remain

viable. Based on that, the proposed variance represents an appropriate and desirable adjustment that aligns with the development's intent and the efficient use of the property.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

No comments.

Parks and Cemeteries/Forestry Division Comments:

No Concerns

Transportation Planning Comments:

As a condition of the reduction in dimensions, City staff must approve the final vendor/design of the bicycle parking racks to confirm their functionality.

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*
- *Minor Variance A2022-061*