

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** March 18, 2025

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

**PREPARED BY:** Evan Wittmann, Senior Planner, 519-783-8523

**WARD(S) INVOLVED:** Ward 5

**DATE OF REPORT:** March 5, 2025

**REPORT NO.:** DSD-2025-077

**SUBJECT:** Minor Variance Application A2025-022 – 25 Haldimand Street

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**RECOMMENDATION:**

That Minor Variance Application A2025-022 for 25 Haldimand Street requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.1.d) i) to permit parking between the façade and the front lot line whereas parking is not permitted in this location;
- ii) Section 6.1.2 a) to permit a parking requirement of 52 parking spaces instead of the minimum required 53 parking spaces;
- iii) Section 6.1.2. b) vi) A) to permit a visitor parking requirement of 6 spaces instead of the minimum required 8 visitor parking spaces; and,
- iv) Section 42.2.1 to permit a Floor Space Ratio (FSR) of 0.55 whereas 0.6 is required.

AND the following sections of Zoning By-law 2019-051:

- i) Section 5.3.3. b) i) to permit parking in the front and exterior side yards whereas parking is not permitted in these locations.
- ii) Section 5.6. a), Table 5-5, to permit a parking requirement of 61 parking spaces instead of the minimum required 72 parking spaces;
- iii) Section 5.6. a), Table 5-5, to permit a visitor parking requirement of 6 visitor parking spaces instead of the minimum required 11 visitor parking spaces;
- iv) Section 5.6. a), Table 5-5, to permit a Class A bicycle parking space requirement of 32 Class A bicycle spaces instead of the minimum required 36 bicycle spaces;
- v) Section 5.6. a), Table 5-5, to permit an EV ready parking space requirement of 0 spaces instead of the minimum required 17 EV ready parking spaces;
- vi) Section 19, Site-Specific Provision (251) to permit a Floor Space Ratio (FSR) of 1.0 whereas 0.75 is required; and,

**vii) Section 19, Site-Specific Provision (251) to permit a maximum building height of 12 metres instead of the maximum permitted 11.5 metres.**

**to permit the development of the property located at 25 Haldimand Street in accordance with Site Plan Application SPF24/094/F/EW, BE APPROVED.**

**REPORT HIGHLIGHTS:**

- The purpose of this report is to review and make a recommendation regarding the minor variance application for 25 Haldimand Street.
- The key finding of this report is that the variances meet the four tests of the *Planning Act* and approval is recommended.
- 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.

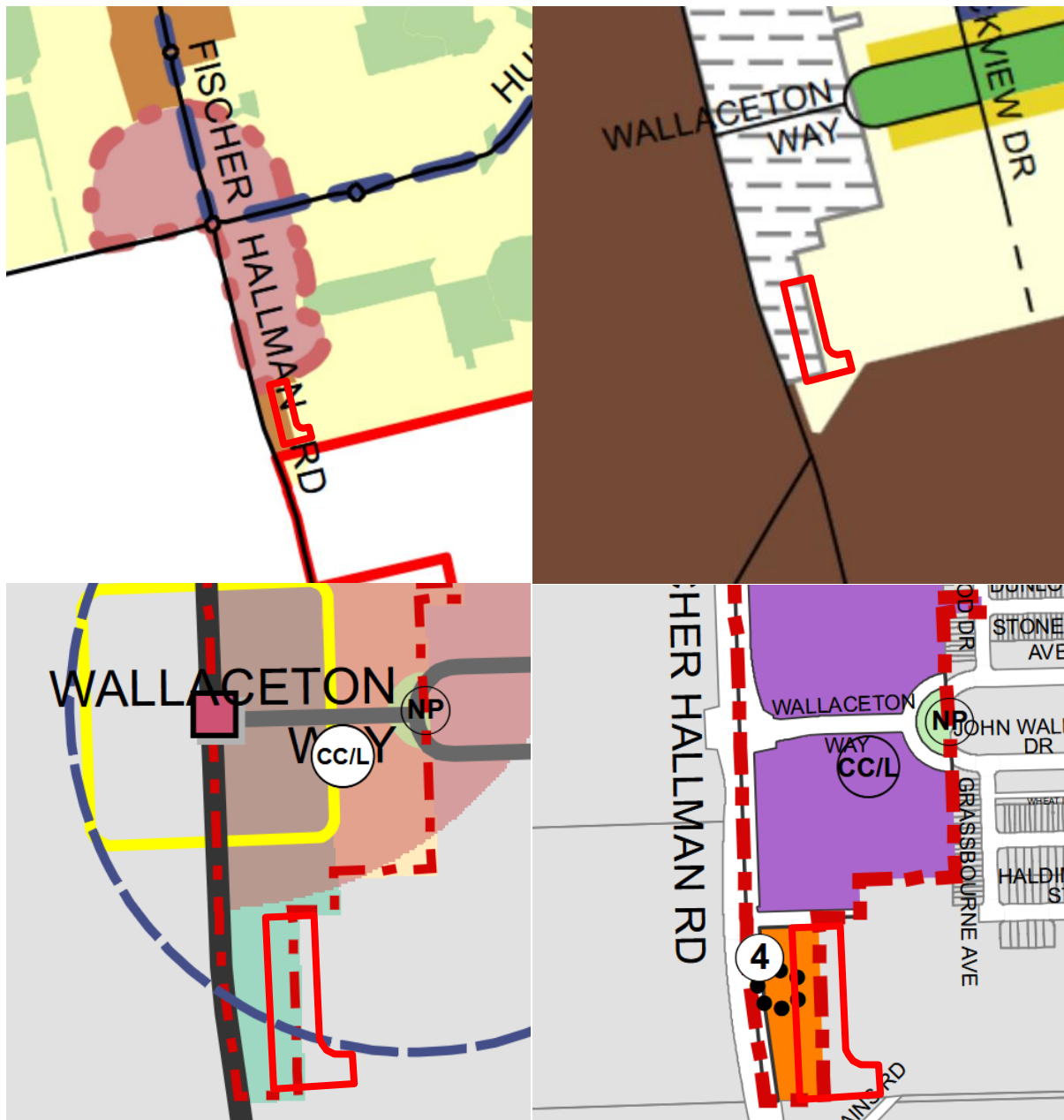
**BACKGROUND:**

The subject property is located in the southwestern area of the City, east of Fischer-Hallman Road, bordered by Haldimand Street and Broadacre Drive. The subject property is currently vacant and is part of the greater "Wallaceton" subdivision, being Phase 6 of the development.



**FIGURE 1: THE SUBJECT PROPERTY (PHOTO TAKEN FEBRUARY 28, 2025)**

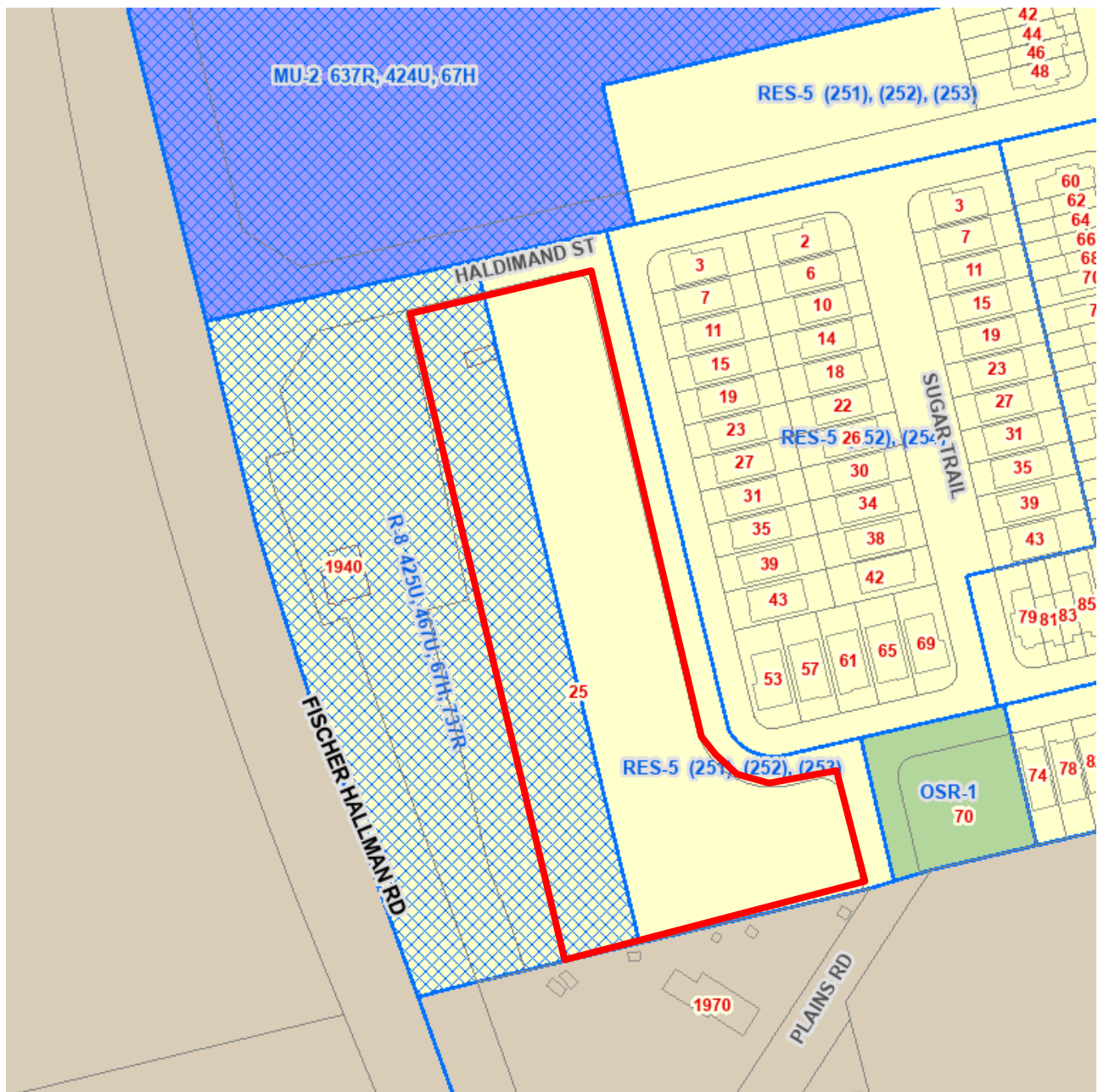




**FIGURE 3: OFFICIAL PLAN DESIGNATIONS (TOP LEFT: MAP 2, TOP RIGHT: MAP 3, BOTTOM LEFT: MAP 22a, BOTTOM RIGHT: MAP 22e)**

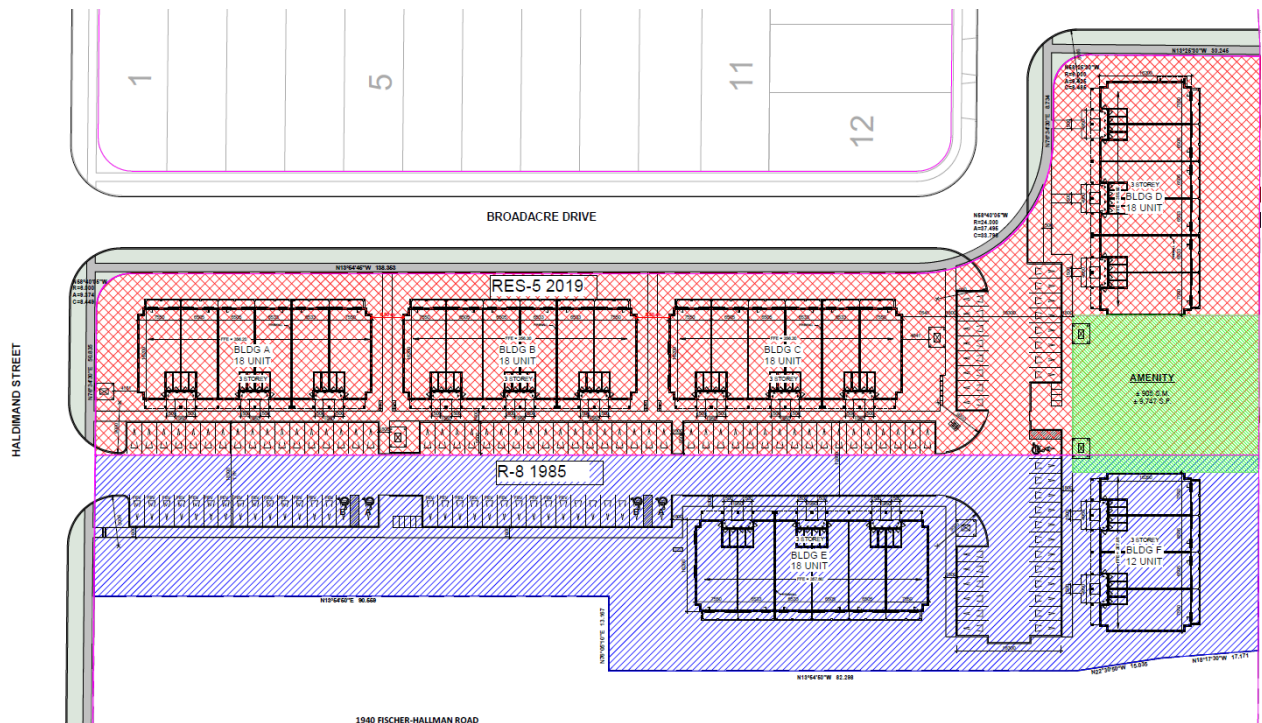
The western side of the subject property is zoned 'Residential Eight Zone (R-8 425U, 467U, 67H, 737R)' in Zoning By-law 85-1, and the eastern side of the subject property is zoned 'Low Rise Residential Five' Zone (RES-5 (251), (252), (253))' in Zoning By-law 2019-051.





**FIGURE 4: ZONING**

This dual zoning results in a number of variances being required to facilitate development, as the provisions of each Zoning By-law are applied to the land they cover, regardless of the subject property being a single parcel. For example, the western side of the subject property is planned for 30 dwelling units. The 'R-8' zone in place on this area of the subject property is then applied to just these 30 units (i.e. Parking requirements for 30 units, the Floor Space Ratio of these units, etc.).



**FIGURE 5: SITE PLAN AND ZONING BY-LAW OVERLAY**

The purpose of the application is to facilitate the development of the subject property for 102 stacked townhouse units, in accordance with Site Plan Application file SPF24/094/F/EW.

## **REPORT:**

### **Planning Comments:**

Due to the number of variances requested, and their need being almost entirely due to the dual zoning of the subject property, the variances will be reviewed, where appropriate, in a collective manner rather than one-by-one. 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

Considering the subject property as a whole, the parking arrangement proposed is consistent with policy direction, being an adequate supply on a site wide basis and generally located internal to the site and away from public view.

Two variances have maximums established in the Official Plan: Floor Space Ratio (FSR) and building height. Policy 15.D.3.11 of the Official Plan states that within lands designated Low Rise Residential, the maximum FSR is 0.75 and cannot be increased without an Official Plan Amendment. This land use designation applies to only the eastern half of the subject property. The western half of the subject property is designated Medium Density Residential Two in the Rosenberg Secondary Plan, which establishes a minimum FSR of 0.6 and maximum of 2.0. The eastern side of the subject property proposes an

FSR of 1.0, while the western side of the subject property proposes 0.55. Based on the total site area and not the land use designations, the total FSR is 0.77.

“On paper”, the site plan could be adjusted to have each side of the subject property comply with the FSR requirements of the respective land use designations; however, this would likely be a detriment to the function of the site as a whole and design as a single property. Considering the minimums and maximums of the two designations, the requested 0.77 FSR across the entire site is an appropriate compromise of the 2.0 and is in keeping with the general intent of the Official Plan.

Regarding building height, Low Rise Residential policy 15.D.3.12 establishes that no building will exceed 3 storeys or 11 metres in height, with relief being considered on a site-by-site basis. The subject property is subject to a site-specific provision (251) that permits building heights of 11.5 metres. Increased building heights are to be “*compatible with the built form and physical character of the neighbourhood*”. The proposed built form is consistent with the other stacked townhouses located in the Wallacetown development and is in general compatible with the single detached and street townhouse dwellings located in the immediate area, which are also separated by a municipal road. The subject property features a grade change upwards towards Fischer-Hallman Road, which will minimize transition impacts on the existing heritage property adjacent to the subject property.

Overall, the requested variances meet the general intent of the Official Plan.

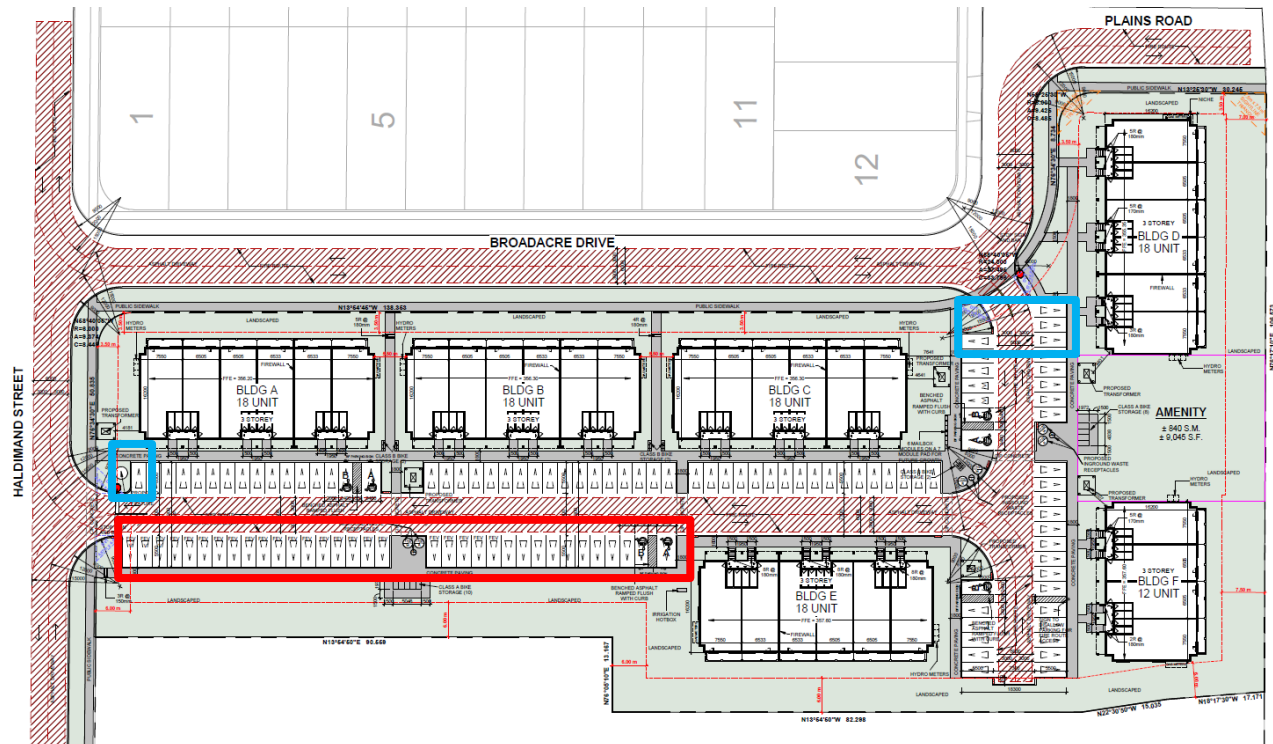
#### General Intent of the Zoning By-law

Several of the variances requested are resolved when reviewing the site as a whole. For example, although a variance is requested to provide zero EV ready spaces on the lands zoned ‘RES-5’, the number of EV ready spaces required are provided on the land zoned ‘R-8’.

If the subject property was entirely under Zoning By-law 85-1, two variances would be required: a reduced parking rate where 1.5 parking spaces per dwelling unit would be required and permitting parking between the façade and front lot line. If the subject property was entirely under Zoning By-law 2019-051, three variances would be required: building height, parking being permitted in the front and exterior side yard, and the maximum FSR.

The consistent variances between the two Zoning By-laws is the location of parking; being between the façade and front lot line or being in the front and exterior side yards. As this is the only consistent variance, logically it would be the variance that may not be consistent with the general intent of the Zoning By-laws.

The intent of these provisions is to keep parking areas internal to a site and away from public view. The following figure outlines the parking spaces in question, with the red box being Zoning By-law 81-5, and the blue box being Zoning By-law 2019-051. As illustrated, the “red” parking spaces are in the between the façade and front lot line only on the Zoning By-law 85-1 land. Considering the entire proposed development, only a portion of the parking space closest to the road would be between the façade and front lot line. Both outlined areas meet the intent of parking being generally away from the public realm and view.



**FIGURE 6: LOCATION OF OFFENDING PARKING SPACES**

Overall, the requested variances meet the general intent of the Zoning By-laws.

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

Although the number of variances may suggest that the application is not minor, the need for the variances is largely technical in nature due to the dual zoning of the subject property. A primary method to assess if variances are minor is to consider the impact on nearby properties.

The subject property is part of a larger, comprehensively planned subdivision, featuring a mix of single detached, street townhouse, and stacked townhouse dwellings. The built form proposed and provisions thereof are consistent with those observed in the area. An adequate amount of parking is provided and is generally internal to the subject property.

Considering the impact of the variances on a site wide basis, the effects of 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 facilitate the orderly development of the subject property, a vacant lot, introducing a stacked townhouse development that implements the Official Plan. The variances resolve a complicated land use framework that would feasibly require variances for any development consistent with the Official Plan to occur.

The variances are desirable for the appropriate development and use of the subject property.



**Environmental Planning Comments:**

No natural heritage in this part of DP 30T- 07205. Trees only pre-existed at the south p/l. Several immature Wab / 1 hickory were approved for removal as part of the DVP for the subdivision due to grading constraints. Trees on adjacent property to the south and on 1940 FH to west are to be protected.

**Heritage Planning Comments:**

The subject property is located adjacent to 1940 and 1970 Fischer Hallman Road, which are both listed as non-designated properties of cultural heritage value or interest on the Municipal Heritage Register. This property is subject to an active planning application involving 1940 Fischer Hallman Road. Staff have no concerns regarding the requested parking and FSR variances as no impacts to the adjacent heritage properties are anticipated. With regards to the requested height variance, staff do not think there will be an adverse impact to the adjacent heritage resources due to the topography of the adjacent sites, and location and separation of the heritage resources. Further, the proposed stacked town homes remain three storeys.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permits for the stacked townhouses are obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

Engineering has no comments.

**Parks and Cemeteries/Forestry Division Comments:**

All Parks concerns will be addressed through SPF24/094/F.

**Transportation Planning Comments:**

City Transportation staff are supportive of the variances regarding reductions to the parking rate, Class A Bicycle Parking Spaces, Visitor Parking Space, and EV Ready Spaces, conditional to the regularly required rate of Class A Bicycle Parking Spaces, Visitor Parking Space, and EV Ready Spaces being provided in full on-site, rather than on the land of their respective zoning category.

**Region Comments:**

No concerns.

**GRCA Comments:**

GRCA has no objection to the approval of the above application. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

**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:**

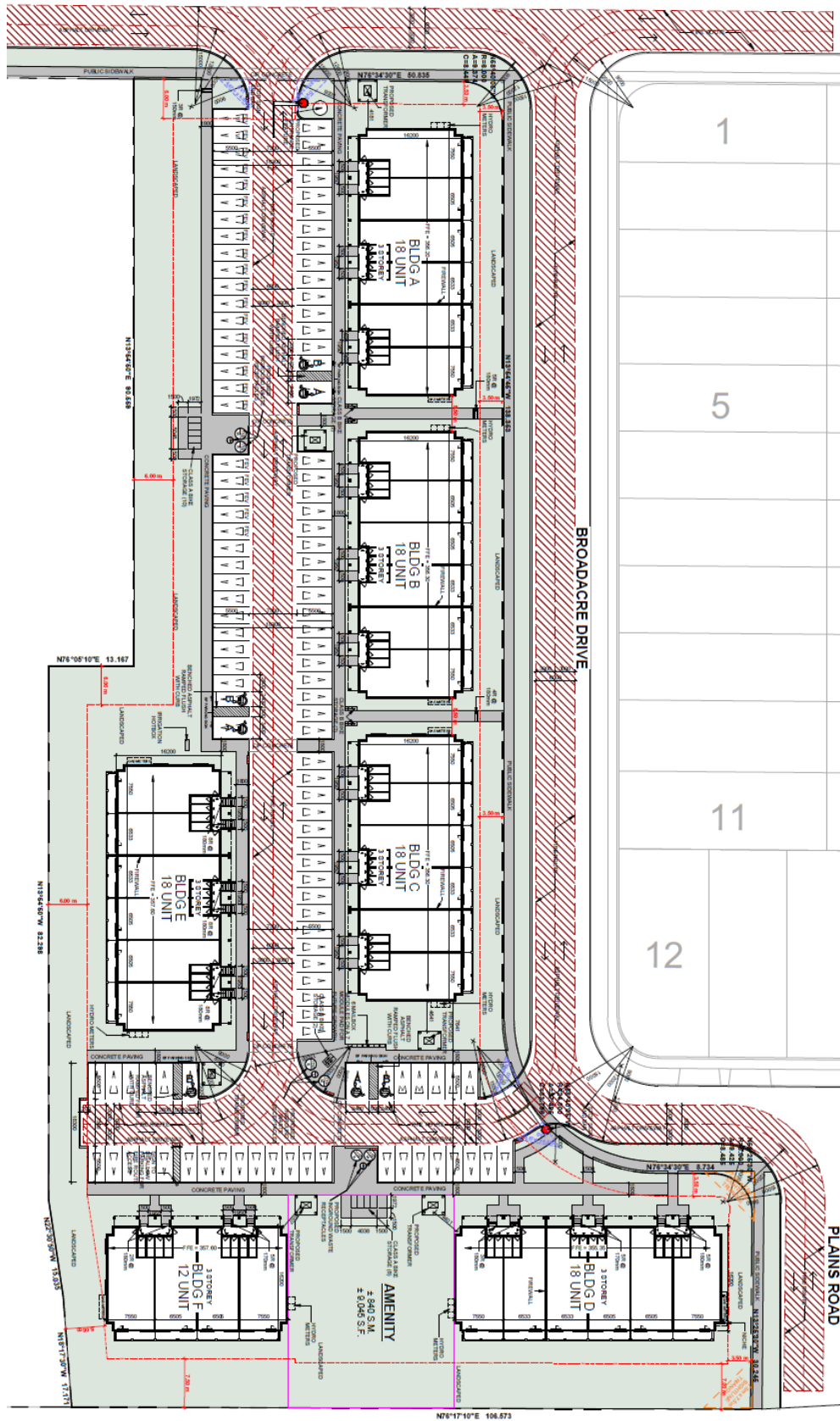
- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1 and 2019-051*

## **ATTACHMENTS:**

Attachment A – Proposed Site Plan

Attachment B – Site Plan with Zoning Overlay

HALDIMAND STREET



HALDIMAND STREET

