

**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 2

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

**REPORT NO.:** DSD-2025-114

**SUBJECT:** Minor Variance Application A2025-017 – 1157 and 1175 Weber Street East

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## RECOMMENDATION:

That Minor Variance Application A2025-017 for 1157-1175 Weber Street East requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 8.3, Table 8-2, to permit a minimum street line setback for mid-rise buildings and tall buildings of 1.8 metres instead of the minimum required 3 metres;
- ii) Section 8.3, Table 8-2, to permit a minimum ground floor street line façade width as a percent of the width of the abutting street line of 35% along Franklin Street North instead of the minimum required 50%;
- iii) Section 8.3, Table 8-2, to permit a reduced minimum percent street line façade openings of 25% along Weber Street East instead of the minimum required 50%; and,
- iv) Section 19, Site Specific Provision 364, to permit a minimum amount of non-residential gross floor area on the ground floor of 210 square metres instead of the minimum required 376 square metres;

to facilitate the development of the subject property with an 11-storey building, having 233 dwelling units, and 210 square metres of non-residential floor space, in accordance with Site Plan Application SP24/095/W/EW, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations regarding the Minor Variance Application for 1157-1175 Weber Street East.
- The key finding of this report is that the variances meet the four tests of the *Planning Act* and approval is recommended.

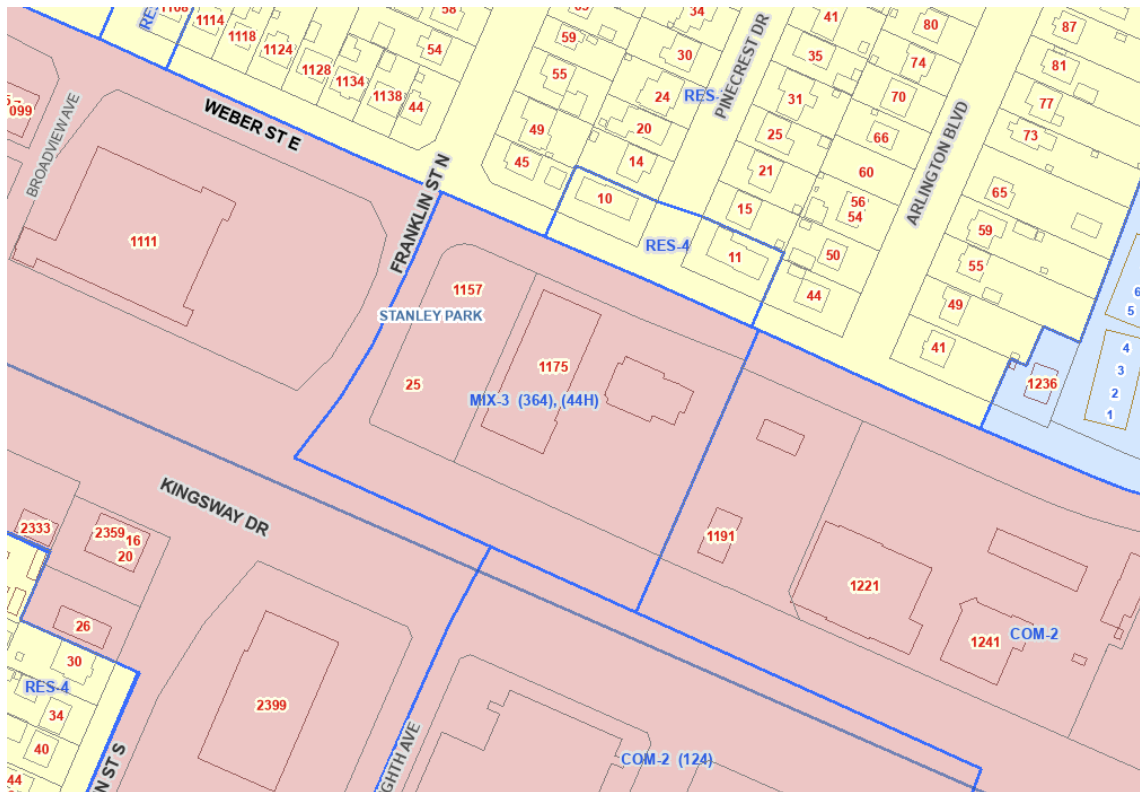
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report 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 at the southeastern corner of the intersection of Weber Street East and Franklin Street South in the central area of the City. The subject property is comprised of two lots, being 1157 and 1175 Weber Street East. These lots had previously operated as a car dealership and are now vacated. Highway 8 is adjacent to the south of the subject property and is grade separated. A bridge over the highway is available on Franklin Street South.

The subject property is identified as 'Urban Corridor' 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' with a Site-Specific Provision (364)' in Zoning By-law 2019-051.



**FIGURE 1: THE SUBJECT PROPERTY ZONING**



**FIGURE 2: THE SUBJECT PROPERTY (VIEW FROM FRANKLIN STREETS)**

The purpose of the application is to facilitate the redevelopment of the subject property for an 11-storey building, having 233 dwelling units, and 210 square metres of non-residential floor space, in accordance with Site Plan Application File SP24/095/W/EW. A Zoning By-law Amendment Application was approved for the property in 2023, permitting a two-tower concept of 15 and 19 storeys. Since that time, the owner has revised their plan to an 11-storey purpose-built rental building, requesting four variances to permit the new design.

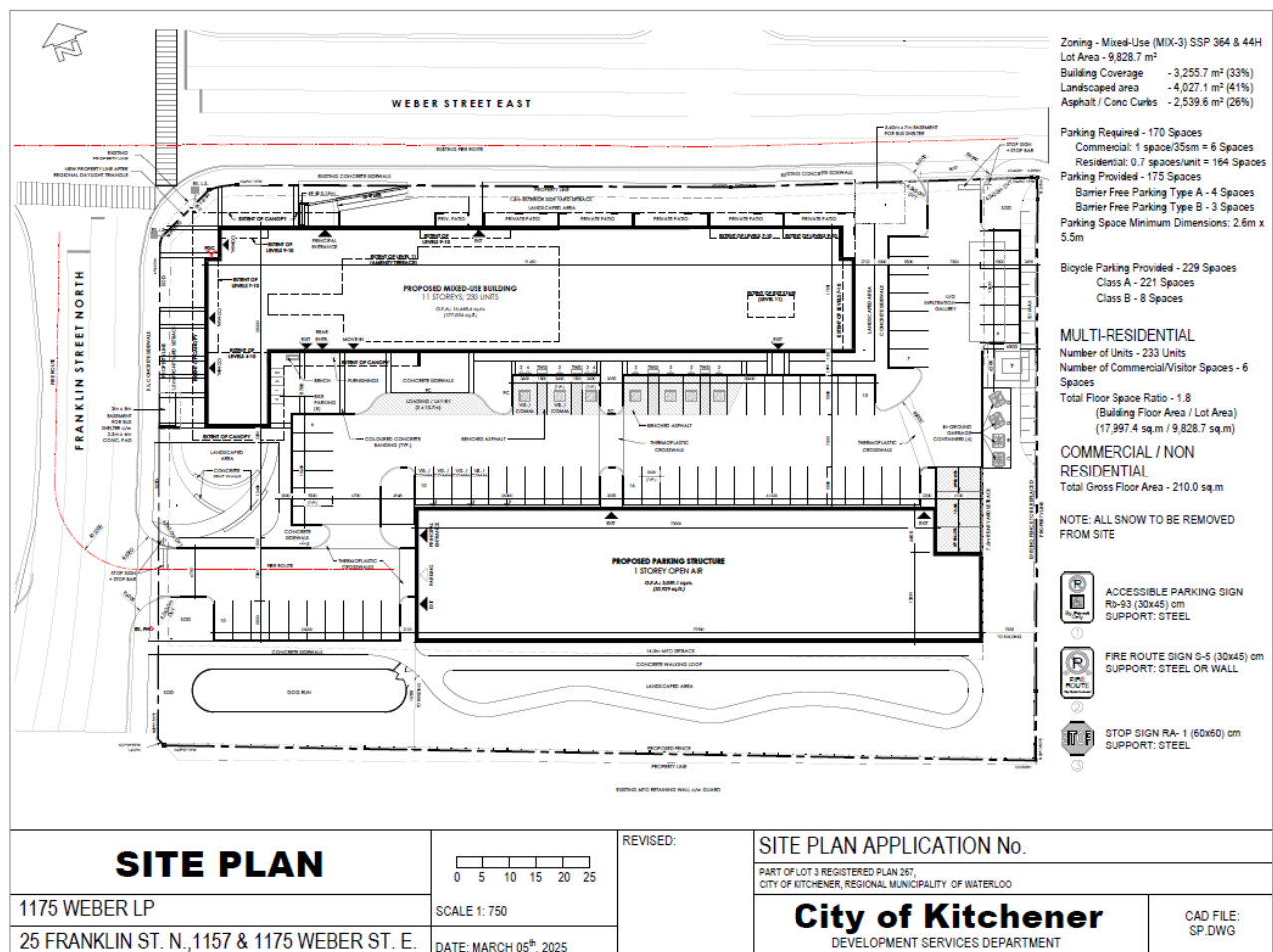
Revision to variance request for the Minimum Amount of Non-Residential Floor Area:

In the agenda and notice for this application, the variance regarding the minimum floor amount of non-residential gross floor area is listed as 290 square metres. This is an error, and should be 210 square metres, as reflected in the 'Conditionally Approved' site plan for the subject property (file SP24/095/W/EW). During the review of the proposal through the Site Plan Approval process, the building design consisted of three commercial units at-grade. As the design was refined, three commercial units was a mainstay of the building. Although less floor area is now proposed, it remains spread across three commercial units.

As this revision does not propose a new variance to a different provision and the principle effect of the variance remains the same (being floor space allocated to three commercial units), deferral and re-circulation of the application is not required in this instance.



**FIGURE 3: PROPOSED DEVELOPMENT RENDER (VIEW FROM INTERSECTION)**



**FIGURE 4: SITE PLAN**

## 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 planned function of Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit-supportive. The objectives of the Mixed Use land use designations are to, amongst others:

- To achieve an appropriate mix of commercial, residential and institutional uses on lands designated Mixed Use.
- To retain and support a viable retail and commercial presence within lands designated Mixed Use by protecting and improving existing commercial uses and allowing for new appropriately scaled commercial uses that primarily serve the surrounding areas.
- To ensure that development and redevelopment of lands within lands designated Mixed Use implement a high standard of urban design.

The first three variances are architecture and design related in nature and implement the high standard of urban design called for in the Mixed Use designation. The fourth variance, although requesting a lower minimum of non-residential floor area, continues to provide commercial space across three units, following the intent of the Mixed Use designation.

The variances will meet the general intent of the Official Plan.

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

##### *Minimum street line setback for mid-rise buildings and tall buildings*

Regarding the request for a 1.8 metre setback where 3 metres is required, the intent of this provision is to ensure a pedestrian scale development with distinguishable lower and upper elements. An increased setback along Weber Street East and additional setbacks at the upper levels of the building contribute to this differentiation and meet the intent of this provision.

##### *Minimum required ground floor street line façade width as a percent of the width of the abutting street line*

The location of Highway 8 at the southern end of the subject property results in a 14 metre wide set back area where no development (or integral building function) is permitted, as per the Ministry of Transportation. The total frontage length of the subject property along Franklin Street South (the frontage impacted by this setback) is roughly 70 metres, meaning that the proposed building must be at least 35 metres long to meet the Zoning By-law requirement. Considering the need to provide access to parking areas and landscaping and other site elements to achieve high quality urban design, the 35 metre



building length is a challenge to feasibly design. The intent of the provision is to ensure a positive relationship with the streetscape. As currently designed, the proposed building will achieve a positive relationship to the streetscape through their 44% façade width mixed with landscaping amenities.

The variance regarding the minimum percent façade openings is to permit the design of the Weber Street East frontage. This frontage consists largely of residential units, and as such, the opening along this façade are not as prevalent when compared to a commercial unit façade. The varied patio and architectural elements along this frontage contribute to a façade with visual interest, avoiding blank wall conditions that may otherwise be present where a variance to façade openings is requested.

*Minimum amount of non-residential gross floor area*

The requirement for minimum floor area for non-residential uses is implemented by a site-specific provision, approved as part of the previous Zoning By-law Amendment Application for the subject property. This provision was established to ensure that an adequate amount of floor space area for commercial uses was maintained for a property zoned for mixed use. As indicated above, the approval of the Zoning By-law Amendment was based on a site plan that proposed 443 dwelling units through a two-tower design. As the proposal has been reduced in scale considerably, the non-residential/commercial space provided has been similarly reduced. The 233 dwelling units now proposed results in an overall loss of 48% from the previously approval. The requested reduction to minimum non-residential floor area (376 square metres down to 210) is a reduction of 45%.

The variances will maintain the general intent of the Zoning By-law.

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

Assessing if the effect of a variance is minor is typically done by determining the impact of the variances on the surrounding area. The first three variances, being largely design oriented, will have minimal impact on the surrounding area. The proposed design continues to provide smaller-scale commercial units in keeping with the Zoning By-law Amendment approval.

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

The requested variances are desirable and appropriate for the development of the land as they facilitate the development of a mixed-use building with a strong street presence, architecture interest, and mix of commercial uses.

**Environmental Planning Comments:**

No environmental comments or concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

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

**Engineering Division Comments:**

No comments.

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

All Parks concerns will be addressed through SP24/095/W/EW.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**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.

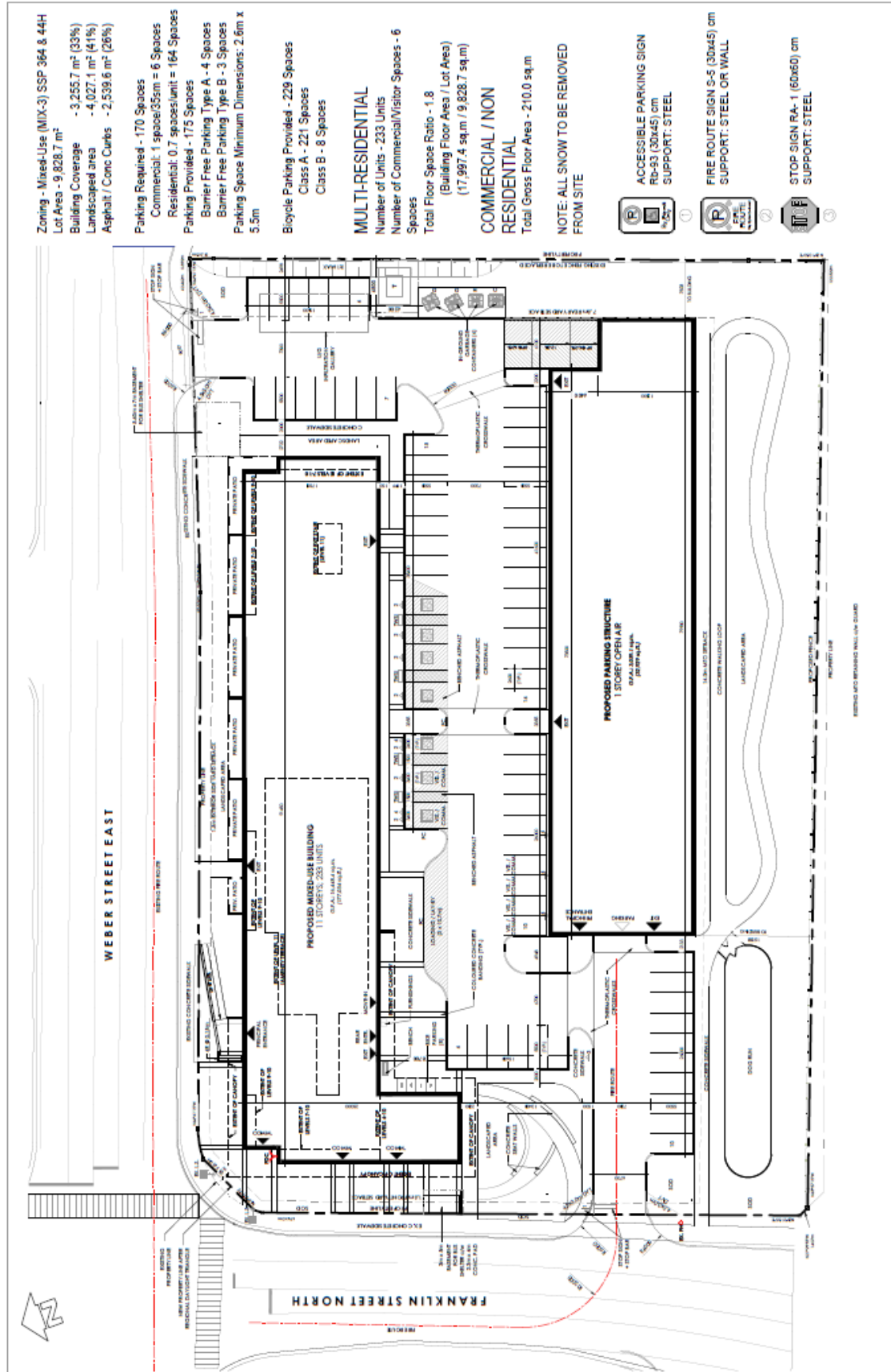
**PREVIOUS REPORTS/AUTHORITIES:**

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

**ATTACHMENTS:**

Attachment A – Site Plan

## Attachment A – Site Plan



<div>SITE PLAN</div>		<div>REVISED:</div>	<div>SITE PLAN APPLICATION No.</div>
<div>1175 WEBER LP</div>			
<div>25 FRANKLIN ST. N., 1157 &amp; 1175 WEBER ST. E.</div>		<div><div><div>0</div><div>5</div><div>10</div><div>15</div><div>20</div><div>25</div></div><div>SCALE 1" = 750</div><div>DATE: MARCH 05<sup>th</sup>, 2025</div></div>	<div>PART OF LOT 3 REGISTERED PLAN 287, CITY OF KITCHENER, REGIONAL MUNICIPALITY OF WATERLOO</div> <div><div>City of Kitchener</div><div>DEVELOPMENT SERVICES DEPARTMENT</div></div> <div>CAD FILE: SP.DWG</div>