

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 15, 2025

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

**PREPARED BY:** Sean Harrigan, Senior Planning Technician, 519-783-8934

**WARD(S) INVOLVED:** Ward 1

**DATE OF REPORT:** April 4, 2025

**REPORT NO.:** DSD-2025-178

**SUBJECT:** Minor Variance Application A2025-028 – 250 Riverbend Drive

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## **RECOMMENDATION:**

That Minor Variance Application A2025-028 for 250 Riverbend Drive requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051, to permit a minimum parking requirement of 52 parking spaces (1 parking space per 57 square metres of gross floor area) instead of the minimum required 90 parking spaces (1 parking space per 33 square metres of gross floor area), in accordance with Site Plan Application SP24/066/R/SH, BE APPROVED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review the requested minor variance to lower the required minimum parking spaces for the existing and proposed buildings in accordance with Site Plan Application SPA24/066/R/SH.
- The key finding of this report is that staff are satisfied that the minor variance meets the 4 tests in 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 side of Riverbend Drive, south of the Grand River, and east of Highway 7. The property has approximately 350 metres of frontage on Riverbend Drive and currently contains the Humane Society of Kitchener Waterloo and Stratford Perth.

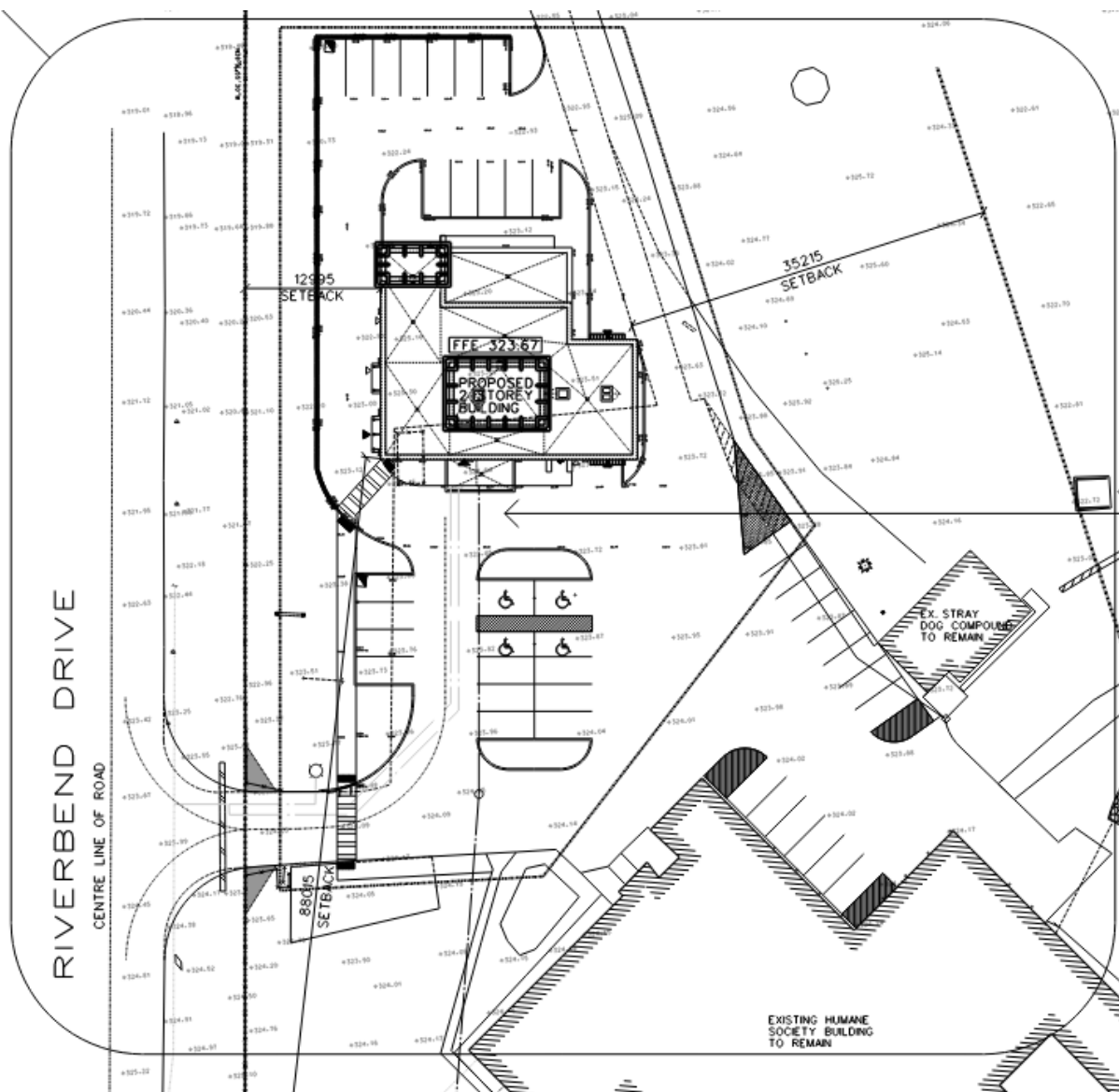


**Figure 1: Location Map (250 Riverbend Drive shown in Red)**

The subject property is identified as 'Industrial Employment Areas' and 'Green Areas' on Map 2 – Urban Structure and is designated 'Business Park Employment' and 'Natural Heritage Conservation' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'General Business Park Employment Zone (EMP-5), with Site Specific Provisions(78), (79) and (83)' and 'Natural Conservation Zone (NHC-1)' in Zoning By-law 2019-051. The proposed development, parking, and site alterations are contained entirely within the lands zoned 'EMP-5 (78), (79), (83)' Zone.

The purpose of the application is to review the requested minor variance to permit a minimum of 52 parking spaces instead of the required 90 parking spaces to facilitate the construction of a new building with 1,119 square metres of gross floor area located approximately 31 metres northwest of the existing building, which is proposed to remain. This new building is proposed to be used as additional space for existing employees and operations and to help alleviate overcrowding within the animal shelter. The proposed development cannot satisfy the requirement for a minimum of 90 parking spaces required by Zoning By-law 2019-051 Section 5.6, Table 5-5 due to constraints with the NHC-1 zone, floodplain, and stormwater management concerns.



### Figure 2: Site Plan





**Figure 3: Proposed New Building Location**



**Figure 4: Existing Building**

## **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 property is designated 'Business Park Employment' and 'Natural Heritage Conservation' on Map 3 – Land Use in the City's 2014 Official Plan. All existing and proposed development, site alterations, and parking are contained within the lands designated as 'Business Park Employment' and do not impact the lands designated 'Natural Heritage Conservation', which maintains the general intent of the 'Natural Heritage Conservation' designation.

As per Official Plan policy 15.D.6.34, new development or redevelopment will contribute to a quality image of the Business Park Employment Area by incorporating quality building and landscape designs and where possible, locate loading areas and large parking areas at the side and rear of buildings. The parking for the existing and proposed building is located along the side and rear of the proposed new building and as such, satisfies this Official Plan policy.

As per Official Plan section 13.C.8, the general objectives for vehicle parking are to ensure adequate parking standards are in place and to reduce parking space demand in support of active transportation and transit. To this regard, staff are satisfied that the proposed parking reduction is adequate for both the existing and proposed buildings for the Humane Society given that the number of employees and daily operations are not expected to change after the new building is complete. Furthermore, the proposed development satisfies the minimum required Class A and B Bicycle Parking thereby supporting active transportation. As such, staff are satisfied that the proposed variance will maintain the general intent of the Official Plan.

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

The general intent of the Zoning By-law with respect to minimum parking requirements are to ensure there is adequate parking located on-site and to ensure no negative impacts to adjacent properties or city streets due to parking demands. To this regard, the applicant has provided parking data that confirms the average daily parking use is about 38 parking spaces per day. The proposed new building is strictly for more space for existing services and employees, and the Humane Society is not adding additional personnel to their operations. As such, the parking demand is not expected to increase and staff are satisfied that the proposed 52 parking spaces are adequate for the use of the property. It is staff's opinion that the variance will maintain the general intent of the Zoning By-law.

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

As mentioned above, the average daily parking use of 38 parking spaces is well below the proposed 52 parking spaces for the existing and proposed buildings. As such, staff are satisfied that the effects of the proposed variance are minor in nature.

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

The proposed new building and modifications to the existing parking area are considered desirable for the appropriate development and use of the land as it will allow the Humane Society to expand their operations and intensify the use of the property. Furthermore, the reduced amount of required parking will allow for more landscaping and green spaces which is generally desirable for the subject property. As such, staff are satisfied that the proposed variance is desirable for the appropriate development of the land.

**Grand River Conservation Authority Comments:**

The GRCA has no objection to the proposed minor variance application.

**Environmental Planning Comments:**

Environmental and Tree Management concerns have been addressed via Site Plan Application SP24/066/R/SH.

**Heritage Planning Comments:**

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 250 Riverbend Drive contains a portion of the Walter Bean Trail CHL. However, the proposed development is limited to the paved area and is not anticipated to have any adverse impacts on the CHL. Thus, staff have no concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance.

**Engineering Division Comments:**

Engineering has no concerns.

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

All Parks requirements will be addressed through Site Plan Application SP24/066/R/SH.

**Transportation Planning Comments:**

Transportation staff discussed the parking requirement with the applicant (DC&F Corp.) as part of the Site Plan approval process. In January 2025, parking utilization data was provided for the existing use and after reviewing the information, Transportation Services have no concerns with the proposed 52 minimum parking spaces (1 space per 57 m<sup>2</sup> of GFA) instead of 90 minimum parking spaces (1 space per 33 m<sup>2</sup> of GFA) as adequate parking will be provided on-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*