

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 2025

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

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

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: March 27, 2025

REPORT NO.: DSD-2025-149

SUBJECT: Minor Variance Application A2024-033 – 887 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2025- 033 for 887 Frederick Street requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.5 a) to permit an obstruction in the Corner Visibility Triangle (CVT) of 2.4 metres in height from the ground instead of the maximum permitted 0.9 metres in height or over 5 metres in height;
- ii) Section 5.3 b) to permit ingress and egress to occur in a backward motion, whereas the Zoning By-law only permits it in a forward motion;
- iii) Section 5.6 a), Table 5-5, to permit a Visitor Parking requirement of 1 Visitor Parking Space (0.05 visitor parking spaces per dwelling unit) instead of the minimum required 3 Visitor Parking Spaces (0.15 visitor parking spaces per dwelling unit); and
- iv) Section 7.3, Table 7-6, to permit an exterior side yard setback of 1.2 metres instead of the minimum required 3 metres;

to facilitate the development a multiple dwelling having 20 dwelling units in the form of stacked townhouse, generally, in accordance with Site Plan Application SPF25/021/F, BE APPROVED subject to the following condition:

1. That a note be provided on the Site Plan that garbage pick-up will occur during off-peak hours (9:30 a.m. to 3:30 p.m.) Monday to Friday.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a Multiple Dwelling having 20 dwelling units in the form of stacked townhouses.

- The key finding of this report is that the requested 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 located in the Rosemount area south of Victoria Street North on Frederick Street.



Figure 1: Location Map



Figure 2: Zoning Map

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Medium Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the development of a multiple dwelling with 20 dwelling units, in the form of stack townhouses, as an affordable housing project. The following minor variances are required:

- To permit the height of an obstruction in the Corner Visibility Triangle (CVT) of 2.4 metres instead of the maximum permitted 0.9 metres. The applicant initially requested a variance to permit a corner visibility triangle (CVT) of 6.5 metres from the point of intersection of the street lines. However, since the proposal can comply with the required 7.0 metres in distance from the intersection, and the only deviation is related to the vertical clearance of an overhead obstruction proposed at 2.4 metres, staff recommend that the variance be considered under Section 4.5 a) of

the Zoning By-law, which addresses obstructions to visibility, rather than Section 4.5 d), which relates to the distance from the point of intersection of the street lines.

4.5 CORNER VISIBILITY TRIANGLES, CORNER VISIBILITY AREAS AND DRIVEWAY VISIBILITY TRIANGLES

- a. No buildings, structures, motor vehicles, food cart, signs, landscaping, or other impediments shall obstruct visibility within a corner visibility triangle, corner visibility area or driveway visibility triangle. An obstruction to visibility shall not include objects 0.9 metres or less in height from the ground, or objects higher than 5 metres in height from the ground. This provision does not apply to the location of fences constructed in accordance with and regulated by Chapter 630 (Fences) of The City of Kitchener Municipal Code, or motor vehicles parked in a parking space on a driveway. (By-law 2024-074, S.3 – 2024-03-25).

Staff are of the opinion that further advertisement of the variances is not required as a variance related to the CVT was advertised and will be considered by the Committee of Adjustment.

- To have the garbage or loading truck leave the site in a backward motion.
- To have a reduced exterior side yard setback of 1.2 metres instead of 3.0 metres.
- To have the visitor parking reduced to 1 instead of 3 visitor parking spaces required.

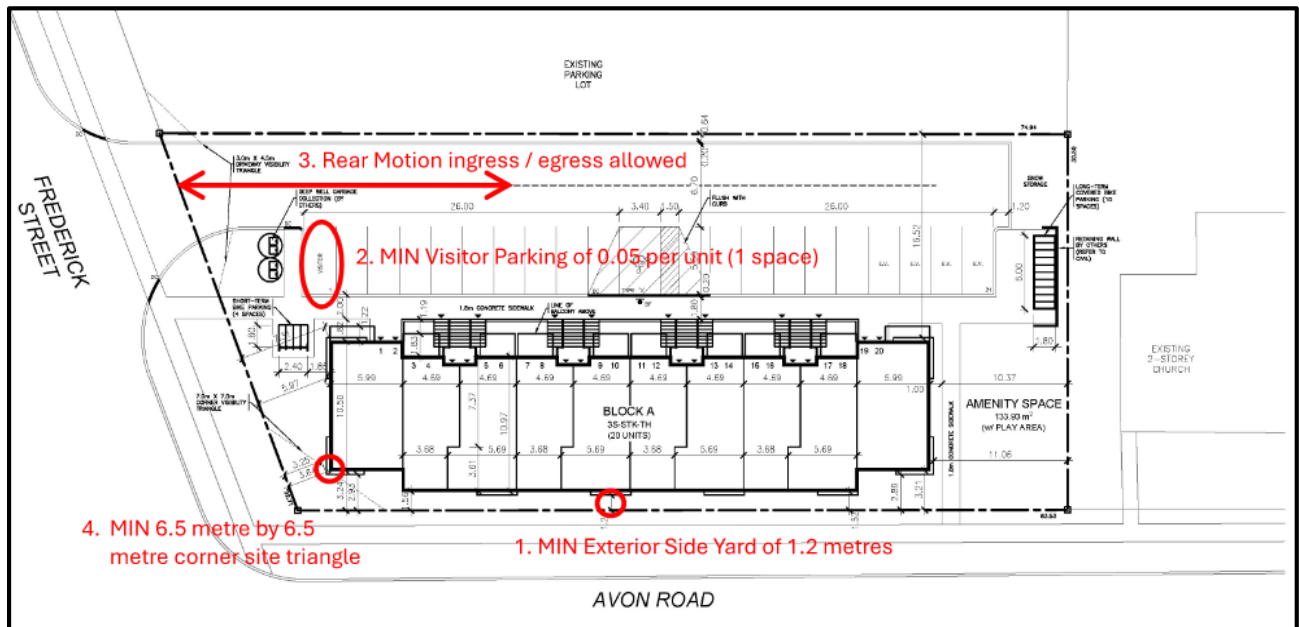


Figure 3: The proposed site plan with the variances labelled

The property currently contains a single detached dwelling that abuts a commercial property. The applicant has submitted a Site Plan Application, SPF25/021/F/AA, which has been reviewed by all applicable divisions and agencies and in the process of receiving redlined conditional approval, subject to approval of the minor variances.

Staff have visited the site on March 28, 2025



Figure 4: The front Image of the subject property



Figure 5: An Image of the corner of the subject property

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

Policy 15.D.3.3. in the City's Official Plan states that to support the successful integration of different housing types, specifically multiple residential developments, through new development/redevelopment and/or residential intensification, within lands designated Low Rise Residential, Medium Rise Residential or High Rise Residential, the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on:

- a) compatibility of building form with respect to massing, scale, design;
- b) the relationship of housing to adjacent buildings, streets and exterior areas;
- c) adequate and appropriate parking areas are provided on site; and
- d) adequate and appropriate amenity areas and landscaped areas are provided on site.

In addition, Policy 15.D.3.15. in the Medium Rise Residential land use designation states that land use designation will accommodate a range of medium density housing types, including townhouse dwellings in a cluster development, multiple dwellings and special needs housing.

The proposal is accommodating a multiple dwelling that is compatible with the neighbourhood scale, with a parking lot for the use and an amenity area for the development.

Based on the above, the variances would meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Corner Visibility Triangle (CVT): The CVT intends to ensure safe sightlines at intersections for drivers, cyclists, and pedestrians. The proposal provides 7 metres from the point of intersection of the street lines but with an increased overhead vertical clearance above 0.9 metres. The building has a projection that obstructs the overhead clearance of 2.4 metres, as shown in Figure 6. The 2.4 metre clearance exceeds the typical head-height clearance for a regular vehicle, as shown in Figure 7, making obstruction unlikely. This is because the intersection at Frederick and Avon Road is not considered a busy intersection for larger trucks, as Avon Road is a local street with less traffic.

Additionally, the subject property is located at an intersection with an obtuse angle, which naturally provides more expansive and improved sightlines compared to a standard 90-degree corner. This geometry enhances the overall visibility for drivers, cyclists, and pedestrians approaching the intersection.

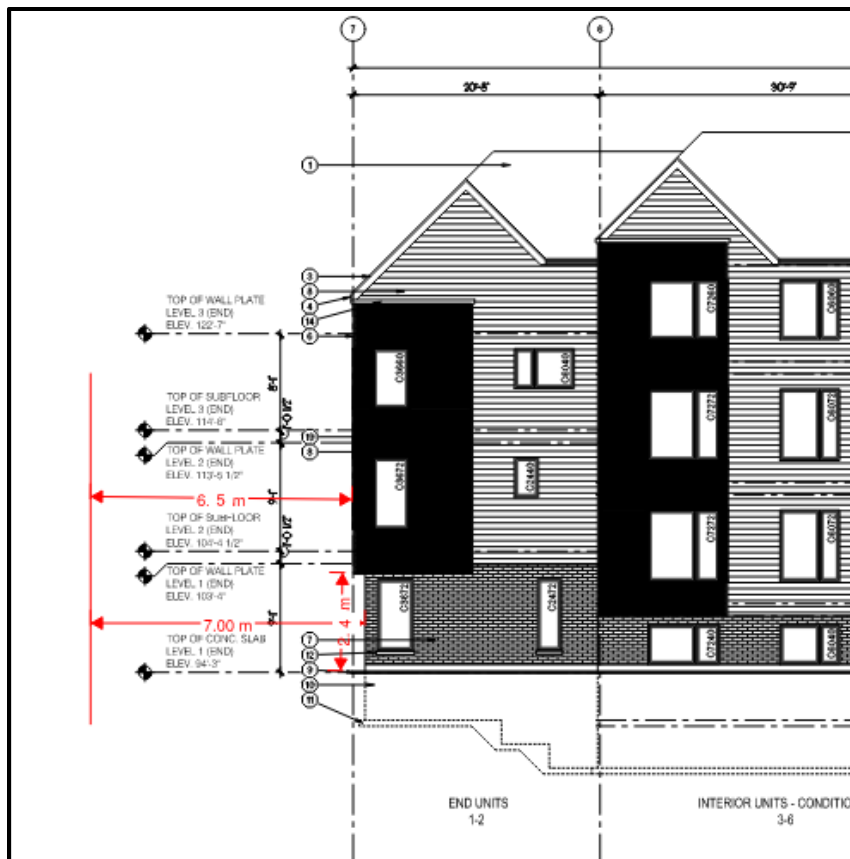


Figure 6: The side elevation corner with the reduced overhead for the CVT

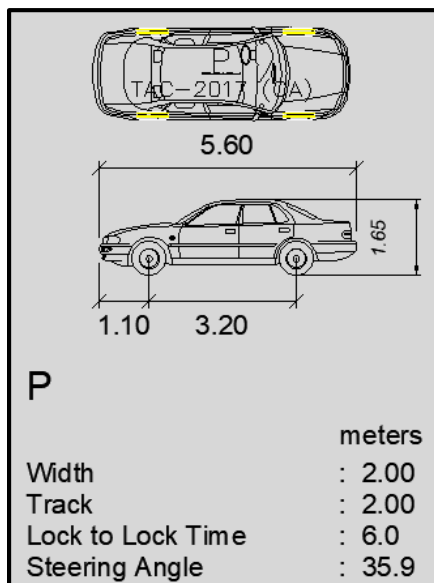


Figure 7: Typical vehicle height

The site ingress and egress: The intent of the zoning regulation 5.3 b) which states that all parking lots shall be provided with adequate means of ingress and egress to and from a street or lane in a forward motion, and shall be arranged so as not to interfere with the normal public use of a street or lane, is to ensure safety, traffic flow, and functional design.

Due to the narrow configuration of the site, it is constrained in a way that makes it impractical to provide forward ingress and egress for a standard garbage truck. As such, the garbage truck will be the only vehicle required to exit the site in reverse. To address this, the proposal incorporates the following mitigation measures to maintain the intent of the zoning regulation:

- Garbage collection will be scheduled during low-traffic periods.
- Site Circulation and Signage.
- Audible Reverse Warning (Beeping): The garbage truck will be equipped with a reverse warning system (e.g., a beeping sound) to alert nearby pedestrians and traffic when reversing.

Exterior side yard setback: The Zoning By-law requires a 3 metre exterior side yard setback for corner lots, primarily to provide clarity in site layout, amenity space, functional site circulation, and to accommodate architectural projections such as balconies, patios, and roof overhangs.

The proposed design provides a minimum exterior side yard of 1.24 metres at its closest point, where above-grade walls with overhangs are present. The remainder of the wall along the exterior yard is set back approximately 1.5 metres from the lot line, with the front and rear portions of the building stepped back to approximately 3.0 metres. These setbacks help to improve building articulation, create a transition to the public sidewalk, and ensure better alignment with the established neighbourhood character.

The entire exterior yard is landscaped, contributing to a clear and green buffer between the building and the public realm. Additionally, the building wall is set back approximately 7 metres from the edge of the active street lane, which provides a spatial buffer and maintains a comfortable separation between the street and the proposed building façade.

Visitor parking reduction: The Zoning By-law requires three visitor parking spaces for the proposed development (0.15 per dwelling). The intent of the visitor parking requirement is to provide short-term parking options for guests without impacting required parking for the units and surrounding uses.

While each dwelling unit is provided with one dedicated parking space, meeting the minimum parking requirement for each dwelling, the proposal includes one visitor parking space, resulting in a shortfall of two visitor spaces.

The applicant confirmed that the parking spaces will be unbundled from the units, allowing the owner to manage their allocation. If a unit does not require a parking space, that space can be reallocated to the visitor parking inventory, helping to offset the shortfall based on actual demand.

Furthermore, the site is located on Frederick Street, which is served by a public transit route. In front of the property is the bus stop, numbered 20, for the Victoria-Frederick route, which serves the area, promoting active and sustainable transportation options for both residents and visitors. Lastly, the subject property is flanked by Avon Road, a local street that permits on-street parking for up to 3 hours, providing additional short-term parking opportunities for visitors and other uses in the area.

A sign for each visitor parking space is required to clearly indicate the space for visitor use, as specified in the site plan application.

Given the above considerations, the requested variances would meet the general intent of the Zoning By-law.

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

Corner Visibility Triangle: The requested variance for the vertical clearance within the corner visibility triangle is considered minor. A clearance height of **2.4 metres** accommodates most vehicles on Avon Road, maintaining safe sightlines for drivers and pedestrians.

The site ingress and egress: The variance related to site access and circulation is considered minor, as it only applies to waste collection trucks. Staff will request confirmation from the waste service provider to ensure that reverse movement is limited to brief, scheduled pickups occurring once or twice a week, and is not part of regular daily site circulation.

Exterior side yard setback: The proposed reduction in the exterior side yard setback is minor in nature, as the site continues to provide adequate green space and functional circulation. Additionally, the front and rear portions of the building are stepped back approximately 3 metres, which is more aligned with the By-law requirement.

Visitor parking reduction: The reduction in visitor parking from three spaces to one is considered minor due to the site's proximity to transit infrastructure, including the Victoria–Frederick bus route with a stop located across the street in front of the building. Furthermore, the parking will be unbundled, allowing unused dwelling parking spaces to be reallocated to visitor parking if necessary.

Based on the above, the requested variances are considered minor.

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

The proposed variances are desirable and appropriate, as they will facilitate the development of a multiple dwelling that is compatible in scale, massing, and height, utilizes existing infrastructure, and contributes 20 affordable dwelling units to the City's 'missing middle' housing inventory, supporting the City's Housing Pledge.

Environmental Planning Comments:

No concern Tree management will be addressed via the site plan application
SPF25/021/F/AA.

Heritage Planning Comments:

No Concerns

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permits for the stacked townhouse and a demolition permit for the existing building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No concerns

Parks and Cemeteries/Forestry Division Comments:

All Parks requirements will be addressed through SP24F25/021/F/AA.

Transportation Planning Comments:

The parking justification submitted for the reduction to one visitor parking space from the three required spaces is acceptable.

In support of the garbage truck reversing out of the site onto Frederick Street, a note should be provided on the site plan that garbage pick-up will occur during off-peak hours (9:30 a.m. to 3:30 p.m.) Monday to Friday.

The Region of Waterloo Comments:

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Metrolinx Comments:**GO/HEAVY-RAIL – ADVISORY COMMENTS**

- Be advised that Metrolinx is a stakeholder that has provided comments on the comprehensive development application, including the Site Plan Application. Any previous comments/requirements provided by Metrolinx are still applicable.

- The Proponent is advised of the following:

“Warning: The Applicant is advised that the subject land is located within Metrolinx’s 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may

affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

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/or 2019-051*
- [Affordable housing incentives - City of Kitchener](#)