

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** May 20, 2025

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

**PREPARED BY:** Adiva Saadat, Planner, 519-783-7658

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** May 9, 2025

**REPORT NO.:** DSD-2025-234

**SUBJECT:** Minor Variance Application A2025-021 – 2880 King Street East

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## RECOMMENDATION:

That Minor Variance Application A2025-021 for 2880 King Street East requesting relief from Section 5.6 a), Table 5-5, of Zoning By-law 2019-051, to permit a parking requirement of 27 parking spaces instead of the minimum required 44 parking spaces, to recognize the existing parking supply and configuration for the building on the subject property, with a maximum of 3 restaurant units, in accordance with Site Plan Application SPB24/097/K/AS, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to recognize the existing parking supply and configuration for the existing building on the subject property.
- The key finding of this report is that the requested minor variance meets all 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 on King Street East where it merges into Weber Street East and intersects with the Highway 8 access. It is in the Centreville Chicopee neighbourhood which is comprised of commercial and residential uses.



**Figure 1: Location Map – 2880 King Street East (Outlined in Red)**

The subject property is identified as 'Urban Corridor' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'General Commercial Zone (COM-2)' in Zoning By-law 2019-051.

The purpose of the application is to recognize the existing parking supply for the existing building on the subject property which will allow the continued operation of businesses, including the leasing of one of the units for a new restaurant use.

In Zoning By-law 85-1, Section 6.1.2 (a), required 1 parking space for each 22 square metres of gross floor area for a multi-unit building. This required 27 parking spaces to be provided on site, and 27 parking spaces were provided for and approved as a part of a Site Plan Application on November 25, 1991.

As Zoning By-law 2019-051 has come into effect, the multi-unit parking rate applies only to a maximum of 30% of the building being used for restaurant use according to Section 5.6, table 5-5 (3) a.

- (3) The following shall only apply to a multi-unit building or multi-unit development with a gross floor area of 1,000 square metres or less where the multi-unit parking rate applies:

- a. Restaurant and health clinic shall each only be permitted to use the multi-unit parking rate up to a maximum of 30 percent of the gross floor area of the multi-unit building or multi-unit development. Parking space requirements for additional gross floor area shall be in accordance with the individual rate identified in Table 5-5;

Any additional restaurant space beyond this threshold of 30% must meet the restaurant parking requirement, which is 1 parking space per 7.5 square metres of gross floor area.

Since a new restaurant is being proposed on the site, the overall parking requirement has increased under the current Zoning By-law beyond what has been functioning under the approved existing plan from 1991. This increase is due to the maximum 30% of the total restaurant use to be calculated at a multi-unit parking rate and the remaining restaurant use to be calculated under individual restaurant use parking rate, which requires more parking than the multi-unit parking rate.

Below is a breakdown of the parking calculation:

<p>There are 5 units in the building.</p> <p>A – Restaurant 152.3 m<sup>2</sup> B – Retail 81 m<sup>2</sup> C – Retail 84.79 m<sup>2</sup> D – Proposed restaurant 106.8 m<sup>2</sup> E – Restaurant 175.11 m<sup>2</sup></p> <p>Total retail use: (81 m<sup>2</sup> + 84.79 m<sup>2</sup>) = 165.79m<sup>2</sup> Total restaurant use: (600 m<sup>2</sup> - 165.79m<sup>2</sup>) = 434.21 m<sup>2</sup> The maximum 30% of the building GFA which is 180m<sup>2</sup> of restaurant and 165.79m<sup>2</sup> non-restaurant Unit B and C qualifies for the multi-unit rate.</p>
<p><b>Multi-Unit Rate:</b> (180m<sup>2</sup> restaurant + 165.79m<sup>2</sup> non-restaurant unit B and C) ÷ 35 m<sup>2</sup> = 10 spaces</p> <p><b>Remaining restaurant area that exceeds the 180m<sup>2</sup> multi-unit threshold</b> 434.21 m<sup>2</sup> - 180 m<sup>2</sup> = 254.21 m<sup>2</sup></p> <p><b>Individual rate for the remaining</b> (254.21 m<sup>2</sup> ÷ 7.5 m<sup>2</sup>) = 33.89 (round up to 34 spaces)</p>
<p><b>Total Parking Calculation</b></p> <ul style="list-style-type: none"><li>• Multi-Unit Rate: 10 spaces</li><li>• New remaining restaurant space: 34 spaces</li></ul> <p><b>Total: 10 + 34 = 44 spaces</b></p>

Under the previous Zoning By-law 85-1 parking regulations, on which the site was originally built, increased parking requirements would not have applied with the addition of a restaurant use. Due to site constraints now, there is insufficient space to provide the

required number of parking spaces required by Zoning By-law 2019-051. As a result of the increased parking requirement and insufficient space to provide the required parking, the applicant is seeking a minor variance to recognize the existing parking supply to allow the proposed business to continue operation with the existing parking supply. The applicant has submitted Site Plan Application SPB24/097/K/AS, and it is currently under review.

Minor Variance A2025-021 was deferred from March 18, 2025, Committee of Adjustment Agenda to the September 16, 2025, Committee of Adjustment Agenda, or sooner, to allow the Applicant time to complete a Parking Justification Study, to the satisfaction of the Director of Transportation Services.

Transportation Planning Staff conducted an informal parking study for 1 hour during the peak hour when all on-site businesses were open. The site visit confirmed that parking spaces were available during this period. With the proposed additional of bicycle parking and the availability of nearby on-street parking, any modest increase in parking demand can be sufficiently accommodated. As such, Transportation Services has no concerns and is able to support the Minor Variance Application.

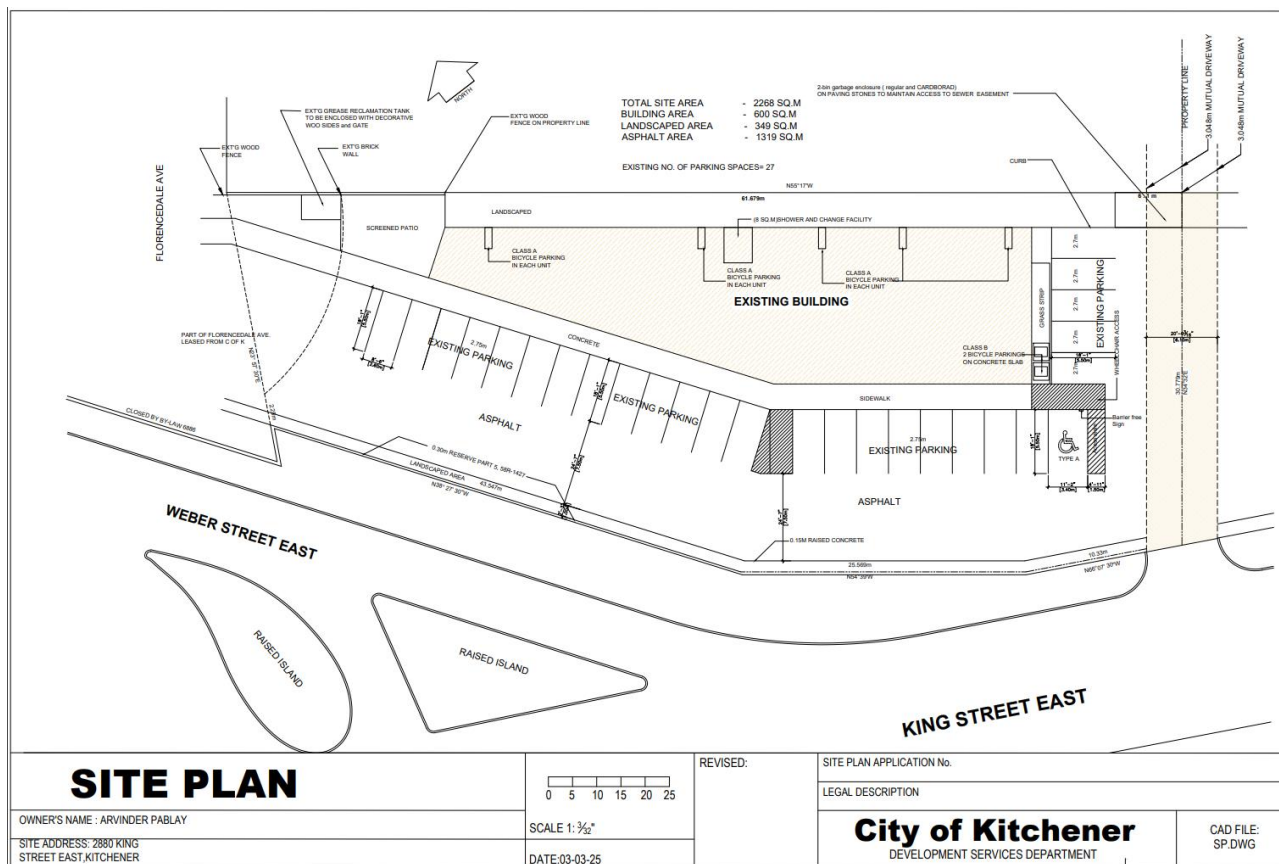
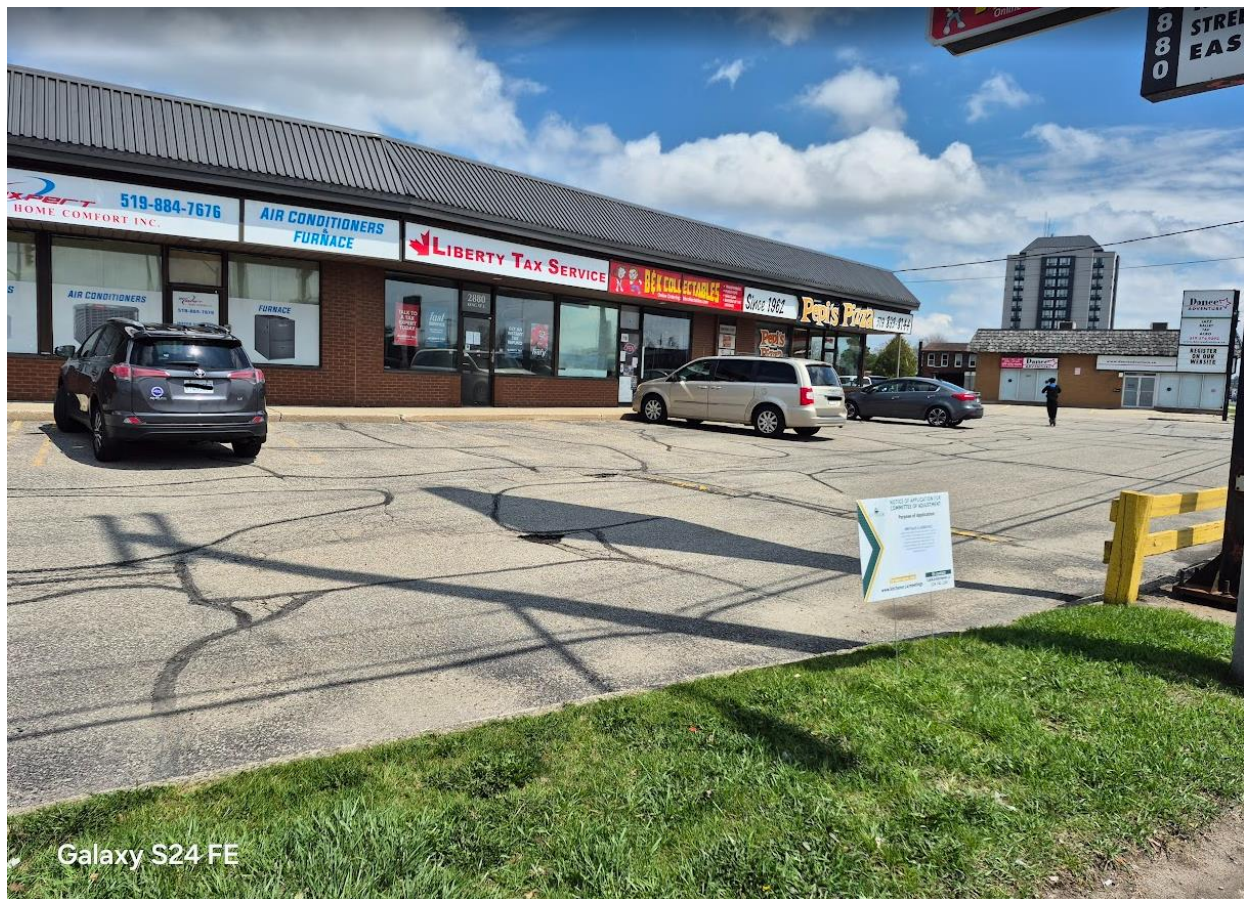


Figure 2: Site Plan in Accordance with SPB24/097/K/AS

Planning Staff conducted a site visit on May 5, 2025





**Figure 3: Existing Site Conditions as of May 5, 2025**



**Figure 4: Existing Site Conditions as of May 5, 2025**

## 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 general intent of the 'Commercial' land use designation is to support economic activity by ensuring accessible and well distributed services for businesses, employees and visitors. The proposed variance will maintain the site's commercial viability and function and will ensure continued operation without reducing service availability.

Policy 13.C.8.2 allow the City to consider variances to the parking requirements provided certain criteria are met.

- 13.C.8.2. The City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided.

The property is in close proximity to sufficient transit and will adopt TDM measures through the Site Plan Approval process. Staff is in opinion that requested variance meets the general intent of the Official Plan.

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

The general intent of the minimum parking requirement is to ensure sufficient parking spaces are available for employees and customers. The existing parking configuration and supply has been functioning adequately for several years. The applicant is proposing to include 2 *Class B* and 5 *Class A* bicycle parking stalls including shower and change facilities to encourage the use of active transportation to decrease the need for parking requirements on site.

Further, staff note that the Site Plan application SPB24/097/K/AS includes a requirement that all Transportation Demand Management (TDM) measures are to be implemented through the site plan approval process. The applicant has informed staff that they are committed to the continued implementation of TDM measures.

Accordingly, 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?

The effects of the requested variance are anticipated to be minor in nature. The applicant will be providing 5 *Class A* bicycle parking spaces and TDM measures including shower and change facilities for the employees that will be placed at the back of the building. The existing parking supply should be sufficient for the existing businesses so as not to



negatively impact abutting properties. Therefore, staff are of the opinion that the requested variance satisfies the 'minor' test to recognize the existing parking supply.

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

Planning staff is of the opinion that the variance is desirable and appropriate, as it will recognize the existing parking supply and will allow continued operation of businesses on the subject property and support economic activity.

**Environmental Planning Comments:**

No comments or concerns.

**Heritage Planning Comments:**

No comments or concerns.

**Building Division Comments:**

No comments or concerns.

**Engineering Division Comments:**

No comments or concerns.

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

No comments or concerns.

**Transportation Planning Comments:**

Transportation Services have been in contact with the applicant and City Planning staff regarding this property and Transportation Services have no concerns with the requested parking variance.

**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*