

**REPORT TO:** Committee of Adjustment

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

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

**PREPARED BY:** Eric Schneider, Senior Planner, 519-783-8918

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

**DATE OF REPORT:** May 8, 2025

**REPORT NO.:** DSD-2025-235

**SUBJECT:** Minor Variance Application A2025-047 – 14 Jansen Avenue

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## **RECOMMENDATION:**

That Minor Variance Application A2025-047 for 14 Jansen Avenue requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 11.3, Table 11-2, to permit an interior side yard setback of 3.2 metres instead of the minimum required 7.5 metres; and
- ii) Section 5.6 a), Table 5-5, to permit a parking requirement of 8 parking spaces instead of the minimum required 16 parking spaces;

to facilitate a 2-storey addition at the rear of the existing building to be able to expand an existing daycare use, in accordance with Site Plan Application SPF25/003/J, BE APPROVED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a Minor Variance Application to facilitate the construction of a 2-storey addition to expand an existing daycare use.
- The key finding of this report is that the requested variances meet the 4 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 the west side of Jansen Avenue and is a “through lot”, with the rear yard having a street line on Florence Avenue.



**Figure 1: Location Map**

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

The property is zoned ‘Low Rise Residential Four Zone (RES-4)’ with Site Specific Provision (214) in Zoning By-law 2019-051. Site Specific Provision (214) permits the daycare facility use in accordance with the ‘INS-1’ regulations in Table 11-2 of Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of a 2-storey addition to expand an existing daycare use. Site Plan Application SPF25/003/J has received Conditional Approval.

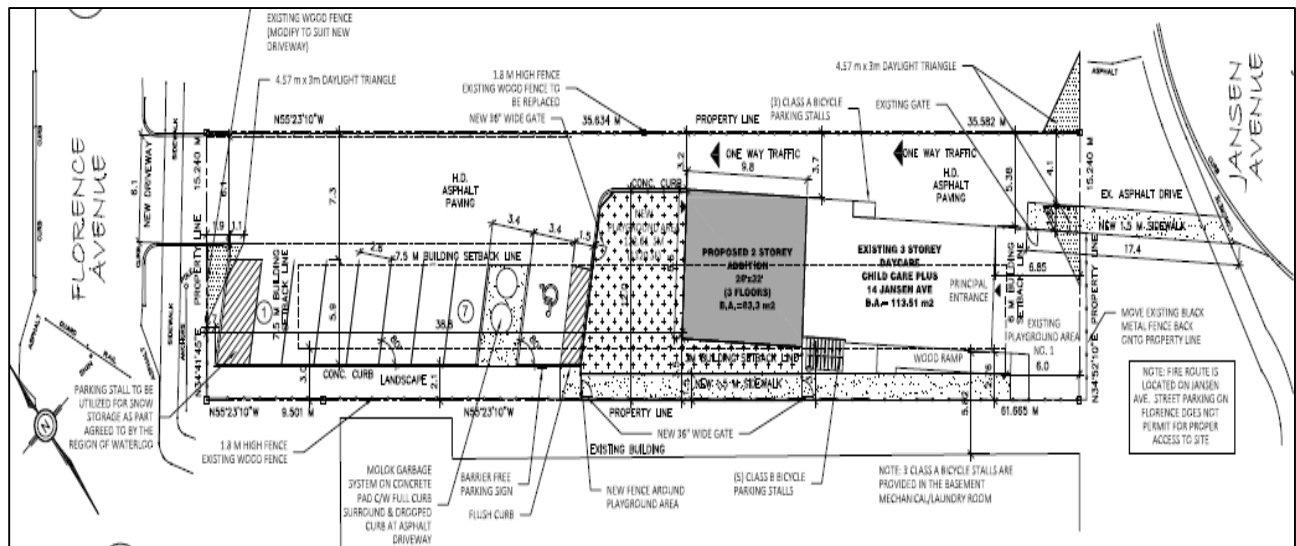




**Figure 2: View of Existing Daycare Facility from Jansen Avenue (May 6, 2025)**



**Figure 3: View of Existing Daycare Facility from Jansen Avenue (May 6, 2025)**



**Figure 4: Site Plan Drawing**

## 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:

#### **Yard Setback to a Lot with a Low-Rise Residential Zone**

##### General Intent of the Official Plan

The subject lands are designated “Low Rise Residential” in the City’s Official Plan. There is an existing daycare facility on the lands. The Official Plan contains policy 15.D.3.27 which speaks to non-residential supporting land uses within residential land use designations. Day care facilities are included in this policy, which supports the development of a walkable and complete community by locating complementary non-residential uses within residential neighbourhoods. Staff are of the opinion that the requested variances for the reduction in yard setback meets the general intent of the Official Plan.

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

The intent of the regulation that requires institutional uses to be set back 7.5 metres from a lot with a low-rise residential zone is to provide for adequate building separation between institutional and residential uses. In this situation, the subject lands themselves are zoned low-rise residential, and contain an existing building within the required 7.5 metre setback area (3.7 metres). The request to align the addition generally with the existing building and provide a yard setback of 3.2 metres will continue to provide for an adequate building separation on the subject lands in the opinion of Planning Staff and will provide for an opportunity for expansion within reason on the subject lands. Therefore, Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The location of the proposed building addition is expected generally align with the existing building and is not expected to cause adverse impacts or effects to the adjacent lands. Therefore, Staff are of the opinion that the effects of the requested variance are minor.

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

The lands are currently developed with an existing daycare facility. The proposed addition has demonstrated functionality and appropriateness through the site plan application, and Planning Staff is of the opinion that the requested variance for reduction in yard setback is appropriate for the use of the lands.

**Parking Reduction**

General Intent of the Official Plan

The subject lands are designated 'Low Rise Residential' in the City's Official Plan. The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, as well as complimentary non-residential uses. Section 13 of the City's Official Plan contains policies for an Integrated Transportation System, including encouraging both active transportation and public transit. The requested variance identifies an opportunity to achieve the objectives and policies of the official plan by promoting a healthy, walkable, community that makes a wide range of transportation choices viable in Kitchener. Planning Staff are of the opinion that the requested variance for a reduction in parking spaces meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that requires a minimum of 16 parking spaces is to ensure that there is adequate storage for motor vehicles on site. The majority of the parking need for the use (day care facility) is for employees, as parents dropping off and picking up their children are only stopping for 5-10 minutes at a time and can use the on-street parking available on Jansen Avenue and Centreville Street.

To support and encourage active transportation, secure bicycle parking is provided (3 Class A spaces) in excess of the minimum required by the Zoning By-law (1 Class A space), and outdoor visitor bike parking is provided (5 Class B Spaces) whereas none are required by the Zoning By-law. Additionally, the applicant will provide one Shower and Change Facility for employees biking to work, whereas none are required for this scale of development in the Zoning By-law.

In regards to public transit, the subject lands are well served by GRT route 8 and iXpress 206 which contains stops 100-300 metres away on Weber Street East/King Street East and Fairway Road. Finally, the applicant will assign an employee as a "TDM Coordinator" (Transportation Demand Management) who will be assigned to promote alternative modes of transportation to employees, providing information packages to new employees about transit options, and providing employees with subsidized transit passes. In the opinion of Planning Staff, the 8 parking spaces that are proposed to be provided are adequate for the use of the subject lands and therefore meets the general intent of the Zoning By-law.

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

Staff are of the opinion that the effects of the requested variance are minor, as the site would provide a balance of options for parking, alternative transportation modes and would not cause adverse impacts. On-street parking is limited to a duration of 3 hours and would not be a viable option for employees. The applicant is providing Transportation Demand Management measures to encourage alternative transportation modes and manage parking demand on site.

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

The lands are well connected to bus transit and active transportation routes. On site TDM measures are incorporated into the development proposal. Accordingly, the requested variance for reduction in vehicle parking is desirable and appropriate for the development of the lands to facilitate the construction of an addition to the existing building.

**Environmental Planning Comments:**

Tree Management will be addressed through Site Plan Application SPF25/003/J.

**Heritage Planning Comments:**

No Heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variances provided a building permit for the addition to the day care is 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 concerns.

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

No concerns, no requirements.

**Transportation Planning Comments:**

As part of the Site Plan Approval process in March 2025, parking justification was submitted by the applicant development consultant. Based on their justification, it appears that the parking supply should be adequate for this use.

**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 Drawing