

REPORT TO: Committee of Adjustment

DATE OF MEETING: June 17, 2025

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

PREPARED BY: Jade McGowan, Student Planner, 519-707-4759

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: June 4, 2025

REPORT NO.: DSD-2025-259

SUBJECT: Minor Variance Application A2025-058 – 175 Hoffman Street

RECOMMENDATION:

That Minor Variance Application A2025-058 for 175 Hoffman Street requesting relief from Section 4.14.2 (b) of Zoning By-law 2019-051, to permit balconies to project 1.5 metres with columns supported by the ground instead of being unsupported by the ground as required, generally in accordance with drawings prepared by Schickler Design, dated April 21, 2025, BE APPROVED, subject to the following condition:

1. That the Owner shall submit an updated Stamp Plan B Site Plan Application or update Site Plan Application SP24/009/H/ES, to the satisfaction of the City's Manager of Site Plans.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make a recommendation with respect to a Minor Variance Application to facilitate the construction of balconies in the eastern interior side yard of an existing multiple dwelling at 175 Hoffman Street.
- The key finding of this report is that the requested variance meets 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 south side of Hoffman Street between Southdale Avenue and Kehl Street. The subject lands are adjacent to Queen Elizabeth Public School.



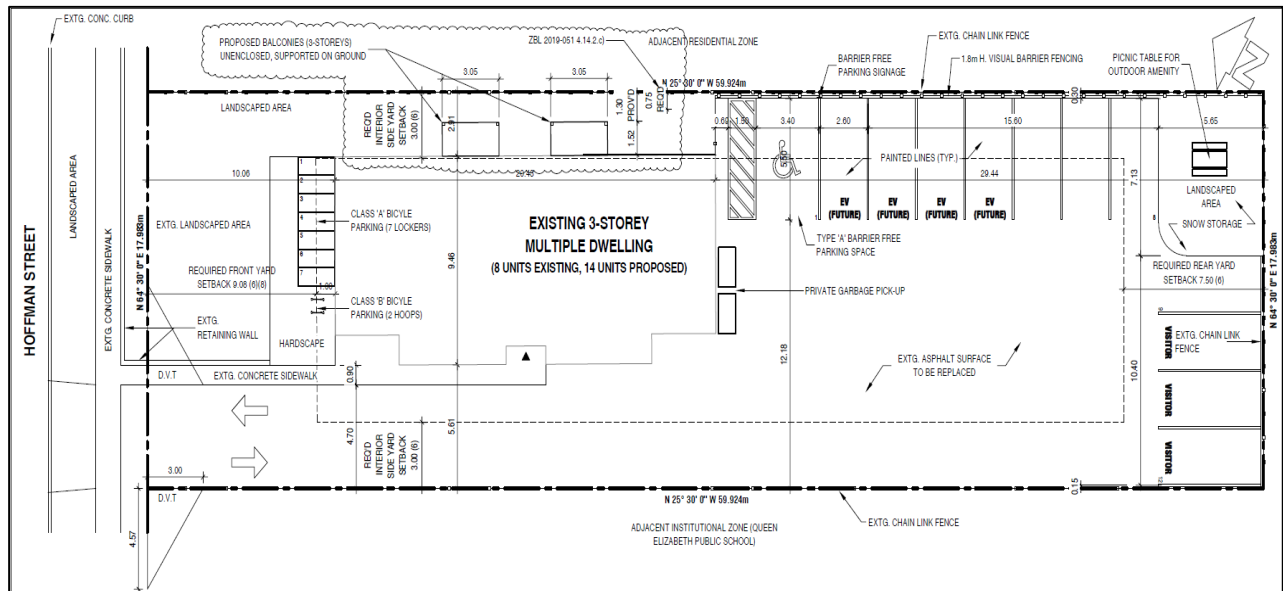
Figure 1: Location Map

The subject property is identified as a 'Community Areas' 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 Five Zone (RES-5)' in Zoning By-law 2019-051.

The 3 storey multiple dwelling building was recently converted from 8 dwelling units to 14 dwelling units within the interior of the existing building in accordance with Site Plan Application SP24/009/H/ES. As a condition of the Site Plan Application, a minor variance application (A2024-058) was approved August 20th, 2024, permitting a parking requirement of 9 parking spaces (0.64 parking spaces per dwelling unit) instead of the minimum required 14 parking spaces (1.0 parking space per dwelling unit).

The purpose of the application is to facilitate the construction of balconies projecting in the eastern interior side yard of an existing multiple dwelling, providing additional amenity space to residents. Section 4.14.2 (b) permits balconies associated with dwelling units to project into any required yard, provided they are not supported by the ground. A minor variance is required to allow the balconies to project into a required yard and be supported by the ground. The proposed balconies project 1.5 metres into the eastern interior side yard, which has an existing setback of 2.9 metre, where a 3.0 metre setback is required. The applicant has stated that structural requirements for cantilevered balconies (not supported by the ground) are not feasible due to structural limitations of the existing building..



A site visit was completed by Staff on May 30th, 2025.



Figure 5: Eastern Side Yard (location of proposed balconies)



Figure 6: Street View of Neighbouring Properties to the East

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 subject property is designated 'Low Rise Residential' in the Official Plan. The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the existing multiple dwelling use. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form. Section 15.D.3.4 of the Official Plan also provides direction that *additions and/or modifications to existing residential buildings in predominantly low density neighbourhoods should be compatible with and respect the massing, scale, design and physical character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site.*

The requested variance to facilitate the construction of balconies supported by the ground maintains a low-rise form of development and is compatible with the neighbourhood scale and design. Therefore, Planning Staff are of the opinion that the proposed variance maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of restricting ground-supported balconies to project into required yards is to maintain open and unobstructed yards, ensure adequate sightlines and separation between buildings and adjacent properties, protect sightlines, and minimize the visual massing of structures. In this case, the existing eastern interior side yard is already limited in size and usability. The proposed balconies are modest in scale and design, with columns that do not create a negative impact and do not create a significant massing effect as per the elevation drawing (Figure 4). The proposed balconies will provide a functional outdoor amenity space that is compatible with the residential character of the neighbourhood, as the nearby multiple dwelling at 165 Hoffman Street also has balconies supported by the ground that appear to project into the western interior side yard (Figure 6). In addition, the privacy concerns will be mitigated as the balconies are oriented towards a driveway, which will create additional buffer on the abutting property to the east.

Therefore, Planning Staff are of the opinion that the proposed variance maintains the general intent of the Zoning By-law.

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

The proposed balconies project 1.5 metres into the required interior side yard and will maintain a setback of 1.3 metres from the side lot line, providing an adequate buffer to minimize impacts on the adjacent property. The proposed balconies will occupy a small portion of the side elevation, which will not create a major impact on the abutting lot. The balconies are supported with small columns that do not create a major obstruction, ensuring that the overall massing and functionality of the side yard remain largely unaffected. Therefore, Planning Staff are of the opinion that the effects of the requested 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 balconies will provide additional amenity space for the new units within the existing multiple dwelling. As such, Planning Staff are of the opinion that the requested variance is desirable and appropriate for the development of the lands.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit has been issued for the interior renovations to the existing apartment building.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

Parkland dedication is not required for this application as it has been satisfied through the Site Plan Application Process. Parkland dedication of \$22,980.00 was received January 17, 2025.

There is an existing City-owned street tree located on Hoffman St that should be protected in place throughout all construction. A Tree Protection and Enhancement Plan (TPEP) and Arborist's Report is required showing tree protection fencing to City standards, please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement. A valuation of the existing tree should be included in the Arborist Report. Tree Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

Transportation Planning Comments:

No comments.

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*
- *SP24/009/H/ES*
- *DSD-2024-362*

ATTACHMENTS:

Attachment A – Proposed Site Plan

Attachment B – Proposed Elevations