

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Andrew Pinnell, Senior Planner, 519-783-8915

WARD INVOLVED: Ward 8

DATE OF REPORT: August 6, 2025

REPORT NO.: DSD-2025-348

SUBJECT: Minor Variance Application A2025-078
667 Victoria Street South

RECOMMENDATION:

That Minor Variance Application A2025-078 for 667 Victoria Street South requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.14.2 b), to permit balconies associated with dwelling units that project a maximum of 2.6 metres into the 4.5 metre minimum interior side yard setback (i.e., the balconies are located a minimum of 1.9 metres from the interior side lot line) to be supported by the ground, where the Zoning By-law does not permit this;
- ii) Section 5.6 a), Table 5-5, to permit a parking requirement of 3 parking spaces, instead of the minimum required 27 parking spaces (1.0 spaces per dwelling unit);
- iii) Section 5.6 a), Table 5-5, to permit 1 visitor parking space, instead of the minimum required 5 visitor parking spaces (0.15 spaces per dwelling unit);
- iv) Section 5.8 a), to not require any parking spaces to be designed to permit the future installation of electric vehicle supply equipment, instead of the minimum required 7 spaces;
- v) Section 7.3, Table 7-6, to permit a lot width of 16.8 metres, instead of the minimum required 30 metres;
- vi) Section 7.3, Table 7-6, to permit an interior side yard setback of 2.5 metres, instead of the minimum required 4.5 metres;

to facilitate the development of an affordable housing project in the form of a 5-storey multiple dwelling having 27 dwelling units, in accordance with Site Plan Application SPF25/002/V, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of a Minor Variance Application to facilitate the development of an affordable housing project in the form of a 5-storey multiple dwelling having 27 dwelling units, in accordance with Site Plan Application SPF25/002/V.
- 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.



Figure 1 – Subject Property (outlined in red) in context of surrounding neighbourhood

BACKGROUND:

The subject property is located on the south side of Victoria Street South, east of Westmount Road West, in the Victoria Hills Planning Community. The property contains two low-rise buildings, currently used for residential purposes (5 dwelling units total). The property slopes several metres downwards in elevation from Victoria Street towards the rear of the property.

The lands to the west (at the intersection of Victoria Street South and Westmount Road West) contain Beth Jacob Cemetery. The lands to the east were developed in 2019-2020 with a 7-storey multiple dwelling containing 92 dwelling units. The lands to the south are developed with a townhouse complex that was constructed in the late 1970s. The lands on the opposite side of Victoria Street are developed with single detached dwellings and townhouses.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the Official Plan and is designated 'Medium Rise Residential' on Map 3 – Land Use. The

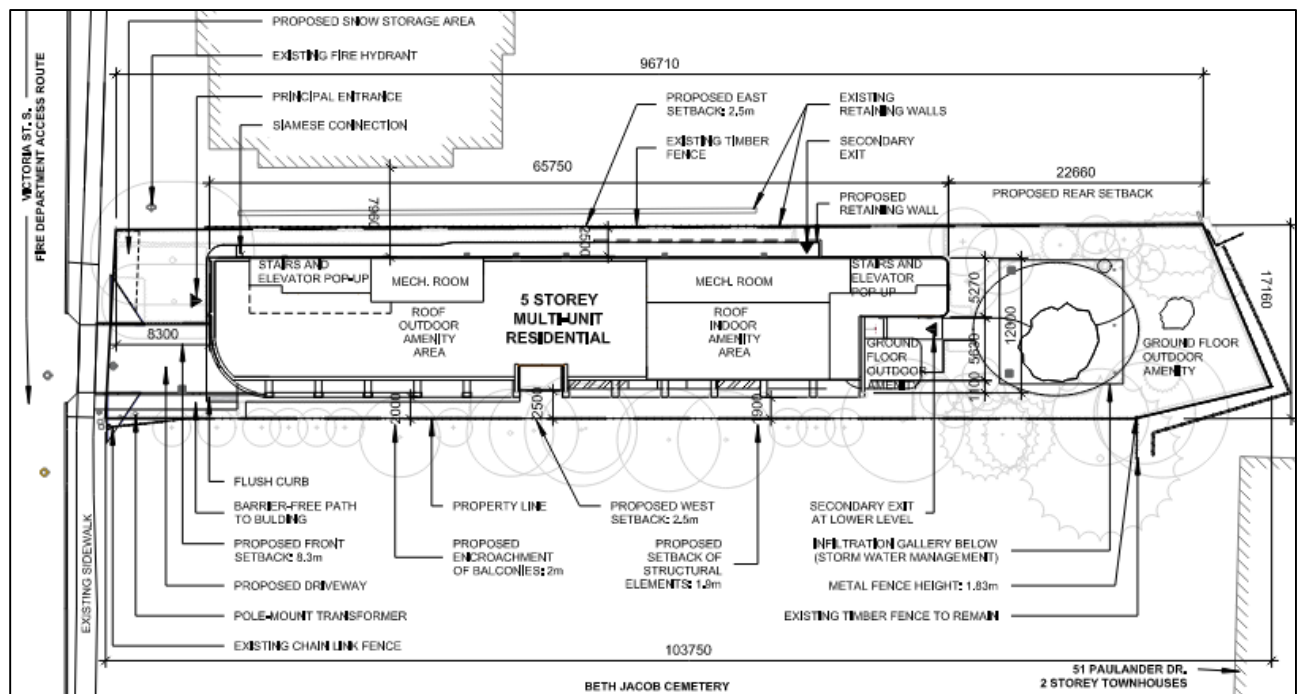
property is zoned 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051, as are the lands to the south and east.

The subject property is the subject of Site Plan Application SPF25/002/V, which proposes an affordable housing project in the form of a 5-storey multiple dwelling with a Floor Space Ratio of 1.93 (see Attachments A and B). The development features:

- 27 affordable housing dwelling units (20 studio units and 7 one-bed units),
- A large, outdoor amenity space in the rear yard,
- Indoor and outdoor amenity spaces on the roof,
- 19 Class A bicycle parking spaces,
- 6 Class B bicycle parking spaces, and
- Ground floor parking that is screened from view of the street.

The Site Plan Application received 'Conditional Approval' on June 16, 2025. One site plan condition requires the owner to apply for and obtain final approval of a Minor Variance Application for relief from certain zoning provisions, prior to final Site Plan Approval. To facilitate the proposed development and fulfill the above noted condition, the owner has filed the subject application, requesting relief from the following sections of Zoning By-law 2019-051:

- i. Section 4.14.2b), to permit balconies associated with dwelling units that project a maximum of 2.6 metres into the 4.5 metre minimum interior side yard setback (i.e., the balconies are located a minimum of 1.9 metres from the interior side lot line) to be supported by the ground, where the Zoning By-law does not permit this;
- ii. Section 5.6 a), Table 5-5, to permit a parking requirement of 3 parking spaces, instead of the minimum required 27 parking spaces (1.0 spaces per dwelling unit);
- iii. Section 5.6 a), Table 5-5, to permit 1 visitor parking space, instead of the minimum required 5 visitor parking spaces (0.15 spaces per dwelling unit);
- iv. Section 5.8 a) to not require any parking spaces to be designed to permit the future installation of electric vehicle supply equipment, instead of the minimum required 7 spaces;
- v. Section 7.3, Table 7-6, to permit a lot width of 16.8 metres, instead of the minimum required 30.0 metres;
- vi. Section 7.3, Table 7-6, to permit an interior side yard setback of 2.5 metres, instead of the minimum required 4.5 metres.



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 Official Plan contains numerous policies that are relevant to the subject application, for example:

- 3.C.2.52. Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.
- 4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:
- a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the

established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard...

- d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
- e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site...

- 4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.
- 13.C.8.1. Parking standards and regulations for all types of land uses will be provided in the City's zoning by-law. Specific uses may be required to provide easily accessible parking for electric and hybrid vehicles, carpool/vanpool/car share and bicycles. Minimum and maximum parking standards may be defined, as appropriate, to maximize the efficient use of land, and promote active transportation and the use of public transit.
- 13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...b) for the safe and efficient movement of all users, on the site, and at points of ingress and egress related to the site.
- 15.D.3.15. The Medium Rise Residential 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 requested variances would facilitate the development of a 5-storey multiple dwelling with a Floor Space Ratio of 1.93, which is within the building height and Floor Space Ratio (FSR) tolerances of the Medium Rise Residential land use designation (i.e., maximum 8 storeys and maximum 2.0 FSR).

The requested variances to reduce the minimum interior side yard setback and minimum balcony setback relate only to the interior side yard abutting the cemetery, where buffering and privacy issues are not a significant concern.

Transportation Services has advised that it has reviewed a parking justification report and that it supports the requested relief from requirements related to minimum parking spaces, visitor parking spaces, and electric-vehicle-ready spaces.

Development and Housing Approvals (DHA) staff is of the opinion that the proposed development “can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site” and “is sensitive to and compatible with the character, form and planned function of the surrounding context”. Accordingly, DHA staff is of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Variances i and vi:

The applicant is requesting to permit balconies associated with dwelling units that project a maximum of 2.6 metres into the 4.5 metre minimum interior side yard setback (i.e., the balconies are located a minimum of 1.9 metres from the interior side lot line) to be supported by the ground, where the Zoning By-law does not permit this. Also, the applicant is requesting to permit an interior side yard setback of 2.5 metres instead of the minimum required 4.5 metres. It should be noted that both of these variances relate to the westerly interior side yard, which, as noted above, abuts the cemetery, where buffering and privacy issues are not a significant concern. It is highly unlikely that the abutting cemetery lot will ever be used for another purpose in the future.

Variances ii, iii, and iv:

The applicant is requesting several variances related to vehicle parking requirements:

- To permit a parking requirement of 3 parking spaces instead of the minimum required 27 parking spaces (1.0 spaces per dwelling unit);
- to permit 1 Visitor parking space instead of the minimum required 5 visitor parking spaces (0.15 spaces per dwelling unit); and
- to not require any parking spaces to be designed to permit the future installation of electric vehicle supply equipment instead of the minimum required 7 spaces.

As noted above, Transportation Services has advised that it has reviewed a Parking Justification Report for the reduction in vehicular parking and that it supports the requested relief from requirements related to minimum parking spaces, visitor parking spaces, and electric-vehicle-ready spaces. It should be noted that affordable housing developments, such as this, generate far less demand for parking than typical residential developments. Also, DHA staff notes that the proposed development includes 19 Class A bicycle parking stalls, whereas only 14 stalls are required.

Variance v.

The applicant is requesting to permit a lot width of 16.8 metres instead of the minimum required 30.0 metres. Through the review of the related Site Plan Application, the applicant has demonstrated to the City that the proposed building is attractive, and the use can function appropriately, despite the reduced lot width. All facilities necessary to support the proposed building and use are appropriately accommodated through the building and site design and innovative techniques have been employed to maximize the number of affordable housing units within the proposed development. For example, the design incorporates a vehicular entrance within the ground floor building façade, thereby eliminating the need for a typical side yard driveway access (which would consume

additional lot width). Also, the reduced interior side yard setback adjacent to the cemetery for balconies and building proper allow the building to be wider than would typically be permitted.

In this regard, Development and Housing Approvals (DHA) staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

Are the Effects of the Variances Minor?

DHA staff is of the opinion that the requested variances are minor since they are not anticipated to cause unacceptably adverse impacts on adjacent properties. Transportation Services has commented that it supports the requested parking relief, as justified through a parking justification study. All facilities necessary to support the proposed building and use are appropriately accommodated through the building and site design. The relief from the minimum interior side yard setback for balconies and building proper are not a privacy or buffering concern because of the abutting cemetery use.

Are the Variances Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

DHA staff is of the opinion that the requested variances are justified; they will facilitate appropriate residential intensification and will allow for the establishment of 27 affordable housing units. The Official Plan land use designation and zoning permit the proposed use.

Environmental Planning Comments:

No Natural Heritage Conservation. Compliance with Tree Management Policy would have been reviewed at Site Plan Application stage by the City's Urban Designer. No concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the new residential building is obtained prior to construction. Please contact the Building Division at 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 process in February 2025, parking justification was submitted (December 9, 2024) by Dillion Consulting for the reduction in vehicle parking, which Transportation Services supported for this affordable housing development.

Grand River Conservation Authority:

No objections.

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*
- *Conditional Approval Letter re Site Plan Application SPF25/002/V, dated June 16, 2025*

ATTACHMENTS:

- Attachment A – *Conditionally-Approved Site Plan Drawing – Schedule B – Site Plan (Site Plan Application SPF25/002/V)*
- Attachment B – *Conditionally-Approved Site Plan Drawing – Schedule B(1) – Ground Floor Plan (Site Plan Application SPF25/002/V)*

Conditionally-Approved Site Plan Drawing – Schedule B – Site Plan

