

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 19, 2025

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

**PREPARED BY:** Tim Seyler, Senior Planner, 519-783-8920

**WARD(S) INVOLVED:** 1

**DATE OF REPORT:** August 6, 2025

**REPORT NO.:** DSD-2025-349

**SUBJECT:** Minor Variance Application A2025-084 – 27 Turner Avenue

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## **RECOMMENDATION:**

That Minor Variance Application A2025-084 for 27 Turner Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.3 e) i) to permit a parking lot setback of 1.2 metres from the side lot line instead of the minimum required 1.5 metres;
- ii) Section 5.6 a) Table 5-5, to permit 10 parking space instead of the minimum required 12 parking spaces;
- iii) Section 7.2, Table 7-6, to permit a lot width of 17.9 metres instead of the minimum required 19 metres;
- iv) Section 7.2, Table 7-6, to permit an interior side yard setback of 1.3 metres instead of the minimum required 3 metres; and
- v) Section 7.2, Table 7-6, to permit a front yard setback of 4.5 metres instead of the minimum required 9.5 metres;

to facilitate the development of a 10-unit multiple dwelling, generally in accordance with drawings and plans submitted with the Minor Variance Application A2025-084, **BE APPROVED** subject to the following conditions:

1. That Holding Provision (92H) is lifted to the satisfaction of the Director of Development and Housing Approvals.
2. That prior to any grading, servicing or the application or issuance of a Demolition and/or Building Permit, the Owner shall submit a plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans showing the following:

- (i) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
- (ii) the location of any existing buildings or structures to be removed or relocated;
- (iii) the proposed grades and drainage;
- (iv) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition;
- (v) justification for any trees to be removed; and
- (vi) outline tree protection measures for trees to be preserved; and
- (vii) building elevation drawings.
- (viii) If necessary, the plan shall include required mitigation and or compensation measures.
- (ix) That the approved elevation drawings shall be implemented as approved or be substantively similar to the approved elevations as part of issuance of any building permit(s).

**Any alteration or improvement to the lands including grading, servicing, tree removal and the application or issuance of any Demolition and/or Building permits shall be in compliance with the approved plan. Any changes or revisions to the plan require the approval of the City's Manager, Site Plans.**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a Minor Variance Application to facilitate the construction of a multiple dwelling consisting of 10 dwelling units.
- 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 Turner Avenue, near the intersection of Turner Avenue and Victoria Street North.



**Figure 1 - Location Map: 27 Turner Avenue**

The subject property is identified as '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)' with Site Specific Provision (410) and Holding Provision (92H) in Zoning By-law 2019-051.

The purpose of the application is to review variances for a parking reduction, a lot width reduction and setback reductions to facilitate the development of a 10 unit residential multiple dwelling.

In October 2024, the applicant applied for a Zoning By-law Amendment to permit a 30 unit multiple dwelling on 9-27 Turner Avenue. The application was approved by City Council to change the zoning on the properties to RES-5 with Site Specific Provision (410) and Holding Provision (92H). Since the time of the Zoning approval the owner has adjusted the project to provide a 10 unit building on each of the 3 properties rather than developing the 3 properties together (See Figure 3). This application is the first building to be developed, and the remaining 2 sites will be constructed as the timing allows.

**Figure 2 - Concept Site Plan – 27 Turner Avenue**



Figure 3 - Proposed Future Concept – 9-27 Turner Avenue



**Figure 4 - Current site conditions – 27 Turner Ave**

## **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 lands are designated 'Low Rise Residential' in the City's Official Plan. Low Rise Residential areas are intended to accommodate a full range of low density housing types including single detached, semi-detached, townhouse, and low-rise multiple dwellings. The Low Rise Residential designation states that the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. The proposed development has been reviewed by staff and are satisfied the proposed variances meet the general intent of the Official Plan.

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

##### Parking

The intent of the parking lot setback is to ensure that there is appropriate separation from adjacent property lines and that appropriate landscaping can be maintained on the subject property. The side yard setback is appropriate for the development as the parking lot is proposed to extend onto adjacent properties once the next development commences. Appropriate rear yard setbacks are maintained and staff are satisfied the reduced setback is appropriate and meets the general intent of the Zoning By-law.

The intent of the parking requirements is to ensure that adequate parking is provided on site. Staff note that there is only one parking space provided per unit, however when the adjacent properties are developed additional parking spaces will be provided for visitor



parking. The lands also have access to multiple transit routes along Victoria Street and Frederick Street, as well on street parking is provided along Turner Avenue. Class A Bicycle storage will also be required and provided internal to the units and Class B Bicycle parking is shown on the site plan. Staff are satisfied the reduction in parking is appropriate for the development and meets the general intent of the Zoning By-law.

#### *Front yard setback*

The intent of the front yard setback is to ensure appropriate setbacks along the street edge that are consistent with adjacent parcels. A front yard setback of 9.5 metres is required due to the property being located within an Established Neighbourhood Area (Appendix 'D') in the Zoning By-law. The building is the first of three new multiple dwelling buildings that all will maintain a similar street presence and frontage. The setback of 4.5 metres is the required setback for a multiple dwelling that is not within Appendix 'D' and with the other properties being developed there will be a consistent street edge on the street. Staff are satisfied the front yard setback meets the general intent of the Zoning By-law.

#### *Side yard setback*

The intent of the side yard setback is to ensure there is adequate separation and no adverse impacts to the adjacent residential properties. The setback is adjacent to another residential property that is intended to be developed with another residential development. Appropriate separation and access will be maintained with the adjacent building. Further the other residential property that is not being developed at 33 Turner Ave, has a setback greater than 4.5 metres to ensure adequate separation. Staff are satisfied the side yard setback meets the general intent of the Zoning By-law.

#### *Lot width*

The intent of the minimum lot width requirement is to ensure developments can meet the minimum standards for landscaping, amenity area, and providing vehicular access to the site. The property has shown that an appropriate drive aisle, landscaping and amenity area can be provided efficiently on the property. The lot is sufficient in depth to ensure that these requirements are met. Staff are satisfied the lot width requirement meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the requested variances are minor as the variances that are requested are to support a new residential development. The proposed variances will not present any significant impacts to adjacent properties or the overall streetscape and neighbourhood.

#### 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 for the development and use of the land as their approval will facilitate the construction of a new residential development within a mixed-use neighbourhood.

#### **Environmental Planning Comments:**

No Natural Heritage concerns however the rear yard is very treed. Staff assume all trees are to be removed with demolition, new construction, and parking lot installation. It is very

difficult to know if shared / neighbour ownership of trees will be an issue. Recommend strongly a standard condition of variance to complete an Arborist's Report.

**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 10 unit residential is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

Based on the lot area identified on the application this property does not require Site Alteration, however if servicing in the ROW is required in the future, an Off-Site Works Permit will be required.

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

Cash-in-lieu of park land dedication will be required at time of future Building Permit.

**Transportation Planning Comments:**

Transportation Services have reviewed this application and offer the following comments. Of the 10 proposed on-site parking spaces, 1 space is required to be designated for visitor use and must be clearly signed on-site. The remaining 9 spaces are to be allocated for tenant use.

Given that one residential unit will not have an associated parking space, Transportation Services recommends unbundling parking and offering parking spaces separately from the lease or purchase of residential units. This promotes both equity and efficient use of parking resources by allowing tenants who do not require parking to avoid associated costs.

The proposed driveway access width of 3 metres is considered acceptable for serving up to 10 units. However, if the development intensity increases (more units or additional vehicle traffic), the entire length of the access must be widened to support two-way vehicle traffic.

**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*
- *DSD-2024-415 – ZBA Application*