

Staff Report



Development Services Department

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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: 9

DATE OF REPORT: August 6, 2025

REPORT NO.: DSD-2025-351

SUBJECT: Minor Variance Application A2025-086 – 250 Mill Street

RECOMMENDATION:

That Minor Variance Application A2025-086 for 250 Mill Street requesting relief from Section 6.2, Table 6-1 of Zoning By-law 2019-051, to permit a 'Towing Compound' as a permitted use, **BE REFUSED**.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit a 'Towing Compound' as a permitted use in the 'High Rise Growth Zone (Limited) (SGA-3 Zone).
- 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 north side of Mill Street, near the intersection of Mill Street and Stirling Avenue South.



Figure 1 - Location Map: 250 Mill Street

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area C' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'High Rise Growth Zone (Limited) (SGA-3)' with Site Specific Provision (4) in Zoning By-law 2019-051.

The purpose of the application is to review a Minor Variance Application to permit a 'Towing Compound' as a permitted use in the 'High Rise Growth Zone (Limited) (SGA-3 Zone)'. The applicant is requesting to add the Towing Compound use to the property. The property already contains multiple uses on the property. The front of the property contains a single detached dwelling, while the rear of the property contains uses including sale of parts and accessories for motor vehicles and service and repair of motor vehicles. These uses were legally established and permitted under the General Industrial Zoning (M-2) within Zoning By-law 85-1. However, since that time the uses are now considered legal non-conforming, as the zoning on this property has been approved by Kitchener City Council to be designated High Rise Growth Zone (Limited) (SGA-3). The purpose of the 'SGA-3' Zone is to create opportunities for high-density growth in both mid and high rise forms up to 25 storeys in height. A wide mix of residential and non-residential uses are permitted however a towing compound is not one of the permitted uses.



Figure 2 - Front property view – 250 Mill Street



Figure 3 and 4 - Rear property view – 250 Mill Street

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 'Strategic Growth Area C' in the City's Official Plan. 'Strategic Growth Area C' lands are intended to accommodate significant intensification at high density. The lands are generally centrally located within intensification areas and represent redevelopment opportunities at higher density. Permitted non-residential uses within the land use designation may include compatible commercial uses such as retail, restaurant, personal services, and office uses.

Further, the property is identified as a 'Protected Major Transit Station Area' in the City's Urban Structure. The planned function of PMTSA's is to provide focus for accommodating growth through development which support existing and planned transit and rapid transit service levels, while also providing connectivity of various modes of transportation to the transit system. The Towing Compound use is not transit or pedestrian oriented and will not contribute to the planned density of 160 residents and jobs per hectare for the Mill Station.

3.C.2.17. The planned function of Protected Major Transit Station Areas, in order to support transit and rapid transit, is to:

- a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels;
- b) provide connectivity of various modes of transportation to the transit system;
- c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and,
- d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies a) through d) above should not be interpreted to mean that every property located within a Protected Major Transit Station Area is necessarily appropriate for major intensification.

3.C.2.18. The following Protected Major Transit Station Areas shall be planned to achieve the following minimum densities:

- g) Mill Station: 160 residents and jobs combined per hectare.

3.C.2.22. a) in areas that are intended to be the focus for intensification, development applications will support the planned function of Protected Major Transit Station Areas and have regard for the following:

- i) the Regional Official Plan and the Transit-Oriented Development Policies included in Section 13.C.3;
- ii) new non-transit-supportive uses such as low density uses and/or auto-oriented uses will be discouraged;
- iii) appropriate pedestrian and public transit facilities may be required with all major development or redevelopment proposals;
- iv) vehicular access points will be controlled to minimize disruption to traffic flow and new development may be required to share common driveways and provide for maneuverability between sites.

Existing developments within areas intended to be the focus for intensification that do not meet a) i) through iv) above, will be encouraged to redevelop in a manner consistent with these policies.

Section 17.E.20.10 of the Official Plan states that the Committee of Adjustment may permit a use of the property that is similar to the purpose for which it was used, or a use that is more compatible with the uses permitted by the Zoning By-law, provided that the proposed use will be an improvement over the existing use in terms of appearance and function in relation to the surrounding area and more closely approach the intent of the policies of the Official Plan and provisions of the Zoning By-law.

It is the position of staff that the proposed use of a Towing Compound will not improve the functionality of the property and is not a use that is more compatible with the uses permitted by the Zoning By-law.

The proposed 'Towing Compound' use does not meet the intent of the policies of the 'Protected Major Transit Station Area' Urban Structure component or the 'Strategic Growth Area C' land use designation of the City's Official Plan.

General Intent of the Zoning By-law

The intent of the 'SGA-3' Zone is to create opportunities for high-density growth in both mid and high rise forms up to 25 storeys in height. A wide mix of residential and non-residential uses are permitted. In March 2024 it was the City's direction to move this area away from the general industrial uses, and plan for development that was on a higher density scale, to support ION being in a Major Transit Station Area. This change has been approved by Kitchener City Council and is in full force and effect. The request to add a use that is not permitted within the current zoning framework does not meet 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 variance is not minor as the variance that is requested to add the Towing Compound use cannot be considered minor as the use was not established prior to the Council approved zoning change. Adding a use does seem minor in nature at first, however by permitting a new use on the site that is not permitted it mitigates the future direction of these properties and the surrounding area that could hinder the redevelopment of the lands in the future.

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

The proposed variance to add the Towing Compound use is not desirable and appropriate for the development and use of the land as the use does not meet the Council approved direction for the lands. The approval of adding a use will not encourage the lands to be developed in a more desirable nature and will not help facilitate increased density. The use does not support a complete and healthy community and does not contribute to the walkability of the area, as the intent is an auto oriented use, rather than a pedestrian oriented use.

Environmental Planning Comments:

No Natural Heritage concerns. There are no trees on the property, therefore no Tree Management Policy compliance issues.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Please provide a pollution prevention plan as this use seems to be part of the High Risk Site Activities listed in the attachment.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

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*