

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Brian Bateman, Senior Planner, 519-783-8905

WARD(S) INVOLVED: 3

DATE OF REPORT: August 6, 2025

REPORT NO.: DSD-2025-336

SUBJECT: Minor Variance Application A2025-087
980 and 1018 Hidden Valley Road

RECOMMENDATION:

That Minor Variance Application A2025-087 for 980 and 1018 Hidden Valley Road requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.15.6 b) to permit Model Homes on Units, 1, 2 and 3 in a Draft Approved Plan of Vacant Land Condominium instead of a Draft Approved Plan of Subdivision; and**
- ii) Section 7.3, Table 7-2, to permit an exterior side yard setback of 4 metres instead of the minimum required 6 metres;**

as shown on a plan prepared by J.D. Barnes Limited, dated April 28, 2025, to facilitate the development of three (3) Model Homes in Draft Plan of Vacant Land Condominium Plan 30CDM-23204, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to assess a request to allow model homes in a Vacant Land Condominium (VLC) and an exterior side yard setback of 4 metres instead of 6 metres.
- The key finding of this report is a VLC is like a Draft Plan of Subdivision where the City permits a model home to be erected in advance of registration so by allowing it in a VLC would not compromise the City's direction and policy in this regard.
- 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:

1018 and 980 Hidden Valley Road (see Figure 1) are proposed to be developed as a Vacant Land Condominium (See Figure 2), with 26 units proposed to be accessed from a private street. The private street is a crescent that connects Hidden Valley Road in two locations. This property was subject to a recent Site Plan Approval (Site Plan Application SP24/028/H/BB – see Figure 3). Draft approval for a Vacant Land Condominium (VLC) has also been received (Draft Condominium 30CDM-23204).



Figure 1 – Photo of Subject Lands



Previous planning applications for the subject lands also included an Official Plan Amendment (Application No. OPA23/010/H/BB, approved as OPA No. 46) and Zoning By-law Amendment (Application No. ZBA23/006/H/BB, approved as By-law Number 2024-06).

The subject lands are currently zoned 'Low Rise Residential One Zone (RES-1)' with Site Specific Provision (389) in Zoning By-law 2019- 051. Site specific Provision (389) permits a Minimum Side Yard Setback of 2 metres and a Minimum Front Yard Setback to a habitable portion of a dwelling of 4.5 metres. Per regulation 4.4.2 of the Zoning By-law, once the VLC is registered, the units will be considered lots for zoning purposes.

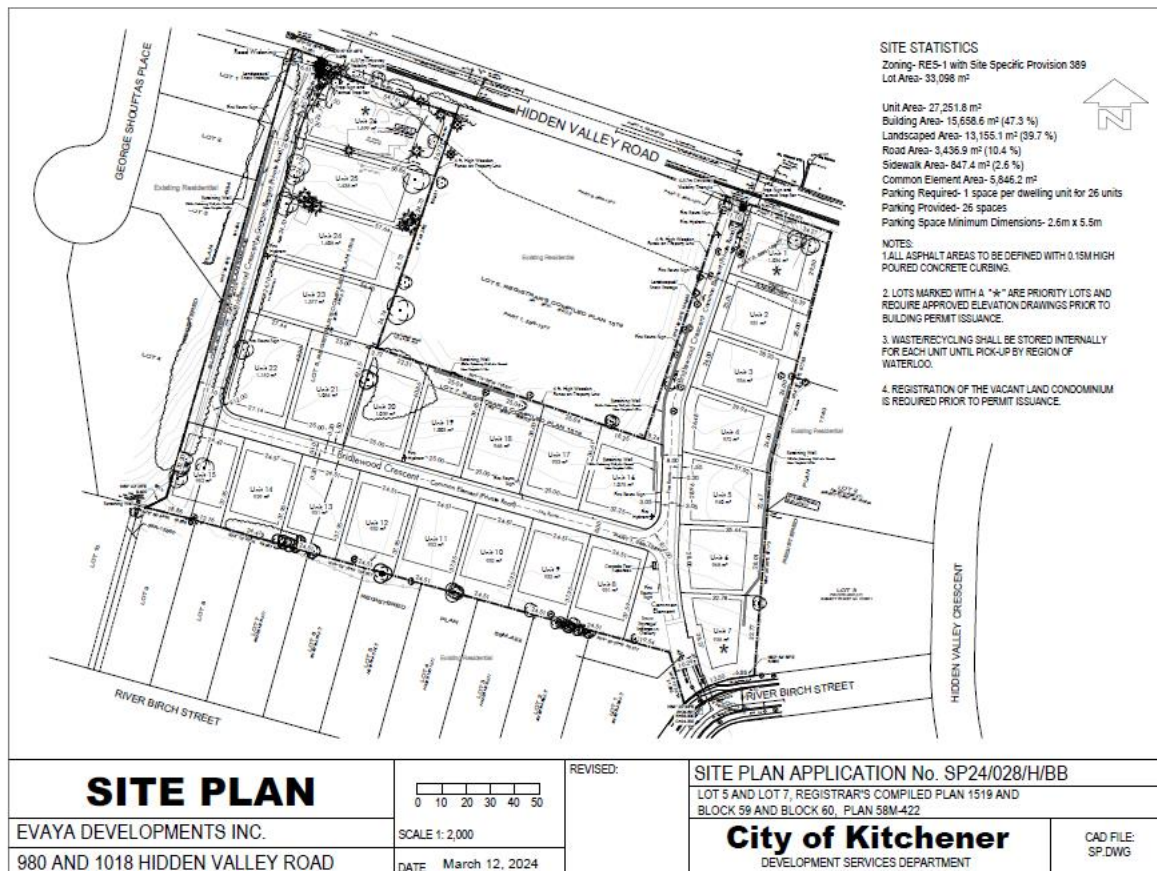


Figure 3 – Approved Site Plan

By-law No. 2025-062 – OPA No. 64 Official Plan Amendment OPA24/005/K/CM; and By-law No. 2025-063 - Zoning By-law Amendment Application ZBA24/008/K/CM Hidden Valley Land Use Master Plan Implementation City of Kitchener was recently approved by Council. The Official Plan and Zoning came into effect on May 26, 2025. 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. Policy 15D.12.2 of the OP has been amended through OPA 64 to recognize the lot width and areas of the approved VLC for the subject lands. Hidden Valley Road at this location is a designated 'Heritage Corridor'. The zoning remains 'RES-1 (389)' in Zoning By-law 2019-051 secured through the private amendment in 2023.

The applicant is requesting two variances: 1. relief from Section 4.15.6 b) of Zoning By-law 2019-051 to permit Model Homes in a Draft Approved Plan of Vacant Condominium instead of a Draft Approved Plan of Subdivision and 2. relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an exterior side yard setback of 4 metres instead of the minimum required 6 metres, to facilitate the development of 3 Model Homes in Draft Approved Vacant Land Condominium 30CDM-23204. These will be assessed in the ensuing section of this report.

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

In the opinion of staff, the proposed variances conform with the general intent and purpose of the Official Plan, which is for the subject lands to be developed with low-density residential uses with larger lotting fabric as per the Low Rise Residential designation.

General Intent of the Zoning By-law

Section 4.15.6 b) of Zoning By-law 2019-051 permits model homes in a Draft Plan of Subdivision and this is done to allow them to be built in advance of registration of a plan. A VLC for all intents and purposes is a plan of subdivision that is recognized and processed under Section 51 of the Planning Act. Unfortunately, section 4.15.6 b) does not recognize a VLC. Notwithstanding, the Zoning By-law wording specifically references a Draft Plan of Subdivision, and as such, relief is required to address another form of subdivision (Draft Plan of Vacant Land Condominium). For these reasons, and in the opinion of staff, the intent is maintained.

Regarding a reduced setback from Hidden Valley Road, the intent of a front and exterior side yard of 6 metres is to provide a sufficient setback to a garage to accommodate a parking space in the driveway in front of the garage. Because this variance is for an exterior side yard and there will be no driveways onto Hidden Valley, a 4 metre setback will not affect landscaping nor sight lines. When the VLC is registered, the exterior side yard setback of 4 metres would apply to two of the 26 lots.

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

The effects are considered minor and help facilitate the construction of model homes to advance home sales leading to registration and further construction. The reduced exterior side yard setback would ultimately apply to two lots within the VLC and will not impact visibility and sight lines nor affect the ability to provide landscaping.

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

The variances are desirable and appropriate given it would facilitate the construction of housing on lands planned for residential development.

Environmental Planning Comments:

Ensure that the locations of disturbance for model homes are consistent with the Limit of Development agreed to as part of the previous approval under the Tree Management Policy.

Heritage Planning Comments:

The properties municipally addressed as 980 and 1018 Hidden Valley Road are located adjacent to the Hidden Valley Cultural Heritage Landscape (CHL). The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan

Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. Staff anticipate no adverse impacts to the CHL due to this proposed application and have no comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for a new single detached dwelling on Unit 1.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

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-2024-011 – OPA23/010/H/BB and ZBA23/006/H/BB*
- *DSD-2024-292 – Hidden Valley Implementation*