

**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:** 10

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

**REPORT NO.:** DSD-25-339

**SUBJECT:** Minor Variance Application A2025-088 – 670 King Street West

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## **RECOMMENDATION:**

That Minor Variance Application A2025-088 – 670 King Street West requesting relief from the following Section 6.4.3, Table 6-4, of Zoning By-law 2019-051, to permit:

- i) a minimum lot area of 975 square metres instead of minimum required 1,500 square metres;
- ii) a minimum exterior yard setback of 0 metres along Louisa Street instead of minimum required 3 metres;
- iii) a minimum interior yard setback of 1.5 metres along the private laneway instead of the minimum required 3 metres;
- iv) a minimum front yard setback of 2 metres along King Street West for Storeys 7 and above instead of the minimum required 6 metres;
- v) a minimum exterior yard setback of 2 metres along Louisa Street for Storeys 7 and above instead of the minimum required 6 metres;
- vi) a minimum rear yard setback of 5 metres for Storeys 7 and above instead of the minimum required 6 metres; and,
- vii) a minimum interior yard setback of 3 metres along the private laneway for Storeys 7 and above instead of the minimum required 6 metres;

to facilitate the development of an 8 storey mixed use building having 75 dwelling units, in accordance with Conditionally Approved Site Plan Application SPF25/004/K/BB, BE APPROVED, subject to the following conditions:

1. That the Owner shall prepare a Noise Impact Study, prepared by a qualified consultant. The Owner shall submit the study for review and satisfaction of Metrolinx. The Owner may obtain Metrolinx's most up-to-date rail forecast data by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com). Prior to Final Site Plan Approval, Metrolinx shall review and approve the final Noise

**Study and any recommended mitigation measures should be adhered to for Final Approval.**

- 2. That the Owner shall grant Metrolinx an Environmental Easement for Operational Emissions. The Environmental Easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property at the Owner's expense.**
- 3. That the Owner shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:**

**“Warning: The Applicant is advised that the subject land is located within Metrolinx’s 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to assess a request to vary the Zoning By-law to facilitate the development of an 8-storey mixed-use building.
- The key finding of this report is that to optimize re-development on an irregular shape parcel of land with limited opportunity for land consolidation, several variances are required.
- 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 has an approximate lot area of 1,156.0 square metres, with approximately 44.0 meters of frontage along King Street West, and a flankage of 41.0 meters along Louisa Street to the north, forming a distinct “flatiron” shape. The site is currently occupied by a one-storey commercial plaza with a surface parking lot (see Figures 1 and 2)



**Figure 1 – Aerial Photograph of Subject (outlined in red) and Surrounding Lands**

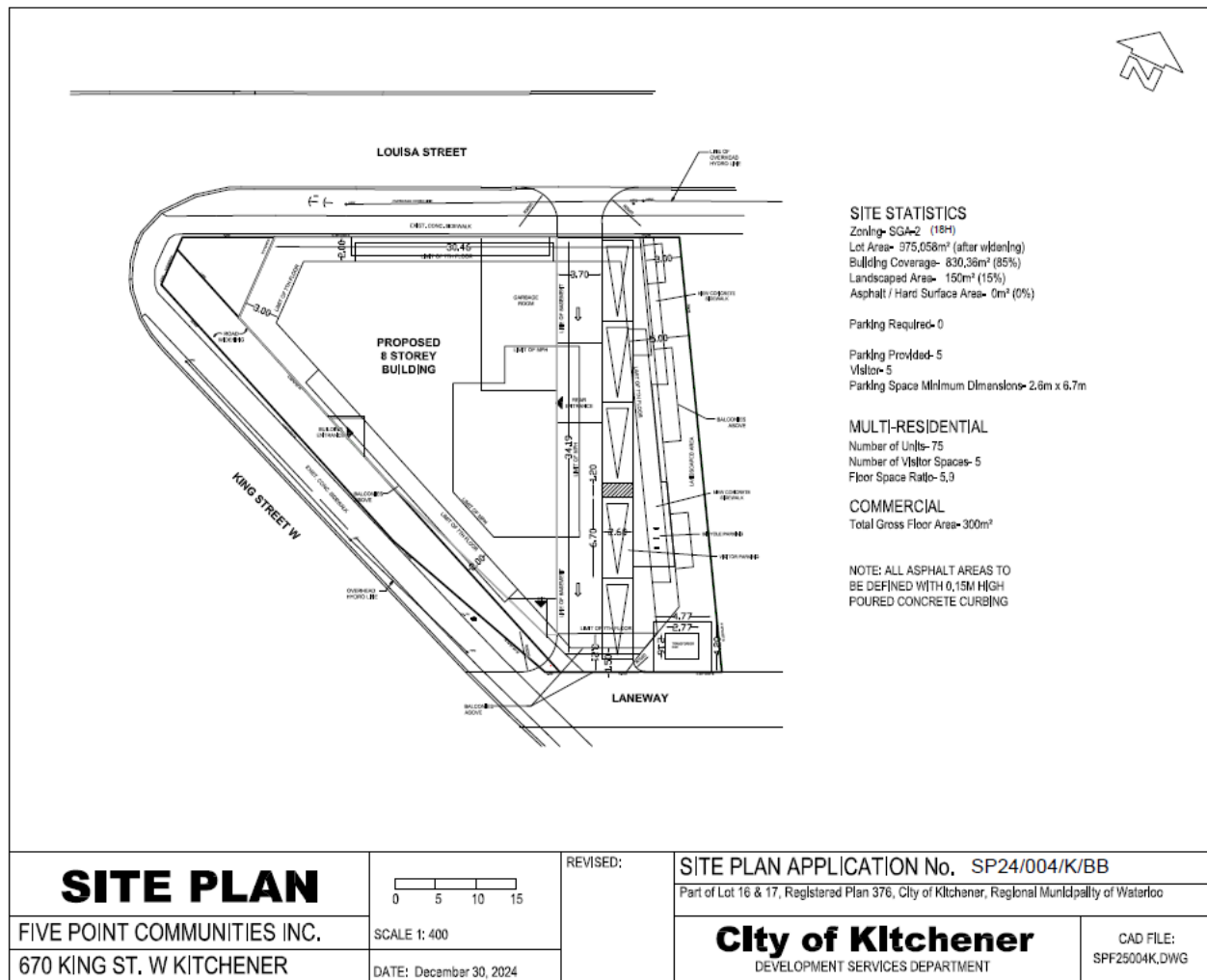




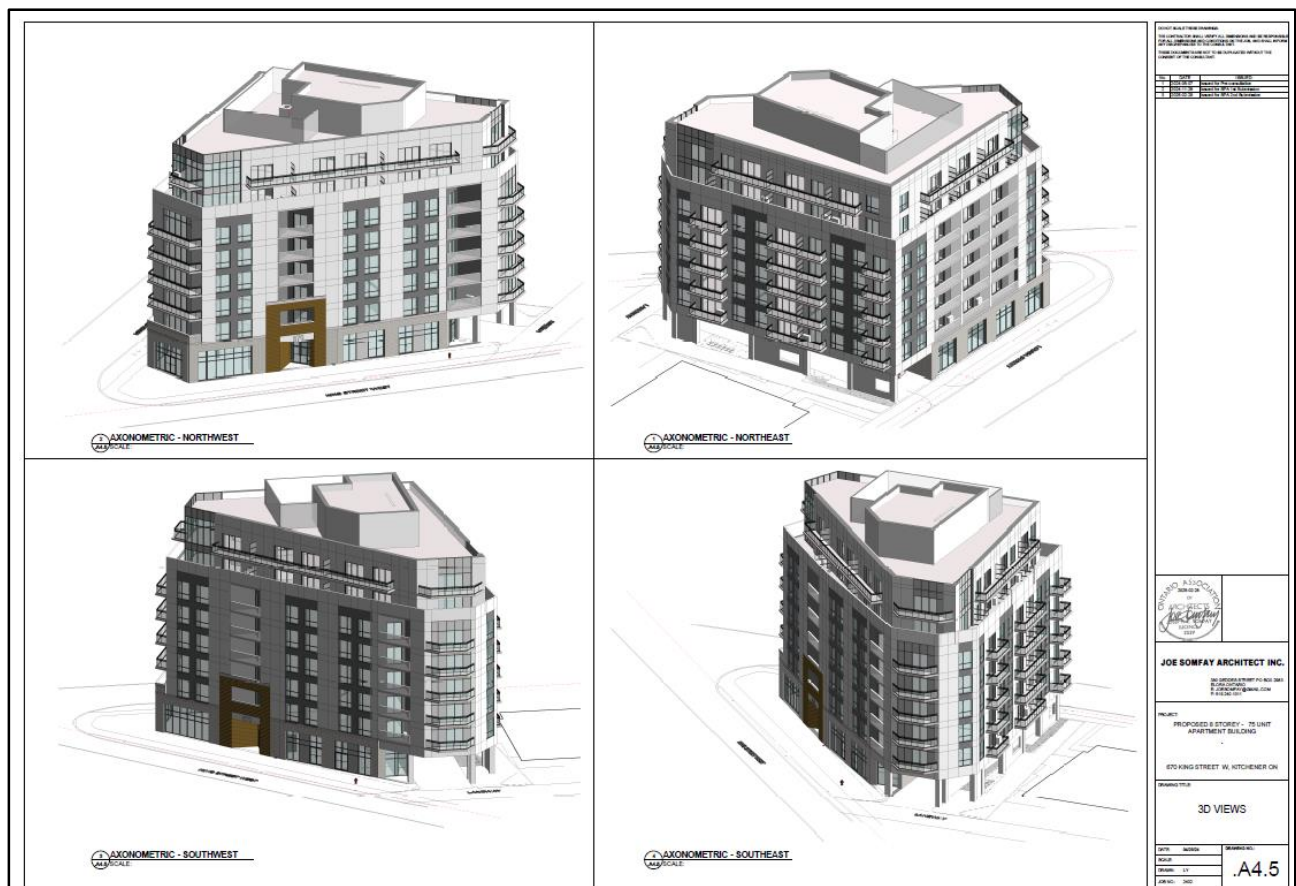
**Figure 2 – Photo of Existing Building Facing Louisa Street**

The surrounding neighbourhood contains a mix of residential, commercial, institutional, and employment uses. To the east, west, and north of the subject property consists primarily of single-detached dwellings, except for the six-storey mid-rise development (The Midtown Lofts) directly West. The King Street corridor has rapidly transitioned into a high-density corridor, while maintaining low-rise neighbourhood character along adjoining side streets.

The proposed development (see Figures 3 and 4) contemplates an eight (8) storey mixed-use building with a total of 75 dwelling units and 253 square metres of commercial space on the ground floor. The site layout is organized to optimize the flatiron-shape lot, with primary frontages along King Street West and Louisa Street. The laneway will be retained and a total of five (5) parallel parking spaces for visitors are provided. Because this property is within a Major Transit Station Area, no parking is required. To facilitate this development on an irregular shaped property, several variances are required as detailed in the Recommendation section above.



**Figure 3 – Approved Site Plan**



**Figure 4 - Proposed Building Elevation Drawings**

The subject property is designated 'Strategic Growth Area A' in Map 3 (Land Use) of the City of Kitchener Official Plan (Official Plan). As per Section 15.D.2 of the Official Plan, Strategic growth area land use designations are applied within the Urban Growth Centre and Protected Major Transit Station Areas (PMTSAs). This designation accommodates a range of low and medium density residential housing types, including those permitted in the Low Rise Residential and Medium Rise Residential land use designation. No building will exceed 8 storeys in height and a minimum Floor Space Ratio (FSR) of 0.6 will apply to all development and redevelopment.

Section 15.D.2.5 of the Official Plan provides further direction with respect to minor variances as follows:

*Notwithstanding policies 4.C.1.8 and 4.C.1.9, site specific applications which seek relief from the implementing zoning through a minor variance(s) or amendment to the Zoning By-law, and/or seek to amend this Plan will consider the following factors:*

- Compatibility with the planned function of the subject lands and adjacent lands;*
- Suitability of the lot for the proposed use and/or built form;*
- Lot area and consolidation as further outlined in Policy 3.C.2.11;*
- Compliance with the City's Urban Design Manual and Policy 11.C.1.34;*
- Cultural heritage resources, including Policy 15.D.2.8; and*
- Technical considerations and other contextual or site specific factors.*

Criteria a) through f) are assessed in the ensuing section.

## **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 A'. The proposed eight-storey mixed-use development, together with the proposed minor variances, aligns with the planned function by supporting intensification, compact built form, and a transit-oriented structure. The lot's flatiron shape, frontage along both King Street West and Louisa Street and abutting a stable residential area make it suited for a contextual and site sensitive mixed-use mid-rise building such as this one.

Policy 3.C.2.11 encourages the consolidation of properties to enable comprehensive planning, enhanced site configuration, provision of amenities, and improved land use and design efficiency. Lot area reduction is discouraged where such a reduction may compromise intensification. In this case, the subject property is an existing parcel that predates the current Zoning By-law provisions. The lot is bounded by public rights-of-way and stable developed parcels, leaving little opportunity for consolidation or expansion. The proposed development represent an efficient and intensified use of the site that optimizes its potential while maintaining appropriate massing, providing private and common amenity areas, and accommodating all required servicing and functional design elements. As such, the variances enables a built form that fulfills the broader intensification goals of the Official Plan without requiring additional lot consolidation.

The proposed development received Conditional Site Plan Approval on June 10, 2025. Through that process the proposal was evaluated by Urban Design staff for compliance with the City Urban Design Guidelines. Design issues were addressed prior to the issuance of conditional approval. Further design evaluation will occur through the detailed design review.

The subject lands are not listed or designated under Part IV or V of the *Ontario Heritage Act*, nor are they identified as containing or abutting cultural heritage resources under the City's Heritage Register. As such, the proposed development and requested variances do not impact cultural heritage considerations

The application has undergone a technical review through the Site Plan process, and no technical concerns were identified.

In conclusion, staff are of the opinion that the general intent and specifically 15D.2.5 of the Official Plan are met.



### General Intent of the Zoning By-law

In the opinion of staff, the general intent of the minimum lot area, minimum interior and exterior side yard setbacks, minimum front yard and exterior side yard setback for a building 7 storeys or more is being met for the following reasons:

The intent of these regulations are to ensure that a property has sufficient space to support appropriate land use functions, maintain compatibility with surrounding development, and uphold orderly urban growth. Given the irregular lot configuration and limited opportunity for lot consolidation and proximity to adjacent stable residential, it is very challenging and nearly impossible to meet these regulations that promote a more intensive, compact urban building form without asking for relief. Zoning assumes a perfectly rectangular property but that is often not the case and a reason why variances are often warranted.

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

In the opinion of staff, the effects are minor. While it is acknowledged that there are several variances, the impact of these collectively are negligible and are required to facilitate a development on an irregular shaped.

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

In the opinion of staff, the variances are desirable and appropriate for the use of land. The Official Plan and zoning encourages compact infill development and efficient land use. To achieve this, the design maximizes the space available on an irregular shaped plot of land and balancing that with good design, functional layout, servicing and minimizing impacts on adjacent properties. The variances are required to facilitate an appropriate and balanced design.

### **Environmental Planning Comments:**

No concerns. Tree Management Policy compliance addressed at Site Plan Application..

### **Heritage Planning Comments:**

The property municipally addressed as 670 King Street West has no heritage status. However, it is located adjacent to the Mt. Hope/Breithaupt Neighborhood 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. The proposed application is not anticipated to have any adverse impacts to the adjacent CHL. As such, staff have no comments or concerns.

### **Building Division Comments:**

The Building Division has no objections to the proposed variance provided a building permit for the new apartment building is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

### **Engineering Division Comments:**

No concerns.



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

All Parks requirements will be addressed through SPF25/004/K.

**Transportation Planning Comments:**

No concerns.

**Metrolinx Comments:**

Metrolinx is in receipt of the Minor Variance application for 670 King Street, Kitchener to construct an eight-storey mixed use building with adjusted setbacks, as circulated on July 25th, 2025, and to be heard at Public Hearing on August 19th, 2025. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Guelph Subdivision, which carries Metrolinx's Kitchener GO Train service.

**GO/HEAVY-RAIL – ADVISORY COMMENTS**

- Be advised Metrolinx is a stakeholder that has previously provided comments on the comprehensive application, including a previous site plan application.
- Any previous comments/requirements provided by Metrolinx and/or our Technical Advisors are still applicable.
  - Conditions affiliated with Site Plan Application No. SPF25/004/K remain outstanding.
- Please be advised that Metrolinx/ our Technical Advisor would continue to be a stakeholder providing comments on the comprehensive application of this site should future development be contemplated. Please continue to engage Metrolinx should future developments be contemplated on the subject site.

**Planning Staff Response:**

Staff advise that in response to the circulation of the Site Plan Application that occurred earlier this year, Metrolinx advised Planning of a need for a Noise Study, Environmental Easement and Warning Clauses. Under Section 41 (Site Plan Approval) of the Planning Act, municipalities do not have the authority to implement such measures. As such, these conditions were not included. However, through Minor Variance municipalities can impose conditions that are related to the variances and are reasonable. Accordingly, staff have opted to include them as conditions of minor variance approval. The only other option to secure these conditions is through a potential future Condominium application. Condominium approval falls under section 51 (Plan of Subdivision) of the Planning Act.

The following comments were received with respect to Site Plan Application SPF25/004/K:

1. The proposed development is subject to a Noise Impact Study, prepared by a qualified consultant. The proponent shall submit the study for review and satisfaction of Metrolinx. The proponent may obtain Metrolinx's most up-to-date rail forecast data by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com). Prior to site plan approval, Metrolinx shall review and approve the final Noise Study and any recommended mitigation measures should be adhered to for approval.

2. That the Owner shall grant Metrolinx an Environmental Easement for Operational Emissions. The Environmental Easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.
3. That the Owner shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:

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The Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

#### **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*