

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Sean Harrigan, Planner (Policy), 519-783-8934

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: August 8, 2025

REPORT NO.: DSD-2025-335

SUBJECT: Minor Variance Application A2025-083 – 103 Joseph Street

RECOMMENDATION:

That Minor Variance Application A2025-083 for 103 Joseph Street requesting relief from the following Section 6.3.2, Table 6-3, of Zoning By-law 2019-051 as follows to permit:

- i) A lot area of 401.3 square metres instead of the minimum required 450 square metres;
- ii) An exterior side yard setback of 2.5 metres instead of the minimum required 4 metres;
- iii) An interior side yard setback of 0.8 metres instead of the minimum required 1.5 metres;
- iv) A rear yard setback of 0.7 metres instead of minimum required 7.5 metres; and,
- v) A maximum building length of 26.2 metres instead of maximum permitted 24 metres;

To facilitate the conversion of a 6-Unit Multiple Dwelling into a 10-Unit Multiple Dwelling, generally in accordance with drawings prepared by Urban Initiatives, dated July 18, 2025, BE APPROVED subject to the following condition.

1. That the owners obtain a Heritage Permit, to the satisfaction of the Manager of Site Plan, City of Kitchener, for all proposed work on the subject property.

AND

That Minor Variance Application A2025-083 for 103 Joseph Street requesting relief from Section 4.1 e) of Zoning By-law 2019-051 to permit an accessory structure (bike locker) to be located in a front yard or exterior side yard, generally in

accordance with drawings prepared by Urban Initiatives, dated July 18, 2025, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the requested minor variances to facilitate the conversion of an existing 6-Unit Multiple Dwelling into a 10-Unit Multiple Dwelling with a minor 3rd floor addition.
- The key finding of this report is that all requested variances except the proposal to have an accessory structure located in the front yard fulfills the Four Tests.
- 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 southwestern corner of the intersection of Joseph Street and Richmond Avenue, north of Victoria Park and southwest of the Charles Street West Light Rail Transit terminal. The property currently contains a 6-Unit Multiple Dwelling with existing reduced setbacks which is proposed to be converted into a 10-Unit Multiple Dwelling.

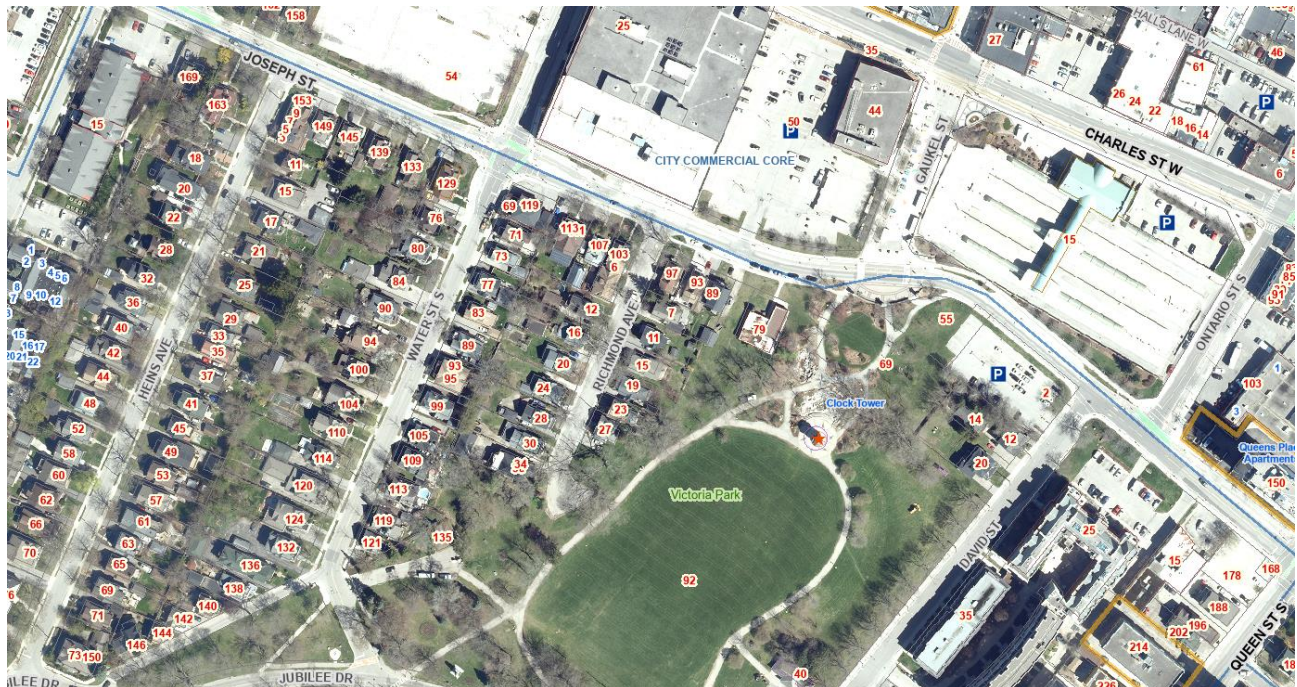


Figure 1 - Location Map (103 Joseph Street shown in RED)

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's 2014 Official Plan. The property is also within the designated 'Victoria Park Heritage Conservation District' on Map 9 – Cultural Heritage Resources.

The property is zoned 'SGA-1: Low Rise growth Zone (SGA-1)' in Zoning By-law 2019-051. The property also falls within Appendix 'C' – Central Neighbourhoods and Appendix 'D' – Established Neighbourhood Area in Zoning By-law 2019-051.

The purpose of the application is to review the requested variances to facilitate the conversion of an existing 6-Unit Multiple Dwelling into a 10-Unit Multiple Dwelling with a minor 3rd floor addition. The variances are required to recognize the property's existing lot area and the building's existing setbacks and building length. The proposed 3rd floor addition will not increase the building's height or reduce any existing setback. The proposed variance for the accessory structure within a front yard is to facilitate the required one Class A Bicycle Parking Stall which must be within a weather protected area with controlled access. Staff note that it may be possible to located the required Class A Bicycle Parking Stall within the interior side yard beside the secondary common entrance without the need for a minor variance.

Staff note that a Heritage Permit was obtained for the interior renovations and third floor addition. However, the Heritage Permit did not address the accessory structure or proposed replacement of the front porch and ground supported balcony. This accessory structure and modifications to the front porch and balcony must be approved through a Heritage Permit and as such, staff have requested a condition of approval requiring said permit.

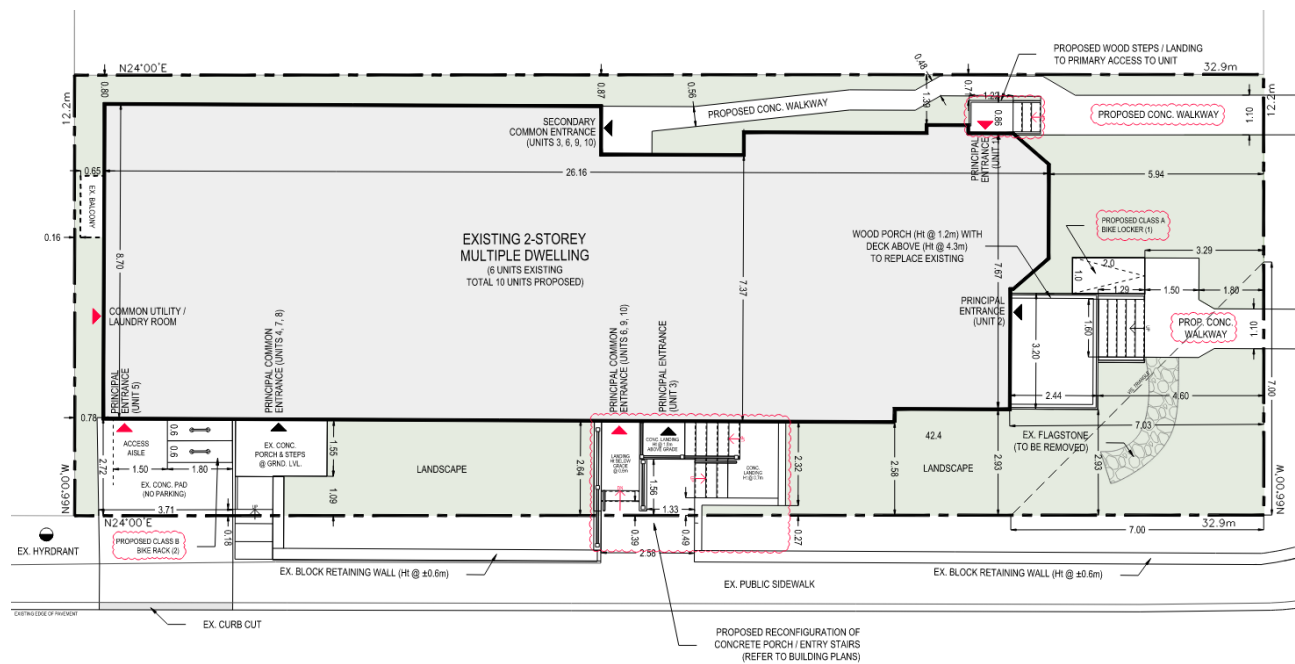


Figure 2 - Site Plan



Figure 3 - Existing House facing Joseph Street (Site Visit July 25, 2025)



Figure 4 - Existing Building Facing Richmond Avenue (Site Visit July 25, 2025)



Figure 5 - Existing Building facing Richmond Avenue and Rear Facade (Site Visit July 25, 2025)



Figure 6 - Existing Elevation Facing Richmond Avenue



Figure 7 - Proposed Elevation Facing Richmond Avenue

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

Official Plan Amendment (OPA) 49 (By-law 2024-062) incorporated modifications to the text and mapping of the Official Plan in order to implement a new land use planning framework for seven of the City's ten Protected Major Transit Station Areas. This Official Plan amendment changed the subject property's designation to 'Strategic Growth Area A'. Strategic growth area land use designations are applied within the Urban Growth Centre and Protected Major Transit Station Areas. These lands will provide opportunities for all housing types and a range of commercial, employment, and institutional uses to create complete communities. Lands within Protected Major Transit Station Areas shall be planned to achieve minimum densities, with the target for Victoria Park and Kitchener City Hall Station being 160 residents and jobs combined per hectare as per Section 3.C.2.18. The proposed development would contribute to the diversity of housing types.

As per Official Plan Section 11.C.1.37, the City will require development and/or redevelopment in a Protected Major Transit Station Area to support and contribute to a high quality public realm. To do this, the City will require a high quality public realm at grade which includes sidewalks, street furniture, street trees, and landscaping. The City will also require developments to support, maintain and/or increase the tree canopy, where possible, to support Kitchener's Sustainable Urban Forestry Strategy. The proposed variances are to recognize the existing length, setbacks, and lot area to facilitate the conversion of the existing building into a 10-Unit Multiple Dwelling. The majority of the public realm including street trees will remain the same with the exception of main entrance on Richmond Avenue which will be enhanced. As such, staff are satisfied that the variances required to recognize the existing building's dimensions and setbacks fulfills this Official Plan policy. However, the proposed variance to add an accessory structure within the front yard does support and contribute to a high quality public realm and negatively impacts the heritage features for the existing public realm. As such, staff do not

believe the variance for an accessory structure in the front yard adheres to this Official Plan policy.

As mentioned above, the subject property is located within the 'Victoria Park Heritage Conservation District' on Official Plan Map 9 – Cultural Heritage Resources. Official Plan policy 12.C.1.23 states that the City will require the submission of a Heritage Impact Assessment and/or Heritage Conservation Plan to ensure no negative impacts to the heritage values and attributes. To this regard, the applicant has already obtained a Heritage Permit for the interior alterations and third floor addition. As such, staff are satisfied that the proposed variances to recognize the building length, setbacks, and lot area maintains the general intent of the Official Plan heritage policies.

However, staff are not satisfied that the proposed accessory structure in the front yard maintains the general intent of the Official Plan heritage policies. This accessory structure was not identified, considered, or approved as part of the heritage permit. This structure interferes with the established heritage values and attributes for the front of this property and as such, staff must recommend refusal for this variance. Staff note that there should be enough room within the interior side yard beside the common entrance for the required one Class A Bicycle Parking Stall and that this location would not conflict with the Official Plan heritage policies.

General Intent of the Zoning By-law

The general intent of the required setbacks, lot area, and maximum building length is to help maintain a consistent streetscape and building form and also to help ensure the lands can function appropriately by providing sufficient landscaping and amenity space. To this regard, the proposed 10-Unit Multiple Dwelling will utilize the existing building with a minor third floor addition. This existing building is an established part of the surrounding streetscape and built form. The proposed third floor addition fits within the established streetscape and built form and does not worsen any existing setback. Regarding the landscaped and amenity area, there is sufficient landscaped area primarily within the front and exterior side yard that contributes to stormwater management and provides opportunities for nature vegetation. In terms of amenity space, there is some amenity space located within the front yard and private balconies. This private amenity space combined with the abundance of public amenity space within Victoria Park located a short walk from the subject property satisfies the general intent of the Zoning By-law.

The general intent of the zoning regulation prohibiting accessory structures within the front or exterior side yard is to help ensure a consistent streetscape and that any accessory structures are located behind the principal building. To this regard, the proposed accessory structure within the front yard conflicts with the established streetscape, neighbourhood character, and heritage values and attributes for this area. The proposed accessory structure is also located directly in front of the principal building's front façade. As such, staff do not believe this variance satisfies the general intent of the Zoning By-law.

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

The potential effects of the proposed variances for setbacks, building length, and lot area are considered minor in nature as these variances are required to recognize the existing building and property to facilitate the conversion into a 10-Unit Multiple Dwelling.

The potential effects of the request variance to permit an accessory structure within the front yard is not considered minor in nature. As discussed above, the proposed location of the accessory structure conflicts with the established streetscape and heritage values and attributes for this area.

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

The proposed variances for setbacks, building length, and lot area are considered desirable for the appropriate development and use of the land. As mentioned above, these proposed variances facilitate the conversion of the existing building into a 10-Unit Multiple Dwelling with a minor third floor addition. Maintaining this existing building with the heritage attributes is desirable for the appropriate development and use of the land.

The proposed variance for the accessory structure in the front yard is not considered desirable for the appropriate development or use of the land. As mentioned above, this proposed accessory structure conflicts with the established streetscape and heritage values and attributes for this area which is not desirable.

Environmental Planning Comments:

No concerns

Heritage Planning Comments:

103 Joseph Street is designated under Part V of the Ontario Heritage Act, and is located within the Victoria Park Area Heritage Conservation District (VPAHCD). Staff would like to provide the following comments related to this application:

1. Staff have concerns with the proposed Bike 'A' locker. Any new construction must not be in the front yard of the existing dwelling. Staff would like to work with the applicant in determining an alternate location for the enclosed bike locker. A Heritage Permit might also be required for this.
2. If there is porch work proposed as part of this application, a Heritage Permit will be required for that work as well.

Staff would like to include the following condition as part of this application:

1. That a Heritage Permit be obtained for the proposed work on the property, municipally addressed as 103 Joseph Street, before final approval of this Committee of Adjustment Application.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the additional unit to the existing residential building.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

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

There is an existing City-owned street tree within the right-of-way on Joseph Street and Richmond Avenue. It is expected that all City owned tree assets will be fully protected to City standards throughout demolition and construction as per Chapter 690 of the current Property Maintenance By-law, as required. No revisions to the existing driveway or boulevard apron will be permitted without Forestry approval. Tree Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

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*