

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Andrew Pinnell, Senior Planner, 519-783-8915

WARD INVOLVED: 10

DATE OF REPORT: August 6, 2025

REPORT NO.: DSD-2025-347

SUBJECT: Minor Variance Application A2025-071 - 99 College Street

RECOMMENDATION:

That Minor Variance Application A2025-071 for 99 College Street requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Sections 4.12.4 d) and 5.3 e) iv) to permit a driveway width of 2.8 metres instead of the minimum required 3 metres;
- ii) Sections 6.3.2 and 4.12.4 a), Table 6-3, to permit street line façade openings of 17% instead of the minimum required 20%;
- iii) Section 6.3.2, Table 6-3, to permit an interior side yard setback A (northeast) of 1 metres instead of the minimum required 1.5 metres;
- iv) Section 6.3.2, Table 6-3, to permit a building height of 11.4 metres instead of the maximum permitted 11 metres;
- v) Section 6.3.2, Table 6-3, to permit a landscaped area of 21% instead of the minimum required 30%; and
- vi) Section 6.3.2, Table 6-3, to permit a rear yard landscaped area of 35% instead of the minimum required 40%;

to facilitate the construction of a rear yard addition to add four (4) new dwelling units to the existing four (4) unit building, resulting in an eight (8) unit multiple dwelling, generally in accordance with *Attachment A – Site Plan, prepared by Facet Design Studio, dated June 17, 2025*, BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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.

2. 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 recommend approval of an application for Minor Variance to facilitate the construction of a rear yard addition to add four new dwelling units to the existing four-dwelling-unit building, resulting in an eight-dwelling-unit multiple dwelling.
- 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.



Figure 1 – Subject Property (outlined in red) in context of surrounding neighbourhood

BACKGROUND:

The subject property is located on the east side of College Street, between Weber Street West and Ahrens Street West, in the Civic Centre Planning Community. The property contains a building that is currently used as a Single Detached Dwelling with three Additional Dwelling Units (ADUs)(Attached) (four (4) dwelling units total). The dwelling was constructed in approximately 1913. The immediately surrounding area is comprised primarily of low-rise residential land uses, though a high-rise residential land use is located three properties to the north.

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure of the Official Plan and is designated 'Strategic Growth Area A' on Map 3 – Land Use. The property is zoned 'Strategic Growth Area One Zone (SGA-1)' in Zoning By-law 2019-051.

It should also be noted that the subject property is located within the Civic Centre Neighbourhood Heritage Conservation District. Accordingly, the property is designated under Part V of the Ontario Heritage Act. Heritage Permit Application HPA-2024-V-015 was approved by City Council and was issued on September 5, 2024. As such, City Heritage Planning staff does not have any comments or concerns with the subject application.

The property was the subject of a Minor Variance Application in 2019 to allow a "multiple residential dwelling (4-units) on a lot having a width of 13.41 metres rather than the required 15 metres; and an existing easterly side yard setback of 1.05 metres rather than the required 1.2 metres." The application was approved, subject to conditions that were fulfilled, including that the owner obtain Site Plan Approval.

Development and Housing Approvals staff visited the site on May 27, 2025.



Figure 2 – Photo of Subject Property

The purpose of the subject application is to facilitate the construction of a rear yard addition to add four (4) new dwelling units to the existing four (4) unit residential building, resulting in an eight (8) unit multiple dwelling. In this regard, the application requests six variances:

- i. Relief from Sections 4.12.4 d) and 5.3 e) iv) to permit a driveway width of 2.8 metres instead of the minimum required 3.0 metres;
- ii. Relief from Sections 6.3.2 and 4.12.4 a), Table 6-3, to permit street line façade openings of 17% instead of the minimum required 20%;
- iii. Relief from Section 6.3.2, Table 6-3, to permit an interior side yard setback A (northeast) of 1.0 metres instead of the minimum required 1.5 metres;
- iv. Relief from Section 6.3.2, Table 6-3, to permit a building height of 11.4 metres instead of the maximum permitted 11.0 metres;
- v. Relief from Section 6.3.2, Table 6-3, to permit a landscaped area of 21% instead of the minimum required 30%;
- vi. Relief from Section 6.3.2, Table 6-3, to permit a rear yard landscaped area of 35% instead of the minimum required 40%.

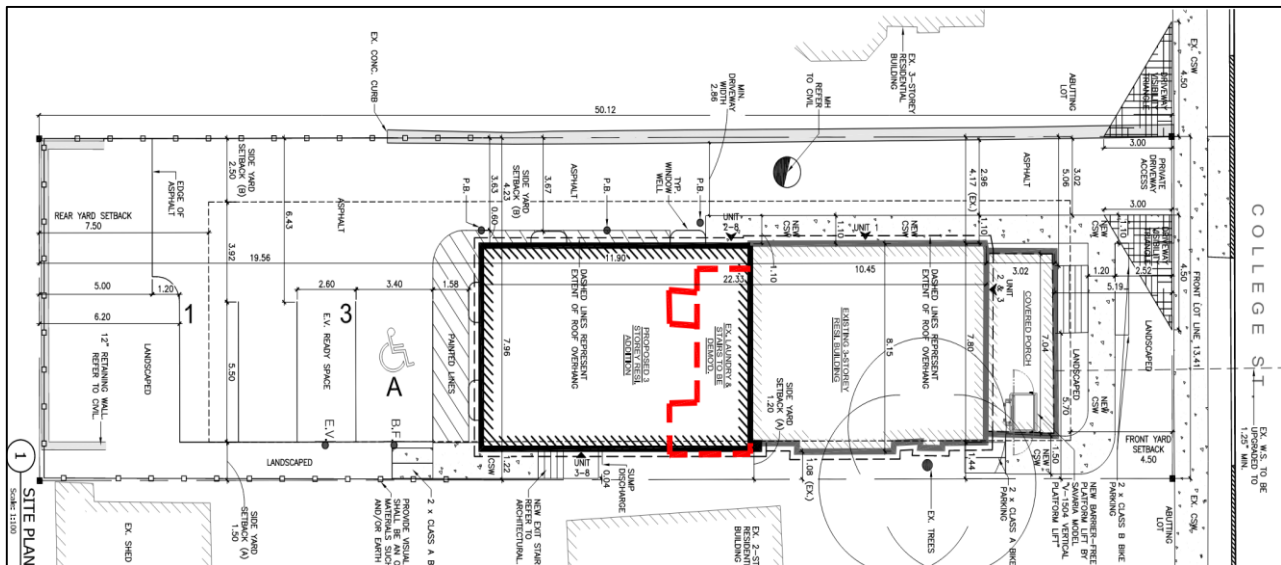


Figure 3 – Proposed site plan drawing, showing the existing building (right) and proposed rear yard addition (left).



Figure 4 – Proposed east elevation drawing, showing the existing building (right) and proposed rear yard addition (left).

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 Official Plan contains several policies that are relevant to the subject application, for example:

- 4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:
 - a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard...
 - c) New additions and modifications to existing buildings are to be directed to the rear yard and are to be discouraged in the front yard and side yard abutting a street, except where it can be demonstrated that the addition and/or modification is compatible in scale, massing, design and character of adjacent properties and is in keeping with the character of the streetscape.
 - d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
 - e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site...
- 13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...b) for the safe and efficient movement of all users, on the site, and at points of ingress and egress related to the site;
- 15.D.2.55. The Strategic Growth Area A land use designation will accommodate 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.

The requested variances would facilitate the construction of an addition within the rear yard, behind an existing building that was built in approximately 1913. While a variance is sought for building height, the proposed addition is the same height as the existing building. Also, while relief is sought for both required minimum rear yard and required minimum overall landscaped area, it should be noted that the amount of landscaping on the lot is actually *increasing* from the percentage of landscaping that currently exists (see below). Lastly, Transportation Services has advised that it has no concerns with the requested relief from the required driveway.

In this regard, Development and Housing Approvals (DHA) staff is of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Variance i:

The applicant is requesting a 2.8-metre-wide driveway, whereas the zoning requires a minimum 3.0-metre-wide driveway. However, it should be noted that the slight reduction to the driveway width would allow a 1.1-metre-wide unobstructed walkway to be constructed between the driveway and the building, to allow safe access from the municipal sidewalk and the entrances to the dwelling units. Currently, some existing dwelling units are accessed directly off the driveway, without the safety of a walkway.

Variance ii:

The applicant is requesting to permit street line façade openings of 17%, whereas a minimum of 20% is required. However, it should be noted that the College Street façade, to which this requirement applies, is an *existing* façade. No changes the openings within this approximately 112-year-old building are proposed. Essentially, the requested variance would legalize the existing façade.

Variance iii:

The applicant is requesting an interior side yard setback A (northeast) of 1 metres, whereas a minimum of 1.5 metres is required. However, it should be noted that it is the existing approximately 112-year-old building that requires relief down to 1 metre; the proposed addition is set back 1.22 metres, which would still require relief on its own, though less relief than the existing building (0.28 metres). In this regard, it should be considered that a portion of the relief represents a legalization of the existing building.

Variance iv:

The applicant is requesting a building height of 11.4 metres, whereas a maximum of 11.0 metres is permitted. However, it should be noted that the existing building has a legal non-complying height of 11.4 metres. The proposed addition continues the roofline, resulting in a consistent building height. Relief is required for the existing building since gross floor area is being added, as well as for the proposed addition, though the former relief should be considered similar to a legalization of the height.

Variances v and vi:

The applicant is requesting a landscaped area of 21%, whereas a minimum of 30% is required; and a rear yard landscaped area of 35%, whereas a minimum of 40% is required. As noted above, the amount of landscaping on the lot is actually *increasing* from the percentages of landscaping that currently exist, both overall and within the rear yard. For example, the rear yard is currently almost entirely paved and used for parking with an estimated 20% landscaped area (approx. 74 square metres. / 374 square metres). Even with the construction of the proposed addition the amount of landscaping would be increased to 35% and by 21 square metres (approx. 95.1 square metres / 260 square metres).

In this regard, Development and Housing Approvals (DHA) staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

Are the Effects of the Variances Minor?

DHA staff is of the opinion that the requested variances are minor in that they are not anticipated to cause unacceptably adverse impacts on adjacent properties.

Are the Variances Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

DHA staff is of the opinion that the proposal is justified and will facilitate gentle residential intensification, in the form of a rear yard addition that would add an additional eight dwelling units to the existing four unit residential building. The Official Plan designation and zoning permit the proposed use. Several requested variances would essentially legalize an existing condition or improve the current condition, while adding much needed housing.

Environmental Planning Comments:

No Natural Heritage Conservation. Trees limited to property line, possible shared ownership, however, no issues as addition/external construction limited to addition to the rear of existing building. No Tree Management Policy compliance issues.

Heritage Planning Comments:

The property municipally addressed as 99 College Street is designated under Part V of the Ontario Heritage Act. Heritage Permit Application HPA-2024-V-015 has been approved by Council and was issued on September 5, 2024. As such, staff 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 the addition to the existing building.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

Parkland dedication is not required for this application as it will be charged to the Applicant during the Building Permit Process. Parkland dedication of \$15,320.00 will be required for the 4 units. Parkland Dedication was charged at Building Permit #23 102776 and is still outstanding.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority Comments:

No objections.



BY EMAIL ONLY

TO: Kitchener Committee of Adjustment
200 King Street W, Kitchener, ON N2G 4G7

DATE: August 8th, 2025

RE: Adjacent Development Review: A-2025-071
99 College Street, Kitchener, ON
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 99 College Street, Kitchener to construct a three-storey residential addition for the purposes of adding 4 dwelling units on site, 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 - CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, 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. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent 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.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,

Jenna Auger
Project Analyst, Adjacent Construction Review
Metrolinx
20 Bay Street | Toronto | Ontario | M5J 2W3

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the **"Easement Lands"**).

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.

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*
- *Report DSD-19-148 – Minor Variance Application A2019-053 – 99 College Street*
- *Approval Letter re Stamp Plan 'B' Site Plan Application SP19/078/C/TS, dated December 16, 2019*
- *Heritage Permit Application HPA-2024-V-015 (approved by City Council and issued on September 5, 2024)*

ATTACHMENTS:

Attachment A – Site Plan, prepared by Facet Design Studio, dated June 17, 2025

