

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 20, 2026

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

PREPARED BY: Evan Wittmann, Senior Planner, 519-783-8523

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: January 14, 2026

REPORT NO.: DSD-2026-020

SUBJECT: Minor Variance Application A2026-002 – 546 Courtland Ave. E.

RECOMMENDATION:

That Minor Variance Application A2026-002 for 546 Courtland Avenue East requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.3.e ii) to permit a drive aisle width of 5.3 metres instead of the minimum required 6 metres;
- ii) Section 5.3.4 b) ii) to permit parking spaces and drive aisles to not be located entirely behind the area on the ground floor devoted to the permitted multiple dwelling use for the entire length of the street line façade, except for access, whereas the Zoning By-law requires parking and drive aisles to be located entirely behind the area on the ground floor devoted to the multiple dwelling use for the entire length of the street line façade, except for access; and,
- iii) Section 6.3.2, Table 6-3, to permit a building length of 36.6 metres instead of the maximum permitted 24 metres;

to facilitate the construction of a 3 storey multiple dwelling having six (6) dwelling units, generally in accordance with drawings prepared by Freure Homes, dated November 10, 2025, BE APPROVED, subject to the following conditions:

1. That all of the conditions of Consent Application B2025-021 be satisfied and that the Certificate of the Official is issued. The Owner shall provide final documentation of the conveyance of the lot addition to 265 Bedford Road.
2. That the Owner shall submit a Plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans showing the following:
 - a) the proposed location of all buildings (including accessory buildings and

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Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- structures), decks and driveways;
- b) the location of any existing buildings or structures to be removed or relocated;
- c) the proposed grades and drainage;
- d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition;
- e) justification for any trees to be removed; and
- f) outline tree protection measures for trees to be preserved; and
- g) building elevation drawings.
- h) If necessary, the plan shall include required mitigation and/or compensation measures.
- i) That the approved elevation drawings shall be implemented as approved or be substantively similar to the approved elevations as part of issuance of any building permit(s).

Any alteration or improvement to the lands including grading, servicing, tree removal and the application or issuance of any Demolition and/or Building permits shall be in compliance with the approved plan. Any changes or revisions to the plan require the approval of the City's Manager, Site Plans.

3. That prior to any site alteration or issuance of a Demolition Permit, the Owner submits the following to the satisfaction of the Grand River Conservation Authority (GRCA).
 - a) A Topographic Survey, completed by an Ontario Licensed Surveyor, and showing the extent of the Regulatory Floodplain Elevation (RFE) as per the surveyor's measurements.
 - b) A Grading Plan, showing the post-development extent of the Regulatory Floodplain Elevation (RFE) and sufficiently floodproofing the building and driveway.
 - c) Building Plans and Cross-Sections (i.e. a revised version of building plan A11), showing metric geodetic floor elevations, and with all floor space above the Regulatory Floodplain Elevation (RFE).
 - d) Submit payment of the GRCA Review Fee of \$300.00.
 - e) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the Grand River Conservation Authority.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to facilitate the development of the subject site with a multiple residential building with six (6) dwelling units.
- The key finding of this report is that the requested variances meet the four tests of the Planning Act.

- 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 site is located on the east side of Courtland Avenue East, south of the intersection of Sydney Street South. The subject site currently features a one and a half storey single detached dwelling. The subject site is approximately 20 metres in width, 67 metres in length, and has an area of 998 square metres.



Figure 1: View Of Subject Site From The Street (Taken January 7, 2026)



Figure 2: View Of Rear Yard Of Subject Site



Figure 3: Aerial View Of Subject Site

The subject site 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.

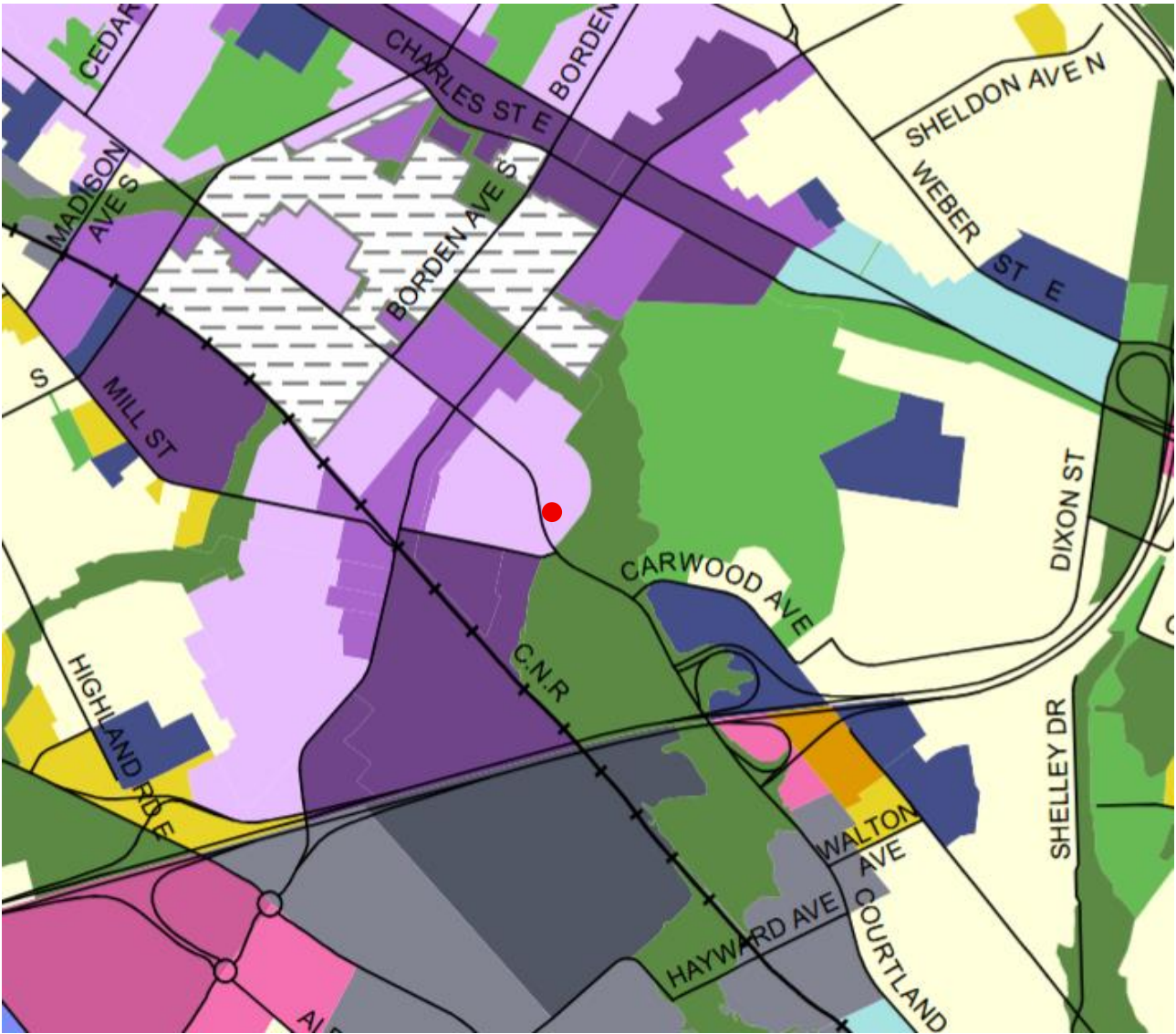


Figure 4: Official Plan Land Use Designations

The subject site is zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051. A portion of the rear of the property is within the Grand River Conservation Authority (GRCA) regulated area. A portion of the regulated area is floodplain (black hatched area on Figure 5).

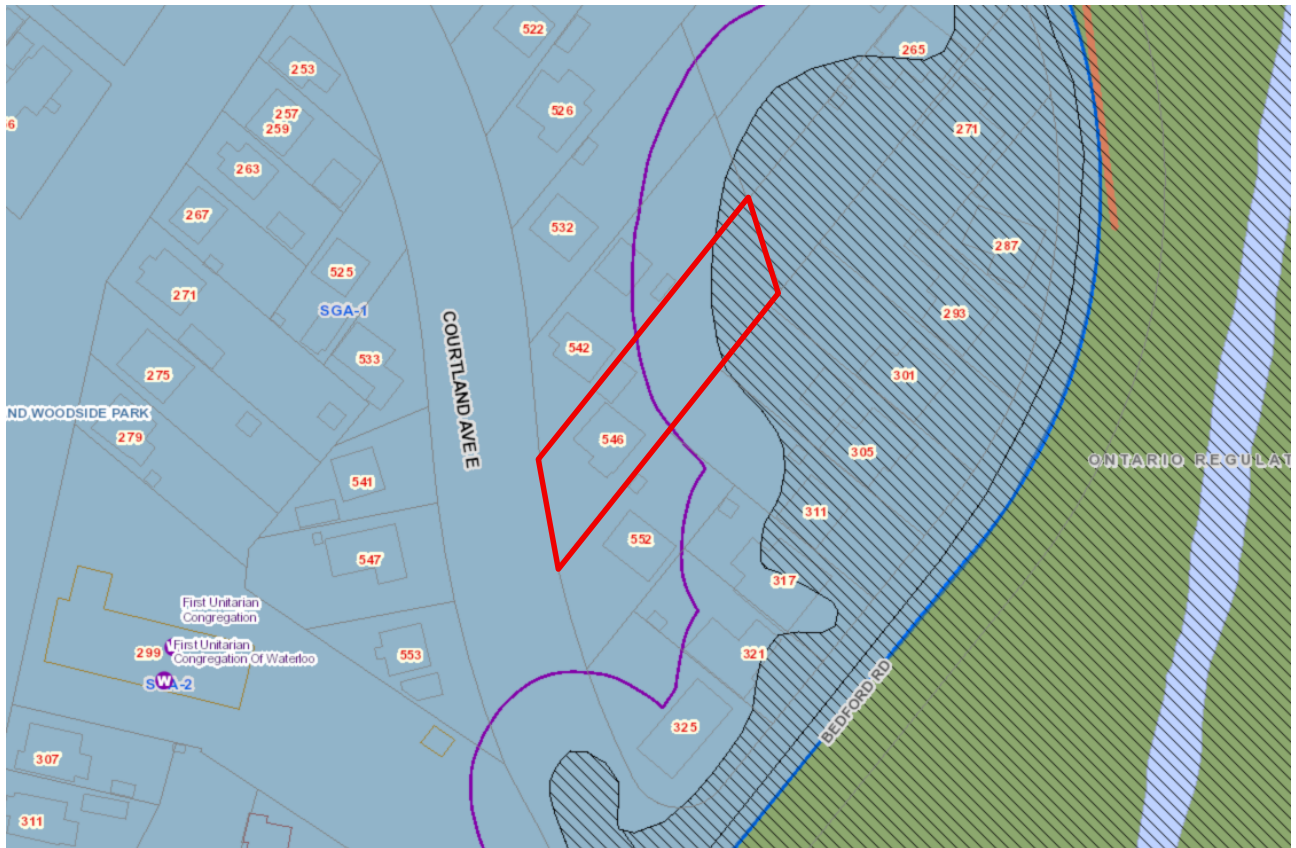


Figure 5: Zoning By-Law 2019-051

The purpose of the application is to facilitate the redevelopment of the subject site for a six-unit, multiple dwelling development. The subject site was part of Consent Application B2025-021, which was considered and approved by the Committee of Adjustment at their July 15, 2025 meeting, and was subsequently conditionally approved. This application was for a lot addition to convey a small triangular portion at the rear of the subject site to 265 Bedford Road. This Consent Application is yet to have all conditions of approval completed.

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

Protected Major Transit Station Areas (PMTSA) are to provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels. The proposed development contributes positively to this direction by providing six dwelling units where there is currently one.

Section 4.C.1.8. of the Official Plan provides specific policy direction regarding development applications that require minor variances. The overall impact of the minor variances 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.

The proposed development is consistent with all built form regulations, aside from the requested building length variance. The surrounding area generally consists of single detached dwellings, being one and a half storeys. In meeting the policy direction for appropriate massing and compatible scale, the recently adopted Strategic Growth Area land use designation (and associated zoning) presents a flexible regulatory framework intended to spur redevelopment and intensification. The proposed development remains low rise in nature, provides garages for car and bicycle parking and storage, and is family oriented providing three-bedroom units. The variance to building length is appropriate to provide these characteristics, while intensifying the property to support transit.

- b) Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.

This policy is not applicable to the application.

- 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.

This policy is not applicable to the application.

- 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.

The subject site is flanked on both sides by properties with a single detached dwelling at similar scale to the existing building on the subject site. Generally, adverse privacy impacts are contributed due to building height and setbacks. The proposed development is consistent with the Zoning By-law permissions for these provisions. To mitigate potential impacts, a 1.8 metre privacy fence is proposed on both side lot lines. There is currently no fence on the subject site.

- 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.

The variance to drive aisle width maintains enough width to have two-way travel, and parking spaces can be adequately entered and exited, resulting in no adverse impacts to adjacent properties.

- f) The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.

This policy is not applicable to the application. The requested variances are independent of each other. There may be the perception that the reduced driveway width necessitates the need for wider garages to accommodate vehicular turning radii, resulting in a longer building. If the building length was reduced, the parking aisle width variance would still be required; if the parking aisle width was increased, the building length variance would still be required. Resolving one variance does not “naturally” resolve the other, suggesting that one is not causing the other.

It is staff's opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the Zoning By-law regarding building length is to promote parcel consolidation, control massing, and avoid orienting the majority of units to the internal lot lines. The geometry of the subject site, being a generally narrow property with a width of roughly 20 metres and length of roughly 67 metres, lends itself to a redevelopment scenario such as the one proposed to avoid the underutilization of the property. The rear yard setback remains significant, being roughly 15 metres. In considering the length of the property, roughly 54% (36.6 building length vs 67 metre lot length) of the lot line is occupied by the building face. This suggests that the lot is not being over-developed. Additionally, the southern lot line does not solely abut one property; three other properties share a rear lot line with the subject site. This reduces the overlook of the proposed development onto one property, and functions more similarly to a corner lot. Additionally, the proposed development is oriented towards this southern lot line, which obstructs overlook side-to-side on the adjacent properties.

The general intent of the Zoning By-law regarding parking spaces and drive aisles being located entirely behind the area on the ground floor devoted to the permitted multiple dwelling use for the entire length of the street line façade, except for access, is to contribute to an animated streetscape, rather than dedicate the street façade to vehicles. The proposed development provides front yard landscaping, bicycle parking, and a walkway across the width of the development to screen and enhance the façade of the building. Additionally, this frontage provides the front door for the street facing unit and is designed with windows and consistent material treatment to give the appearance of living space rather than a parking facility. These mitigation measures positively contribute to meeting the intent of the Zoning By-law.

The intent of the minimum drive aisle width is to ensure that vehicles have sufficient space to make proper turning movement in and out of parking spaces. Due to the width of the

proposed garages, vehicles can adequately move in and out of the subject site, meeting the intent of the Zoning By-law.

It is staff's opinion that the requested variances meet the general intent of the Zoning By-law.

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

The requested variance to exceed the maximum building length provided by the Zoning By-law by 6.5 metres generally presents the same urban design considerations as a building built to the maximum 24 metres. Fencing is proposed to mitigate privacy concerns at the lower levels of the building.

The requested variance to locate parking areas along the street line façade is generally mitigated through building materials, landscaping, and window treatments, resulting in a generally innocuous vehicle parking location at grade. No adverse impacts are anticipated by locating the vehicle parking in this location.

As vehicles can adequately turn in and out of the parking spaces proposed, no adverse impacts are anticipated due to the reduced drive aisle width.

It is staff's opinion that the requested variances are minor in nature.

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

The subject site is within a PMTSA and is identified for intensification. The proposal consists of exclusively three-bedroom units, which are generally underrepresented unit types within multiple residential dwellings.

As the proposed development contains six or fewer dwelling units, curbside, municipal waste collection will be provided for the subject site. The building length, and associated wider than typical garages, results in indoor storage space that otherwise would not be available and can be used to store the waste receptacles required for each unit. This allows the outdoor areas to function purely for recreational purposes rather than additional storage.

It is staff's opinion that the requested variances are desirable for the appropriate development of the land.

Environmental Planning Comments:

Please include standard Tree Management condition for variance. In order to responsibly address trees on neighbouring properties or in shared ownership, condition should ask for a Tree Preservation / Enhancement Plan ("Arborist's Report") prior to any Site Alteration, Demolition or Building Permit, whichever occurs first.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the 6-unit residential is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

Cash-in-lieu of parkland dedication will be required prior to issuance of a building permit. No other concerns or requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Staff note that without the garage access width of approximately 4.87 metres, the 5.32 metres drive aisle width would not be able to support vehicle access to a typical parking space.

Region of Waterloo Comments:

No concerns.

Six Nations of the Grand River Elected Council (SNGREC) Comments:**Bird and Light Friendly Design**

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and using warmer lights that are directed downwards and away from natural areas.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

<https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf>

<https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf>

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. SNGREC requires an opportunity to review any landscape plant lists before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

SNGREC strongly encourages the creation of pollinator gardens using native plant species in landscaped areas not intended for human movement. Pollinator gardens can offer food, breeding space, and sanctuary for pollinators that are harmed by human expansion as they

lose functional habitat, and their remaining habitat becomes more fragmented. Pollinator gardens will also increase the visual attractiveness of the area.

Grand River Conservation Authority

Recommendation

The GRCA recommends that the application is approved subject to the following condition:

- Prior to any grading or construction on the site, the owners or their agents submit the following to the satisfaction of the Grand River Conservation Authority.
 - a) A topographic survey by an Ontario Licensed Surveyor;
 - b) A detailed grading plan;
 - c) Building plans and cross-sections;
 - d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the Grand River Conservation Authority.

GRCA Comments

The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a public body under the Planning Act, as well as in accordance with Ontario Regulation 41/24 and GRCA's Board approved policies. Information currently available at our office indicates that the subject lands contain the Schneider Creek floodplain. This portion of the floodplain is the fringe of a Two-Zone Policy Area. The Regulatory Floodplain Elevation (RFE) for the property is 317.6 metres (CGVD 28).

The proposed building and associated grading must be floodproofed above the RFE, in accordance with City of Kitchener Official Plan policy 6.C.2.5 (c) (i) and GRCA Policy 8.1.31. In order to demonstrate meeting these policies, the GRCA will require the following plans, all of which must note the vertical elevation datum (e.g. CGVD28):

1. A Topographic Survey, completed by an Ontario Licensed Surveyor, and showing the extent of the Regulatory Floodplain Elevation (RFE) as per the surveyor's measurements.
2. A Grading Plan, showing the post-development extent of the Regulatory Floodplain Elevation (RFE), and sufficiently floodproofing the building and driveway.
3. Building plans and cross-sections (i.e. revised versions of building plans A02 and A06), showing metric geodetic floor elevations and with all floor space above the Regulatory Floodplain Elevation (RFE).

The GRCA has confidence that the applicant can revise their plans accordingly to demonstrate the above. As such, the GRCA recommends approving the application conditional on providing these plans to the GRCA's satisfaction, as well as obtaining a GRCA permit.

This is considered a 'minor' minor variance application. Consistent with GRCA's 2023-2025 approved fee schedule, we will invoice the applicant \$300 for our review. A separate fee will be required for a GRCA permit.

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:

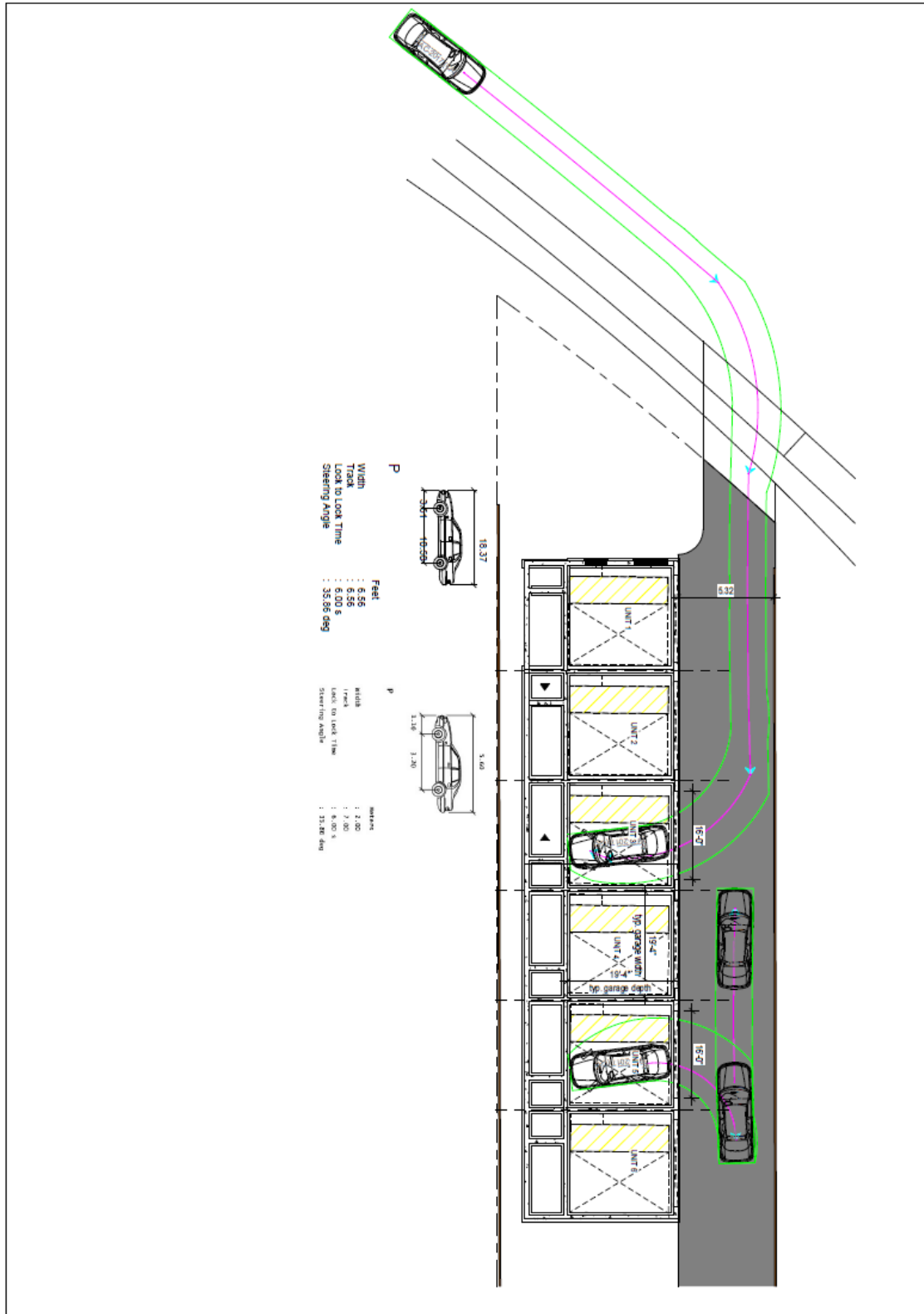
- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2025-301*

ATTACHMENTS:

Attachment A – Site Plan

Attachment B – Turning Radius Diagram

Attachment B – Turning Radius Diagram



<h2>m-04</h2>	546 COURTLAND AVE., KITCHENER 5 UNITS 2 BUILDINGS	STATUS: permit LOT: NO. 846 PROJECT: NO. #14 ELEVATION: B MIC: Designer PERMIT: #1- SCALE: 1/16" = 1'-0" DATE: 5/18/2025	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>ISSUE</th> <th>DR</th> <th>CR</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>05/20/25</td> <td>change car type and steering path</td> <td>ML</td> <td></td> </tr> </tbody> </table>	NO.	DATE	ISSUE	DR	CR	01	05/20/25	change car type and steering path	ML		PREURE HOMES BUILDING HOMES SINCE 1954	
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