

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: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 6, 2026

REPORT NO.: DSD-2026-025

SUBJECT: Minor Variance Application A2026-003 – 4417 King Street East

RECOMMENDATION:

That Minor Variance Application A2026-003 for 4417 King Street East requesting relief from Section 6.2, Table 6-1 of Zoning By-law 2019-051 to permit a 'Car Wash' as a permitted use, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to permit a 'Car Wash' as a permitted use in the 'Mid Rise Growth Zone (SGA-2 Zone)'.
- The key finding of this report is that the Minor Variance to permit a 'car wash' use does not meet all 4 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 property is located on the south side of King Street East, near the intersection of King Street East and Sportsworld Drive.

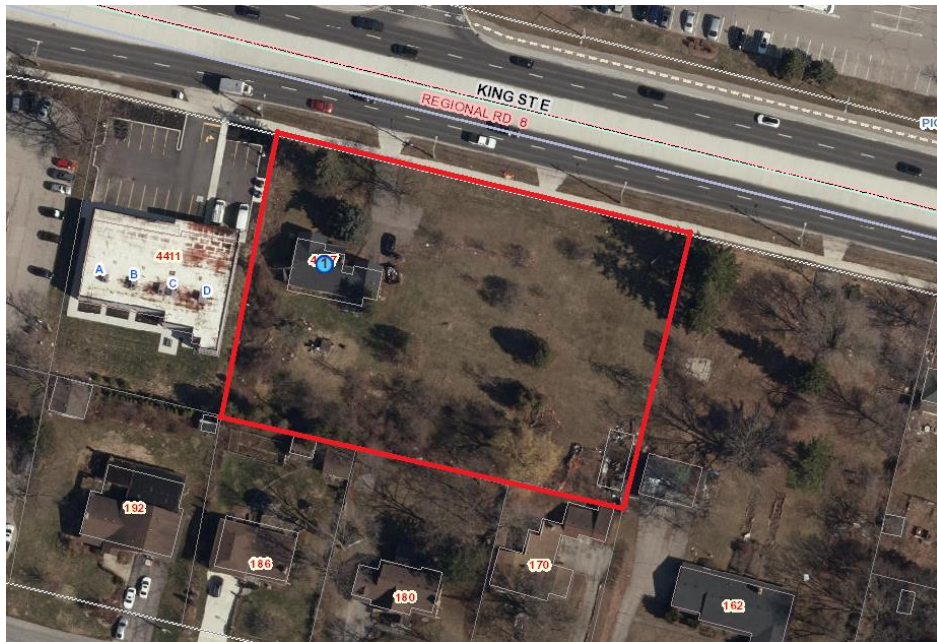


Figure 1 - Location Map: 4417 King Street East

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area B' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Arterial Commercial (COM-3)' in Zoning By-law 2019-051 and is also zoned 'Mid Rise Growth Zone (SGA-2)' in the Growing Together East update to Zoning By-law 2019-051, which was Council approved on May 5, 2025 and is currently under appeal.

The purpose of the application is to review a Minor Variance Application to permit a 'Car Wash' as a permitted use in the 'Mid Rise Growth Zone (SGA-2)'. The applicant is requesting to add the Car Wash use to the property. The property currently contains a Single Detached Dwelling.

The identification of the lands in a 'Protected Major Transit Station Area' and the 'Strategic Growth Area B' Official Plan land use designation are now in effect, and the Growing Together East Zoning By-law Amendment is currently under appeal. Staff are currently dual testing planning applications under both zoning categories, with the most restrictive regulations within each Zone Category being applied, because once the appeal is resolved the effective date of the new 'SGA-2 Zone will be May 5, 2025..

Staff note that within the 2019-051 Zone Category of 'COM-3', a 'car wash' would be a permitted use however, the new zoning of the property has been approved by Kitchener City Council to be 'Mid Rise Growth Zone (SGA-2)', effective May 5, 2025. The purpose of the 'SGA-2' Zone is to create opportunities for moderate growth in mid-rise forms up to 8 storeys in height and permit a mix of residential and non-residential uses. A 'Car Wash' use is not one of the permitted uses in the 'SGA-2' Zone. Staff are under the opinion that the future direction of the site is to not permit primary car-oriented uses on properties that are to be developed within the area.



Figure 2 - Front property view – 4417 King Street East



Figure 3 – Existing single detached dwelling – 4417 King Street East

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 B' in the City's Official Plan. 'Strategic Growth Area B' lands are intended to accommodate significant intensification at building heights between those in Strategic Growth Area A and Strategic Growth Area C and serve as a transition between low rise residential uses and medium and high density uses. Permitted non-residential uses within the land use designation may include compatible commercial uses such as retail, restaurant, personal services, and office uses.

Policy 15.D.2.14 of the Official Plan states that new predominately auto-exclusive uses such as car washes, drive-through facilities, gas stations, the sale and/or repair of motor vehicles and commercial parking facilities will only be permitted in the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas on the basis of a site-specific amendment to this Plan (Official Plan Amendment). As per Official Plan policy, a Minor Variance Application is not the appropriate application to add this specific use to the property and if the Applicant/Owner wants to continue with this type of use and development an Official Plan Amendment Application would be required.

15.D.2.14. **New predominately auto-exclusive uses such as car washes**, drive-through facilities, gas stations, the sale and/or repair of motor vehicles and commercial parking facilities **will only be permitted in the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas on the basis of a site-specific amendment to this Plan.** In considering applications for site-specific Official Plan amendments, such applications will need to demonstrate the following:

- a) The use can maintain consistency with the objectives of this Plan, and in particular the objectives of the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas;
- b) Will not conflict with the planned function of the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas, and will not preclude the intensification of the site;
- c) maintains the planned scale of the urban environment;
- d) gives priority to the comfort, safety and efficient movement of pedestrians and cyclists.
- e) the use conforms to the Urban Design Policies of this Plan and to the Urban Design Manual;

Further, the property is identified as a 'Protected Major Transit Station Area' in the City's Urban Structure. The planned function of PMTSA's is to provide focus for accommodating growth through development which support existing and planned transit and rapid transit service levels, while also providing connectivity of various modes of transportation to the

transit system. The 'Car Wash' use is not transit or pedestrian oriented and will not contribute to the planned density of 160 residents and jobs per hectare for the Sportsworld Station.

3.C.2.17. The planned function of Protected Major Transit Station Areas, in order to support transit and rapid transit, is to:

- a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels;
- b) provide connectivity of various modes of transportation to the transit system;
- c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and,
- d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies a) through d) above should not be interpreted to mean that every property located within a Protected Major Transit Station Area is necessarily appropriate for major intensification.

3.C.2.18. The following Protected Major Transit Station Areas shall be planned to achieve the following minimum densities:

- j) Sportsworld Station: 160 residents and jobs combined per hectare.

3.C.2.22. a) in areas that are intended to be the focus for intensification, development applications will support the planned function of Protected Major Transit Station Areas and have regard for the following:

- i) the Regional Official Plan and the Transit-Oriented Development Policies included in Section 13.C.3;
- ii) new non-transit-supportive uses such as low density uses and/or auto-oriented uses will be discouraged;**
- iii) appropriate pedestrian and public transit facilities may be required with all major development or redevelopment proposals;
- iv) vehicular access points will be controlled to minimize disruption to traffic flow and new development may be required to share common driveways and provide for maneuverability between sites.

Existing developments within areas intended to be the focus for intensification that do not meet a) i) through iv) above, will be encouraged to redevelop in a manner consistent with these policies.

Section 17.E.20.10 of the Official Plan states that the Committee of Adjustment may permit a use of the property that is similar to the purpose for which it was used, or a use that is more compatible with the uses permitted by the Zoning By-law, provided that the proposed use will be an improvement over the existing use in terms or appearance and function in relation to the surrounding area and more closely approach the intent of the policies of the Official Plan and provisions of the Zoning By-law.

It is the position of staff that the proposed use of a 'Car Wash' is not permitted in the land use designation without an Official Plan Amendment (Policy 15.D.2.14) and cannot be considered by the Committee of Adjustment, will not improve the functionality of the property and area, and is not a use that is more compatible with the uses permitted in the 'SGA-2' Zone.

The proposed 'Car Wash' use does not meet the intent of the policies of the 'Protected Major Transit Station Area' Urban Structure component or the 'Strategic Growth Area B' land use designation of the City's Official Plan.

General Intent of the Zoning By-law

The intent of the 'SGA-2' Zone is to create opportunities for moderate growth in mid-rise forms up to 8 storeys in height. A wide mix of residential and non-residential uses are permitted. In May 2025 it was the City's direction to move this area away from the commercial uses, and plan for development that was medium density in scale, to support ION being in a Major Transit Station Area. This change has been approved by Kitchener City Council and is currently under appeal. The request to add a use that is not permitted within the proposed new zoning framework and does not meet the general intent of the Zoning By-law.

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

Staff is of the opinion that the effects of the requested variance are not minor as the variance to add the 'Car Wash' use cannot be considered minor as the use was not established prior to the Council approving the new 'SGA-2' zone category. Adding a use permitted by the 'COM-3' Zoning within Zoning By-law 2019-051 does seem minor in nature at first, however by permitting a new use on the site that is not a permitted use in the 'in effect' Official Plan and requiring an OP Amendment, and not permitted in the new zone category applied to the lands, mitigates the future direction of these properties and the surrounding area that could hinder the redevelopment of the lands in the future.

Also, the Region of Waterloo has indicated that it is unclear if this application will result in an impact on the water supply. As such, the Region notes that subsection 3(5) of the Planning Act requires that decisions made by approval authorities be consistent with the policies of the Provincial Planning Statement, 2024 (PPS) including those policies found in s. 3.6 of the PPS relating to water services.

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

The proposed variance to add the 'Car Wash' use is not desirable and appropriate for the development and use of the land as the use does not meet the Council approved direction for the lands. The approval of adding a use will not encourage the lands to be developed in a more desirable nature and will not help facilitate increased density. The use does not support a complete and healthy community and does not contribute to the walkability of the area, as the intent is an auto oriented use, rather than a pedestrian oriented use.

Environmental Planning Comments:

No natural heritage planning comments or concerns.

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 car wash 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:

No concerns or requirements at this time.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Transportation Staff suggest that the Applicant considers reducing the width of the 9.0 metre drive aisle between the vacuum parking spaces, as current urban design guidelines require a minimum width of 6.1 metres for a two-way drive aisle.

Region of Waterloo Comments:

It is unclear if this application will result in an impact on the water supply. Please be advised that the Region is currently updating the Water Supply Strategy. We wish to bring to your attention that through this work, concerns have been identified regarding water servicing capacity within the Mannheim Service Area. Regional staff are currently undertaking work to better understand the magnitude of the concerns.

As such, we note that subsection 3(5) of the Planning Act requires that decisions made by approval authorities be consistent with the policies of the Provincial Planning Statement, 2024 (PPS) including those policies found in s. 3.6 of the PPS relating to water services.

Six Nations of the Grand River Elected Council (SNGREC) Comments:

No comments.

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*
- *Growing Together East Zoning By-law 2019 update*