

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 20, 2022

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Tara Zhang, Planner, 519-741-2200 ext. 7760

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-434

SUBJECT: Minor Variance Application A2022-106 - 175 Tartan Avenue
Owner: Schlegel Urban Developments Corp.
Agent: Blake Tonic

RECOMMENDATION:

Zoning By-law 85-1

A. That Minor Variance Application A2022-106 for 175 Tartan Avenue requesting relief from:

- 1) Section 6.1.2 a) to permit a parking requirement of 1.1 parking space per dwelling unit (120 parking spaces) instead of the minimum required 1.5 parking spaces per dwelling unit (162 parking spaces);
- 2) Section 6.1.2 b) vi) b) to permit 10% of the required parking spaces (12 spaces) for Visitor Parking instead of the minimum required 20% (32 parking spaces);
- 3) Special Regulation Provision 736R b) to permit a side yard setback of 1.8 metres instead of the minimum required 2.5 metres; and
- 4) Special Regulation Provision 736R c) to permit a rear yard setback of 5.5 metres instead of the minimum required 7 metres;

to facilitate the development of the property with 108-unit multiple residential stacked townhome development (7 buildings in total) in accordance with Site Plan Application SP22/061/T/LT, BE APPROVED.

Zoning By-law 2019-051

B. That Minor Variance Application A2022-106 for 175 Tartan Avenue requesting relief from:

- 1) Site-specific Provision (250) b) to permit a side yard setback of 1.8 metres instead of the minimum required 2.5 metres; and
- 2) Site-specific Provision (250) c) to permit a rear yard setback of 5.5 metres instead of the minimum required 7 metres;

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to facilitate the development of the property with 108-unit multiple residential stacked townhome development (7 buildings in total) in accordance with Site Plan Application SP22/061/T/LT, BE APPROVED.

This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and provide a recommendation for Minor Variance Application A2022-106.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is within the Huron South Neighbourhood which is located south of Huron Road and east of Fischer Hallman Road. The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'Residential Eight Zone (R-8)' with Special Regulation Provision 736R in Zoning By-law 85-1 and 'Medium Rise Residential Six Zone (RES-6)' with Site-Specific Provision (250) in Zoning By-law 2019-051, which is currently under appeal.

The application is requesting variances to permit the reduction in the parking requirement, the number of visitor parking, and reduced rear yard and side yard setbacks for the proposed development.

City staff conducted a site inspection of the property on September 2nd, 2022.

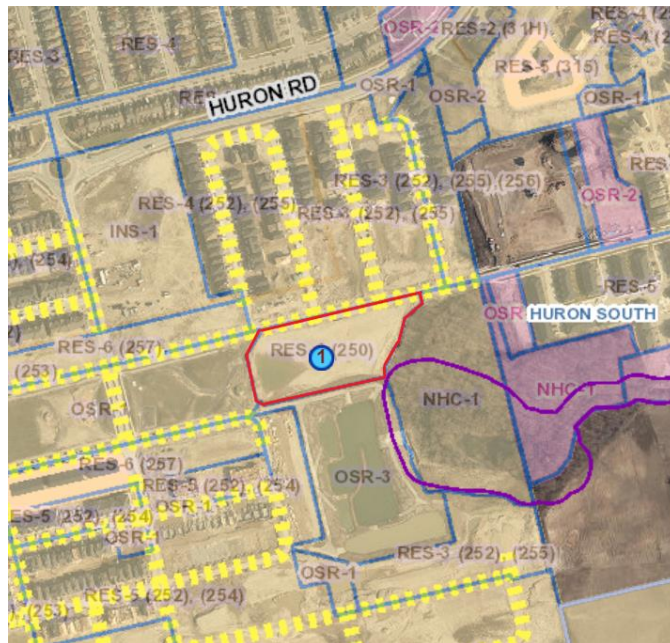


Figure 1: Location Map: 175 Tartan Avenue



Figure 2: Front view of 175 Tartan Avenue

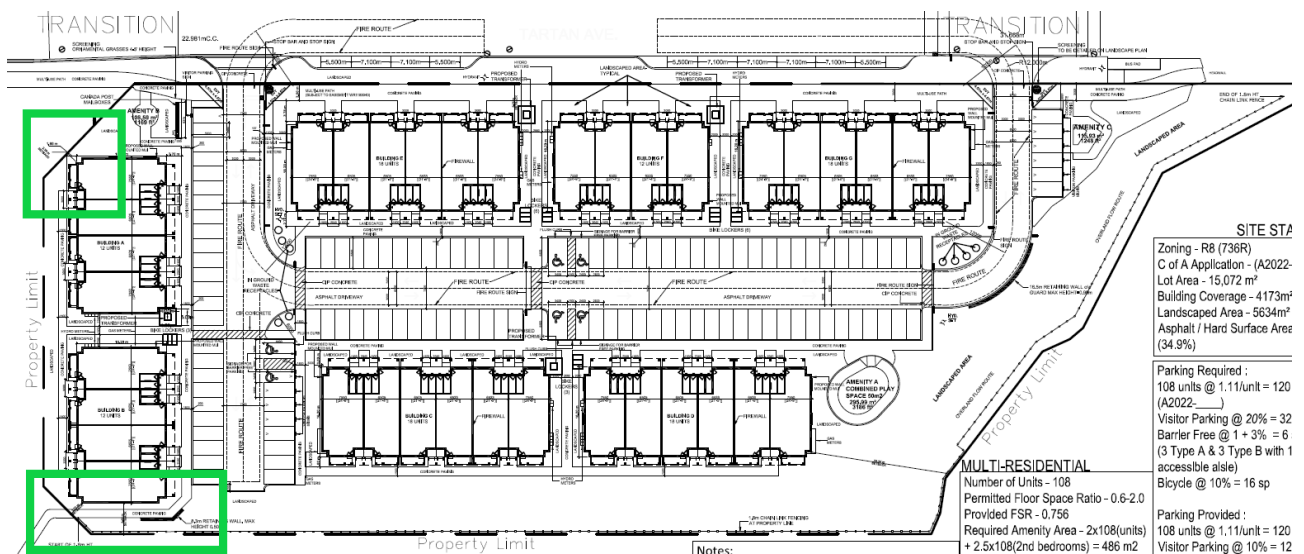


Figure 3: Site Plan: Green box indicating reduced rear and side yard

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 property is identified as 'Community Areas' on Map 2 - Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The intent of the Low Rise Residential designation is to accommodate a diverse range of low rise housing types while maintaining the character of the neighbourhood.

The minor variances will facilitate the development of the subject property with a low-rise multiple residential use consistent with the land use designation and with the intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the 2.5 metre side yard setback and the 7 metre rear yard setback requirements in Zoning By-laws 85-1 and 2019-051 is to maintain privacy and an appropriate separation distance from neighbouring properties. Only the one corner of the building at the northwesterly portion of the site is deficient and located 1.8 metres rather than the required 2.5 metres and the side wall of the building at the southwesterly end of the site is deficient and located 5.5 metres rather than the required 7 metres for a rear yard. The neighbouring properties are zoned 'Open Space and Recreation (OSR)' and 'Natural Heritage Conservation (NHC)' which does not allow the use of any future residential development. Staff is of the opinion that the requested reductions in the setbacks meet the general intent of the Zoning By-law.

The intent of the minimum parking and visitor parking requirements is to ensure the development provides a sufficient number of parking spaces for both residents and visitors to the site. Residents are becoming less car-dependent and the reduced parking spaces will facilitate more housing and amenity space being provided on the site. Also, as the parking requirements will be in compliance with new Zoning By-law 2019-051, staff is of the opinion that the minor variances to permit a reduced parking requirement and a reduction in the number of required visitor parking spaces, to Zoning By-law-85-1, meets the intent of new Zoning By-law 2019-051.

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

Staff is of the opinion that the effects of the requested variances are minor as the reduced parking requirement, the reduction in the number of visitor parking spaces, and the reduced side yard and rear yard setbacks, adjacent to open space lands, will not affect the neighbouring properties or negatively impact the functioning of the site.

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

The requested variances are desirable for the appropriate development and the use of land as they will facilitate the development of a multiple residential stacked townhouses compatible with the form and scale of the surrounding properties. The reduced setbacks will facilitate the development of buildings on the westerly side of the site where the lot line is irregular and will not impact the privacy of neighbouring properties and the reduced parking will not negatively impact the functioning of the site. Staff is of the opinion that the requested variances are considered desirable for the appropriate development of the use of the land.

Environmental Planning Comments:

A Tree Management Plan is required and this will be addressed through the site plan application in process.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

No objections.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Based on the justification report completed by Fusion Homes and submitted as part of this application, Transportation Services can support the proposed parking rate of 1.11 spaces per unit

(1.50 spaces per unit required under Zoning By-law 85-1), the visitor parking rate of 10% (20% required), and 18 Class A secured bike spaces.

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 Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*