

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: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-433

SUBJECT: Minor Variance Application A2022-104 - 369 Frederick Street
Owner: PeopleCare Inc.
Applicant: Matt Warzecha, Polocorp Inc

RECOMMENDATION:

That Minor Variance Application A2022-104 for 369 Frederick Street requesting relief from Section 32.3.5 of Zoning By-law 85-1 to:

- a) permit an interior side yard setback of 6.1 metres instead of the minimum required 8.3 metres; and
- b) permit a Floor Space Ratio (FSR) of 1.25 instead of the maximum 1.0;

to facilitate a 4-storey addition to the existing residential care facility, in accordance with Site Plan Application SP22/126/F/ES, BE APPROVED.

REPORT HIGHLIGHTS:

- The applicant is requesting a minor variance for a reduction in interior side yard setback and an increase in Floor Space Ratio (FSR) for a proposed 4-storey addition to an existing residential care facility.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the south side of Frederick Street near the intersection at East Avenue. The subject lands are adjacent to Frederick Mall.

The subject property is identified as a 'Community Node' on Map 2 – Urban Structure and is designated 'Mixed Use Node' on Map 20 – Central Frederick Neighbourhood Secondary Plan in the City's 1994 Official Plan.

The property is zoned 'Community Institutional Zone (I-2)' in Zoning By-law 85-1.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

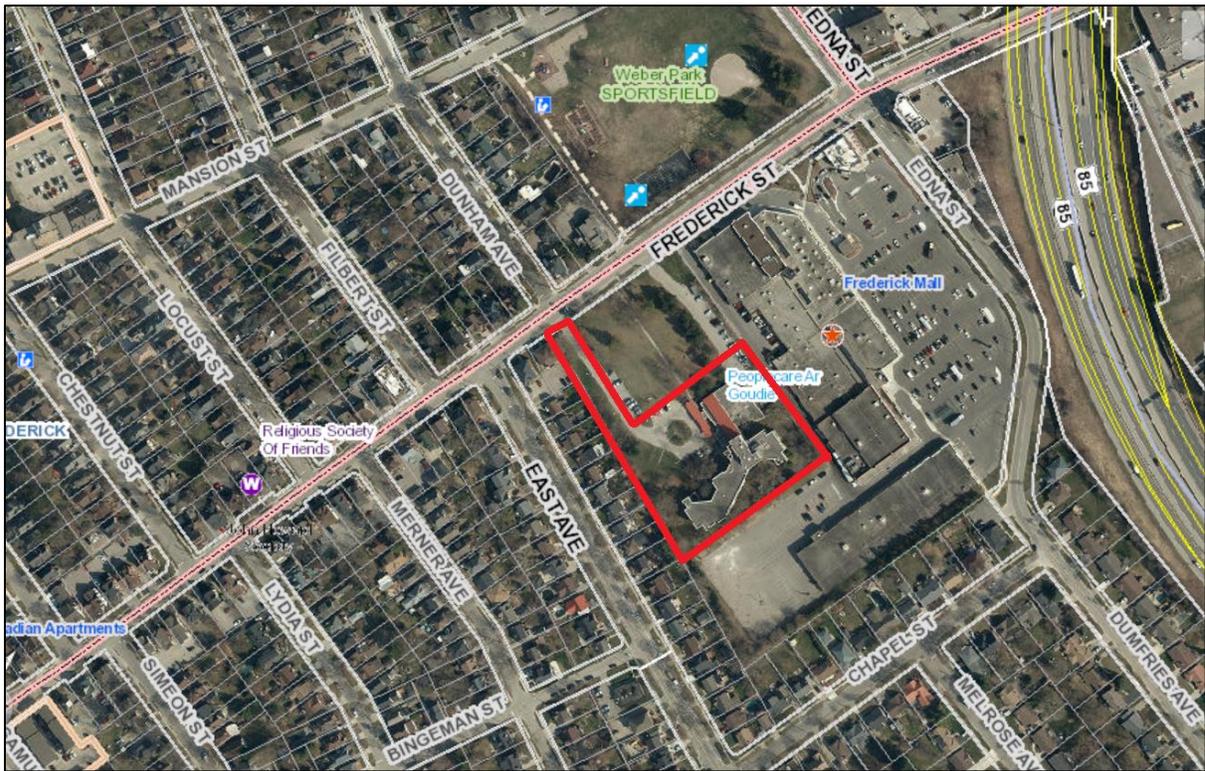


Figure 1: View of Subject Property (369 Frederick Street)

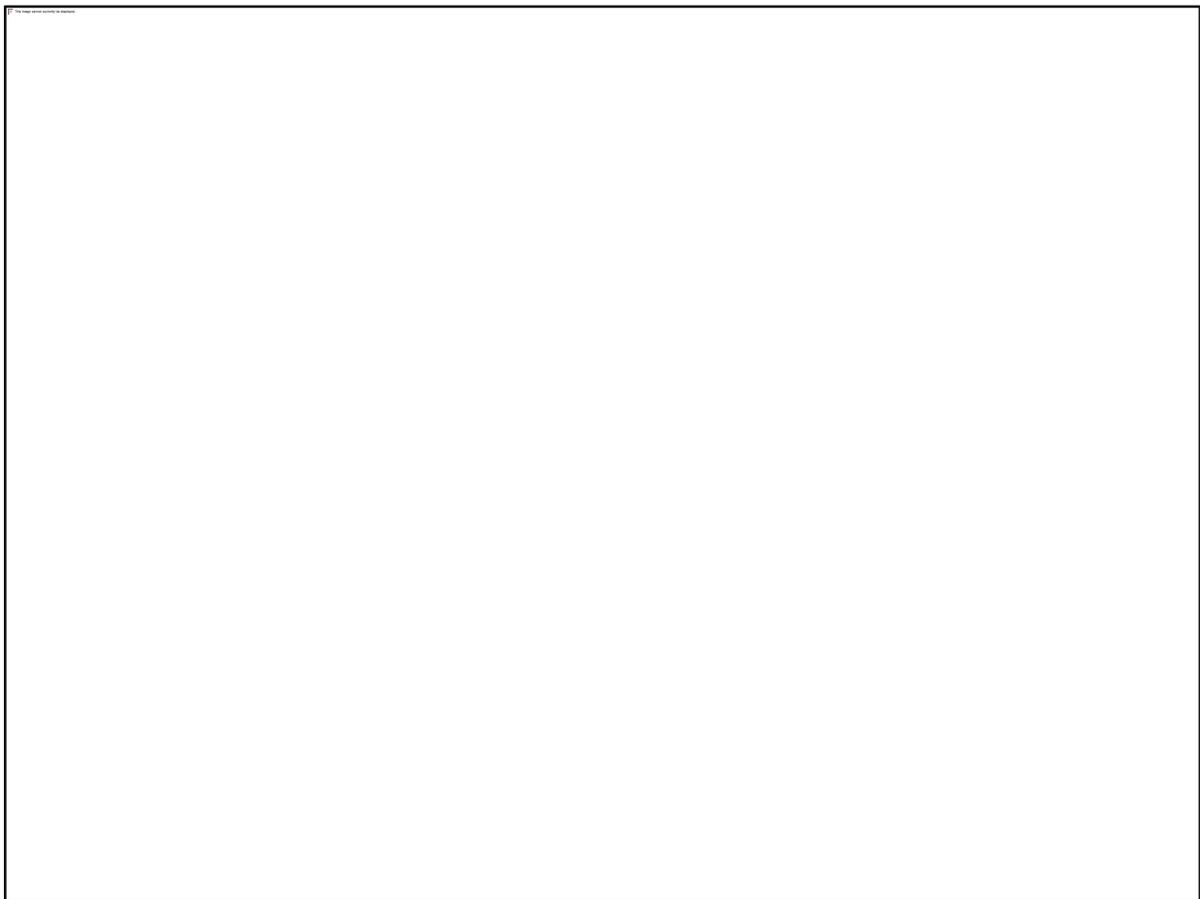


Figure 2: View of Existing 3-storey, 80-bed Building (August 29, 2022)



Figure 3: View of Interior Side Yard (August 29, 2022)

The existing residential care facility provides 80 beds in a 3-storey building which was constructed in 1993. The purpose of the application is to permit the construction of a four (4) storey addition that will provide 128 new long-term care beds to the existing residential care facility.

The applicant has submitted a Site Plan Application (SP22/126/F/ES) to consider the change in the height of the addition from 3 storeys to 4 storeys and the application is currently under review.

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 intent of the Mixed Use Node designation is to serve an inter-neighbourhood function and to allow for intensive, transit supportive development in a compact form. It is intended that Mixed Use Nodes will intensify and provide a balanced distribution of commercial multiple residential and institutional uses. The proposed variances to increase density and allow a small side yard reduction will achieve the goals of the land use designation by increasing the density on the existing lands.

General Intent of the Zoning By-law

Interior Side Yard: The intent of the regulation that requires an interior side yard setback to be a maximum of half the building height (8.3 metres in this situation) is to provide adequate building separation and to not cause adverse impacts to neighbouring properties. The applicant has

conducted an angular plane analysis that demonstrates that there is a 45 degree or less angular plan between the residential homes backing onto the site and the roof parapet of the proposed addition to the residential care facility. In addition, the applicant has conducted a shadow impact analysis that indicates there will be minimal or no adverse impacts from shadows based on the proposed height and setback. Therefore, in the opinion of Staff, the requested variance meets the general intent of the Zoning By-law.

Floor Space Ratio (FSR): The intent of the maximum Floor Space Ratio of 1.0 is to regulate the overall density and massing of buildings on site. The request for a 1.25 Floor Space Ratio represents a small increase in density that can be mitigated through a high level of urban design, functional layout of the site, and enhanced landscaping. Staff is of the opinion that the existing site is well-suited for an increase in density and has adequate lot size, access by vehicle and transit, and access to existing services to function with an FSR of 1.25. Therefore, in the opinion of Staff, the requested variance meets the general intent of the Zoning By-law.

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

As demonstrated by the angular plane analysis and shadow impact analysis, no adverse impacts are expected for adjacent residential lots. The requested variances can be considered minor.

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

The existing building was constructed in 1993 and contains 80 long-term care beds. The site has ample room for expansion and it is efficient to locate within the existing residential care campus. In the opinion of Staff, the requested variances are appropriate for the use of the land.

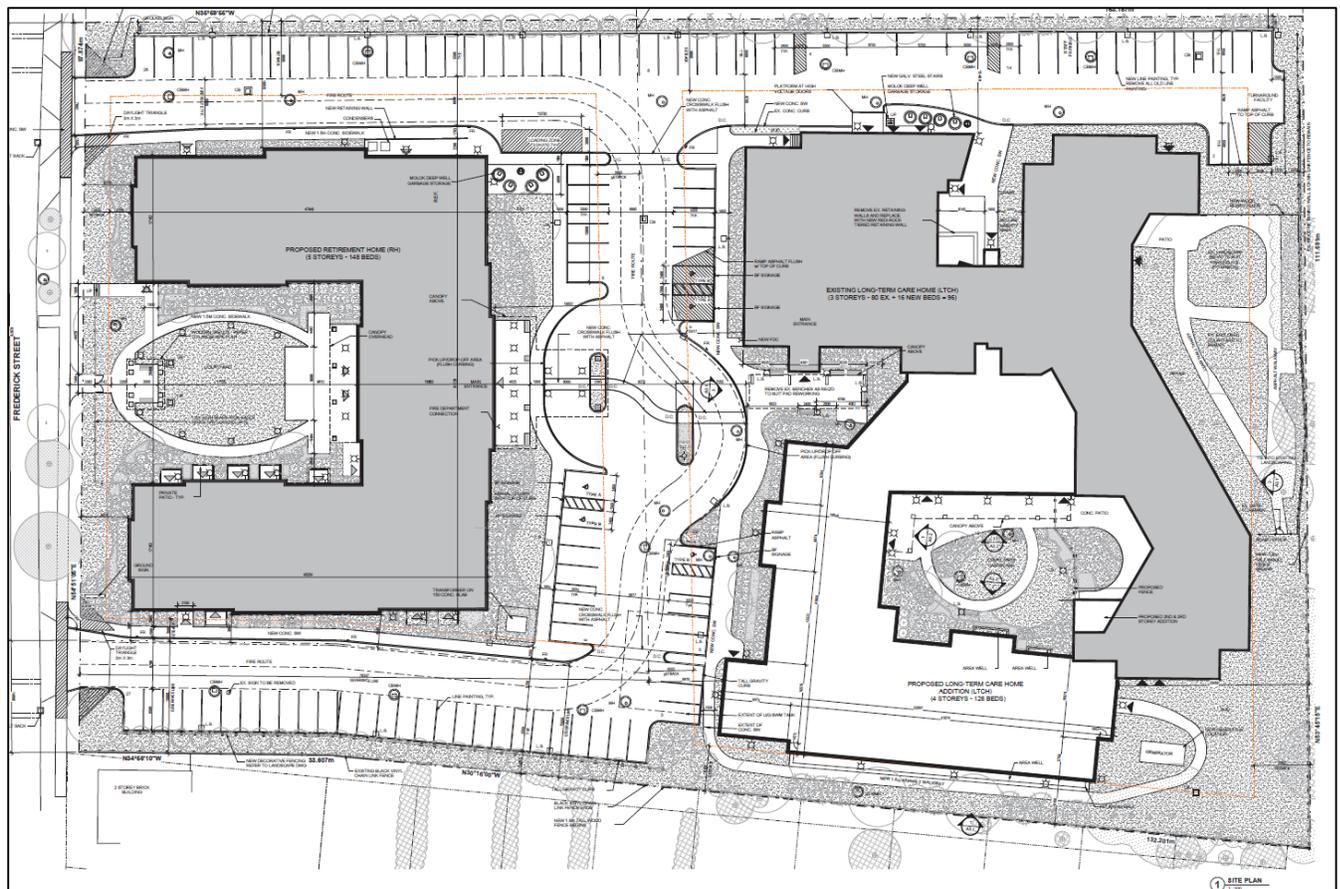


Figure 4: Proposed Site Plan

Environmental Planning Comments:

No natural heritage concerns, tree management requirements will be addressed through the Site Plan Application.

Heritage Planning Comments:

Lands are under review in the Heritage Kitchener Inventory. Comments will be provided as part of the review of the Site Plan Application.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

No Engineering concerns.

Parks/Operations Division Comments:

No Parks/Operations concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed 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.

CONSULT – The applicant held a Neighbourhood Meeting in June of 2022.

PREVIOUS REPORTS/AUTHORITIES:

- *Minor Variance Application A2017-071 and Consent Application B2017-019*
- *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-law 85-1*