

**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:** Brian Bateman, Senior Planner, 519-741-2200 ext. 7869

**WARD(S) INVOLVED:** Ward 1

**DATE OF REPORT:** September 8, 2022

**REPORT NO.:** DSD-2022-428

**SUBJECT:** Minor Variance Application A2022-114 – 132 Woolwich Street

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**RECOMMENDATION:**

**Zoning By-law 85-1**

A. That Minor Variance Application A2022-114 for 132 Woolwich Street requesting relief from:

- 1) Section 34.1 of Zoning By-law 85-1 to permit a multiple dwelling as permitted use; and
- 2) Section 6.1.2 a) of Zoning By-law 85-1 to allow a parking rate of 1.15 parking spaces per dwelling unit instead of the minimum required 1.25 parking spaces per dwelling unit;

to facilitate the development of a multiple dwelling, proposing 31 dwelling units, in accordance with Site Plan Application SP22/083/W/BB, BE APPROVED.

**Zoning By-law 2019-051**

B. That Minor Variance Application A2022-114 for 132 Woolwich Street requesting relief from Section 7.3, Table 7-6, of the Zoning By-law 2019-051:

- 1) To permit a front yard setback of 2.1 metres instead of the minimum required 4.5 metres; and
- 2) To permit a maximum Floor Space Ratio (FSR) of 0.68 rather than the maximum permitted 0.6;

to facilitate the development of a multiple dwelling, proposing 31 dwelling units, in accordance with Site Plan Application SP22/083/W/BB, 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 applicant is requesting minor variances to add a multiple dwelling use, a reduction in minimum required front yard setback and parking, and an increase in the maximum permitted Floor Space Ratio (FSR) in order to facilitate the approval of a 31-unit multiple dwelling development.
- There are no financial implications.
- This report supports the delivery of core services.

### BACKGROUND:

The subject lands are located at 132 Woolwich Street, being on the south side of the street, at the terminus of Exmoor Street at Woolwich Street in Bridgeport North. (See Figure 1). 132 Woolwich is legally described as Pt Lot 60, German Company Tract. The property has a lot frontage of 65.08 metres, a depth of 45.7 metres and a lot area of 2561.8 m<sup>2</sup> (0.256ha).



**Figure 1: Location Map**

The subject lands are vacant. Surrounding land use is characterized as low rise residential with a mix of housing types ranging from single detached dwellings to street townhomes. Woolwich Street is the municipal boundary between the City of Kitchener and the City of Waterloo. As such the lands directly opposite the subject property are located in the City of Waterloo.

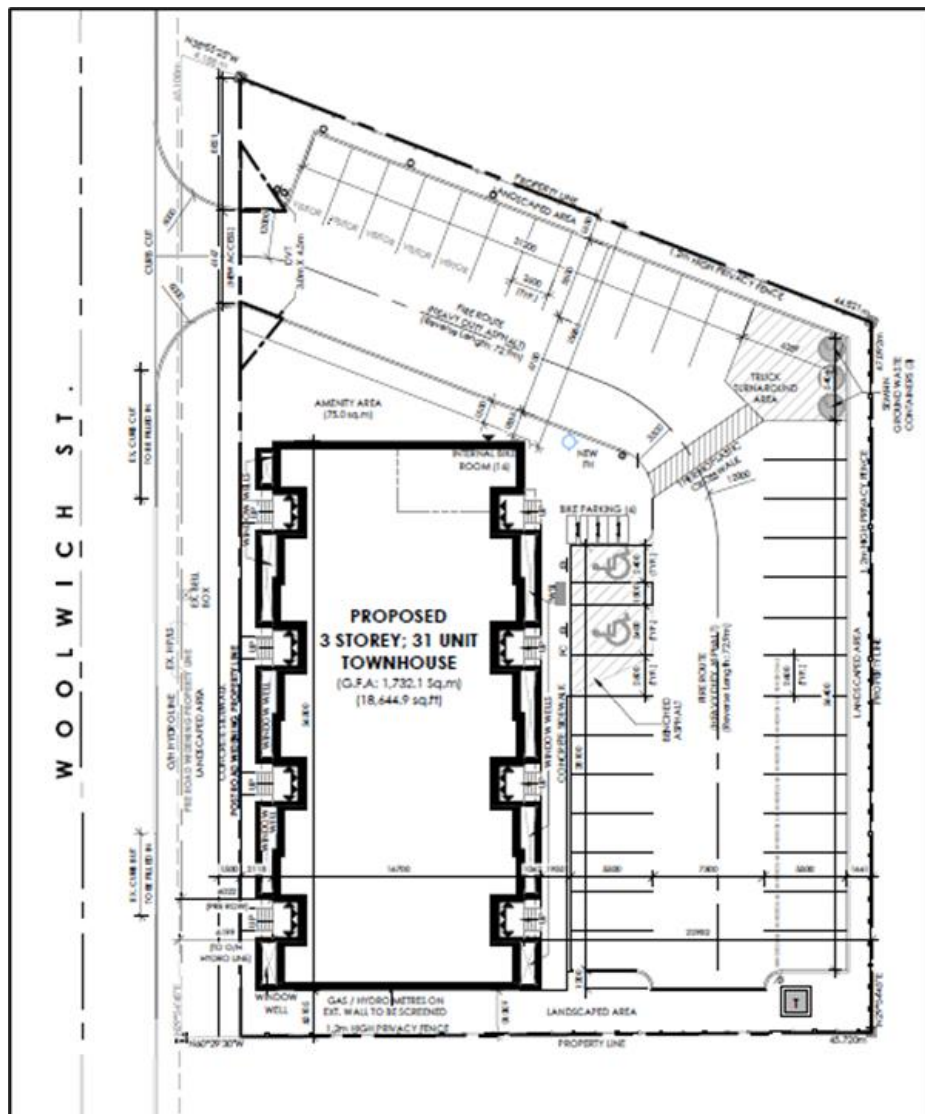


**Figure 2: View of Existing Site (September 1, 2022)**

The subject property is identified as a 'Community Area' 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 'Agricultural Zone (A-1)' in Zoning By-law 85-1. The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051, which is currently under appeal.

The purpose of the application is to facilitate the development of 3 storey, 31 unit townhouse development proposal with surface parking with 36 parking spots and 22 Class A and B bicycle spaces. The proposed development is subject to a site plan application (SP22/083/W/BB) which is currently under review.



### Figure 3: Site Plan Drawing



### Figure 4 – Building Elevations



## 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 designated Low Rise Residential in the Official Plan. The Low Rise Residential land use designation will accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing. Moreover, the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. The requested variances for use, a parking reduction and a reduction in the front yard setback will continue to maintain the low-density character of the property and surrounding neighbourhood. It is the opinion of staff that the requested variances meet the general intent of the Official Plan.

In regard to the request to increase the Floor Space Ratio from 0.6 to 0.68, the Official Plan provides further direction in this regard. A maximum Floor Space Ratio of 0.6 will apply to all development and redevelopment. Site-specific increases to allow up to a maximum Floor Space Ratio of 0.75 may be considered where it can be demonstrated that the increase in the Floor Space Ratio is compatible and meets the general intent of the policies in this Plan. Staff is of the opinion that the increase will not be discernible and the development proposal is compatible in this location in that there will be adequate separation from adjacent residential dwellings and the subject lands front onto an arterial roadway.

#### General Intent of the Zoning By-law

**Use:** The property is zoned 'A-1' under Zoning By-law 85-1 which does not permit the use of a multiple dwelling. The current zoning and the Official Plan designation do not correspond. To address this issue, the City has zoned the property 'RES-5' under new Zoning By-law 2019-051. RES-5 permits the use of street townhouse and multiple dwelling units. However, By-law 2019-051 is entirely under appeal due to one appeal. As the future zoning would allow the proposed use, staff is of the opinion the intent of the Zoning By-law is being maintained.

**Front Yard Setback:** The intent of the regulation that requires a 10.0 metre setback (in Zoning By-law 85-1) and 4.5 metres (in Zoning By-law 2019-051) is to ensure appropriate setbacks from the street to a building are provided. In this circumstance, the proposed 2.1 metre front yard setback is the result of a road widening of 3.9 metres to be dedicated to the City. Therefore, Staff are of the opinion that the requested variance for side yard setback meets the general intent of the Zoning By-law as the pre-widening setback is 6.0 metres.

**Floor Space Ratio:** The intent of the regulation that restricts Floor Space Ratio (FSR) to 0.6 is to maintain an overall low intensity of use and a low-rise scale on the lands. Staff are of the opinion that the proposed addition of multiple dwelling units to the site maintains a low-rise scale and low intensity of use on the lands and therefore meets the general intent of the Zoning By-law.

**Parking Reduction:** The intent of the regulation that requires 1.25 parking spaces per unit in Zoning By-law 85-1 is to ensure adequate vehicle storage on site for residents and visitors. The proposed rate of 1.15 spaces per unit is in line with the parking rates required in Zoning By-law 2019-051 and represents a rate of 1 space per residential unit and 0.15 visitor spaces per unit. Planning staff are of the opinion that the proposed rate of 1.15 parking spaces per unit will provide adequate vehicle

storage on site and therefore that the requested variance meets the general intent of the Zoning By-law.

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

The requested variances for use, front yard setback, parking reduction, and increase in FSR are considered minor as their approval will facilitate the redevelopment of the subject property with a built form that is contemplated by the Official Plan and new Zoning By-law 2019-051. The variances are not expected to result in adverse impacts to neighbouring properties or the surrounding area.

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

Planning Staff are of the opinion that the requested variances will maintain the low density and low rise intended use of the lands and are therefore considered appropriate.

**Environmental Planning Comments:**

No natural heritage / Tree Management Policy concerns.

**Heritage Planning Comments:**

No Heritage Planning concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**Engineering Division Comments:**

Engineering has no comment.

**Parks/Operations Division Comments:**

No Parks/Operations concerns.

**Grand River Conservation Authority (GRCA)**

No objections.

**Region Of Waterloo**

No concerns.

**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*