

# 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:** Julian Lee, Student Planner, 519-741-2200 ext. 7078

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** September 9, 2022

**REPORT NO.:** DSD-2022-426

**SUBJECT:** Minor Variance Application A2022-112 – 527 Wellington Street North

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## RECOMMENDATION:

### Zoning By-law 85-1

- A. That Minor Variance Application A2022-112 for 527 Wellington Street North requesting permission under section 45(2)(a)(i) of the Planning Act, to permit the enlargement or extension of a legal non-conforming use, a single detached dwelling in the "General Industrial Zone (M-2)", to permit an Additional Dwelling Unit (ADU) (Attached), generally in accordance with drawings prepared by Nikola Janakovic, dated February 20, 2022, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations with respect to the requested application for permission for 527 Wellington Street North.
- Staff recommend that the application be approved.
- This report supports the delivery of core services.

## BACKGROUND:

The subject property is located in the North Ward Neighbourhood on the southerly side of Wellington Street North. The subject lot currently contains a single detached dwelling with an attached basement unit and is surrounded by predominantly general industrial uses, as well as residential uses east along Wellington Street North.

The subject property is identified as 'Low Rise Residential' on Map 2 – Urban Structure and is designated 'General Industrial' in the North Ward Secondary Plan in the City's 1994 Official Plan.

The property is zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1.



**Location of Subject Property**



**Photo of Subject Property**

The purpose of the application is that the applicant is seeking permission under Section 45(2)(a)(i) of the Planning Act to permit the enlargement or extension of a legal non-conforming use. In this case, permission would facilitate and legalize the use of the existing basement for an Additional Dwelling Unit (ADU) (attached). An application to the Building Division has been submitted and is currently under review.

Staff conducted a site visit on August 30, 2022.

## **REPORT:**

### **Planning Comments:**

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(i). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

### Is Approval in the Public Interest?

Staff are of the opinion that the approval of this application is in the public interest as it would permit the use of the existing basement unit as a legal ADU (attached). The proposed use would provide a form of gentle intensification, and increase the range of housing options, in the North Ward neighbourhood as directed in Official Plan policy 4.C.1.24. As residential uses already exist along Wellington Street North, there would not be a discernable impact to industrial uses in the area.

### Any Adverse or Unacceptable Impacts?

Staff are of the opinion that permitting the use of the existing basement dwelling as an ADU (attached) would not result in any adverse or unacceptable impacts. The property contains enough room to provide two legal parking spaces per unit as required by the zoning, removing traffic impacts to the roadway. Staff note that the surrounding properties to the east of the subject property (along Wellington Street North and Johnson Street) are zoned R-5, which permits the use of duplex

dwelling on those properties. Additionally, the basement unit is not visible from the public realm; therefore, no adverse or unacceptable impacts are anticipated.

**Environmental Planning Comments:**

No natural heritage or Tree Management Policy concerns.

**Heritage Planning Comments:**

No heritage concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. Application has been made for the attached additional dwelling unit and is currently under review.

**Engineering Division Comments:**

Engineering has no comment.

**Parks/Operations Division Comments:**

No comments.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**Region of Waterloo Comments:**

No concerns.

**GRCA Comments:**

No concerns.

**Hydro One Comments:**

No comments or 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:**

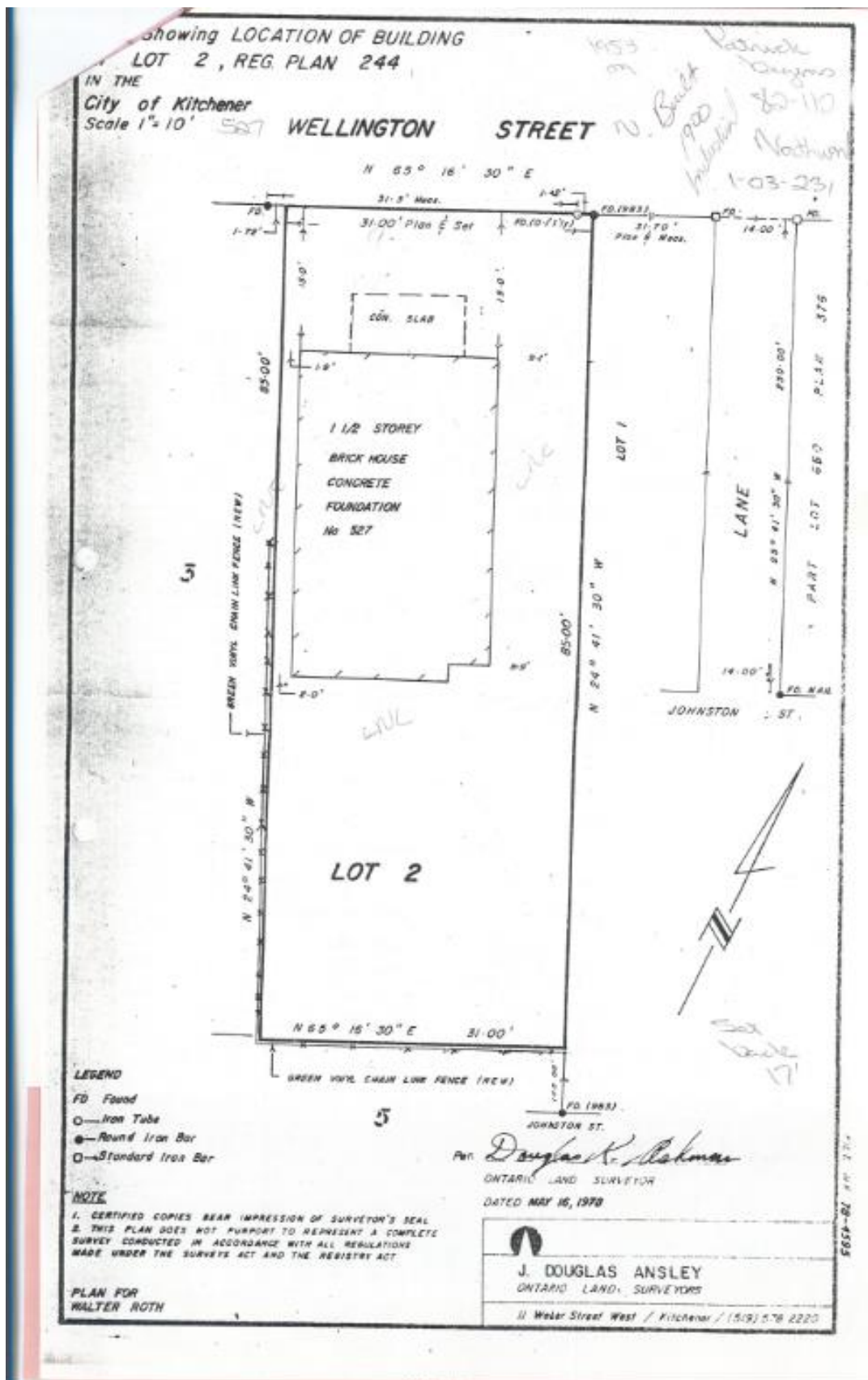
- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*

- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

**ATTACHMENTS:**

Attachment A – Survey of subject property

Attachment B – Floorplan of basement unit



Attachment A: Survey of Subject Property

521 Wellington St. N.

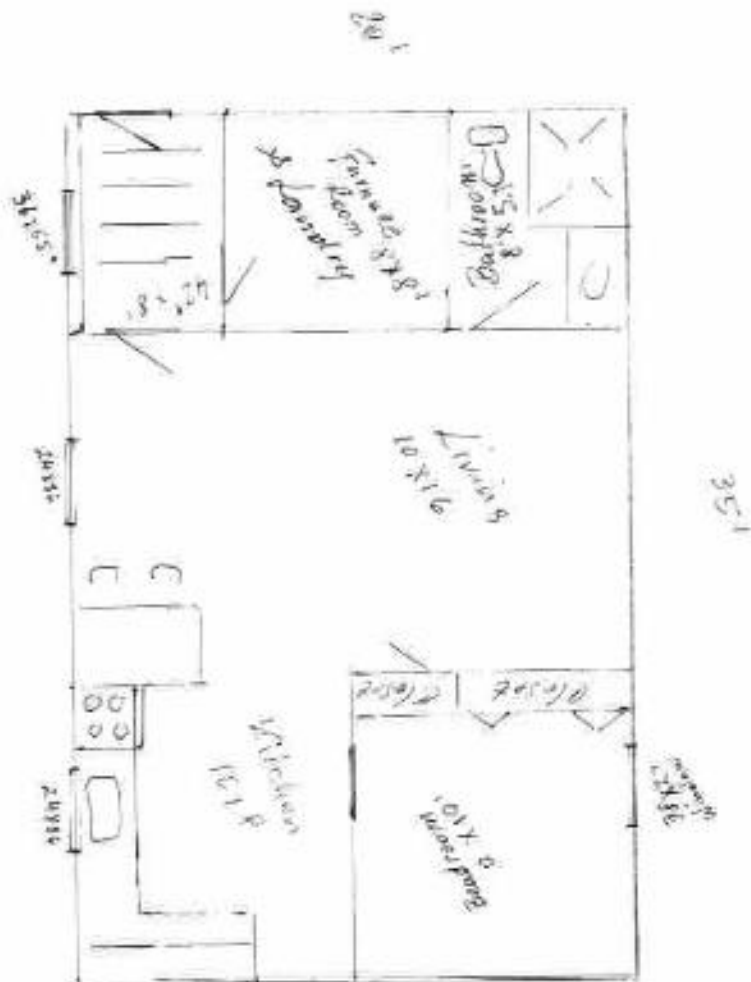
Basement

600 Sf.

Note:  
Apt. Entry Door  
Living Room  
32' x 80"  
Fireplace, Entry Room  
Fire Alarmed door  
32' x 80"  
Furniture has been  
removed. Detector

Date:

20 Feb 2022



Attachment B: Floorplan of Basement Unit