

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** November 15, 2022

**SUBMITTED BY:** Tina Malone-Wright, Interim Manager, Development Review  
519-741-2200 ext. 7765

**PREPARED BY:** Joanne McCallum, Coordinator, Planning & Zoning,  
519-741-2200 ext. 7075

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

**DATE OF REPORT:** November 4, 2022

**REPORT NO.:** DSD-2022-473

**SUBJECT:** Minor Variance Application A2022-133 - 130 Weber Street West

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## RECOMMENDATION:

### Zoning By-law 85-1

That Minor Variance Application A2022-133 for 130 Weber Street West requesting relief from Section 20.3.1 of Zoning By-law 85-1 to permit 35 percent of the gross floor area of the permitted 'Repair Service' (Cycling Repair Service) to be used for accessory retail instead of the maximum 25 percent, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit an increase in the amount of gross floor area that can be used for accessory retail purposes.
- The key finding of this report is that the requested minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included circulation of the application via mail, notification by way of The Record and signage placed on the property.
- This report supports the delivery of core services.

## BACKGROUND:

The subject property is located at the northeast corner of Weber St W and Breithaupt St. The subject property is identified as 'Urban Growth Centre (Downtown)' on Map 2 – Urban Structure. The property is designated 'Urban Growth Centre (Downtown)' on Map 3 – Land Use and designated 'Innovation District' on Map 4 – Urban Growth Centre (Downtown) in the City's 2014 Official Plan. The property is zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1.

The purpose of the application is to increase the gross floor area for a cycling service and repair business to permit accessory retail uses from a maximum of 25% to a maximum of 35%.

City staff conducted a site visit of the property on October 28<sup>th</sup>, 2022.



**Figure 1: Location Map - 130 Weber St W**



**Figure 2: Street view of 130 Weber St W - south elevation**





Figure 3: Street view of 130 Weber St W - west elevation

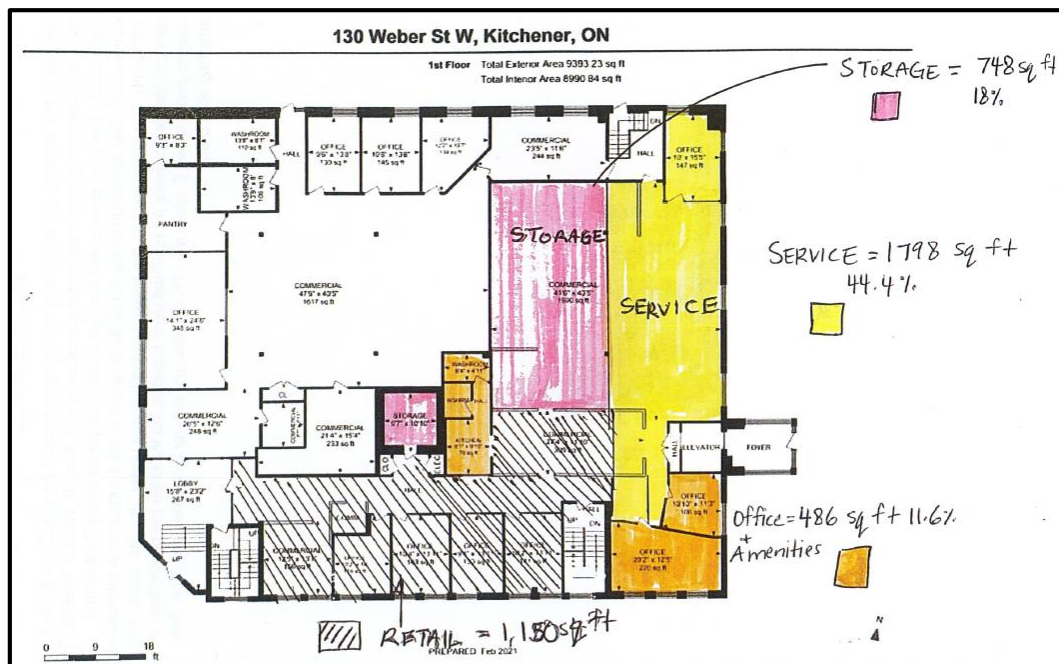


Figure 4: Floor Plan showing proposed uses including accessory retail

## REPORT:

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 'Urban Growth Centre (Downtown)' on Map 2 – Urban Structure, 'Urban Growth Centre (Downtown)' on Map 3 – Land Use and 'Innovation District' on Map 4 – Urban Growth Centre (Downtown) in the City's 2014 Official Plan. The primary uses permitted in the Innovation District include complementary commercial uses which include specific types of retail.

Staff is of the opinion that the accessory retail component of the cycling service and repair business would be compatible with the specific types of retail that are permitted in the Innovation District designation of the Official Plan. The minor variance to allow an increase in the gross floor area to be used for accessory retail purposes is consistent with the land use designation and intent of the Official Plan.

### General Intent of the Zoning By-law

Although the subject property is zoned 'General Industrial Zone (M-2)', the zoning has not been updated to reflect the 'Innovation District' land use designation in the Urban Growth Centre.

The intent of the limit on accessory retail use, in the City's 'Industrial Employment Areas' is to ensure that the industrial function of the 'M-2' zone is maintained. Industrial uses do not incorporate a large amount of retail uses. The gross floor area of the cycling service and repair business will comprise of a repair service, warehouse, office and accessory retail. The increase of accessory retail from 25% to 35% maintains the retail portion of the business as accessory to the rest of the business.

Industrial areas require a lower ratio of parking. The subject property has 36 parking spaces on site and has access to an additional 60 spaces at 282 Duke Street West, through an off-site parking agreement, for a total of 96 parking spaces. The cycling service and repair business proposing to operate at this location will require 13 parking spaces which can be accommodated through the available parking.

The increase of accessory retail from 25% to 35% demonstrates that retail will remain accessory to the other permitted uses and meet the intent of the Zoning By-law.

### Is the Effect of the Variance Minor?

Staff is of the opinion that the effect of the requested variance is minor as the increased ratio of accessory retail will not negatively impact traffic or parking, and the retail portion of the business will remain accessory to the overall business.

### Is the Variance Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variance is appropriate for the subject property as the business will only draw patrons who are in search of the specific repair service offered by the business. There will not be a significant increase in traffic or parking demands based on the proposed increase in accessory retail. Staff is of the opinion that the variance is appropriate for the subject property, use of the property and compatible with the surrounding uses.

### **Environmental Planning Comments:**

No natural heritage or tree management issues.

### **Heritage Planning Comments:**

The subject property is listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register. There are no heritage concerns associated with the proposed variance.

The property municipally addressed as 130 Weber Street West is also located within the Warehouse District CHL. The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to

establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the interior alternation is obtained prior to construction. Please contact the Building Division [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

Engineering has no comment.

**Parks/Operations Division Comments:**

No concerns.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**Grand River Conservation Authority:**

GRCA has no objection to the approval of this application.

**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-law 85-1*