

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 17, 2023

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

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

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: January 4, 2023

REPORT NO.: DSD-2023-034

SUBJECT: Minor Variance Application A2023-003
15 Stauffer Woods Trail
Owner: Activa Holdings Inc.
Applicant: Pierre Chauvin, MHBC Planning Ltd.

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2023-003 for 15 Stauffer Woods Trail requesting relief from the following of Zoning By-law 85-1:
- i) Section 6.1 a) to permit a parking rate of 1.25 parking spaces per dwelling unit instead of the minimum required 1.75 parking spaces per dwelling unit; and
 - ii) Special Regulation Provision 687R to permit a rear yard setback of 4.6 metres instead of the minimum required 7 metres;

in accordance with Site Plan Application SP22/129/S/ES, dated December 16, 2022, BE APPROVED.

Zoning By-law 2019-051

- B. That Minor Variance Application A2023-003 for 15 Stauffer Woods Trail requesting relief from Site Specific Provision 308 to permit a rear yard setback of 4.6 metres instead of the minimum required 7 metres, in accordance with Site Plan Application SP22/129/S/ES, dated December 16, 2022, BE APPROVED subject to the following:

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 for a reduction in the required rear yard setback and parking requirement in Zoning By-law 85-1 and the rear yard setback in Zoning By-law 2019-051 to facilitate development of the subject property with 44 multiple dwelling units.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the southeast corner of Blair Creek Drive and Stauffer Woods Trail.



Figure 1: View of Subject Property (15 Stauffer Woods Trail)

The subject property is identified as '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 'Residential Six Zone (R-6), 685R, 687R, 689R' in Zoning By-law 85-1 and 'Low Rise Residential Five Zone (RES-5), (306), (308), (310) in Zoning By-law 2019-051, which is currently under appeal.

The purpose of the application is to facilitate the development of the property with 44 multiple dwelling units comprised of eleven (11) buildings with four (4) units in each ("quads").

Site Plan Application SP22/129/S/ES for the 44 multiple dwelling units received 'Approval in Principle' on December 9, 2022, subject some conditions, one of which, requires the minor variances for a reduced rear yard setback and a reduced parking rate in Zoning By-law 85-1, and a reduced rear yard setback in Zoning By-law 2019-051, to come into effect.

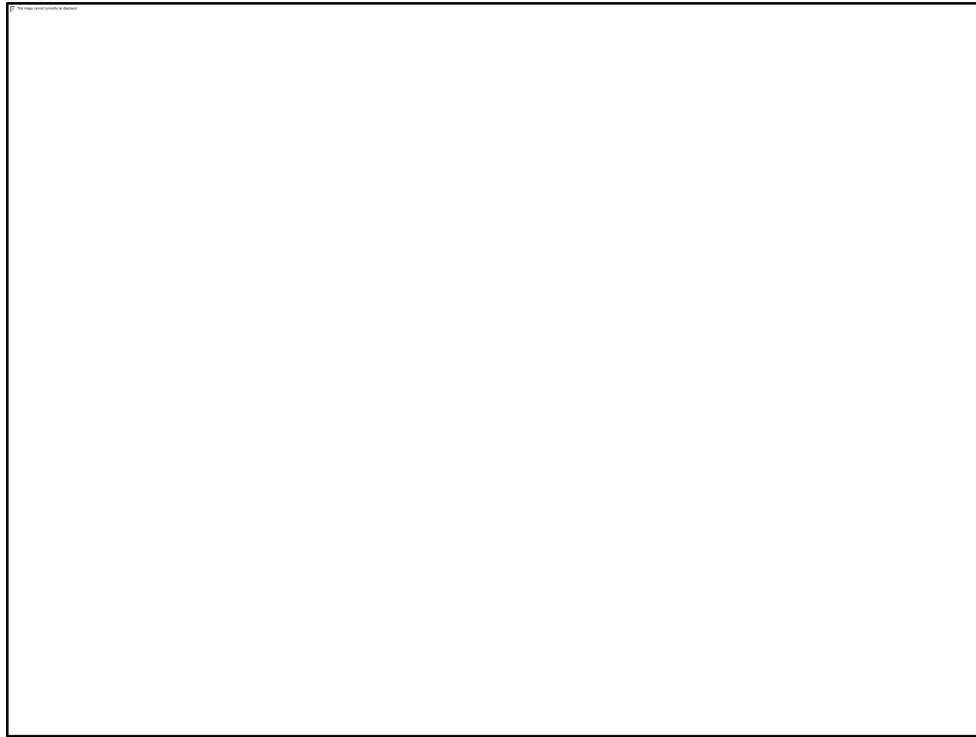
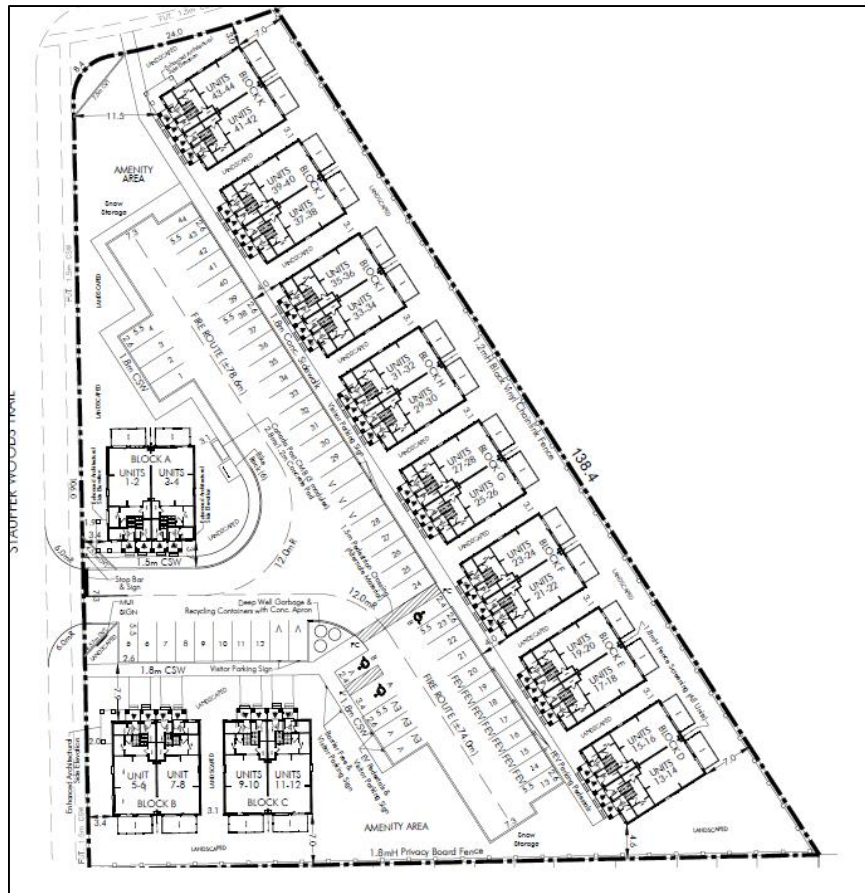


Figure 2: View of Vacant Site (January 4, 2023)



Figure 3: Rendering of Typical “Quad” Building (Activa Holdings Inc.)



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 intent of this designation is to encourage a range of different forms of housing to achieve a low-density neighbourhood. This includes low rise multiple dwellings. Therefore, the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Parking:

The intent of the minimum required parking regulation is to provide adequate vehicle storage on site. Based on the unit typology and the rates permitted in the 2019-051 Zoning By-law (1.15 spaces per unit), Staff are of the opinion that the proposed rate of 1.25 spaces per unit will be adequate to provide vehicle storage on site and therefore meets the intent of Zoning By-law 85-1.

Rear Yard Setback:

The intent of the regulation that requires a 7.0 metre rear yard setback is to provide for adequate building separation and amenity space on site. Based on the orientation of the site, most buildings have their rear yards facing onto the stormwater management pond at the interior side yard line.

This area provides an adequate 7.0 metre setback and functions more as a rear yard. The applicant has provided other at grade outdoor amenity areas on site (adjacent to Block C and Block K).

Staff are of the opinion that adequate separation can be achieved and that adequate amenity space will also be provided. Therefore, the requested variance meets the general intent of the Zoning By-laws.

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

The requested variances are considered minor requests that are not expected to cause adverse impacts to adjacent properties. Therefore, the requested variances are considered to be minor.

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

The subject property is part of a larger greenfield subdivision that is being planned with consideration for other blocks and land parcels in this area and is coordinated to function appropriately. This includes the orientation of the rear of buildings towards the stormwater management pond. The requested variances do not interfere with the provision of a diverse and complete community and can be considered desirable for the appropriate development for the lands.

Environmental Planning Comments:

No natural heritage concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the quads are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No Engineering Comments.

Parks/Operations Division Comments:

No parks/operations concerns.

Transportation Planning Comments:

Transportation Services can support the proposed variance to implement a parking rate of 1.25 spaces per unit (with 0.15 spaces per unit, or eight (8) spaces, dedicated to visitor parking). The proposed parking rate falls within the future minimum and maximum parking rate for this zone under the future Zoning By-law 2019-051. Additionally, the site plan is incorporating Class A and Class B bicycle spaces at rates that meet minimums in Zoning By-law 2019-0151, as well.

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 2020)*
- *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*

ATTACHMENTS:

None.