

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: February 21, 2023

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

PREPARED BY: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: February 8, 2023

REPORT NO.: DSD-2023-072

SUBJECT: Minor Variance Application A2023-017 - 854 Doon Village Road

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2023-017 for 854 Doon Village Road requesting relief from Section 7.3, Table 7-6, of Zoning By-law 2019-051 to permit:

- i) A maximum Floor Space Ratio (FSR) of 0.75 instead of the maximum permitted Floor Space Ratio (FSR) of 0.6; and
- ii) A rear yard setback of 6.4 metres instead of the minimum required 7.5 metres;

to facilitate development of the site with a multiple dwelling (stacked townhouses) having 24 dwelling units, in accordance with Site Plan Application SP22/182/D/TS, dated January 26, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to permit the construction of a 24 unit stacked townhouse residential development.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located at the intersection of Doon Village Road and Bechtel Drive. The current use of the property is a single detached dwelling.

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 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

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



Subject Property – 854 Doon Village Road



Front View – 854 Doon Village Road



Side View – 854 Doon Village Road

The application is requesting relief from Section 7.3, Table 7-6 of Zoning By-law 2019-051 to permit a Floor Space Ratio of 0.75 instead of the maximum permitted 0.6 FSR. A minimum rear yard setback of 6.4 metres is requested instead of the minimum required 7.5 metres. The variances will facilitate the development of a 24 unit stacked townhouse residential dwelling.

The applicant has submitted a site plan application for the development and is in the process of obtaining conditional approval for the development.

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 City's Official Plan, which contains a number of policies related to density in low rise residential areas. The Low Rise Residential land use designation accommodates a full range of low density housing types including single detached dwellings, duplex dwellings, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings and special needs housing. Policy 15.D.3.11 applies a maximum Floor Space Ratio (FSR) of 0.6, however site specific increases up to a maximum FSR of 0.75 may be considered, where it can be demonstrated that the increase in the FSR is compatible. Staff is of the opinion that the increase in the FSR meets the general intent of the policies of the Official Plan. Staff is satisfied the requested variances will maintain the low density character of the property and surrounding neighbourhood.

General Intent of the Zoning By-law

The 'RES-5' zone permits a range of housing types, and the intent of 0.6 FSR maximum is to ensure development occurs at a scale which is compatible with other low-rise housing forms in adjacent neighbourhoods. The proposed townhouse units will provide a mix of housing types while maintaining compatibility with the low rise residential neighbourhood. As such, staff is satisfied the requested variance to increase the maximum FSR from 0.6 to 0.75 meets the general intent of the Zoning By-law.

The intent of the rear yard setback is to ensure adequate separation from adjacent properties and to ensure there is appropriate amenity space for residence. The proposed 6.4 metre rear yard setback still provides adequate separation from adjacent properties and due to a significant grade change to the adjacent properties the rear yard space will not be functional. Through the site plan process an adequate amenity space on site has been indicated on the plan and is appropriate for the development. The general intent of the zoning is maintained through the variance for the rear yard setback.

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

Staff is of the opinion that the requested variances are minor as the reduced rear yard, and increased FSR will not present any significant impacts to adjacent properties or the overall neighbourhood.

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

The proposed variances are appropriate for the development and use of the land as the proposed townhouses (multiple dwelling) use is a permitted use in the Zoning By-law. The scale, massing and height of the proposed townhouse units will not negatively impact the existing character of the subject property or surrounding neighbourhood.

Environmental Planning Comments:

No Natural Heritage planning concerns. Tree management will be addressed through the Site Plan application process.

Heritage Planning Comments:

No Heritage Planning concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks Division has no concerns with the application.

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.

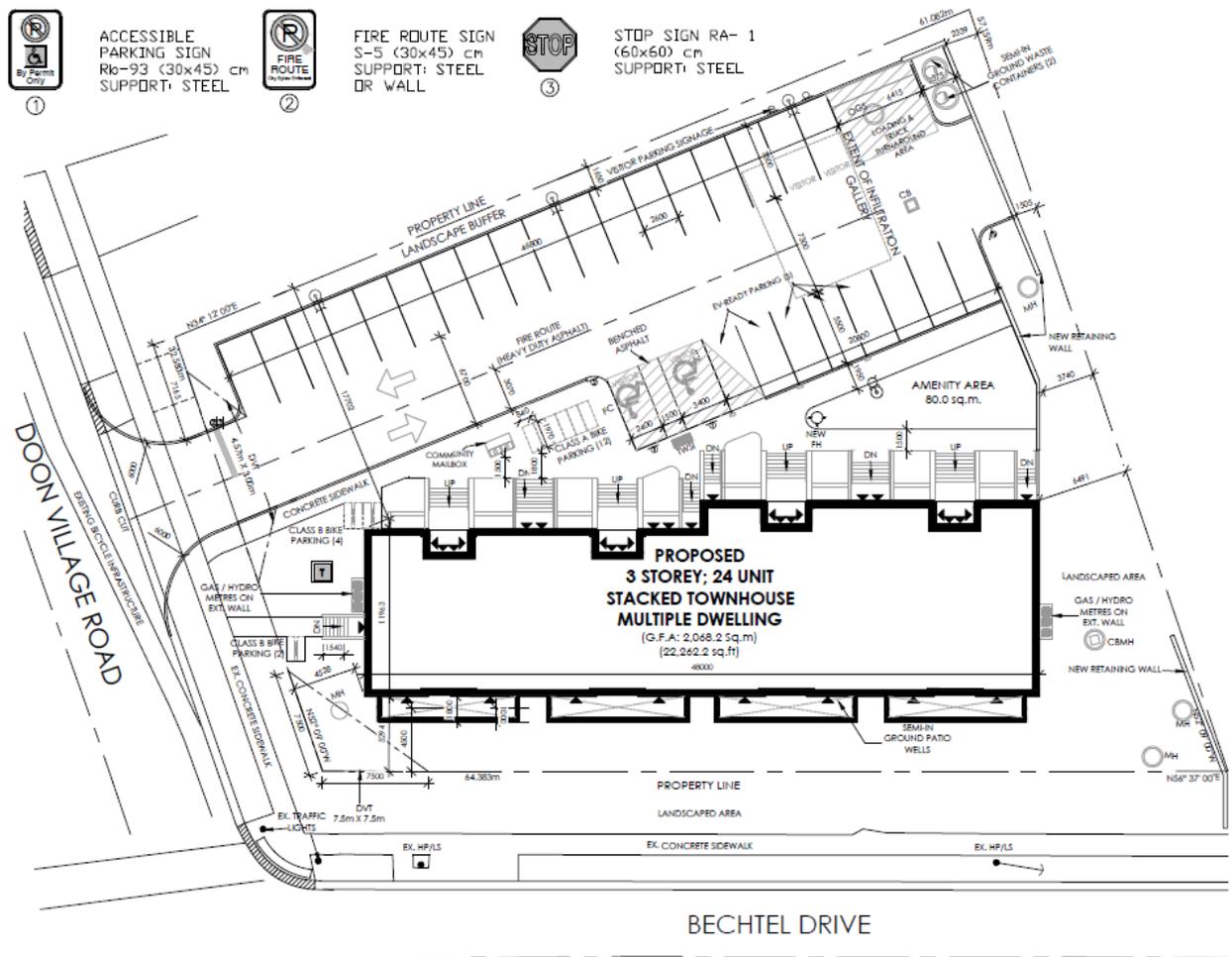
Operating Budget – The recommendation has no impact on the Operating Budget.

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.

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 2019-051*



Proposed Site Plan