

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 18<sup>th</sup>, 2023

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

**PREPARED BY:** Tara Zhang, Planner, 519-741-2200 ext. 7760

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

**DATE OF REPORT:** March 31<sup>st</sup>, 2023

**REPORT NO.:** DSD-2023-165

**SUBJECT:** Minor Variance Application A2023-052 - 306 Wellington Street North

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## RECOMMENDATION:

### Zoning By-law 2019-051

That Minor Variance Application A2023-052 for 306 Wellington Street North requesting relief from Section 7.3, Table 7-6, of Zoning By-law 2019-051 to permit the following:

- i) a lot width of 15.9 metres instead of the minimum required 19 metres;
- ii) a minimum 15.8% of landscaping instead of the minimum required 20%; and
- iii) a maximum Floor Space Ratio (FSR) of 0.72 instead of the maximum permitted Floor Space Ratio (FSR) of 0.6;

to facilitate the construction of an addition at the rear of the existing duplex dwelling that will result in a multiple dwelling having a total 6 dwelling units, in accordance with plans prepared by Ryszard Gancewski Architect, dated March 23, 2023, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to facilitate the construction of an addition at the rear of the existing duplex dwelling to create an additional four dwelling units.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located within the Mt. Hope Huron Park neighbourhood adjacent to Margaret Avenue Public school. 306 Wellington Street North is identified as 'Community Areas' 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 (RES-5)' in Zoning By-law 2019-051.

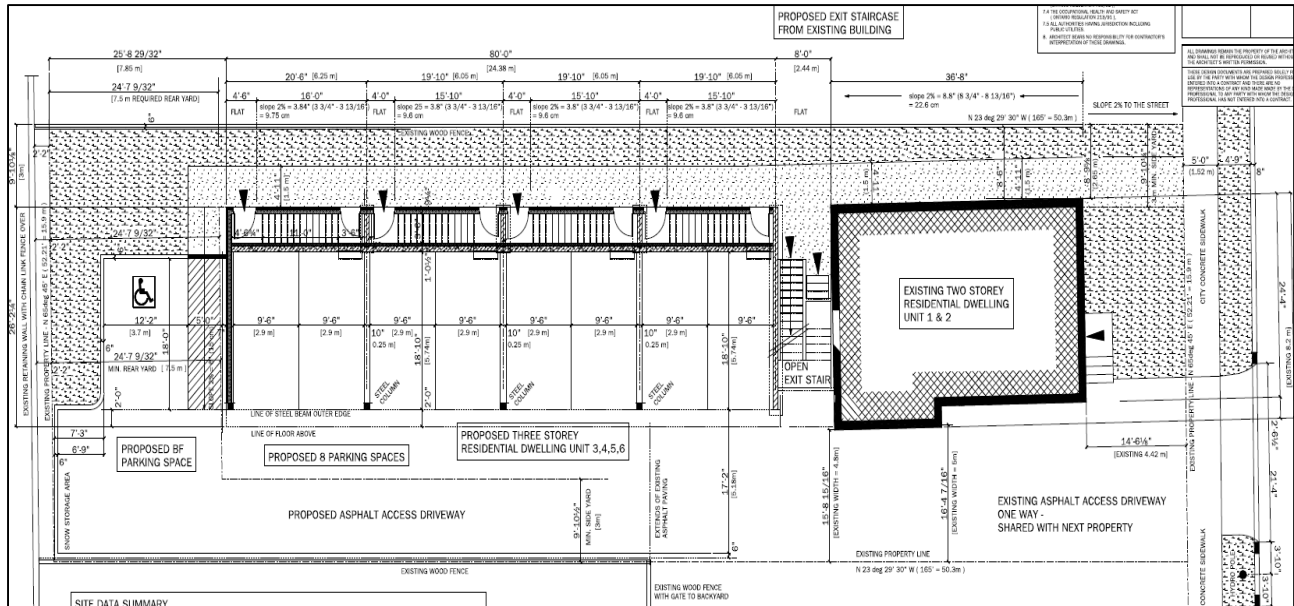
The rear portion of the site is proposed to be redeveloped to create a 'Multiple Dwelling' having 6 dwelling units. The purpose of the application is to request minor variances to permit a reduction in the minimum lot width and a reduction in the amount of required landscaping and to permit an increased Floor Space Ratio. City staff has conducted a site visit on March 31<sup>st</sup>, 2023.



**Figure 1: Subject property at 306 Wellington Street North**



**Figure 2: Front view of the existing site**



**Figure 3: Proposed Site Plan**

**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 general intent of the Low Rise Residential land use designation is to accommodate a full range of low-density housing types which may include low-rise multiple dwellings. Policy 15.D.3.11 indicates a maximum Floor Space Ratio of 0.6 and allows consideration up to a maximum Floor Space Ratio of 0.75 provided that the increase in the floor space ratio is compatible and meets the general policies in the Official Plan. It also places emphasis on the relationship of housing to adjacent buildings, streets and exterior areas. The City will identify and encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure. Staff is of the opinion that the variances to facilitate the development of a 6-unit multiple dwelling with a Floor Space Ratio of 0.72 on the subject property meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the minimum lot width for a multiple dwelling is to ensure there is sufficient area on a lot to accommodate the multiple dwelling, landscaping/amenity area and parking and that it can function appropriately. The current use of the property is a duplex with sufficient room in the rear of the property to accommodate the proposed addition while providing the required parking and a sufficient amount of green space amenity area for the residents on-site while contributing to the aesthetics of the neighbourhood.

Although not ideal, the drive aisles are deemed to be functional and enable the use to meet the parking requirements and a sufficient amount of landscaping/amenity area in an urban context.

Due to the intensification of the property, the 20% landscaping requirement is challenging to meet without causing impacts of the driveway function on the property. The 3.2% landscaping deficiency balances the ability of the property to maximize density while meeting all other zoning and parking requirements.

The general intent of the Floor Space Ratio is to ensure that the size of the building and/or dwelling is appropriate relative to the size of the property and the built form is compatible with the surrounding neighbourhood.

Staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

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

The requested variances are considered minor as the proposed addition can be accommodated and function appropriately on the subject property and will not have adverse impacts on adjacent properties or the neighbourhood.

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

Staff is of the opinion that the variances are desirable for the appropriate development and use of the land. The addition of four dwelling units is a gentle compatible intensification of the subject property within the neighbourhood that will contribute to the City's housing supply and support the City's Housing Pledge.

**Environmental Planning Comments:**

The applicant is advised that the subject property does have some trees throughout, and some of these trees are possibly in shared ownership, being located on or very close to the property lines.

**Heritage Planning Comments:**

There are no heritage concerns. 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 property municipally addressed as 306 Wellington St N. is located within the Mt Hope/Breithaupt Neighbourhood CHL. 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 addition to the existing residential is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

If upgrades to existing services within the public right of way are required, the City of Kitchener Off Site Works (OSW) process is to be followed. Any further enquiries in this regard can be directed to Nolan Beatty, Engineering Technologist, [nolan.beatty@kitchener.ca](mailto:nolan.beatty@kitchener.ca).

**Parks/Operations Division Comments:**

Notice is being provided that Parkland Dedication will be required for the **proposed four additional units** to be paid prior to the issuance of the Building Permit.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application. It should be noted that accessing the parking spaces may be difficult at times due to the reduced drive aisle width of 5.18 metres.

**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:**

There are no previous reports/authorities related to this matter.

- *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-law 2019-051*