

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 16, 2024

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

PREPARED BY: Arwa Alzoor, Planner, 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: March 22, 2024

REPORT NO.: DSD-2024-167

SUBJECT: Minor Variance Application A2024-032
55 Trillium Park Place

RECOMMENDATION:

That Minor Variance Application A2023-032 for 55 Trillium Park Place requesting relief from Section 10.3, Table 10-2, of Zoning By-law 2019-051 to facilitate the construction of a one-storey addition having a rear yard setback of 2.7 metres instead of the minimum required 7.5 metres, in accordance with Site Plan Application SP24/004/T/AA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a rear addition to the existing industrial building.
- 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 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 in the Trillium Industrial Park area north of Huron Road and west of Homer Watson Boulevard.

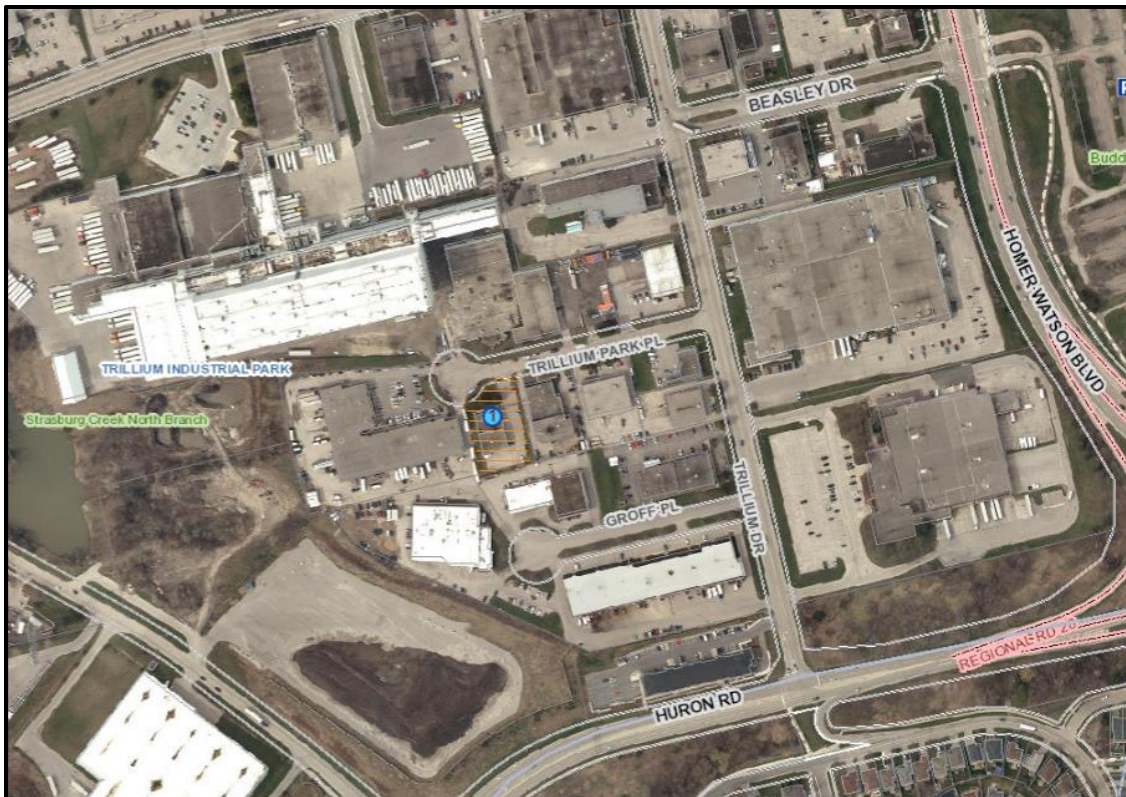


Figure 1 - The subject property in an aerial view.

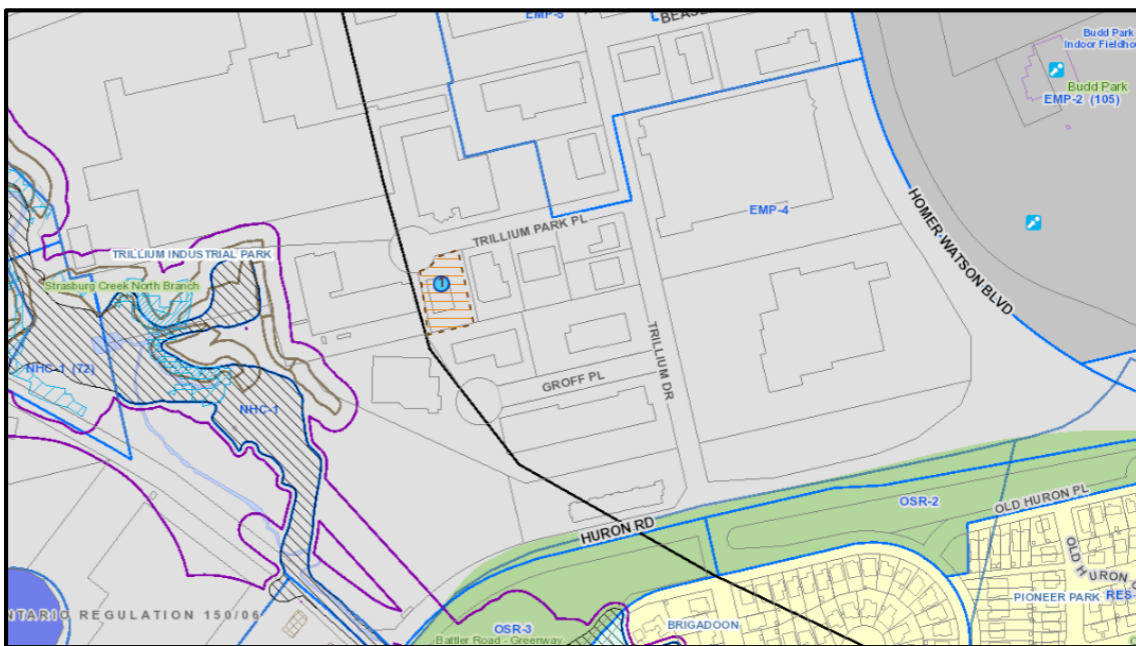


Figure 2 - The subject property on the zoning map.

The subject property is identified as an 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'Business Park Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Service Business Park Employment Zone (EMP-4)' in Zoning By-law 2019-051.

The applicant has submitted a Site Plan Application, SP24/004/T/AA, which has been reviewed with all applicable divisions and agencies and received 'conditional approval' subject to receiving approval of the minor variance for the reduced rear yard.





Figure 4 – Photo of the front of the building.



Figure 5 – Photo of the east side of the property and of the parking area.



Figure 6 – Photo of the adjacent property showing the rear lot line.

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 intent of the Business Park Employment designation is to provide opportunities for a diversified economic base by maintaining a range and choice of suitable sites for industrial employment uses, supporting a wide range of economic activities. Redevelopment of existing sites will contribute to a quality image of the Business Park Employment area by incorporating quality building and landscape designs.

Staff are of the opinion that the proposed rear addition and requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the rear yard setback is to ensure that there is adequate separation between buildings and that the buildings and uses do not negatively impact neighbouring properties. The rear yard can also provide a landscape buffer and amenity space for employees. The proposed rear yard setback of 2.7 meters will still provide a sufficient separation, and be able to provide landscape barrier and appropriate space for building

maintenance. Additionally, the proposed addition will backs onto a property that contains a Bell Canada Easement at the rear, maintaining the separation between the proposed addition and the adjacent building.

Furthermore, the outdoor amenity space for the subject property is proposed to be situated in the front yard. Considering the above considerations, staff are of the opinion that the proposed setback meets the general intent of the Zoning By-law.

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

The effects of the minor variance will be minor given that the subject property abuts another industrial property that has a Bell Canada easement that adds to the building separation. There will still be sufficient separation from the rear lot line and the proposal has been reviewed as part of a site plan application.

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

The minor variance for a reduced rear yard is desirable and appropriate as it will facilitate the construction of a rear addition, maximize the useability of the site and support the continued industrial use of the subject property

Environmental Planning Comments:

No natural heritage or tree management concerns

Heritage Planning Comments:

No heritage comments.

Building Division Comments:

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

Engineering Division Comments:

No concerns

Parks/Operations Division Comments:

No concerns

Transportation Planning Comments:

Transportation Services has no concerns with this application.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228

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-law 2019-051*