

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 17, 2023

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

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

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

**DATE OF REPORT:** October 4, 2023

**REPORT NO.:** DSD-2023-451

**SUBJECT:** Minor Variance Application A2023-121 – 15 Cedar Street North

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## RECOMMENDATION:

That Minor Variance Application A2023-121 for 15 Cedar Street North requesting relief from the following sections of Zoning By-law 85-1:

1. Section 54.2.1 to permit a minimum lot width of 12.4 metres instead of the minimum required 15 metres, to permit a front yard setback of 1.1 metres instead of the minimum required 1.5 metres, and an interior side yard setback abutting a residentially zoned property of 1.5 metres instead of the minimum required 7.5 metres; and
2. Section 6.1.2 a) to permit 0 parking spaces instead of the minimum required 10 parking spaces at a rate of 1.0 parking space per dwelling unit;

generally in accordance with drawings prepared by Chris Fernandes Design Corp., dated April 28, 2023, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the construction of a multiple dwelling containing 10 residential 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 on the south side of Cedar Street North, between King Street East and Duke Street East. The subject property is surrounded by the Commercial uses to the north and west, and residential uses to the east and south.



**Figure 1: Subject property – 15 Cedar Street North**

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Mixed Use Corridor' in the King Street East Neighbourhood Secondary Plan.

The property is zoned 'Medium Intensity Mixed Use Corridor Zone (MU-2)' in Zoning By-law 85-1. A holding provision 15H was on the subject property however the holding provision was lifted by Kitchener City Council on August 14, 2023.

The purpose of the application is to review an application for minor variances to permit the construction of a multiple dwelling containing 10 residential units with 0 parking. The applicant is requesting variances for lot width, front yard setback and setback from an adjacent residential zone, along with the request for 0 parking spaces provided on site.



**Figure 2: Front view of subject property**

**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 as 'Mixed Use Corridor' in the King Street East Neighbourhood Secondary Plan. Section 13.2.2.7 states that the Mixed Use Corridors are primarily intended to serve the adjacent residential neighbourhoods and employment areas and allow for intensive, transit supportive development, and provide residential redevelopment opportunities. Over time it is intended that Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. New development shall be compatible with surrounding residential neighbourhoods and will be of an appropriate height and density in relation to adjacent low rise residential developments. Section 13.C.8.3 states that the City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management measures or where sufficient transit exists or is to be provided.

Planning staff notes that the subject site is approximately 150 meters from an ION station stop located on Charles Street that provides connections to the broader Waterloo Region transit system. The proposal also includes both Class A and Class B bicycle parking spaces and is directly adjacent to a recently installed bike lane.

Transportation Services has also reviewed the application and supports the parking reduction.

Accordingly, Planning staff is of the opinion that the requested variances that will facilitate a development that meets the general intent of the Official Plan.

### General Intent of the Zoning By-law

#### *Lot Width*

The intent of the lot width requirement is to ensure the lot is an adequate size to accommodate a multiple residential building, while maintaining appropriate setbacks, amenity area, and parking space. The property is proposing an adequate amenity area and building setbacks, and is also further requesting 0 parking on site, therefore there is no extra lot width space required for a driveway or drive aisle on the property. The proposal for a 12.4 meter lot width is a minor reduction to what is permitted and will have little impact on the overall neighbourhood or property.

#### *Front Yard Setback*

The intent of the front yard setback requirement is to ensure there is adequate separation from the streetscape. The majority of the building is meeting the required 1.5 metre front yard setback, however due to the shape of the property at the corner closest to King Street the building will be setback at 1.1 meters. Staff are satisfied that there will be no negative impacts as a result of the reduced front yard setback and the intent of the Zoning by-law will be maintained.

#### *Side Yard Setback Abutting a Residential Zone*

The intent of the 7.5 meter side yard abutting a residential zone setback is to ensure there is adequate separation from existing residential properties. The intent of the MU-2 zone along with the recently removed 15H holding provision was for the lands to be consolidated with lands that were adjacent to King St. Had a larger development been proposed within the consolidated lands, and appropriate setback of 7.5 metres would have been required to maintain separation to the residential properties along Cedar Street. Staff were supportive of removing the 15H holding provision in lieu of the development providing addition residential units within the neighbourhood. The use is now intended to be an infill development with 10 residential units and had the property been zoned residential like the adjacent residential property, the required setback would be 1.5 metres. Staff are satisfied that the proposed 1.5 meter setback to the adjacent residential zone meets the intent of the Zoning By-law.

#### *Parking Reduction*

The intent of the 10 parking spaces, 1 per unit parking requirement is to ensure that there is adequate parking spaces available for the residents and for visitors to the property. The reduction to 0 parking spaces per unit is permitted with an MTSA area as it is the future direction for lands within the MTSA areas to require minimal to no parking spaces.

Furthermore, alternative transportation options are provided on site, as the property is located approximately 150 meters to an existing ION transit stop. Adequate bicycle parking (both Class A and B spaces) will also be provided in the new development.

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?

Staff is of the opinion that the requested variances are minor as the reduced lot width, front yard setback, setback from a residential zone and reduced parking 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 variance is desirable and appropriate for the development and use of the land as its approval will facilitate the construction of a new multiple dwelling with 10 dwelling units, which is permitted in Zoning By-law 85-1 and will contribute to the neighbourhood to make a complete community and support the City's Housing Pledge.

**Environmental Planning Comments:**

No comments.

**Heritage Planning Comments:**

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 15 Cedar St. N. is located within the Central Frederick Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Central Frederick Neighbourhood area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Central Frederick Neighbourhood CHL, please visit the following link: [www.kitchener.ca/npr](http://www.kitchener.ca/npr).

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the new 10-unit multiple dwelling is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

Applicant to provide a minimum 0.5 metre setback from property line to ensure an unobstructed shared property line swale is maintained.

**Parks/Operations Division Comments:**

As Site Plan approval will no longer be required for residential development proposing 10 units or less, Parkland Dedication will be required for the proposed ten residential units prior to the issuance of the Building Permit.

**Transportation Planning Comments:**

Transportation Services have no concerns with this 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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *DSD-2023-326*

**ATTACHMENTS:**

Attachment A – Proposed Site Plan and Elevation