

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** November 19, 2024

**SUBMITTED BY:** Tina Malone-Wright, Manager, Development Approvals  
519-783-8913

**PREPARED BY:** Tim Seyler, Senior Planner, 519-783-8920

**WARD INVOLVED:** Ward 9

**DATE OF REPORT:** November 6, 2024

**REPORT NO.:** DSD-2024-487

**SUBJECT:** Minor Variance Applications A2024-100 to A2024-103  
100-106 St. George Street

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## RECOMMENDATION:

That Minor Variance Applications A2024-100 to A2024-103 for 100-106 St. George Street requesting relief from Section 39.2.2 of Zoning By-law 85-1, to permit a minimum front yard of 6 metres instead of the minimum required 6.58 metres, generally in accordance with drawings prepared by Habitat for Humanity, dated September 26, 2024, BE APPROVED subject to the following condition:

1. That the Owner shall prepare a Tree Preservation and Enhancement Plan, in accordance with the City's Tree Management Policy, demonstrating protection and preservation of the City-owned tree(s) that is/are located adjacent to the severed and/or retained lands, to the satisfaction of and approval by the City's Director Parks and Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director, Parks and Cemeteries.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variance applications to facilitate the construction of 2 new semi-detached dwellings.
- 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.

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

## **BACKGROUND:**

The subject properties are located on St. George Street near the intersection of Peter Street and St. George Street. It is also located within the Cedar Hill Neighbourhood which is comprised of a variety of low-rise residential dwelling types.

The subject properties are identified as 'Major Transit Station Area' on Map 2 – Urban Structure and are designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's 2014 Official Plan.

The properties are zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.



**Figure 1: Location Map – 100-106 St. George Street**

The purpose of the applications is to facilitate the construction of two (2) new semi-detached dwellings.

The applications are required as the proposed front lot setback of 6.0 metres does not meet the RIENS requirements of the 85-1 Bylaw, which is calculated at 6.58 metres. When the new SGA zoning comes into effect (currently still under appeal) the minor variances for the front yard setbacks will no longer be required.

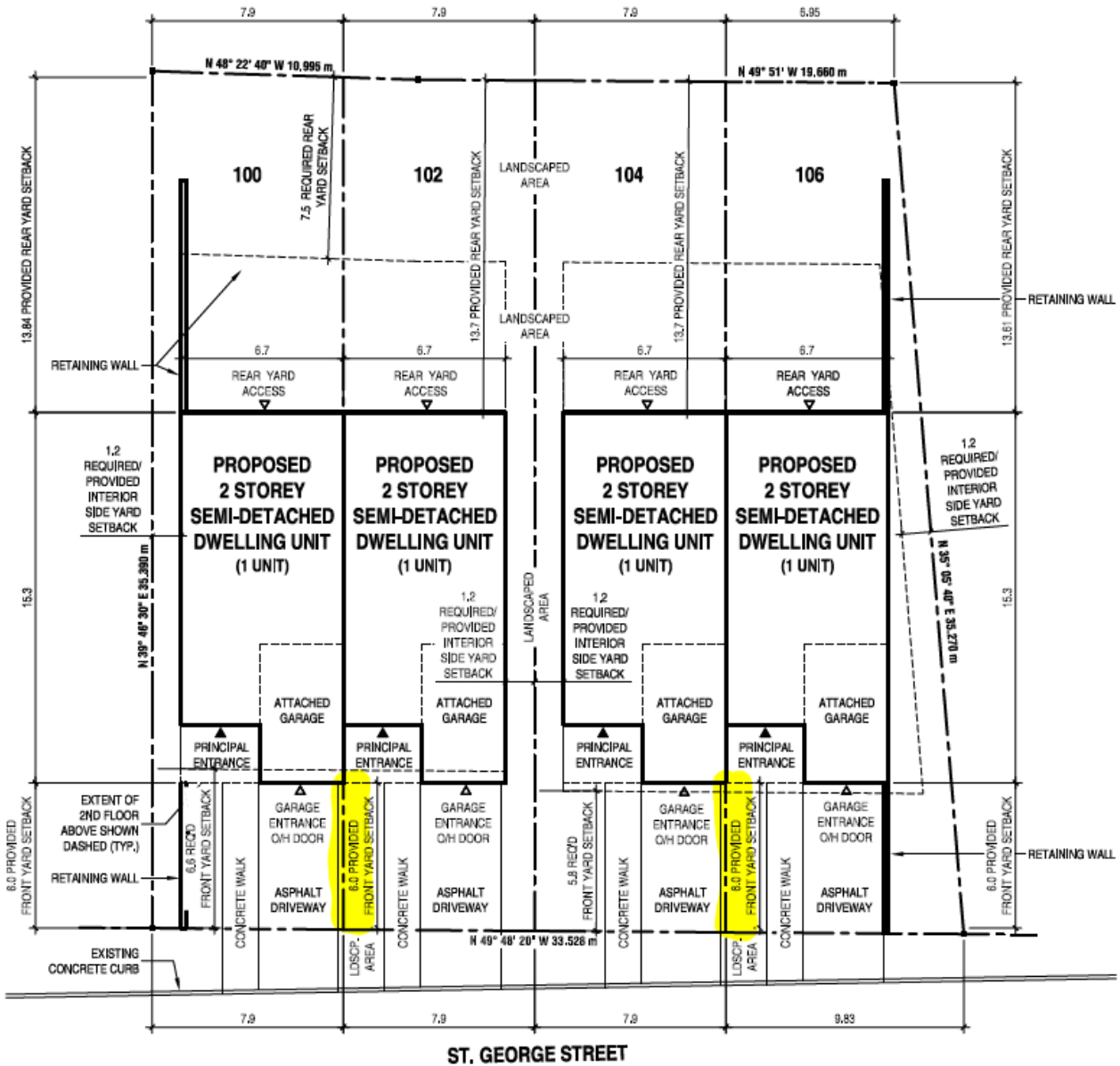
In 2023 a Consent Application was approved to sever the property into 2 parcels, each proposed for a semi-detached dwelling. The severance has not been finalized at this time as conditions are still being cleared. Future severances will be required for the semi-detached units to be dealt with independently.



**Figure 2: Existing Conditions– 100-102 St. George Street**



**Figure 3: Existing Conditions – 104-106 St. George Street**



**Figure 4: Proposed Site Layout – 100-106 St. George Street**

**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 'Strategic Growth Area A' in the City's Official Plan. This designation permits a range of low and medium density residential housing types including those permitted in the Low Rise Residential and Medium Rise Residential land use designation. The proposed variances meet the intent of the Official Plan which encourages a range of different forms of housing and encourages a mix of residential uses in residential

areas. The proposed variances conform to the designation, and it is the opinion of staff that the requested variances meet the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The intent of the front yard setback regulation in Zoning By-law 85-1 is to ensure that there is a consistent street edge within the existing neighbourhood. The reduction of 0.58 metres to permit a 6.0 metre setback will still provide a consistent street edge within the neighbourhood and there will be no impacts to the surrounding properties. Furthermore, the RIENS requirement has not been brought forward to the new SGA zoning. The SGA-1 zoning would permit a minimum front yard setback of 4.5 metres, or 6.0 metres if off street parking is accommodated. The SGA zoning is currently under appeal and at this time is not in effect.

Staff is of the opinion that the variance for parking meets 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 variances will permit a setback that is only 0.58 metres closer than what is permitted. The proposed variances 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 desirable and appropriate for the development and use of the land as their approval will permit new semi-detached dwellings within an established neighbourhood and promotes gentle intensification.

#### **Environmental Planning Comments:**

No comments provided.

#### **Heritage Planning Comments:**

The property municipally addressed as 100-106 St. George Street is located within the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Cedar Hill Neighbourhood include elevation of land and a variety of street width and housing types. There are no heritage concerns with the requested reduced front yard setback as there is a range of setbacks within the CHL, with many having prominent frontage close to the street line. Heritage Staff would note that the traditional design elements of this CHL includes brick construction and projected front porches. Heritage staff would encourage an incorporation of common design elements found in the CHL into the design of the buildings, to better integrate it within the surrounding area. It should also be noted that the subject land was reviewed for the Kitchener Inventory and determined to have no cultural heritage value or status under the Ontario Heritage Act in 2013.

**Building Division Comments:**

The Building Division has no objections to the proposed variances. Applications have been made for the new semi-detached dwellings.

**Engineering Division Comments:**

No comments or concerns from Engineering division.

**Parks/Operations Division Comments:**

As a condition of **B2023 – 035 – 100 St George St** a Tree Protection and Enhancement Plan was required as a condition of the Consent – see below; **this is outstanding**. The 2023 application did not include preliminary site layout and the driveways identified on the 2024 Minor Variance application will impact the existing trees and changes to **site layout may be necessary to protect existing City assets**.

**“B2023 – 035 – 100 St George St**

There are four existing City-owned street trees located on St George Street that will be impacted by future construction. If these trees cannot be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law, full compensation and/or replacement is expected. **A Tree Protection and Enhancement Plan (TPEP) will be required as part of a Building Permit application**, please see Urban Design Manual Part C, Section 13 and <https://www.kitchener.ca/en/water-and-environment/tree-bylaws-and-management.aspx>.”

**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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *DSD-2023-406*