

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** December 10, 2024

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

**PREPARED BY:** Adiva Saadat, Planner, 519-783-7658

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** November 27, 2024

**REPORT NO.:** DSD-2024-522

**SUBJECT:** Minor Variance Application A2024-111 – 124 Cedar St. S.

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## **RECOMMENDATION:**

### **Zoning By-law 85-1**

That Minor Variance Application A2024-111 for 124 Cedar Street South requesting relief from Section 39.2.1 b) of Zoning By-law 85-1 to permit a minimum front yard setback of 2 metres instead of the minimum required 4.5 metres, to facilitate the construction of a front 2 storey addition, a porch and ground supported balcony onto the existing dwelling, in accordance with drawings prepared by John MacDonald Architect, dated November 1, 2024, BE APPROVED.

### **Zoning By-law 2019-051**

That Minor Variance Application A2024-111 for 124 Cedar Street South requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 as amended by By-law 2014-065, to permit a minimum front yard setback of 2 metres instead of the minimum required 4.5 metres, to facilitate the construction of a front 2 storey addition, a porch and ground supported balcony onto the existing dwelling, in accordance with drawings prepared by John MacDonald Architect, dated November 1, 2024, BE APPROVED subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the development of a front yard addition, a porch and a ground supported balcony with a reduced front yard setback.
- The key finding of this report is that the requested minor variance meets all 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 on the south-west side of Cedar Street South and St George Street. It is in the Cedar Hill neighbourhood which is primarily comprised of low-rise residential uses.



**Figure 1: Location Map - 124 Cedar Street South (Outlined in Red)**

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

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1 and 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

In Zoning By-laws 85-1 and 2019-51, the established front yard is used for dwellings and additions to dwellings that would project into the existing front yard constructed after the effective date of the by-laws. In all other cases where there is no further projection, and in the case of the subject property, the minimum front yard is 4.5 metres

The purpose of the application is to review a minor variance to permit a reduced front yard setback to facilitate the construction of a front yard addition, a porch and a ground supported balcony.

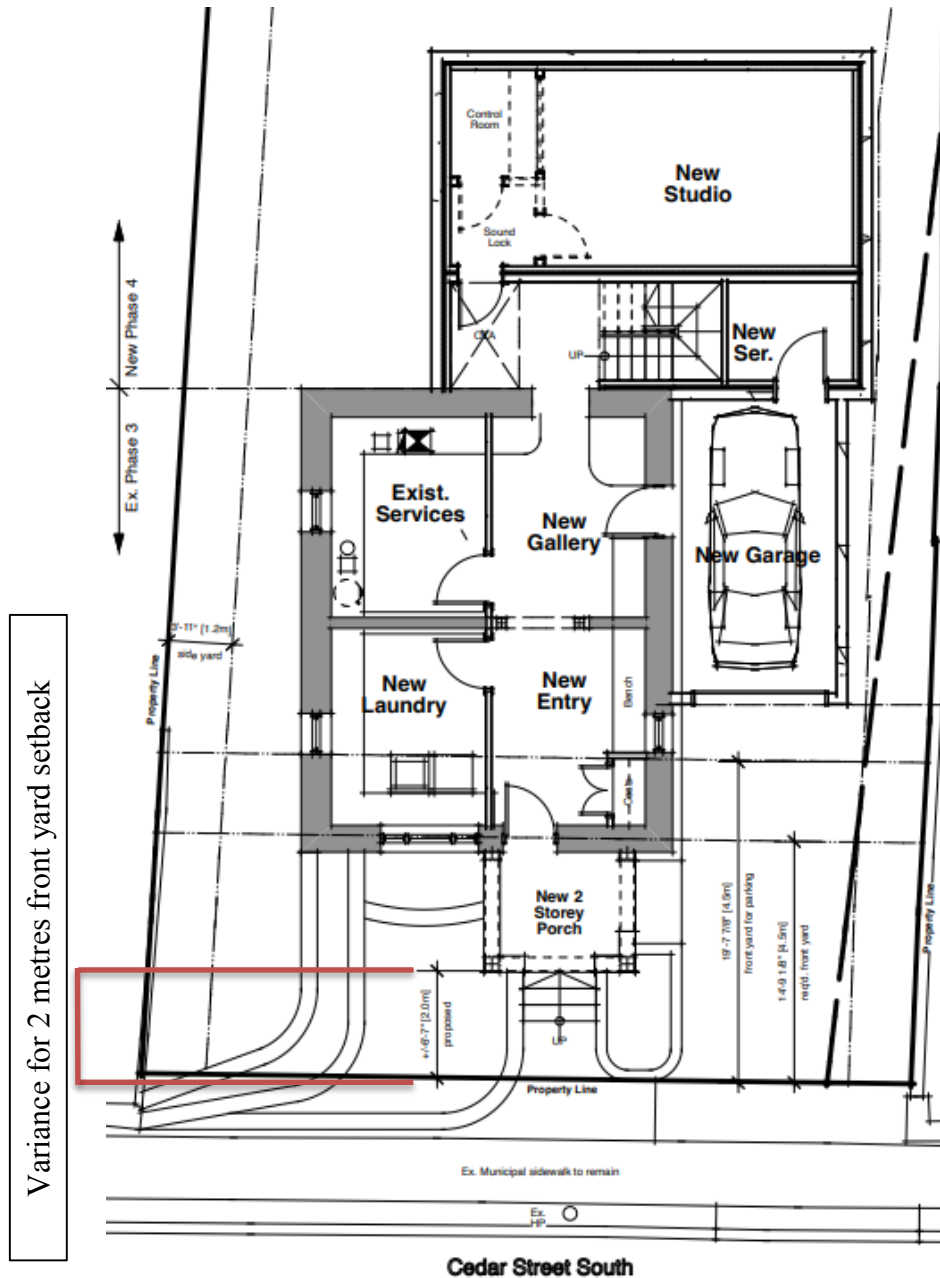


Figure 2: Proposed Site Plan



Planning Staff conducted a site visit on November 18, 2024



**Figure 5: Existing Site Conditions - 124 Cedar Street South on November 18, 2024**

**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 Official Plan designation 'Strategic Growth Area A' on Map 3 – Land Use is to intensify urban development to support sustainable growth, enhance transit-oriented development, and create vibrant, complete communities. The proposed addition, porch and balcony are an appropriate use on residential properties and the proposal will not significantly change the overall front design characteristics of the dwelling. It will contribute to maintaining a vibrant and functional residential property. Planning Staff are of the opinion that the requested variance will maintain the general intent of the Official Plan.

### General Intent of the Zoning By-law

The intent of the front yard setback requirement is to ensure a consistent setback to the property line to maintain a coherent and consistent streetscape. The established front yard setback is approximately 4 metres (5.4 metres on one adjacent property and 2.7 metres on the other adjacent property). Staff note that the existing front yard setback of the subject property is approximately 2 metres and the new addition and front porch will maintain these existing setbacks. There will continue to be sufficient separation from the street while preserving the streetscape and front yard design. Therefore, Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

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

The intent of the front yard setback requirement is to ensure a consistent setback to the property line to maintain a coherent and consistent streetscape. Staff note that the existing front yard setback is approximately 2 metres and the new addition and front porch will maintain the setbacks. There will continue to be sufficient separation from the street while preserving the streetscape and front yard design. Therefore, Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

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

Planning staff is of the opinion that the variance is appropriate for the desirable use of the lands as the proposed addition, porch and balcony will improve the functionality of the dwelling on the property while maintaining compatibility with the established streetscape and neighbourhood character. The minor variance to allow a 2 metre setback will avoid any unnecessary demolition and/or reconstruction of the front of the existing building.

### **Environmental Planning Comments:**

No comments or concerns.

### **Heritage Planning Comments:**

The property municipally addressed as 124 Cedar Street South is located within the Cedar Hill Cultural Heritage Landscape (CHL). 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. Additional policies were included in the Official Plan as part of the City's Growing Together initiative to ensure the continued protection of CHLs within Major Transit Station Areas. Policy 12.C.1.52 of the Kitchener Official Plan states that

*“The view atop Cedar Hill from Cedar Street looking to the southwest is a unique view from the Cedar Hill Schneider Creek Neighbourhood of the City and of the countryside beyond. Properties contained within Cedar Hill viewshed are identified as being Property of Specific Cultural Heritage Landscape Interest. The City will regulate building height, setbacks and built form along Cedar Street and along Courtland Avenue East to protect and enhance this view. The City will also encourage and support enhancements to the public realm in the location atop of Cedar Hill to contribute and enhance the pedestrian experience and enjoyment of the view.”*

The requested setback relief and height are not going to have major impacts on the viewshed or on the cultural heritage value of the CHL. Thus, Heritage Planning staff have no concerns with the proposed application.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the addition to the single detached 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:**

No comments or concerns.

**Parks/Operations Division Comments:**

No comments or concerns.

**Transportation Planning Comments:**

No comments or concerns.

**Grand River Conservation Area (GRCA) Comments:**

No comments or concerns.

**Region of Waterloo Comments:**

No comments or concerns.

**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-laws 85-1 and 2019-051*