

May 3, 2023
Brian Bateman, Tina Malone Wright
Committee of Adjustment Coordinator
City of Kitchener-Planning Division
P.O. Box 1118
200 King Street West, 6th Floor
Kitchener, ON
N2G 4G7

Dear Mr. Bateman/Ms. Malone-Wright

via e-mail

RE: Consent Applications for Severance and Minor Variance (File #'s B2023-010 & A2023-037)
709 Glasgow Street,
Kitchener
OUR FILE #21208A

In response to the deferral of the above noted application by the Committee of Adjustment, we have reviewed the comments by the public and considered discussion by members of the community and Committee members. Our clients have carefully considered alternatives to the proposed severance plan including the recommendation by Committee of Adjustment members to explore potential to create a flag-shaped lot whereby the new home is situated closer to Glasgow Street in front of the existing house within the front yard of the existing house. The following is intended to summarize the rationale for maintaining the original proposal as the most viable option for the creation of a new lot for the purposes of permitting a building lot for single-detached residential development subject to minor adjustments that will be made in consideration of existing tree and grading conditions including reconfiguration of the driveway for the retained lot which will curve around an existing tree stand.

PROVINCIAL PLANNING POLICY FRAMEWORK

The Provincial Policy Statement (PPS) and A Place to Grow provide direction for guiding development in a way that supports economic prosperity, protects the environment and helps communities achieve a high quality of life by setting out areas where intensification should occur, prioritizing settlement areas and more particularly within delineated built up areas. **In this regard, the lands are located within a delineated built up area with full municipal services and accordingly meet the intention of the PPS and A Place to Grow.**

REGIONAL OFFICIAL PLAN AND CITY OF KITCHENER OFFICIAL PLAN

In 2003, Regional Council adopted the Regional Growth Management Strategy (RGMS) which provides a common vision for the future growth of Waterloo Region. As part of the RGMS, the Region has been planning in an integrated, cross-departmental way to meet the needs of a growing population. Through the adoption of the RGMS, Regional Council identified reurbanization as a cornerstone to the sustainable growth of this community. The intent of reurbanization is to direct new residential and non-residential development into targeted areas within the built-up area to slow the rate of expansion into the peripheral greenfield lands. In doing so, the community can make better use of existing urban people to live and work and by improving access to essential human services and programs. **The creation of an additional building lot within the built up area will assist in meeting the Region's growth targets for residential development.**

The City of Kitchener Official Plan was adopted in 2014 through the approval of Official Plan Amendment 103. The 2014 Official Plan establishes a community structure and identifies the subject lands as being within Community Area in the Urban Structure of the City of Kitchener. Residential development is permitted within Community Areas as per Section 3.C.2.50. Policy 3.C.2.51 provides that areas within the Community Area structure will include Low Rise Residential land uses and further Policy 3C2.52 provides that limited intensification may be permitted within Community Areas subject to being sensitive and compatible with the character, form and planned function of the surrounding context. The lands are designated Low Rise Residential as identified on Map 3 of the City's Official Plan which permits single-detached residential development in accordance with zoning bylaw requirements. In this regard, both the existing and proposed lots more than meet the zoning by-law requirements for lot size and are in keeping the residential character of the surrounding neighbourhood. The proposed consent application will result in a new residential building lot capable of supporting new residential development (i.e. a unit) in a designated built up area with approved zoning and designation in an official plan that permits this type of development. In addition, Map 6 of the City's Official Plan (**attached**) identifies areas having Natural Heritage features, detailed mapping and criteria for which were identified through the City of Kitchener Natural Heritage System Background Study. **No Natural Heritage Features have been identified on the property and accordingly the proposed development is in keeping with the Regional Official Plan and City of Kitchener Official Plan.**

PURPOSE OF SEVERANCE

The owners of the property, John and Susan Gallivan have resided on the property for 17 years and have maintained, respected and enjoyed the property and neighbourhood during this time. The owner's intention is to create their final home for retirement purposes in order to continue to enjoy the special qualities and tranquil setting of their property including the trees and affiliated natural environment offered within this urban environment.

CONSIDERATIONS FOR ALTERNATIVE LOT CONFIGURATIONS

The proposed newly created lot configuration has been carefully considered with respect to meeting the intention of the zoning by-law thereby reducing the requirement for additional minor variances such that only a variance for the lot width from 24 metres to 20 metres is required. The new lot will have 2,581 m² of lot area while the retained parcel will have 4,043 m² of lot area while the zoning bylaw requires a minimum lot area of 929 m². Both the severed and retained lots more than meet the size requirements of the zoning bylaw and are in keeping with lot sizes within the neighbourhood.

Consideration of a flag-shaped lot whereby the newly created building envelope would sit in the front yard of the existing house is not supported by City staff and is not in keeping with existing lotting pattern (attached) and character of this well-established neighbourhood. The flag-shaped lot proposal would also negatively impact the front yard of the existing house. In addition, while no trees are located on this portion of the property, the grading and drainage conditions of the property would not lend itself to making this a viable option as the front yard area is a low point and not suitable for construction purposes. As well, the owners would not be able to enjoy the valuable asset of a backyard setting that currently exists where the building envelope is proposed on the severed parcel.

CONSIDERATION FOR TREE REMOVALS

The existing property contains well over 300 trees, the majority of which will not be affected by the creation of a lot for residential development. The provision of a Tree Management Plan that will be refined through the development process and required as a condition of the severance is intended to ensure the retention and maintenance of as many trees as possible pending final decisions on house design, final orientation and location of the house and grading considerations. The intention of the owners is to maintain the valuable nature of the property and enjoy the continued use of the property for their own retirement. It is a unique property deserving of preservation of its unique natural setting to the extent possible within an urban environment such that the property can continue to be enjoyed in the future. In addition, the owners intend to supplement any tree removals required to facilitate construction of their final home with appropriate landscaping and additional tree plantings.

SUMMARY AND CONCLUSIONS

- Preference is for lot creation as originally proposed with minor adjustments to proposed driveway location for retained lands to curve around existing tree stand and provide flexibility of proposed building envelope for the severed lands to minimize removal of trees and adjustment to existing grades as much as possible, pending final building design and approval of Tree Management Plan;
- The proposal is consistent with Provincial, Regional and City Policies for lot creation;
- The minor variance for a reduction in lot width required to facilitate the creation of a new lot is considered minor;
- City of Kitchener staff are in support of the severance plan subject to conditions;
- Proposed conditions of the severance will adequately address tree removals, grading, drainage and the intent of the City's Zoning By-law regulations regarding building setbacks.



Dan Currie, MA, MCIP, RPP
Partner

cc. John Gallivan, Susan Homer, Jeff Buisman




Nicolette van Oyen, BES, MCIP, RPP
Senior Planner



City of Kitchener Official Plan Map 6: Natural Heritage System

709 Glasgow Street
Pt Lt 44 Pl 793 Kitchener Pt 1,
58r-12693 & Pt 2, 58r-1423; Kitchener

LEGEND

 Subject lands

Natural Heritage System

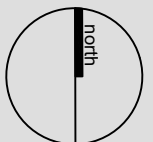
-  Kitchener Core Natural Heritage Features
-  Significant Wildlife Habitat and Significant Landforms
-  Ecological Restoration Areas
-  Region Core Environmental Features
-  Stream - Ecological Restoration
-  Stream
-  Area Under Deferral

DATE: April 27, 2020

SCALE: NTS

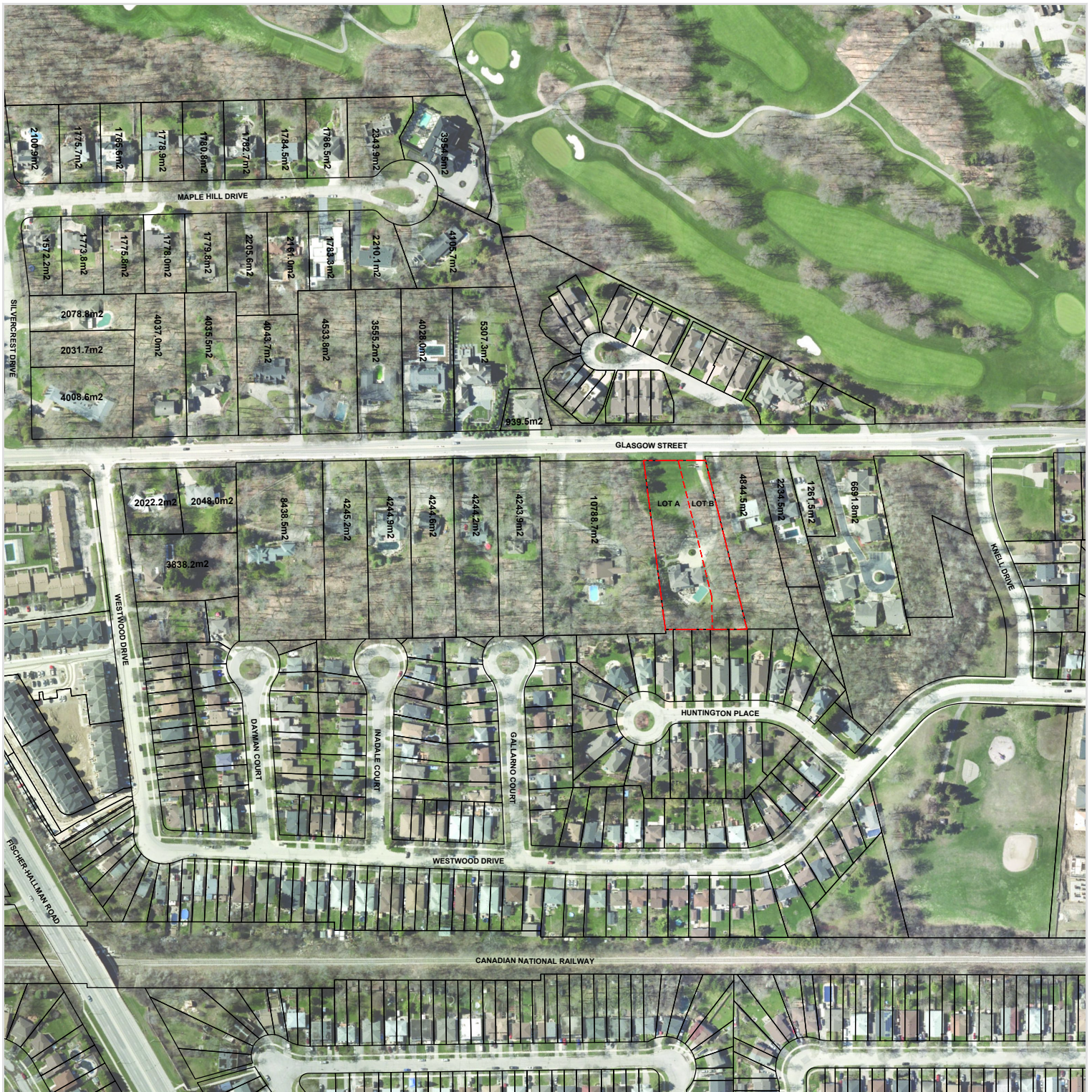
FILE: 21208A

DRAWN: GC



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MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
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Neighbourhood Lotting Plan

709 Glasgow Street
 Pt Lt 44 PI 793 Kitchener Pt 1,
 58r-12693 & Pt 2, 58r-1423; Kitchener

LEGEND



Subject Lands 6,619m²

Lot A: Lands to remain: 4,038.1m²

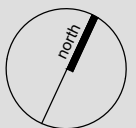
Lot B: Lands to be severed: 2,580.9m²

DATE: November 28, 2022

SCALE: 1: 4,000

FILE: 21208A

DRAWN: CCF



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MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

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Source: Air Photo retrieved from Region of Waterloo (c) 2020, Parcels (c) King's Printer, 2022