

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: May 16, 2023

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

PREPARED BY: Craig Dumart, Senior Planner 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: May 2, 2023

REPORT NO.: DSD-2023-208

SUBJECT: Consent Application B2023-019 – 680 Frederick Street

RECOMMENDATION:

That Consent Application B2023-019 for 680 Frederick Street requesting consent to sever a parcel of land having a lot width on Frederick Street of 7.6 metres, a lot depth of 45.7 metres and a lot area of 348.3 square metres, BE APPROVED subject to the following conditions:

1. That the property owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the property owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the property owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the property owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Supervisor, Development Applications.
5. That the property owner obtains a Demolition Permit, for the existing single detached dwelling and all accessory structure(s) proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling and all accessory structure(s) prior to deed endorsement.
6. That the property owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.

7. That the property owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.
8. That the property owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.
9. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
10. That the property owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
11. That the property owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication equal to \$11,862.00 of the value of the lands to be severed.
12. That at the sole option of the City's Director of Planning, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Planning, which shall include the following:
 - a) That prior to any grading, servicing or the application or issuance of a building permit, the owner shall submit a plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Supervisor, Site Plans showing:
 - i) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - ii) the location of any existing buildings or structures to be removed or relocated;
 - iii) the proposed grades and drainage;
 - iv) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition;
 - v) justification for any trees to be removed; and
 - vi) outline tree protection measures for trees to be preserved; and
 - vii) building elevation drawings.
 - viii) If necessary, the plan shall include required mitigation and or compensation measures.
 - ix) That the approved elevation drawings shall be implemented as approved or be substantively similar to the approved elevations as part of issuance of any building permit(s).
 - b) Any alteration or improvement to the lands including grading, servicing, tree removal and the application or issuance of any building permits shall be in compliance with the approved plan. Any changes or revisions to the plan require the approval of the City's Supervisor, Site Plans.
13. That prior to final approval, the owner/applicant submit the Regional consent review

fee of \$350.00.

14. That prior to final approval, an agreement between the Owner/Applicant and City of Kitchener, to the satisfaction of the Region of Waterloo, must be registered on title for both the severed and retained lands that includes the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, Lease/Rental Agreements:

- a) That the owner agrees to construct the dwelling with a forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning, at the occupant's discretion.
- b) That the owner agrees to include the following noise warning clauses in offers of purchase and sale/lease/rental agreements:

"The purchasers/tenants are advised that sound levels due to increasing road traffic on Frederick Street may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

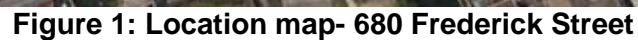
"This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

- c) The Owner shall ensure that all noise attenuation measures required pursuant to this Agreement are implemented and completed to the satisfaction of The Regional Municipality of Waterloo and where applicable, incorporated in the building plans for the dwelling units on the Severed Lands and the Retained Lands prior to the Owner requesting the issuance of any building permits. The Owner further agrees to construct the dwelling units on the Severed Lands and the Retained Lands in accordance with approved plan(s) which incorporate all such required noise attenuation measures.

REPORT HIGHLIGHTS:

- The purpose of this application is to sever a parcel of land into two new lots to facilitate the construction of semi-detached dwelling.
- The key finding of this report is that the requested severance meets the criteria 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.

The subject property is located on the north side of Frederick Street and east of the intersection of Frederick Street and Lois Street. The surrounding Stanley Park neighbourhood consists of a variety of residential uses such as single detached dwellings, semi-detached dwellings, and multiple dwellings that vary in lot size and area.



The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to server a parcel of land to facilitate the construction of a semi-detached dwelling. The site currently has a single detached dwelling that will be demolished to construct the semi-detached dwelling units. The applicant will survey the property during/after the construction of the semi-detached dwelling units to ensure the semi-detached dwelling has been sited accurately on the new building lots.

The severed lot would have a lot frontage on Frederick Street of 7.6 metres, a lot depth of 45.7 metres and an area of 348.3 square metres, while the retained lot would have a lot frontage on Frederick Street of 7.6 metres, a lot depth of 45.7 metres and an area of 348.3 square metres.

Staff visited the subject property on April 19, 2023.



Figure 2: Existing Single Detached Dwelling at 680 Frederick Street

REPORT:

Planning Comments:

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of new lot for a future semi-detached dwelling that is compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. Planning staff is of the opinion that this proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The subject lands are in close proximity to transit and the subject lands are in closer proximity to trails and parks.

Policy 2.2.6.1(a) Municipalities will support housing choice through the achievement of the minimum intensification and targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

The subject lands are located within the City's delineated built up area. The proposed development represents intensification and will contribute towards achieving the City's intensification density targets. The severance application will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the development proposal conforms to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. Planning staff are of the opinion that the severance application conforms to the Regional Official Plan.

Official Plan

The subject lands are designated 'Low Rise Residential' (Map 3) in the 2014 Official Plan. The Low Rise Residential land use designation permits a full range of low density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-rise multiple dwellings. The Low Rise Residential land use designation encourages mixing and integrating different forms of housing to achieve and maintain a low-rise built form.

The proposed severance to facilitate the use of the lands for a new semi-detached dwelling is permitted by this residential land use designation.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

- 17.E.20.5 Applications for consent to create new lots will only be granted where:
- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
 - b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
 - c) all of the criteria for plan of subdivision are given due consideration;

- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

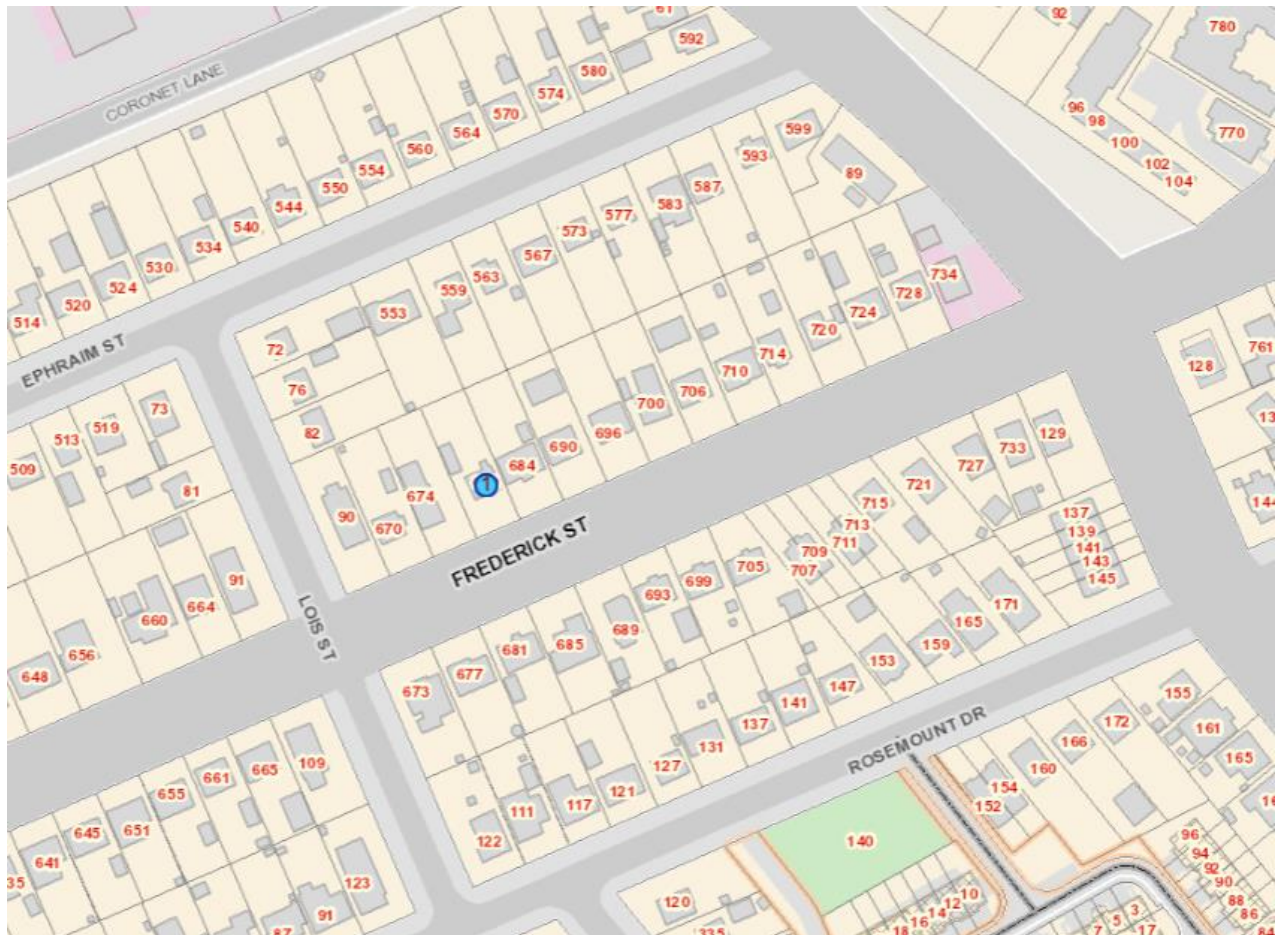


Figure 3: Pattern of Development/Surrounding Lot Fabric

The proposed lot widths and lot areas of the proposed severed and retained lots exceed the minimum 'RES-4' zone lot width and lot area requirements and minor variances are not required. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding neighbourhood which is developed with single detached, semi detached and multiple dwellings with lots sizes that vary in width, depth, and area. The lands front onto a public street and full services are available. There are no natural heritage features that would be impacted by the proposed consent application. Planning staff is of the opinion that the proposed severance conforms with the City of Kitchener Official Plan.

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. The 'RES-4' zone permits a range of low density dwelling types such as semi-detached dwellings. The 'RES-4' zone requires a minimum lot width of 7.5 metres (internal lots) and a minimum lot area of 210 square metres for semi-detached dwellings. The proposed lot widths and lot areas of the proposed severed and retained lots meet the minimum 'RES-4' zone lot width and lot area requirements.

Planning Conclusions

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the creation of the severed lot is desirable and appropriate. The uses of both the severed and retained parcels are in conformity with the City's Official Plan and Zoning By-law. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding community. There are existing schools within the neighbourhood. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is good planning and in the public interest.

ENVIRONMENTAL PLANNING COMMENTS:

The owner shall enter into an agreement on both the severed and retained lands to submit, obtain approval of, and implement a Tree Preservation / Enhancement Plan prior to demo, grading, building permit.

HERITAGE PLANNING COMMENTS:

Heritage Planning staff have no concerns with the proposed application.

BUILDING DIVISION COMMENTS:

The Building Division has no objections to the proposed consent. Region of Waterloo and Area Municipalities' Design Guidelines and Supplemental Specifications for Municipal Services (DGSSMS) allows only one service per lot. Separate building permit(s) will be required for the demolition of the existing building, as well as construction of the new residential buildings.

ENGINEERING DIVISION COMMENTS:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to Jason Brûlé (jason.brule@kitchener.ca).
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the street sewers. If this is not the case, then the owner would have to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street.

PARKS & CEMETERIES DIVISION COMMENTS:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **\$11,862.00**. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 7.62m at a land value of \$36,080 per frontage meter with a per unit cap of \$11,862.00.

TRANSPORTATION PLANNING COMMENTS:

Transportation Services have no concerns with the proposed application.

REGION OF WATERLOO COMMENTS:

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00;
- 2) That prior to final approval, an agreement between the Owner/Applicant and City of Kitchener, to the satisfaction of the Region of Waterloo, must be registered on title for both the severed and retained lands that includes the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, Lease/Rental Agreements:
 - a) That the owner agrees to construct the dwelling with a forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning, at the occupant's discretion.
 - b) That the owner agrees to include the following noise warning clauses in offers of purchase and sale/lease/rental agreements:

"The purchasers/tenants are advised that sound levels due to increasing road traffic on Frederick Street may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

"This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Planning Comments:

City staff recommends that the following clause also be inserted into the agreement to advise that where noise attenuation measures are required through building permit application, that the Owner is responsible to ensure these are implemented where Ontario Building Code cannot require noise attenuation measures.

- c) The Owner shall ensure that all noise attenuation measures required pursuant to this Agreement are implemented and completed to the satisfaction of The Regional Municipality of Waterloo and where applicable, incorporated in the building plans for the dwelling units on the Severed Lands and the Retained Lands prior to the Owner requesting the issuance of any building permits. The Owner further agrees to construct the dwelling units on the Severed Lands and the Retained Lands in accordance with approved plan(s) which incorporate all such required noise attenuation measures.

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 (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS: Attachment A – Lot Severance Sketch

SKETCH FOR SEVERANCE APPLICATION
OF MUN. NO. 680 FREDERICK STREET
CITY OF KITCHENER

SCALE = 1 : 250

METRIC

LOT 12

LOT 13

N 66°45' 00" E
13.318

7.659

7.660

STONE BARBECUE

MUNICIPAL

COMPILED LOT

764

28

PROPOSED SEVERANCE
AREA = 349.3 m²

RETAINED LANDS
AREA = 349.3 m²

STUCK BRACKET
(TO BE REMOVED)

49.120

49.120

N 23°19' 09" W

45.120

49.120

N 23°12' 00" W

49.120

LOT

LOT

1 1/2 STUCK MUR.

BASEMENT ENTRANCE

STONE HOUSE NO. 680
(TO BE REMOVED)

STUCK

7.660

7.620

13.240
N 66°45' 00" E

FREDERICK STREET

(26.213 WIDE)

THIS IS NOT
A PLAN OF SURVEY

CALIN AND ADRIANA PELE

JOB NO.

73-48(10)

MARCH 17, 2023

QUENTHER RUES SURVEYING LIMITED
KITCHENER, ONTARIO