

Staff Report

Development Services Department



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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20, 2023

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

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: June 9, 2023

REPORT NO.: DSD-2023-267

SUBJECT: Minor Variance Applications A2023-073, A2023-074 and A2023-075
Consent Applications B2023-023 and B2023-024
180 Zeller Drive

RECOMMENDATION:

Minor Variance Application A2023-073 (Retained Lot)

A. That Minor Variance Application A2023-073 for 180 Zeller Drive (Retained Lot) requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit a lot width of 12 metres instead of the minimum required 13.7 metres to facilitate the creation of a new lot and construction of a single detached dwelling generally in accordance with drawings prepared by JD Barnes Ltd, dated February 10, 2023, BE APPROVED.

Minor Variance Application A2023-074 (Severed Lot 1)

B. That Minor Variance Application A2023-074 for 180 Zeller Drive (Severed Lot 1) requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit a lot width of 12 metres instead of the minimum required 13.7 metres to facilitate the creation of a new lot and construction of a single detached dwelling generally in accordance with drawings prepared by JD Barnes Ltd, dated February 10, 2023, BE APPROVED.

Minor Variance Application A2023-075 (Severed Lot 2)

C. That Minor Variance Application A2023-075 for 180 Zeller Drive (Severed Lot 2) requesting relief from:

- i) Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit a lot width of 12.2 metres instead of the minimum required 13.7 metres, and;
- ii) Section 7.3, Table 7-1, Footnote (4) to permit an accessory building to have a lot coverage of 17% instead of the maximum permitted 15%;

to facilitate the creation of a new lot and construction of a single detached dwelling generally in accordance with drawings prepared by JD Barnes Ltd, dated February 10, 2023, BE APPROVED.

Consent Application B2023-023 (Severed Lot 1)

D. That Consent Application B2023-023 for 180 Zeller Drive requesting consent to sever a parcel of land having a lot width of 12 metres, a lot depth of 53.52 metres and a lot area of 571 square metres, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2023-074 receive final approval.
2. That the 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.
3. That the 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.
4. That the 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.
5. 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 of 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 the building permit.
 - 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 of Site Plans.

6. That the 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.
7. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.
8. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
9. That the 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.
10. That the 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.
11. 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.
12. That the 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.
13. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
14. That the owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to provide for the following, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:

To include the following warning clause on all offers to purchase and/or rental agreements for all residential dwellings on the severed and retained lands:

"Prospective purchasers and tenants are advised that all lots and blocks in this plan of subdivision are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and that aircraft noise and directional lighting along this flight path may cause concern to some individuals".
15. a) That the owner/applicant complete the appropriate study(ies) in accordance with Policy 8.A.4 of the Regional Official Plan for the severed and retained lands should geothermal energy systems be proposed for this development, and to enter into a registered agreement with the Regional Municipality of Waterloo to provide for implementation of the Study(ies), all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services; OR

- b) That the owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to prohibit the use of geothermal energy systems on the lands, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

Consent Application B2023-024 (Retained Lot 2)

E. That Consent Application B2023-024 for 180 Zeller Drive requesting consent to sever a parcel of land having a lot width of 12.2 metres, a lot depth of 55.3 metres and a lot area of 616 square metres, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2023-075 receive final approval.
2. That the 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.
3. That the 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.
4. That the 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.
5. 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 of 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 the building permit.

- 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 of Site Plans.
6. That the 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.
 7. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.
 8. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
 9. That the 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.
 10. That the 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.
 11. 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.
 12. That the 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.
 13. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
 14. The owner/applicant is required to submit the Regional consent review fee of \$350.00 for Consent Application B2023-024 prior to final approval of the consent.
 15. That the owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to provide for the following, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:

To include the following warning clause on all offers to purchase and/or rental agreements for all residential dwellings on the severed and retained lands:

"Prospective purchasers and tenants are advised that all lots and blocks in this plan of subdivision are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and that aircraft noise and directional lighting along this flight path may cause concern to some individuals".

16. a) That the owner/applicant complete the appropriate study(ies) in accordance with Policy 8.A.4 of the Regional Official Plan for the severed and retained lands should geothermal energy systems be proposed for this development, and to enter into a registered agreement with the Regional Municipality of Waterloo to provide for implementation of the Study(ies), all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services; or
- b) That the owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to prohibit the use of geothermal energy systems on the lands, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent for the creation of 2 new lots (3 total) for a new single detached dwelling on each of the 2 severed and 1 retained parcel of land.
- 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 an interior lot located on the North side of Zeller Drive between Janet Court and Wild Meadow Street. The property is bounded by a walkway block and Natchez woods to the East.



Figure 1: Location of Subject Property



Figure 2: View of Existing Detached Dwelling

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to create a new lot to construct 3 new single detached dwellings on the severed and retained lands. The existing single detached dwelling is proposed to be demolished.

REPORT:

Planning Comments Minor Variance Applications A2023-073 (Retained Lot) and A2023-074 (Severed Lot 1):

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 Low Rise Residential in the Official Plan. The intent of this designation is to encourage a range of different forms of housing to achieve a low density neighbourhood. The requested variance for reduction in lot width maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that requires a minimum lot width of 13.7 metres is to ensure that lot patterns are generally uniform and that there is enough lot width to facilitate site functionality. In regards to uniform lot widths, the 3 lots to the West of the site that make up the balance of the block

are between 12 and 13 metres wide, having similar lot width to the proposed lots. In the opinion of Staff, the proposed lot width of 12 metres is sufficient to provide site functionality, providing area on site for parking, outdoor amenity, access to the rear yard on both sides, and minimum required front yard setback. Therefore, 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?

The small reduction in lot width for the requested sites provides a similar lot size and pattern to the surrounding area. The requested reduction of 1.7 metres in lot width is considered minor by Staff.

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

The requested variances to reduce the lot width is considered appropriate for the use of the lands, as they will facilitate an infill development and gentle intensification in the neighbourhood and support the City's Housing Pledge.

Planning Comments Minor Variance Application A2023-075 (severed lot 2)

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 Low Rise Residential in the Official Plan. The intent of this designation is to encourage a range of different forms of housing to achieve a low density neighbourhood. The requested variances for reduction in lot width and for increase in lot coverage for an accessory building maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Lot Width: The intent of the regulation that requires a minimum lot width of 13.7 metres is to ensure that lot patterns are generally uniform and that there is enough lot width to facilitate site functionality. In regards to uniform lot widths, the 3 lots to the West of the site that make up the balance of the block are between 12 and 13 metres wide, having similar lot width to the proposed lots. In the opinion of Staff, the proposed lot width of 12.27 metres is sufficient to provide site functionality, providing area on site for parking, outdoor amenity, access to the rear yard on both sides, and minimum required front yard setback.

Lot Coverage, Accessory Building: The intent of the regulation that limits accessory buildings to 15% lot coverage is to ensure an accessory building does not cause adverse impacts to adjacent properties, and to maintain adequate amenity space. In this situation, the building is existing and is accessory to the existing single detached dwelling on the lot. With the proposed severance of land, the accessory building is still able to fit within the boundaries of "severed lot 2", while meeting the minimum yard setbacks. The proposed site layout will maintain an adequately sized amenity space in the rear yard. Therefore, Staff is of the opinion that the requested variances meets the general intent of the Zoning By-law.

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

The requested variances represent small deviations from the required zoning regulations. Staff do not anticipate any adverse impacts arising from the requested variances. Therefore, the variances are considered minor.

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

The requested variances are considered appropriate for the use of the lands, as the accessory building is currently existing and is proposed to remain as is. The lot boundaries proposed can

incorporate the re-use of the structure on a newly created lot, which is desirable and efficient. Therefore, Staff consider the requested variances to be appropriate for the use of the land.

Planning Comments Consent Applications B20223-023 & B20223-024:

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

Provincial Policy Statement (PPS 2014)

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 two new lots for a future single detached dwellings that are 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

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.

City's Official Plan (2014)

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's Official Plan.

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.”

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051. The 'RES-2' zone permits a range of low density dwelling types such as single detached dwellings.

Planning Conclusions/Comments:

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. 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.

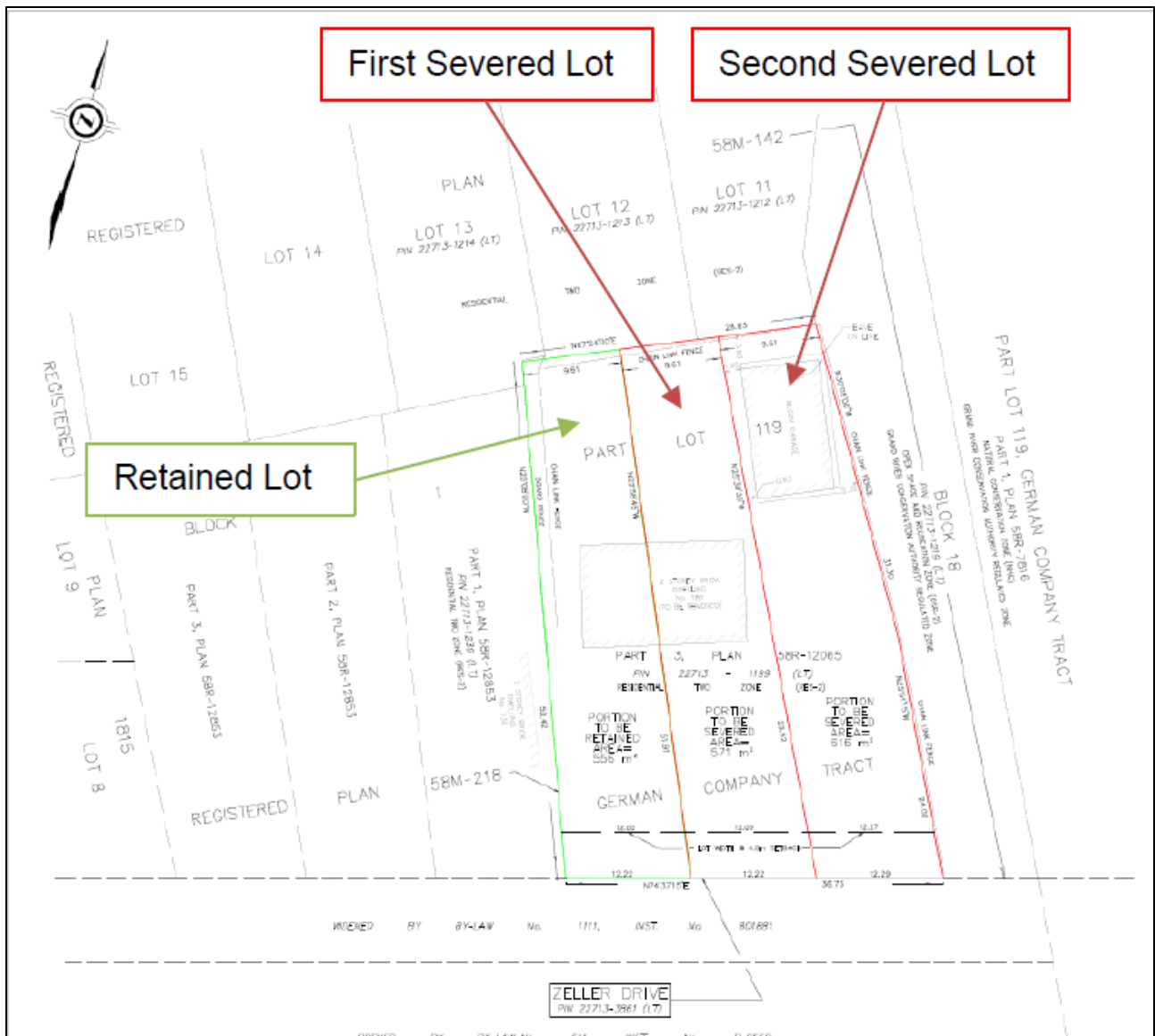


Figure 3: Severance Sketch

Environmental Planning Comments:

The following condition should be applied:

1. 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 of 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 the building permit.

- 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 of Site Plans.

Heritage Planning Comments:

No Heritage Planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. 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 Katie Wood (katie.wood@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/Operations Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel #1 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 12.00 metres at a land value of \$36,080 per frontage metre with a per unit cap of \$11,862.00.

Cash-in-lieu of park land dedication will be required on the severed parcel #2 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 12.27 metres at a land value of \$36,080 per frontage metre with a per unit cap of \$11,862.00.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed applications.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Region of Waterloo Comments:

Airport Zoning Regulations (Advisory Comments)

Although there are no specific concerns for the proposed development from an airport perspective, the applicants are advised that the lands are within the Airport Zoning Regulated area (AZR) and that there is only 23.5m above ground at this location. If a crane above this height is required for the construction, an AZR exemption will be required through Transport Canada (and that such exemption application must include an Aeronautical Assessment showing that there are no impacts to the instrument approach procedures for the Airport).

The applicants are further advised that the subject lands are subject to all provisions of Airport Zoning; and that the residents would be exposed to the presence and noise from flying aircraft. For further information on the above, the applicants may be directed to:

Jordan Vander Veen, P. Eng.

Senior Engineer, Region of Waterloo International Airport

Phone 519-648-2256 Ext 8514 Email: jvanderveen@regionofwaterloo.ca

Flight Path Advisory

As noted above, this development is in proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport. The applicants will be required to enter into a registered agreement with the Region of Waterloo to inform potential purchasers and residents/tenants of this flight path and that aircraft noise and directional lighting along this flight path may cause concern to some individuals. Wording of this advisory is set out below.

Source Water Protection

The property is designated Wellhead Protection Sensitivity Area 5 on Map 6a of the Regional Official Plan (ROP). The purpose of this designation and corresponding policies in Chapter 8 of the ROP, is to protect the Region's long term municipal groundwater supplies. Any proposed use of geothermal energy systems within this designation is subject to further study in accordance to Policy 8.A.4 of the ROP. The owner/applicant will be required to enter into an agreement with the Regional Municipality of Waterloo to provide for implementation of such study, or to prohibit the use of geothermal energy systems.

Environmental Planning

The property is adjacent to a Core Environmental Feature (Significant Woodland), however, there is an existing City-owned trail and associated right-of-way that separates the subject lands from the Core Environmental Feature by the minimum required buffer width of 10m. As such, there are no requirements related to the proposal to further divide the property to accommodate additional residential units.

Regional Fee

The Region acknowledges receipt of one (1) required consent review fee of \$350.00 received May 26, 2023.

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

1. The owner/applicant is required to submit the Regional consent review fee of \$350.00 for Consent Application B2023-024 prior to final approval of the consent.
2. The owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to provide for the following, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:

To include the following warning clause on all offers to purchase and/or rental agreements for all residential dwellings on the severed and retained lands:

“Prospective purchasers and tenants are advised that all lots and blocks in this plan of subdivision are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and that aircraft noise and directional lighting along this flight path may cause concern to some individuals”.

3. a) That the owner/applicant complete the appropriate study(ies) in accordance with Policy 8.A.4 of the Regional Official Plan for the severed and retained lands should geothermal energy systems be proposed for this development, and to enter into a registered agreement with the Regional Municipality of Waterloo to provide for implementation of the Study(ies), all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
OR
b) That the owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to prohibit the use of geothermal energy systems on the lands, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

General Comments

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

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