

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 18, 2023

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

PREPARED BY: Arwa, Alzoor, Planning Technician (Site Development), 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: April 3, 2023

REPORT NO.: DSD-2023-140

SUBJECT: Consent Application B2023-017 - 23 and 25 Elmsdale Drive

RECOMMENDATION:

That Consent Application B2023-017 requesting to sever a parcel of land having a lot width of 10.5 metres along Elmsdale Drive, a lot depth of 35.1 metres and a lot area of 325 square metres, BE APPROVED subject to the following conditions:

1. 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.
2. 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.
3. 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.
4. That the Owner provide a drawing confirming physical location of existing sanitary and water services, in relation to the proposed severed and retained legal property boundaries. Existing services to each of the individual addresses must fall within their respective boundary of the proposed severed and retained lots.
5. The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.
6. The owner/applicant enter into a registered agreement with the Region of Waterloo to provide the following:

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

That the following noise warning clause be included in all offers of purchase, deeds and rental agreements:

“Purchaser/tenants are advised that sound levels due to increasing road traffic on Highway 7/8 may, on occasions, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MOECP).”

REPORT HIGHLIGHTS:

- The purpose of this report is to review a consent application to sever an existing semi-detached dwelling into two lots so that each unit may be dealt with independently.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located to the north of Ottawa Street South and to the east of Westmount Road East. The existing neighborhood and the street scape are comprised of a mix of single detached dwellings and semi-detached dwellings. Lot sizes vary in width, depth, and area in this neighbourhood.

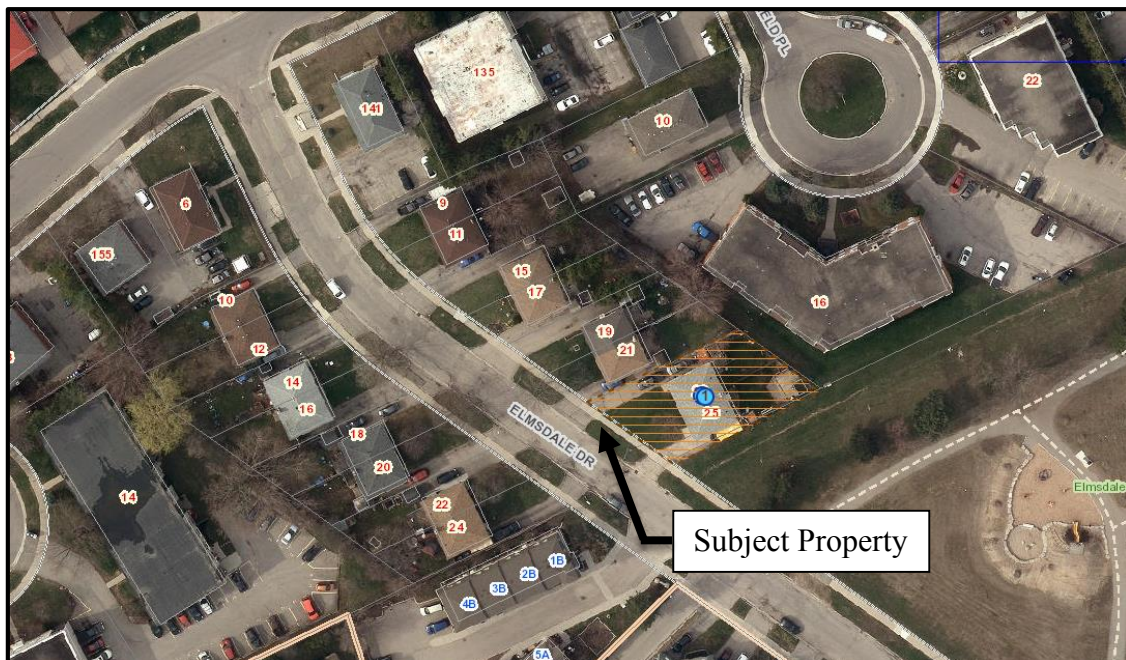


Figure 1: Location Map - 23-25 Elmsdale Drive

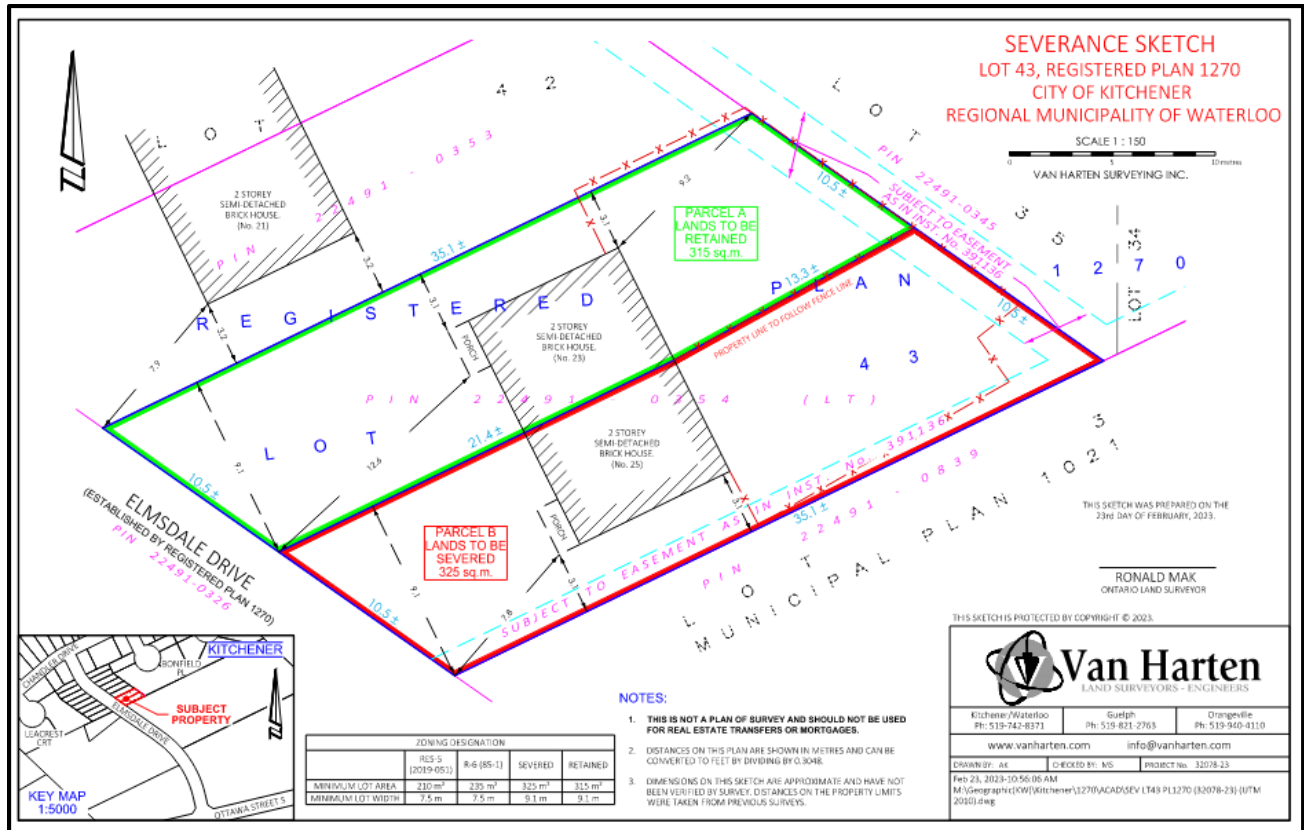
The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

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

The purpose of the application is to create one new lot and retain one lot to allow each semi-detached dwelling to be on a separate lot and dealt with independently.

The land to be severed will have a lot width of 10.5 metres a long Elmsdale Drive, a lot depth if 35.1 metres and a lot area of 325 square metres. The lands to be retained will have a lot width of 10.5

metres along Elmsdale Drive, a lot depth of 35.1 metres and a lot area of 315 square metres and will contain an existing semi-detached dwelling unit.



Provincial Policy Statement (PPS 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.

The existing semi-detached dwelling is existing and no new infrastructure or public roads would be required for the proposed consent. 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 existing semi-detached dwelling will continue to 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 2014 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.”

The proposed lot widths and lot areas of the proposed severed and retained lots exceed the minimum RES-5 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 Five Zone (RES-5)’ in Zoning By-law 2019-051. The ‘RES-5’ zone permits a range of low density dwelling types such as semi-detached dwellings. The ‘RES-5’ Zone requires a minimum lot width of 7.5 metres (internal lots) and 12.0 metres (corner lots) and 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-5’ zone lot width and lot area requirements.

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 lots are 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:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No heritage concerns

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Only one set of municipal services should enter into each proposed property (severed and retained), as per City of Kitchener standard. Owner/agent to provide a drawing confirming physical location of existing sanitary and water services, in relation to the proposed severed and retained legal property boundaries. Existing services to each of the individual addresses must fall within their respective boundary of the proposed severed and retained lot. Confirmation drawing and any enquiries can be directed to Nolan Beatty, Engineering Technologist, nolan.beatty@kitchener.ca.

Parks/Operations Division Comments:

Parkland Dedication is not required.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Region of Waterloo Comments:

The purpose of the application is to create separate lots for the existing semi-detached dwelling on the property.

Environmental Noise Warning

Both severed and retained residential lots are located within 200m of the highway (approximately 178m) and may have impacts from road noise from traffic on Highway 7/8.

The following warning clause must be secured in a registered agreement with the City of Kitchener for both the severed and retained lots. That the following noise warning clause be included in all offers of purchase, deeds and rental agreements:

“Purchaser/tenants are advised that sound levels due to increasing road traffic on Highway 7/8 may, on occasions, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MOECP).”

Regional Fee

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

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 prior to final approval of the consent.
- 2) The owner/applicant enter into a registered agreement with the City of Kitchener to provide the following:

That the following noise warning clause be included in all offers of purchase, deeds and rental agreements:

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Ministry of Transportation Operations (MTO):

No requirements.

Hydro One:

No comments or concerns.

Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Grand River Conservation Authority (GRCA):

GRCA has no objection to the approval of the above applications

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*