

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 15, 2023

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

**PREPARED BY:** Brian Bateman, Senior Planner 519-741-2200 ext. 7869

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** August 2, 2023

**REPORT NO.:** DSD-2023-352

**SUBJECT:** Consent Application B2022-028 – 47 and 51 Pequegnat Avenue

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## RECOMMENDATION:

That Consent Application B2022-043 for 47 and 51 Pequegnat Avenue requesting consent to sever a parcel of land having a lot width of 13.4 metres on Pequegnat Avenue, a lot depth of 24.9 metres and a lot area of 301.9 square metres, municipally known as 51 Pequegnat Avenue, 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 shall:
  - a) complete a Building Code Assessment for the existing buildings proposed to be retained on the Severed and Retained parcels of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing

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

buildings' wall face, and shall include recommendations such as closing in of openings pending spatial separation calculation results.

- b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.

**REPORT HIGHLIGHTS:**

- The purpose of this report is to provide recommendations for the approval of the request to sever lots that have merged on title.
- There are no financial implications.
- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located on Pequegnat Avenue, near Frederick Street, in the Central Frederick Neighbourhood.



**Figure 1: Location Map: 47 and 51 Pequegnat Ave.**

The subject property is identified as 'Community Area' on Map 2 – Urban Structure in the 2014 Official Plan and is designated 'Low Rise Conservation 'A' on Map 20 - Central Frederick Neighbourhood Secondary Plan.

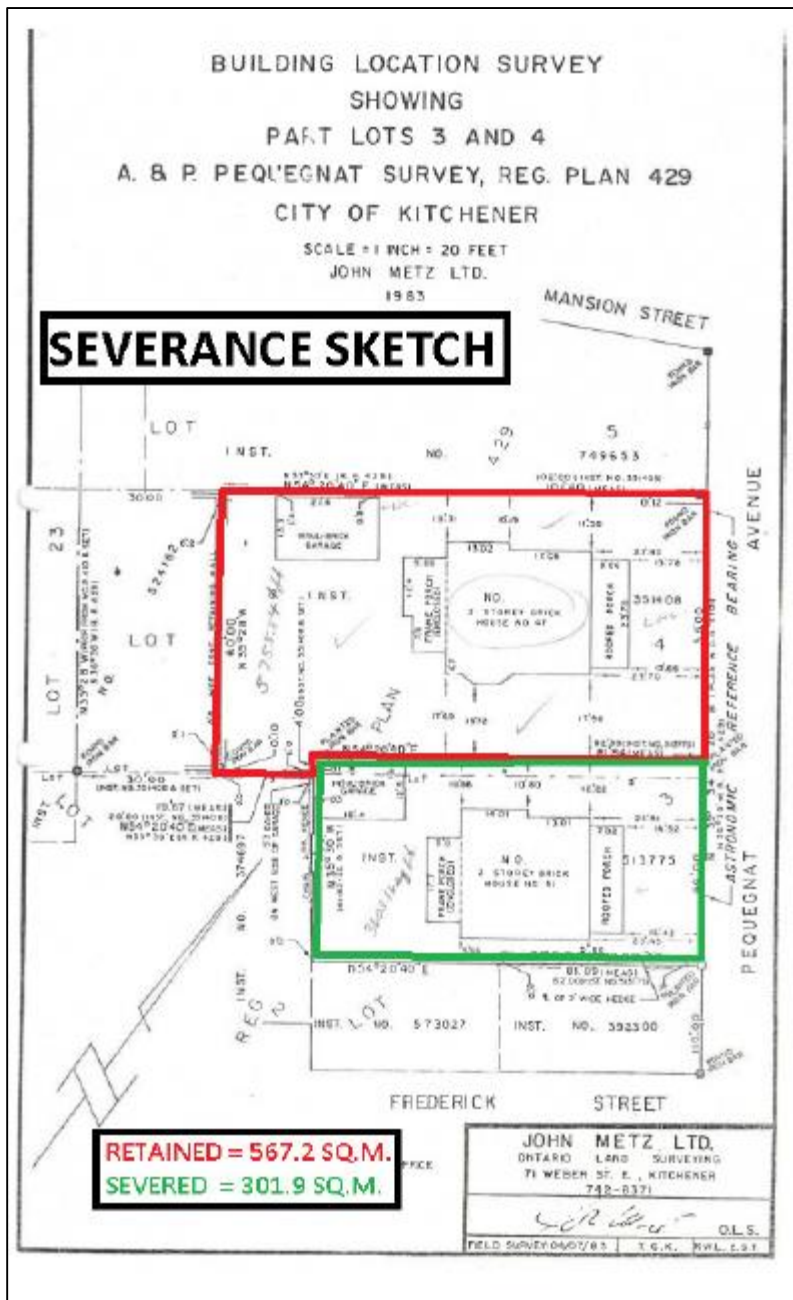
The property is zoned 'Residential Five Zone (R-5) with Special Use Provision 129U' in Zoning By-law 85-1.

The applicant is requesting consent so that the existing detached dwellings may be able to be conveyed and dealt with independently as the properties, known as 47 and 51 Pequegnat Avenue, have merged on title.



**Figure 2 – Photo of 51 Pequegnat Avenue**

City staff conducted a site inspection of the property on July 28, 2023.



**Figure 3: Severance sketch (Patterson & Associates)**

**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 separate ownership of the existing residential dwelling. No new development is proposed. 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.

The subject lands are located within the City's delineated Built-Up Area. 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 application 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)

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.”

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. 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.

#### Central Frederick Secondary Plan

The subject properties are designated Low Rise Conservation - A. The intent of the ‘Low Rise Conservation – A’ designation is to preserve the scale, use and intensity of existing development. As the dwellings are existing and no changes are proposed, the intent of this designation is being achieved with the consent application.

#### Zoning By-law

The existing use and proposed lot widths and lot areas of the proposed severed and retained lots will meet the minimum ‘RES-5’ zone lot width for 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 separate lots that have merged on title 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. 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 or tree management policy concerns as no new construction is proposed.

**Heritage Planning Comments:**

No heritage planning concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed consent provided:

- 1) A qualified designer is retained to complete a building code assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall address such items as:

Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.

- 2) A building permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment.

**Engineering Division Comments:**

Our system shows that individual servicing already exists to the two homes. Engineering has no comments.

**Parks/Operations Division Comments:**

This appears to be a technical severance. Parkland dedication is not required for this application as the existing dwellings, properties and uses are existing.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**Region Comments:**

The purpose of the application is to create 2 lots (1 severed, 1 retained). The lands contain two detached dwellings on parcels that have merged. The intent is to create separate lots for each dwelling.

**Environmental Noise**

The subject lots are within close proximity of Frederick Street (RR #06). However, there are intervening buildings that minimize the exposure to road traffic; therefore, transportation noise is not expected to be of concern.

**Regional Fee**

Regional staff acknowledge receipt of the required consent application review fee received July 10, 2023.

The Region has no objection to the proposed application.

## **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 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *ROPA 6*
- *Official Plan (2014)*
- *Central Frederick Neighbourhood Secondary Plan*
- *Zoning By-law 85-1*