

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 21, 2024

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

PREPARED BY: Craig, Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: May 8, 2024

REPORT NO.: DSD-2024-236

SUBJECT: Minor Variance Application A2024-043 – 500 Stauffer Drive
Consent Application B2024-009 – 500 Stauffer Drive

RECOMMENDATION:

Minor Variance Application A2024-043

A. That Minor Variance Application A2024-043 for 500 Stauffer Drive requesting relief from Section 14.3, Table 14-2, of Zoning By-law 2019-051 to permit a lot width of 141.5 metres, to facilitate the severance of a parcel of land for a sanity servicing corridor, in accordance with Consent Application B2023-009, BE APPROVED.

Consent Application B2024-009

B. That Consent Application B2024-009 requesting consent to sever a parcel of land having a lot width of 141.5 metres, a lot depth of 39.2, metres and a lot area of 2,080 square metres, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2024-043 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)

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

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 the Owner/Applicant submit a S. 59 Notice in accordance with the Clean Water Act and Waterloo Region policies.
6. That the Owner/Applicant submit the completed Archaeological Assessment Report and Ministry Acknowledgement Letter to the satisfaction of the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to create a new parcel of land to be used as a servicing block to facilitate the future sanitary servicing of lands on the west side of Strasburg Road. The approved re-alignment of the Strasburg Road extension has resulted in Activa Holdings requiring a parcel of land to service their lands to the west side of Strasburg Road. A minor variance application is required to legalize the lot width of the severed parcel.
- 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 a large vacant parcel of land with frontage along Caryndale Drive and Stauffer Drive. The subject property will have frontage along Strasburg Road once the Strasburg Road extension is constructed and completed (estimated completion 2026).

The subject property at 500 Stauffer Drive along with the lands to west of Strasburg Road (recently purchased by Activa) Road was divided into two parcels by the Strasburg Road Extension. Since the two parcels were divided by the Strasburg Road extension, the Strasburg Road extension has been realigned which has resulted in Activa requiring a parcel of land from 500 Stauffer Drive to service their lands to the west side of Strasburg Road.



Figure 1: Location map- 500 Stauffer Drive



Figure 2: Existing site conditions at 500 Stauffer Drive

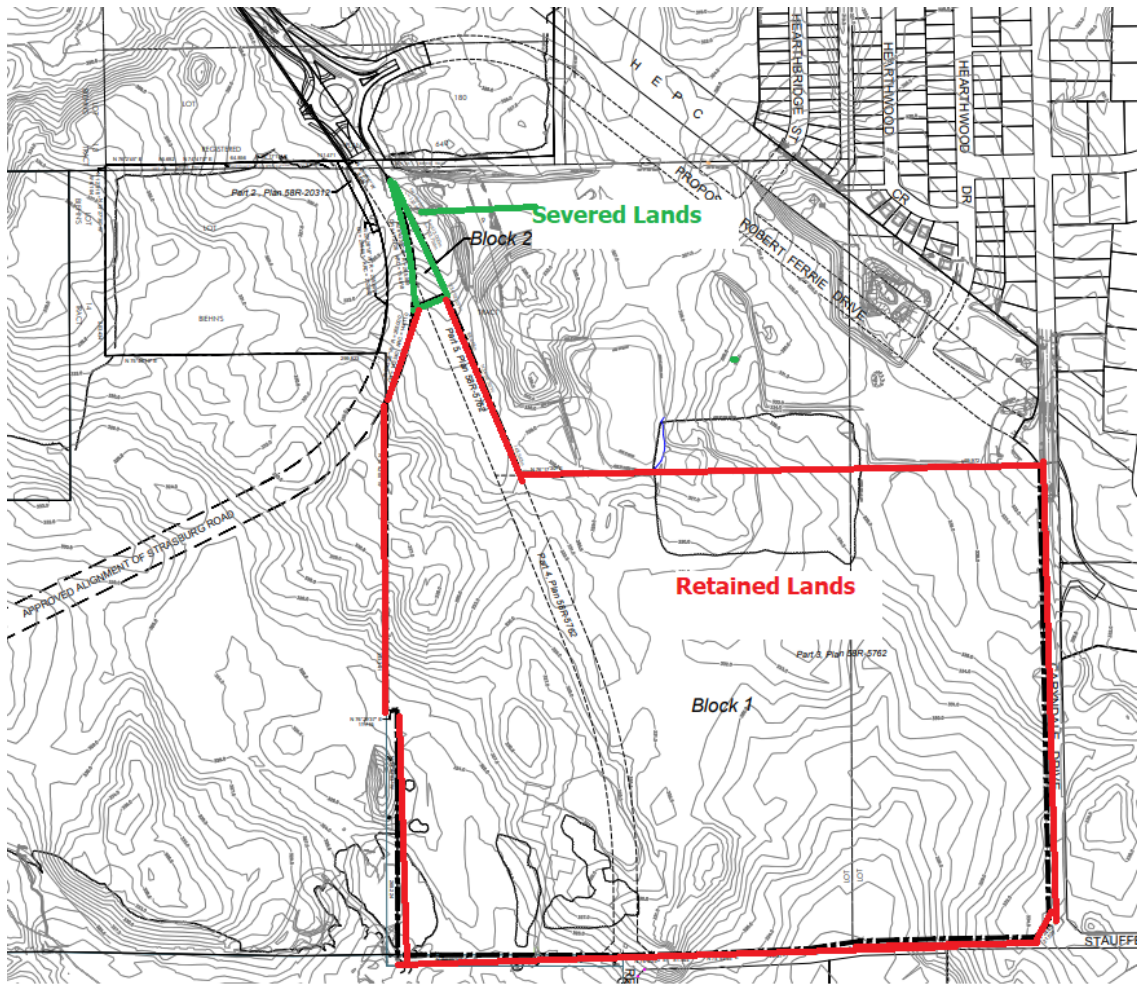


Figure 3: Severance Sketch

The subject property is designated 'Low Rise Residential and Rural' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Future Use Zone (FTR-1) with Site Specific Provision (227)' in Zoning By-law 2019-051.

The purpose of the application is to create a sanitary servicing block (Block 2) that is to be conveyed to Activa Holdings Inc. to facilitate the future sanitary servicing of lands on the west side of Strasburg Road, which severed parcel Activa is purchasing from the owners of 500 Stauffer Drive (Block 1). A minor variance application is required to legalize the lot width of the severed parcel.

The severed lot would have a lot frontage of 141.5 metres and an area of 2,080 square metres, while the retained lot would have a lot frontage of 715 metres, and an area of 394,320 square metres.

REPORT:

Planning Comments Minor Variance Application A2024-043:

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' and 'Rural' in the City of Kitchener's Official Plan. The intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses while the Rural land use designation allows for agricultural and existing residential uses. The use the subject lands is not proposed to change and the variance will facilitate the creation of a block for sanitary servicing. The proposed consent and associated minor variance will provide infrastructure, municipal services and utilities in a coordinated, efficient and cost-effective manner to meet the City's current and projected needs (City of Kitchener Official Plan 14.1.1) and will promote cost-effective development patterns and standards to assist in minimizing servicing costs (City of Kitchener Official Plan 14.1.3). Planning staff is of the opinion that the requested variance meets the general intent of the City's Official Plan.

General Intent of the Zoning By-law

The subject lands are zoned 'FRT-1 Zone with site-specific Provision (227)' in Zoning By-law 2019-051. The purpose of this zone is to permit existing uses until such time as a future development application can ensure the orderly development of land. The permitted lot width in this zone is the existing lot width. The proposed consent and associated variance will allow the creation a new parcel of land to that will be used as a sanitary servicing block to service lands to the west of Strasburg Road. Staff are the opinion the proposed variance to allow for a lot width of 145.1 metres meets the intent of the Zoning By-law as no redevelopment is proposed or permitted at this time and the future development of the subject lands will be reviewed and approved through Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Applications.

Is the Effects of the Variance Minor?

The requested variance is minor in nature. Staff is of the opinion that the requested lot width for future sanitary servicing block will not negatively impact any of the adjacent properties or surrounding neighbourhood.

Is the Variance Desirable For The Appropriate Development or Use of the Land?

The variance is desirable and appropriate as it will facilitate the conveyance of Block 2 from 500 Stauffer Drive and allow for sanitary servicing and for the future development and use of the lands on the west side of Strasburg Road.

Planning Comments Consent Application B2024-009:

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.

The future development and servicing of the subject lands will be reviewed and approved in accordance with the applicable provincial, regional and municipal policies.

Environmental Planning Comments:

Environmental Planning staff have no objections to the proposed minor variance and consent applications.

Heritage Planning Comments:

The subject property is designated under Part IV of the Ontario Heritage Act. Designating By-law No. 2013-026 provides a description of the property, a statement of cultural heritage value or interest and a list of heritage attributes. Both the severed and retained lands will continue to be designated under Part IV of the Ontario Heritage Act. Currently, Heritage Planning staff have no concerns with the proposed severance and minor variances. Potential adverse/negative impacts to the Part IV designation will require evaluation as part of future applications under the Planning Act for the subject property and lands that are adjacent to the subject property.

Building Division Comments:

The Building Division has no objections to the proposed minor variance and consent applications.

Engineering Division Comments:

The Engineering Division has no objections to the proposed minor variance and consent applications.

Parks/Operations Division Comments:

Parks/Operations staff have no objections to the proposed minor variance and consent applications.

Transportation Planning Comments:

Transportation staff have no objections to the proposed minor variance and consent applications.

Region of Waterloo Comments:

Regional Staff has no objection to the consent application subject to the following conditions:

1. That as a condition of approval the Owner/Applicant submit a S. 59 Notice in accordance with the Clean Water Act and Waterloo Region policies.
2. That as a condition of approval the Owner/Applicant submit the completed Archaeological Assessment Report and Ministry Acknowledgement Letter to the satisfaction of the Region of Waterloo.

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 – Proposed Severance Sketch