

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

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: May 13, 2024

REPORT NO.: DSD-2024-226

SUBJECT: Consent Application B2024-008
7 Upper Mercer Street (Units B6 and B7)

RECOMMENDATION:

That Consent Application B2024-008 requesting consent to sever a parcel of land having a lot width of 5.9 metres, a lot depth of 27.6 metres and a lot area of 162.8 square metres to permit each townhouse dwelling unit in an existing townhouse development to be dealt with independently, 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.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of a consent application to separate title of Units B6 and B7, in a condominium townhouse development, that merged on title due to lapsing of a Part Lot Control By-law that was originally used to split the block into unit areas.

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

- The key finding of this report is that the requested severance meets the criteria of the Planning Act and Provincial, Regional and City policies.
- 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 located at 7 Upper Mercer Street in the Grand River South Neighbourhood, municipally known as Units B6 and B7, as shown below in Figures 1 and 2.

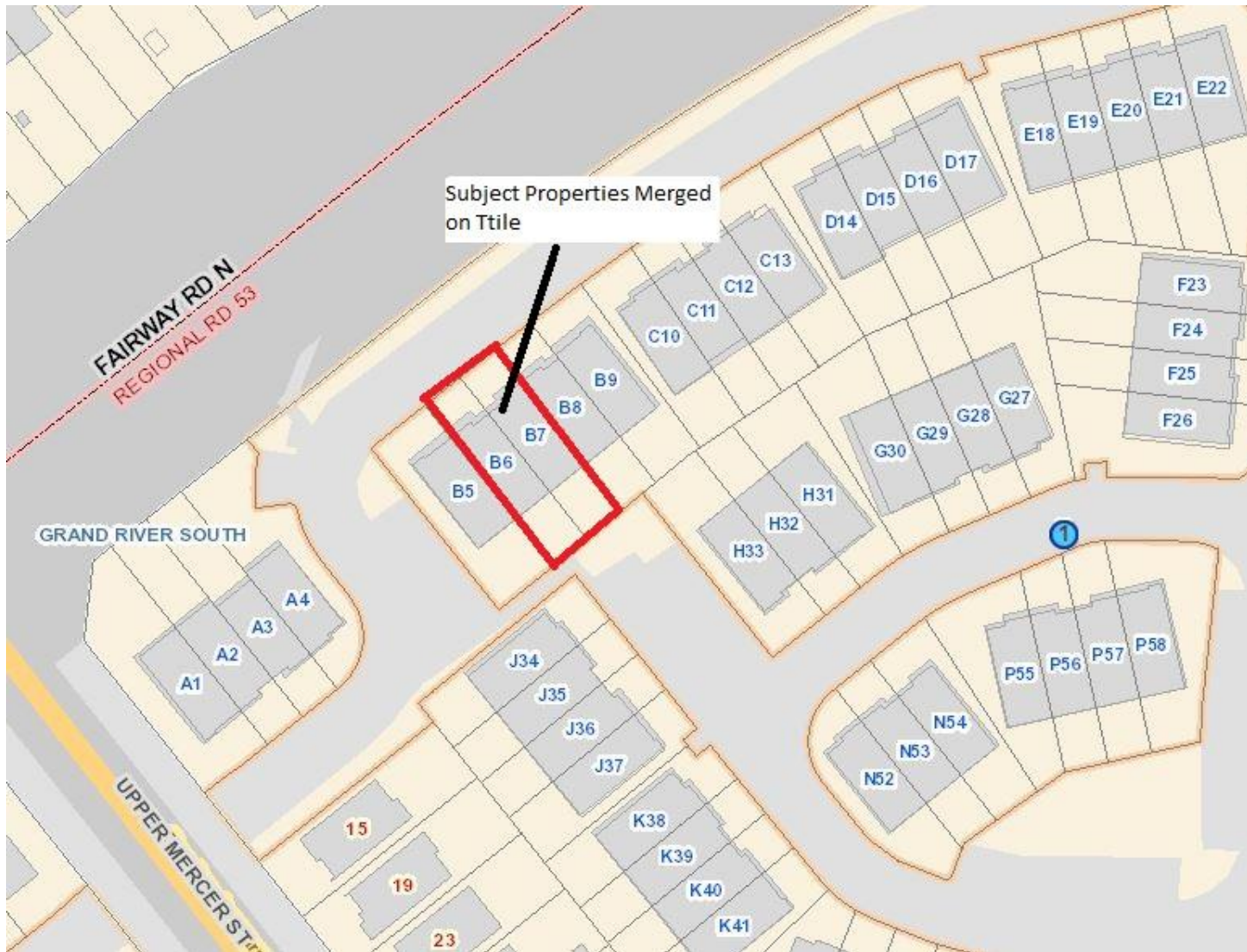


Figure 1 – Subject Property



Figure 2 – Photo of the Subject Property

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

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

The purpose of the application is to sever a parcel of land having a lot width of 5.9 metres, a lot depth of 27.6 metres and a lot area of 162.8 square metres. The lands to be retained will have a lot width of 5.9 metres, a lot depth of 26.7 metres and a lot area of 162.8 square metres. The consent will permit each townhouse dwelling unit in an existing townhouse development to be dealt with independently.

REPORT:

Planning Comments:

This is a technical consent to separate title. The properties exist and are addressed separately. Staff has no issues. In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff are of the opinion this is a consent to correct a merger due to a lapsing of the Part Lot Control By-law used to create unit areas on a Block of land within a subdivision. Staff has no concerns as this is an existing situation.

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 townhouse and multiple dwellings and requires a minimum lot width of 5.5 metres and minimum lot area of 135 square metres for townhouse dwelling units. The proposed lot widths and lot areas of the proposed severed and retained lots will exceed the minimum lot width and minimum 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 lot is desirable and appropriate given the circumstance. 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 development.

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 concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

No concerns.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

Region of Waterloo Comments:

No comments.

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*