

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 18, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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WARD(S) INVOLVED: Ward 10

DATE OF REPORT: June 5, 2024

REPORT NO. DSD-2024-270

SUBJECT: Consent Application B2024-010 – 578 Guelph Street

RECOMMENDATION:

That Consent Application B2024-010 requesting consent to sever a parcel of land having a lot width of 9.1 metres, a lot depth of 36.5 metres and a lot area of 334.5 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 provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
5. 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.

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

- 6. 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.**
- 7. 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.**
- 8. 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.**
- 9. The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the City's Director of Engineering Services.**
- 10. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.**
- 11. That the Owner shall fulfil one of the following requirements to ensure that any City-owned tree(s) will not be impacted by the proposed development:**
 - a) Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title to the severed and retained lands, which shall include the following:**
 - i) That the owner shall prepare a Tree Preservation and Enhancement Plan, in accordance with the City's Tree Management Policy, demonstrating protection and preservation of the City-owned tree that is located adjacent to the severed and/or retained lands, to the satisfaction of and approval by the City's Director Parks and Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director, Parks and Cemeteries.**
 - ii) The owner shall implement the Tree Protection and Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Director, Parks and Cemeteries.**
 - iii) The owner shall maintain the severed and retained lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.**

OR

b) Make arrangements regarding financial compensation for the tree to be removed, to the satisfaction of the City's Director, Parks and Cemeteries.

12. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.

13. 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.

14. That at the sole option of the City's Director, Development and Housing Approvals, 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, Development and Housing Approvals, which shall include the following:

a) That prior to any grading, servicing or the application or issuance of a demolition or building permit, the owner shall submit a plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, 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 any building permit(s).**

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 Manager, Site Plans.

15. That, prior to final approval, the applicant submits the Consent Application Review

Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The applicant is requesting consent to create one new lot and retain one lot equal in size, each proposed for a future duplex dwelling.
- 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 within close proximity to the intersection of Guelph Street and St. Leger Street, in the Fairfield neighborhood, and is directly north of the Mount Hope Huron Park neighbourhood. The neighbourhood is comprised of a mix of low and mid-rise residential uses, and commercial/retail uses.



Figure 1: Location Map – 578 Guelph Street

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 property is zoned ‘Low Rise Residential Four Zone (RES-4)’ in Zoning By-law 2019-051.

The applicant is requesting consent to create one new lot and one retained lot equal in size. To facilitate the redevelopment of the subject lands the applicant is proposing to demolish the existing single detached dwelling on the property and replace it with a two-storey duplex dwelling on each of the severed and retained lands.

The severed lot would have a lot width of 9.1 metres, a lot depth of 36.5 metres and an area of 334.5 square metres, while the retained lot would also have a lot width of 9.1 metres, a lot depth of 36.5 metres and an area of 334.5 square metres.

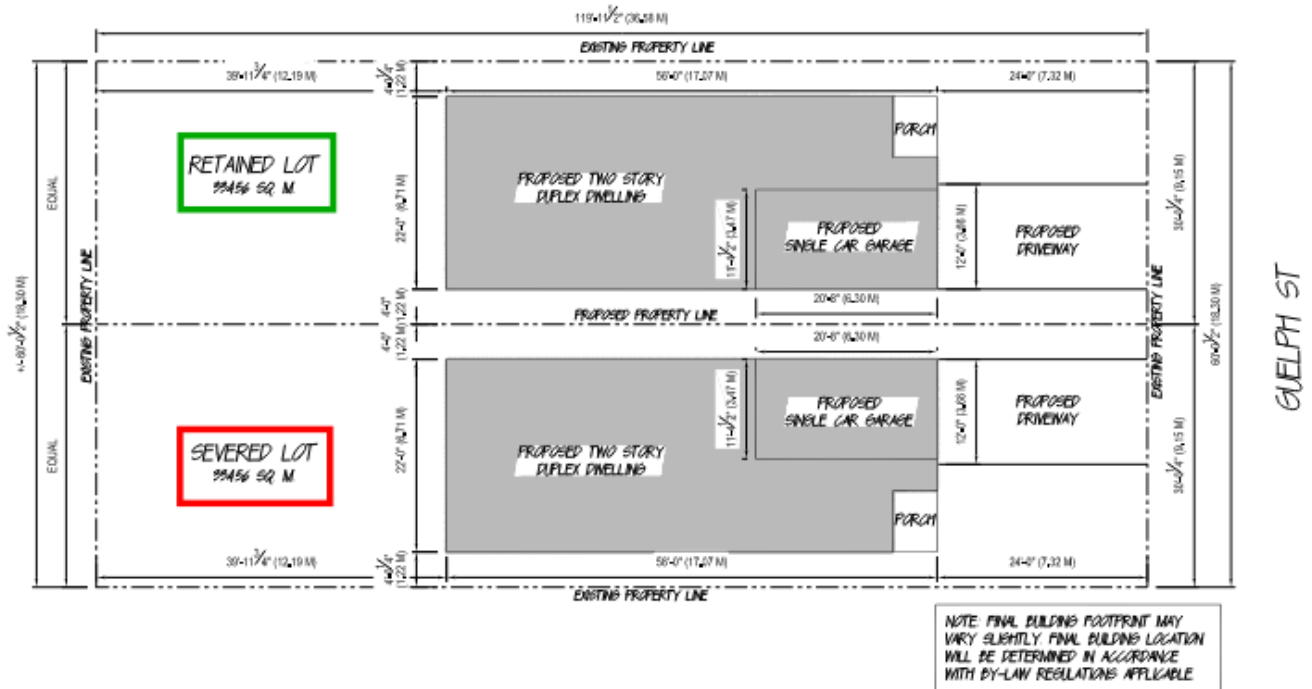


Figure 2: Proposed Lot Fabric.

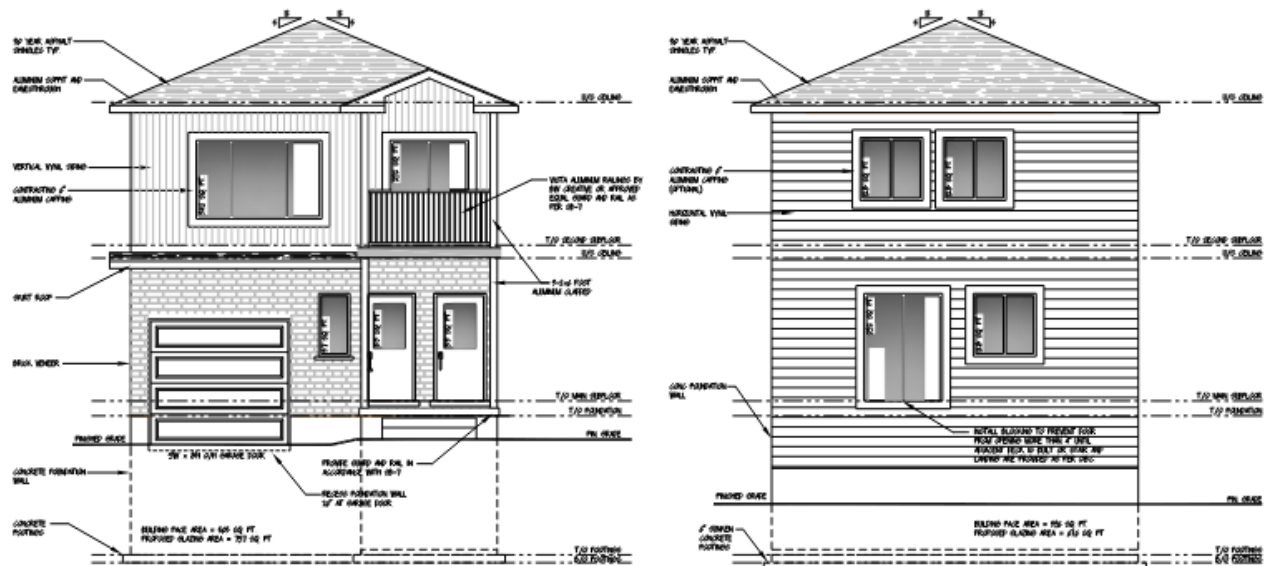


Figure 3: Front and Rear Elevations.



Figure 4: Right Elevation.



Figure 5: Left Elevation.

Planning staff conducted a site visit on June 3, 2024.



Figure 6: Existing Single Dwelling at 578 Guelph Street.

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 (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.

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 duplex 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. Therefore, Staff are 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, trails and parks.

Policy 2.2.6.1(a) states that Municipalities will support housing choice through the achievement of the minimum intensification 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 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 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 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 proposed severance is in conformity with this aspect of the plan and maintains the residential land use designation.

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 comply with the minimum ‘RES-4’ 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 low rise residential uses with lot sizes that vary in width, depth, and area. The subject 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 property is zoned ‘Low Rise Residential Four Zone (RES-4)’ in Zoning By-law 2019-051. The ‘RES-4’ zones permit a range of low-rise residential dwelling types including single detached, semi-detached and multiple dwellings. The ‘RES-4’ zone requires a minimum lot width of 9.0 metres and a minimum lot area of 235 square metres for detached dwelling units.

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:

Environmental Planning has provided the following comments:

1. No natural heritage issues.
2. Standard tree management condition requiring applicant to enter into an agreement to complete a Tree Preservation/Enhancement Plan prior to demolition, building permit etc. The study will likely be very scoped due to the general lack of tree cover on/adjacent to property.

Heritage Planning Comments:

Heritage Planning have no concerns with this application.

Building Division Comments:

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:

Engineering has provided the following 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 any new service connections that may be required to service this property, all prior to severance approval. Our records indicate municipal services are currently available to service this property. Any further enquiries in this regard should be directed to jason.brule@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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

Grand River Conservation Authority:

GRCA has no concerns with this application.

Parks/Operations Division Comments:

Parks/ Operations has provided the following comments:

Cash-in-lieu of park land dedication will be required on the severed parcel 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 lot only, with a land valuation calculated by the lineal frontage of 9.93 m at a land value of \$36,080.00 per frontage meter with a per unit cap of \$11,862.00.

A City-owned tree will be impacted by the proposed development and the owner shall fulfill one of the following options:

1. Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title of the severed and retained lands, which shall include the following:
 - a) That the owner shall prepare a Tree Protection and Enhancement Plan, demonstrating protection of the City-owned tree that is located adjacent to the severed and retained lands, to the satisfaction of the City's Director Parks & Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, landscaped area and vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks & Cemeteries.
 - b) The owner shall implement the Tree Protection and Enhancement Plan, prior to any grading, servicing, tree removal or the issuance of building permits, to the satisfaction of the City's Director Parks & Cemeteries.
 - c) The owner shall maintain the severed and retained lands, in accordance with the approved Tree Protection and Enhancement Plan, for the life the development.

OR

2. Make arrangements regarding financial compensation for the tree(s) to be removed, to the satisfaction of the City's Director of Parks & Cemeteries.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

Regional Fee:

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality 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*