

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 20, 2024

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

**PREPARED BY:** Ben Suchomel, Student Planner, 519-741-2200 ext. 7074

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

**DATE OF REPORT:** August 7, 2024

**REPORT NO.:** DSD-2024-351

**SUBJECT:** Consent Application B2024-020 - 573 Guelph Street

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## RECOMMENDATION:

That Consent Application B2024-020 requesting consent to sever a parcel of land having a lot width of 7.5 metres, a lot depth of 40.3 metres, and a lot area of 302.2 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.

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. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
10. That the owner make the appropriate arrangements with the City's Director of Parks & Cemeteries for either financial compensation or a Landscape Plan and replanting for a previous City-owned street tree that was removed during construction of the semi-detached dwelling.
11. 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 sever a parcel of land to permit each half of an existing semi-detached dwelling to be dealt with independently.
- 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 Mount Hope Huron Park neighborhood, and is directly south of the Fairfield neighbourhood. The neighbourhood is comprised of a mix of low and mid-rise residential uses, and commercial/retail uses.



**Figure 1: Location Map – 573 Guelph Street (Outlined in Red)**

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 sever a parcel of land to permit each half of an existing semi-detached dwelling to be dealt with independently.

The severed lot would have a lot width of 7.5 metres, a lot depth of 40.3 metres and an area of 302.25 square metres, while the retained lot would have a lot width of 7.46 metres, a lot depth of 40.3 metres and an area of 300.6 square metres. In this case, the whole of the semi-detached dwelling was constructed on an existing lot and each semi-detached dwelling unit was designed to be located on a separate lot. The subject lands received approval for Minor Variance A2021-027, to allow one semi-detached dwelling unit to be on a slightly narrower lot with a lot width of 7.46 metres and a reduced side yard setback of 0.91 metres instead of the required 7.5 metres and 1.2 metres respectively.

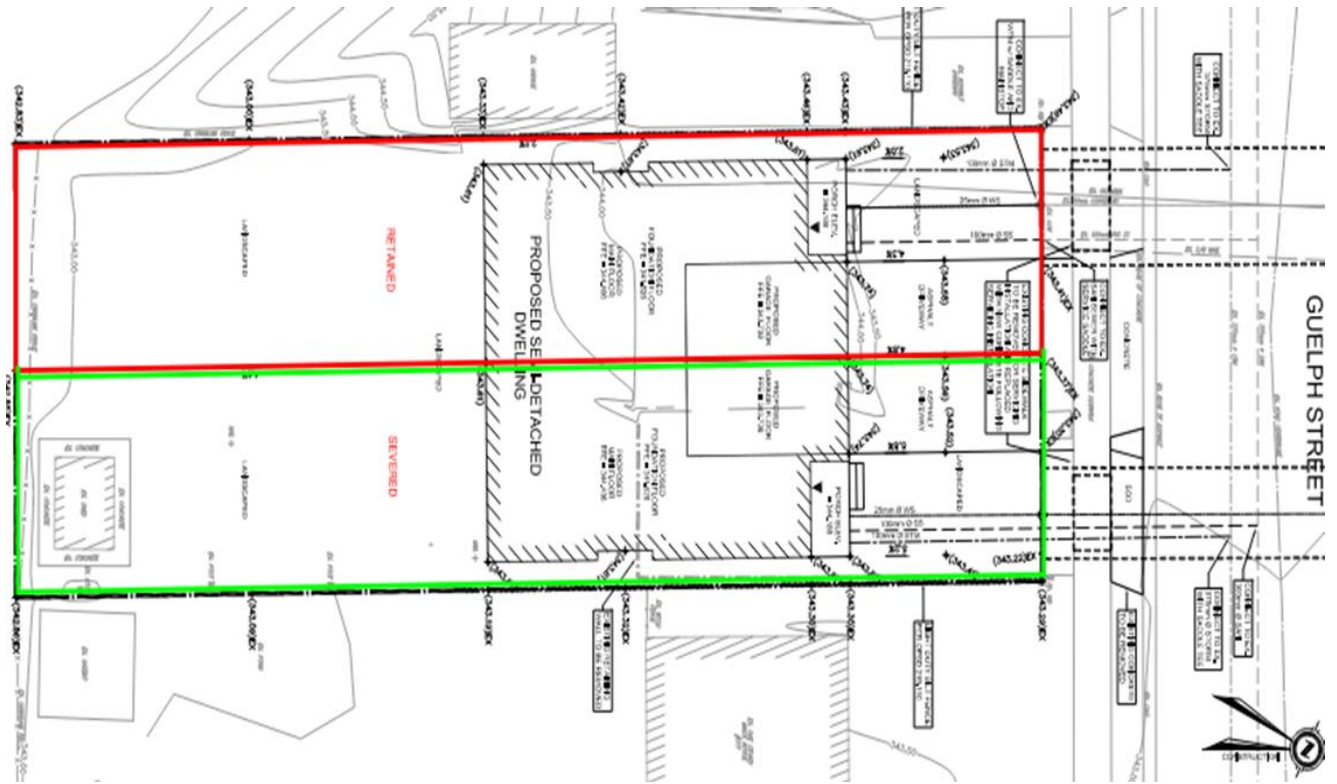
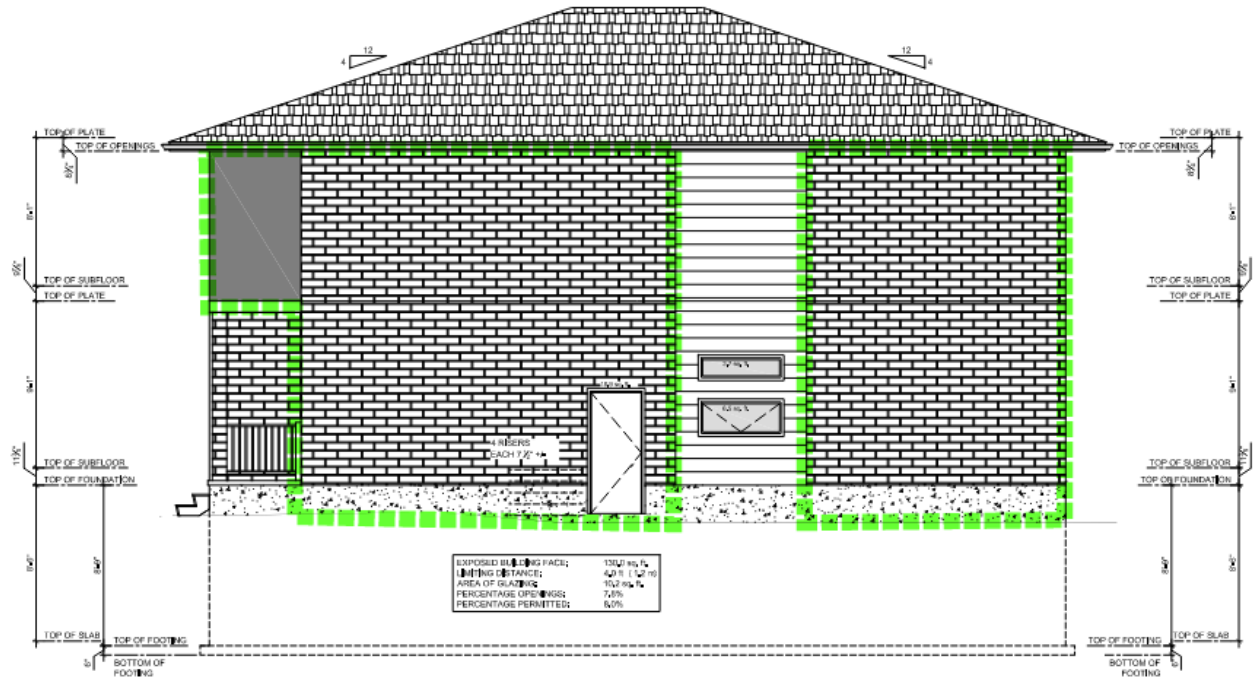


Figure 2: Proposed Lot Fabric



Figure 3: Front Elevation





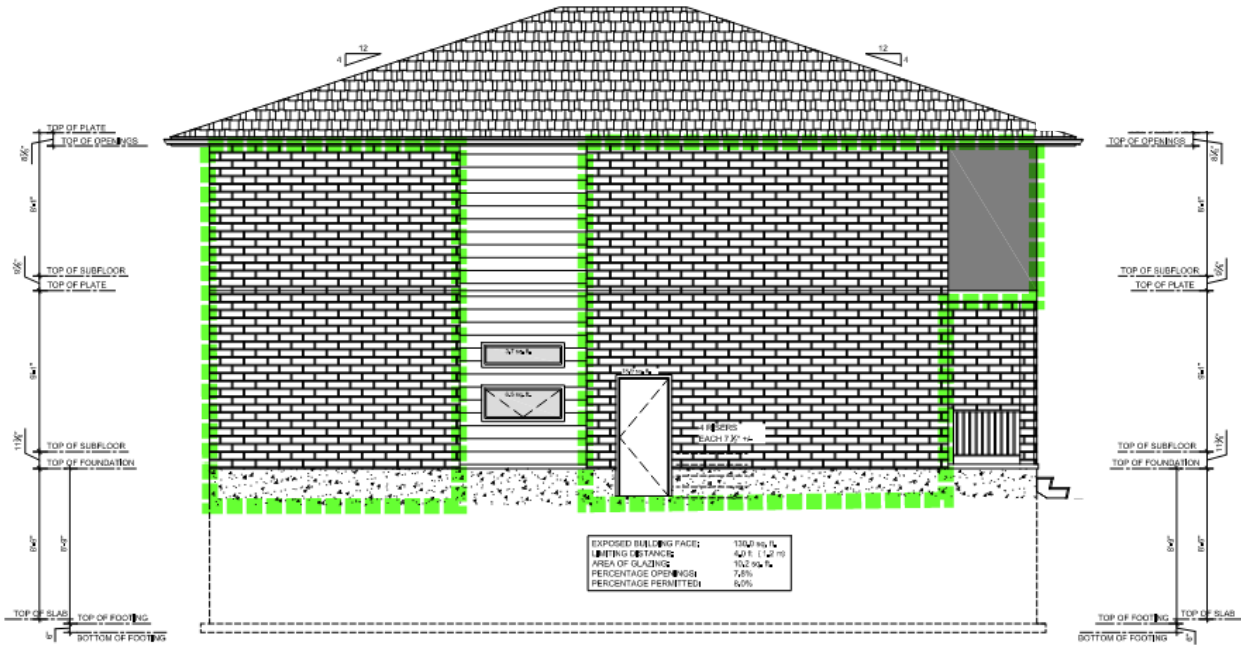
RIGHT ELEVATION

Figure 4: Right Elevation



REAR ELEVATION

Figure 5: Rear Elevation



LEFT ELEVATION  
**Figure 6: Left Elevation**

Staff conducted a site visit to the subject property on July 30, 2024.



**Figure 7: Semi-detached Dwelling at 573 Guelph Street on July 30, 2024**



**Figure 8: Semi-detached Dwelling at 575 Guelph Street on July 30, 2024**

**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 the existing semi-detached dwelling 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 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 width and lot area of the proposed severed lot meets the minimum ‘RES-4’ zone lot width and lot area requirements. The proposed lot width of the retained lot has previously received relief from the minimum ‘RES-4’ zone lot width requirement. 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 proposed lot width of the retained lot received relief from the minimum lot width requirement (Minor Variance Application A2021-027) to permit the construction of the semi-detached dwelling on the subject property.

The whole of the semi-detached dwelling meets the “RES-4’ zone requirements and each half of the semi-detached dwelling will comply as well.

**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. 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 comments or concerns

**Heritage Planning Comments:**

No Heritage comments or concerns

**Building Division Comments:**

The Building Division has no objections to the proposed consent.

**Engineering Division 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 new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to [christine.goulet@kitchener.ca](mailto:christine.goulet@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 grading and drainage control plan will be required to the satisfaction of the Engineering Division prior to severance approval. Final approval of on-site grading from the Building Division will be required at building permit stage.
- 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.

**Parks/Operations Division 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 lots only, with a land valuation calculated by the lineal frontage of 7.5 metres at a land value of \$36,080.00 per frontage meter with a per unit cap of \$11,862.00.

There is an existing City-owned street tree within the Guelph Street boulevard that does not appear to have been shown on the drawings submitted for either the Demolition Permit #2022 104100 or the Building Permit #2022 10331.

Based on the site layout, this tree would be located within the shared driveway at the proposed lot line between 573 Guelph Street and 575 Guelph Street.

City of Kitchener Forestry staff do not have records of this tree being approved for removal and financial compensation or replanting is required. Forestry requires replanting and a Landscape Plan will be required to the satisfaction of the City's Director of Parks & Cemeteries along with securities to ensure the establishment of the new tree until final acceptance.

**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 \$350.00. 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.

**Grand River Conservation Authority (GRCA) Comments:**

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application.

GRCA has no objection to the approval of the above application. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

**Hydro One Comments:**

We are in receipt of your Application for Consent B2024-020 dated July 25th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. 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.

**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*
- *DSD-2021-019*