

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** February 21, 2025

**SUBMITTED BY:** Tina Malone-Wright, Manager, Development Approvals  
519-783-8913

**PREPARED BY:** Evan Wittmann, Senior Planner, 519-783-8523

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

**DATE OF REPORT:** February 5, 2025

**REPORT NO.:** DSD-2025-045

**SUBJECT:** Minor Variance Application A2025-010 – 180 Ahrens St. W.  
Consent Application B2025-003 – 180 Ahrens St. W.

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## RECOMMENDATION:

### Minor Variance Application A2025-010

That Minor Variance Application A2025-010 for 180 Ahrens Street West requesting relief from Section 7.6 of Zoning By-law 2019-051 to permit a Front Yard setback of 4.5 metres instead of the required 9.7 metres, generally in accordance with drawings prepared by David Craig Dumart, dated January 21, 2025, BE APPROVED.

### Consent Application B2025-003

That Consent Application B2025-003 requesting consent to sever a parcel of land having a lot width of 14.8 metres, a lot depth of 20.8, metres and a lot area of 318 square metres, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2025-010 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) 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 existing foundation be removed to the satisfaction of the City's Manager, Development Approvals and Chief Building Official.**
- 6. That the Owner shall:**
  - a) Prepare a Tree Preservation Plan for the Severed and Retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any demolition, grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.**
  - b) That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.**
  - c) Maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.**
- 7. That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,892.00.**
- 8. The Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, which shall acknowledge that the severed lands are un-serviced and shall provide for the installation of services and service connections to the severed lands to be completed prior to any future development of the severed lands. The agreement shall further require the Owner to include a notice provision in all future Agreements of Purchase and Sale for the severed lands advising potential Purchaser(s) that the severed lands are unserviced. The said agreement shall be to the satisfaction of the Director of Engineering Services and the City Solicitor and shall be registered on title to the severed lands.**
- 9. That the Owner submit the Consent review fee of \$350 per application to the Regional Municipality of Waterloo.**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to review and recommendations with respect to the Minor Variance and Consent applications for 180 Ahrens Street West.**
- Staff recommend that the applications be approved.**
- 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 corner lot located at the northwest of the intersection of Ahrens Street West and Wilhelm Street in the Mt. Hope – Huron Park neighbourhood. The subject property currently features a foundation for a single detached dwelling, which is no longer under construction. The lot was consequently sold before construction was completed. The new owner is pursuing a minor variance and consent application rather than completing the plan of the previous owner.



**Figure 1: Aerial view of the subject property**



**Figure 2: The subject property, view from Ahrens Street W (taken January 30, 2025)**

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 purpose of the application is to reduce the required front yard setback to 4.5 metres where 9.7 metres is required. The subject property is within an "Established Neighbourhood Area" (Appendix 'D') of Zoning By-law 2019-051, requiring the front yard setback of the subject property to be calculated using the "established front yard", minus one metre. The established front yard is calculated by taking the average of the existing front yard setback of the property on either side of the subject property. The resulting established front yard is roughly 10.7 metres, resulting in a minimum front yard setback requirement of 9.7 metres.

This variance would apply to the severed parcel of Consent Application B2025-010, a consent application for the same property. No variances are requested or required for the retained parcel.



*All new residential buildings, additions and/or modifications to existing residential buildings and conversions in predominantly low density neighbourhoods should be compatible with and respect the massing, scale, design and physical character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site.*

The severed parcel meets all lot size requirements; however, in establishing a future building envelope, the setbacks required as-of-right limit development potential. The proposed reduced front yard setback would align the severed parcel building envelope with the exterior side yard setback of the retained parcel, creating a consistent built form edge, which is generally in keeping with the street. The requested variance is required to meet the intent of the Official Plan.

#### General Intent of the Zoning By-law

The requirement for a minimum front yard of 9.7 metres is based on the “established front yard”, which is calculated taking the average of the existing front yard of the properties abutting the subject property on both sides. The intent of this approach is to maintain a generally consistent built form in the older and more established neighbourhoods of the City.

The property abutting to the east, 110 Wilhelm Street, is set back considerably (roughly 17.5 metres) from Wilhelm Street. By basing the established front yard on this measurement, a greater than normal front yard setback is required on the subject property. The properties along Wilhelm Street are generally setback between 4 and 6 metres. The front yard setback of 110 Wilhelm is anomalous to the area and by using this yard in the established front yard calculation, an additional property that is not consistent with the area would be created, being the severed parcel.

Additionally, the retained parcel has a minimum exterior side yard setback of 4.5 metres. The exterior side yard is the Wilhelm Street frontage, and as a result, by reducing the required front yard setback to 4.5 metres, a consistent built form edge will be created. This would maintain the intent of the Zoning By-law.

#### Is/Are the Effects of the Variance(s) Minor?

A common approach to determine if the effect of a variance is minor is to consider the impacts on the surrounding area. The proposed 4.5 metre setback is generally consistent with the neighbourhood and would align with the exterior side yard setback of the abutting retained lot. By reducing the required front yard setback no impacts are anticipated and the variance would be considered minor.



**Figure 4: Lot and building fabric of the surrounding area**

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The creation of an appropriately sized lot in a low rise residential neighbourhood is an example of gentle intensification that is supported by City staff. The severed lot meets the Zoning By-law requirements for size and area but is limited by the calculation of the established front yard and large setback of the abutting property. By reducing the front yard setback, a developable parcel can be created with no other variances required. As such, the variance will establish a desirable use of the land.

Additionally, the decreased front yard setback will reduce the paved area of the severed parcel, as a driveway will have less distance to cover to connect the roadway to the future dwelling. A lesser amount of paved area is a desirable lot condition.

**Planning Comments Consent Application B2025-003:**

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Provincial Planning Statement (PPS 2024)

Staff are satisfied that the proposed severance application is consistent with the Provincial Planning Statement in general and as it relates to housing policies in Chapter 2 regarding intensification and facilitating housing options. The creation of a new parcel contributes to gentle intensification, with the potential to contribute Additional Dwelling Units to further add further housing options. Section 2.2 1 (b) of the PPS 2024 states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, can remain achievable. The proposed consent application will contribute towards housing needs and is therefore consistent with this policy direction.

### Regional Official Plan (ROP):

ROP Urban Area policies state that the focus of the Region's future growth shall be within the Urban Area. The subject property falls within the 'Urban Area' and is designated 'Built-Up Area' in the ROP. 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 within these designations. The neighbourhood provides for the physical and community infrastructure required for residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services, conforming with Policy 2.D.1 of the ROP. Staff are satisfied that the proposed severance applications adhere to these policies and conforms to the ROP.

### 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 Official Plan.

Policy 3.C.2.50 of the Official Plan establishes the intent for Community Areas: *The planned function of Community Areas is to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas.*

The proposed consent in conformity with this policy. The retained and severed lots will continue to provide residential uses.

Policy 3.C.2.52. provides direction regarding intensification in Community Areas: *Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.*

The following Sections of the Official Plan are applicable to this application in implementing Policy 3.C.2.52.:

15.D.3.8. *The Low Rise Residential land use designation will accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing.*

15.D.3.9. *The City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form.*

The proposed consent will create one additional parcel for low rise residential use. This use is permitted in the Low Rise Residential land use designation, which will contribute to maintaining a low-rise built form in the area, conforming to the above noted policies.

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 consent conforms with the above noted policy. The retained and severed lots meet the requirements of the Zoning By-law, except the provision where a minor variance is requested. In satisfying 17.E.20.5.b), a mix of lot fabrics are found in the area. The proposed lots are generally reflective of the lotting pattern of the area, particularly when compared to those at the intersection of Ahrens Street West and Wilhelm Street.

Zoning By-law 2019-051

The subject property is zoned as ‘RES-4’ in Zoning By-law 2019-051.

The following table outlines the ‘RES-4’ zone requirements and conformity of the retained and severed parcels for single detached dwellings:

<b>Zone Provision</b>	<b>Retained Lot</b>			<b>Severed Lot</b>		
	Requirement	Provided	Conformity	Requirement	Provided	Conformity
Minimum Lot Area	235 m <sup>2</sup>	372 m <sup>2</sup>	Y	235 m <sup>2</sup>	318 m <sup>2</sup>	Y
Minimum Lot Width	12.8 m	13.7 m	Y	9.0 m	14.8 m	Y
Minimum Front Yard	6.5 m	7 m	Y	9.75 m	4.5 m	N

Maximum Front Yard	8.5 m	7 m	Y	11.75	4.5 m	Y
Minimum Rear Yard	7.5 m	7.5 m	Y	7.5 m	7.5 m	Y
Minimum Interior Side Yard	1.2 m	1.2 m	Y	1.2 m	1.2 m	Y
Minimum Exterior Side Yard	4.5 m	4.5 m	Y	4.5 m	NA	NA
Maximum Lot Coverage	55%	< 55%	Y	55%	< 55%	Y

As demonstrated, only one variance is required to facilitate the proposed consent, being the minimum front yard for the severed parcel.

**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.

**Environmental Planning Comments:**

To complete a Tree Preservation/Enhancement Plan prior to demolition/building permit/grading/servicing, etc. for both the severed and retained parcels.

**Heritage Planning Comments:**

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 180 Ahrens Street West is located within the Mount Hope/Breithaupt Neighbourhood CHL. The proposed front yard setback is not anticipated to have any major impacts on the cultural heritage value of Mt. Hope/Breithaupt Neighborhood. As such, staff have no concerns. Staff would, however, encourage that any new development be compatible with the surrounding character of the neighborhood in terms of setbacks, massing, and materials.

**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. Building permit(s) will be required for the construction of the new residential buildings.

**Engineering Division Comments:**

That the Owner shall enter into an agreement to be prepared by the City Solicitor which shall acknowledge that the severed lands are un-serviced and shall provide for the installation of services and service connections to the severed lands to be completed prior to any future development of the severed lands. The agreement shall further require the

Owner to include a notice provision in all future Agreements of Purchase and Sale for the severed lands advising potential Purchaser(s) that the severed lands are un-serviced. The said agreement shall be to the satisfaction of the Director of Engineering and the City Solicitor and shall be registered on title to the severed lands.

**Parks/Operations Division Comments:**

There are no inventoried City tree assets that will be impacted by the proposed development.

Cash-in-lieu of park land dedication will be required prior to deed endorsement of the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 14.8 m at a land value of \$36,080 per frontage meter with a per unit cap of \$11,862.

**Transportation Planning Comments:**

A2025-010

Transportation Services have no concerns with this application.

B2025-003

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

A2025-010

No concerns.

B2025-003

The Owner/Applicant proposes consent to sever to create new residential lot; being severed lot - 318 sqm area with 14.8m frontage on Wilhem St; and retained lot – 372 sqm area with 13.7m frontage on Ahren St W and 24m frontage on Wilhem St. The application states existing lot is vacant (partially completed foundation with building permit), proposes future single detached dwelling on each lot. The lands are designated Built-up Area within the Urban Area boundary in the ROP, designated Low Rise Residential in the City Official Plan, and zoned 'RES-4'.

Threats Inventory Database

The following information is provided in the interim, until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality. On review of the Threat Inventory Database, there are no records associated with the subject lands or adjacent lands.

Regional Fees

Regional staff have not received the fee for consent review of \$350 per application. The payment of fee will be required as a condition of approval.

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

1. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

**GRCA Comments:**

GRCA has no objection to the approval of the above applications. 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, B2025-003 dated 2025-01-23. We have reviewed the documents concerning the noted Plan 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre ([hydroone.com](http://hydroone.com)) Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre.

**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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*