

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-124

SUBJECT: Consent Application B 2024-006 – 142 Carson Drive

RECOMMENDATION:

That Consent Application B 2024-006 requesting consent to sever a parcel of land having a lot width of 18 square metres, a lot depth of 46.8 metres and a lot area of 859 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 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 the Owner shall 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 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) 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) The Owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.**
- 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:**
 - a) Complete a Building Code Assessment for the existing dwelling proposed to be retained on the Retained Parcel of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing buildings' wall face, and shall include recommendations such as closing in of openings**

pending spatial separation calculation results.

- b) Obtain a Building Permit for any remedial work/ upgrades required by the Building Code Assessment.

12. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a severance application to permit the creation of a new parcel of land.
- The key finding to this report is the proposed severance meets Provincial, Regional and City policies and is being recommended for approval subject to conditions.
- 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 on the north side of Carson Drive, near the intersection of Carson Drive and Natchez Road. The existing property contains a single detached dwelling. The applicant proposes to sever the lot so that 1 new residential lot is created.



Figure 1: Location Map: 142 Carson Drive

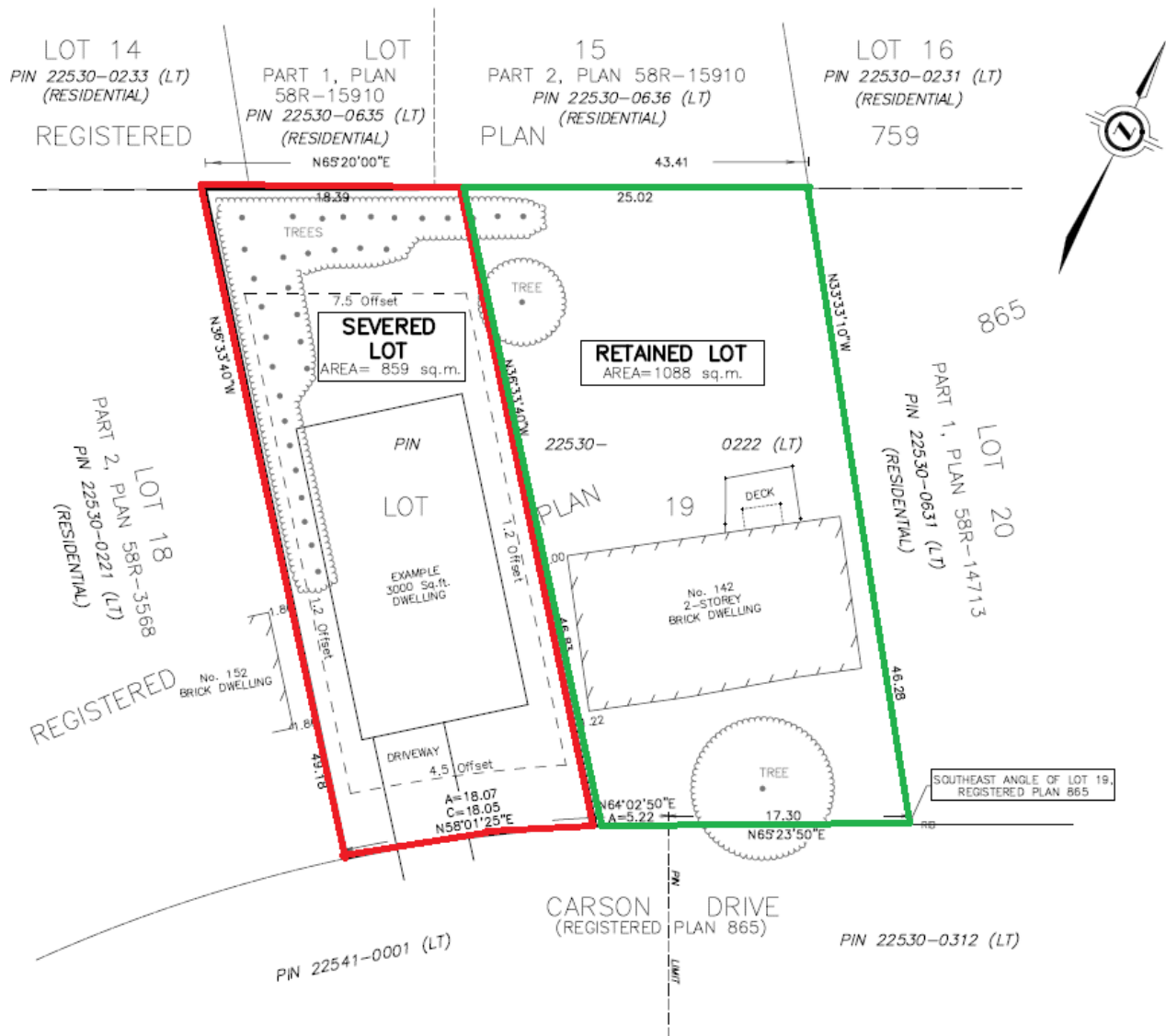


Figure 2: Proposed lot fabrics

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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to sever an existing lot to create two (2) lots. The retained lands will contain an existing single detached dwelling, while the severed lands are proposed to be residential, but specifics of the residential use, are not known at this time.



Figure 3: Existing building and existing conditions

REPORT:

Planning Comments:

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 infill severance applications are consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) 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.

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 lands fall within the 'Urban Area' and 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 and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional polices 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. 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 Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's Official Plan.

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."

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Two Zone' (RES-2) in Zoning By-law 2019-051. The lot fabric created exceeds all lot minimum requirements, and future development will be required to meet all zoning regulations.

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. The severed lands front onto an established public street and are serviced with municipal services. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

Environmental Planning Comments:

Require the standard condition for consent to enter into an agreement to complete a Tree Preservation /Enhancement Plan prior to any demolition/building permit/grading/servicing etc. on both the severed and retained parcels.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent provided for the retained land:

1. A qualified designer is retained to complete a Building Code Assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall addresses such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.
2. A Building Permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment.

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary 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 and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to katie.wood@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. Every effort is to be made to avoid impacting existing City owned trees in the right-of-way.
- 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 and Cemeteries/Forestry 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**. Park Dedication is calculated at 5% of the new development lots only, with a land valuation

calculated by the lineal frontage of 18 metres at a land value of \$36,080 per frontage meter with a per unit cap of \$11,862.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The owner/applicant is proposing consent to sever for lot creation; Severed lot being 859 sqm area, 18 metre frontage; and Retained lot being 1088 sqm area and 22.5 metre frontage. The retained lands contain residential dwelling and private well (for exclusive use). The severed lands are vacant. The consent will facilitate the redevelopment of the severed lot under separate ownership (no development proposed through consent).

In the Regional Official Plan, the lands are within the Delineated Built-Up Area and Urban Area boundary. The lands are designated 'Low Rise Residential' in the City's Official Plan and zoned 'RES-2'.

Threats Inventory Database

The following information is provided 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 for the site. High threat on adjacent property at 15 Rothsay Ave (FIX-A-CHIP INC - Other Machinery and Equipment Industries n.e.c.).

Regional Consent Review Fee

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

In summary, Regional Staff have 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.

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*