

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 2025

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

PREPARED BY: Eric Schneider, Senior Planner, 519-783-8918

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: April 2, 2025

REPORT NO.: DSD-2025-176

SUBJECT: Consent Application B2025-011 – 400 Westwood Drive

RECOMMENDATION:

That Consent Application B2025-011 requesting consent to sever a parcel of land having a lot width of 46.6 metres, a lot depth of 39.4 metres and a lot area of 1789 square metres from the property municipally addressed as 400 Westwood, to be conveyed as a lot addition to the property municipally addressed as 787 Glasgow Street, 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 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 Director, Development and Housing Approvals, and registered on title to the lands identified as "Lot C " (as shown in the Proposed Severance Sketch Plan, prepared by Van Harten Land Surveyors and Engineers, dated February 19, 2025, attached to Report DSD-2025-176) and PLAN 1536 LOT 4, to provide the following:

“That title to the Severed Lands and PLAN 1536 LOT 4 shall at all times be maintained in identical ownership and said lands shall be treated as one lot or parcel with respect to the Planning Act and neither of the Severed Lands nor PLAN 1536 LOT 4 shall be separately conveyed, or otherwise dealt with, without the prior consent of the City of Kitchener, with the criteria for granting or withholding such consent to be the applicable considerations to be applied if a consent for severance was applied for under the Planning Act, as if section 50 (3) and /or section 50 (5) of that statute applied to such conveyance or dealing.”

5. That the Owner’s Solicitor shall provide a Solicitor’s Undertaking to register an Application Consolidation Parcels for the Severed Lands and PLAN 1536, LOT 4 immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

6. 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) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.

7. That prior to final approval the Owner submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to facilitate a transfer of land from a residential lot to the adjacent residential lot, both containing existing detached dwellings.
- 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 east side of Westwood Drive near the intersection of Glasgow 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 split-zoned 'Low Rise Residential One Zone (RES-1)' with Site Specific Provision 416 and 'Low Rise Residential Four Zone (RES-4)' with Site Specific Provision 416 in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conveyance of a portion of the rear yard of an existing residential detached dwelling at 400 Westwood Drive to the abutting property at 787 Glasgow Street.

On January 20, 2025, City Council approved a Zoning By-law Amendment Application on the subject lands at 400 Westwood Drive to change the zoning on a portion of the lands to RES-4 and establish Site Specific Provision 416 across the entirety of the lands in order to facilitate the development of a portion of the lands with five (5) street townhouse dwellings, as well as to establish a tree protection area on the balance of the lands. The proposed severed lot to be added as a lot addition to 787 Glasgow Street is fully within the tree protection area and does permit the future development of any buildings or structures.



Figure 1: Location of Subject Property



Figure 2: View of 400 Westwood Drive



Figure 3: View of Rear Yard of 400 Westwood Drive

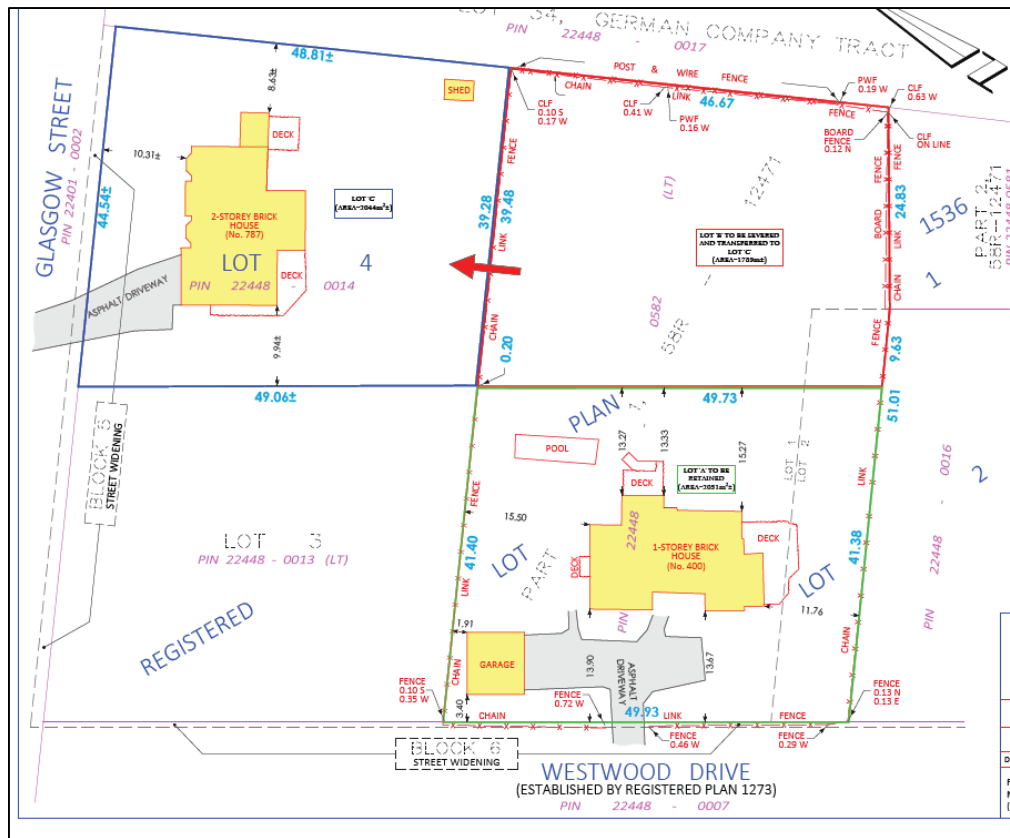


Figure 4: Severance Sketch illustrating the Proposed Lot Addition (Van Harten Land Surveyors and Engineers)

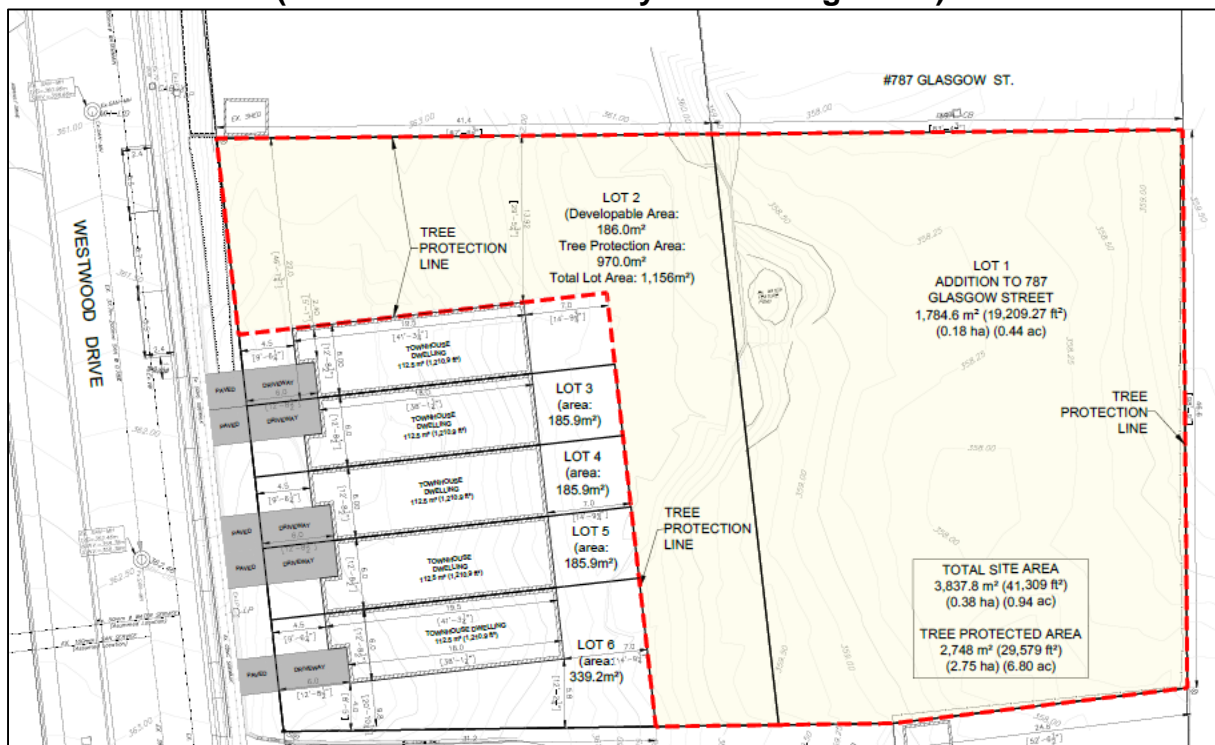


Figure 5: Approved Plan for Five (5) Street Townhouse Dwellings and Tree Protection Area

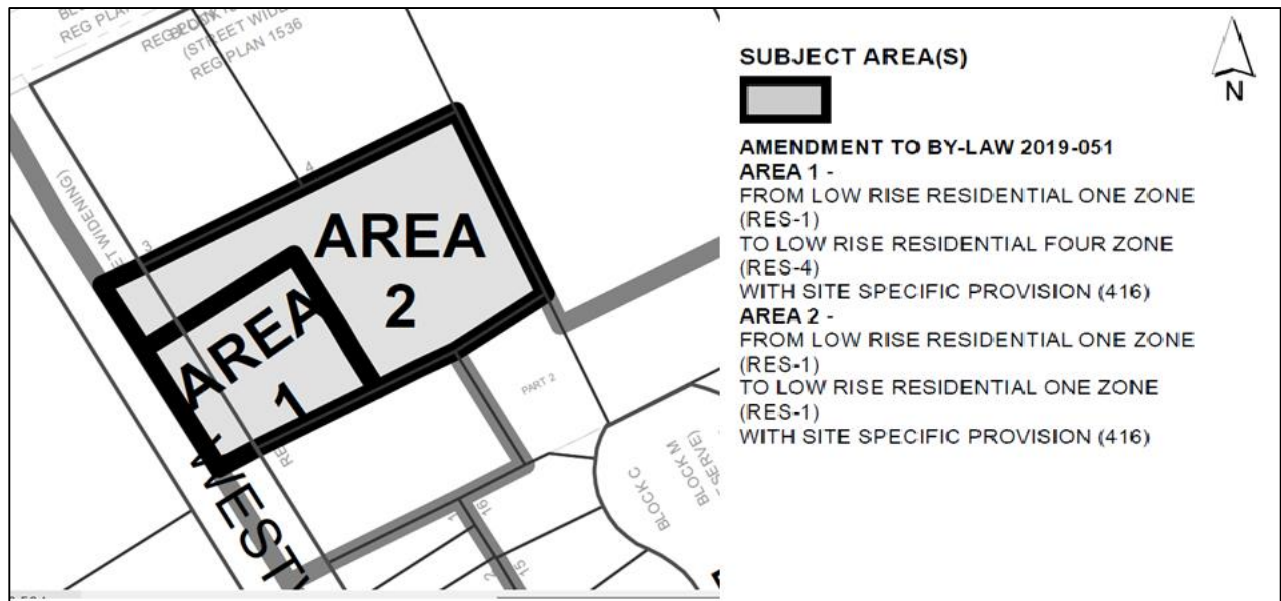


Figure 5: Zoning Map Showing Split RES-1/RES-4 Zoning

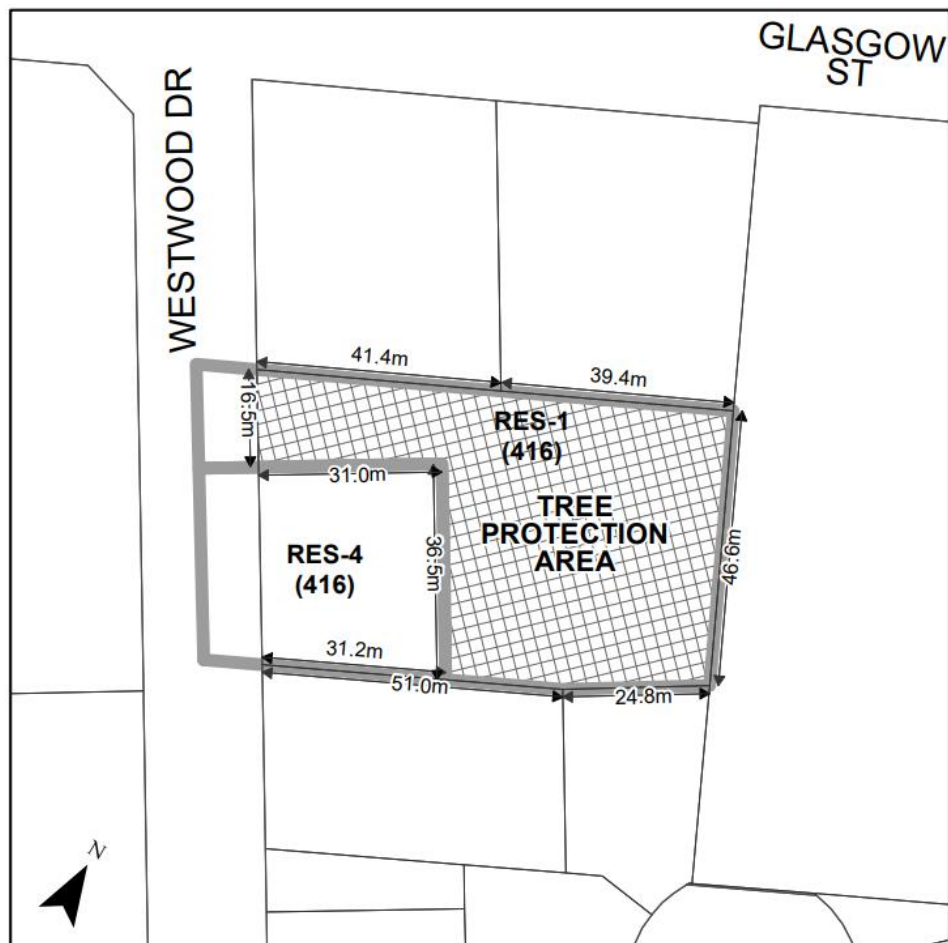


Figure 6: Tree Protection Area established in Site Specific Provision 416

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)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject application does not propose any development, rather it is an adjustment of lot lines. Planning Staff is of the opinion that the application is consistent with the PPS.

Regional Official Plan (ROP):

Regional policies in the ROP require Area 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 application conforms to the Regional Official Plan.

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.20.4 of the Official Plan states the following:

"17.E.20.4. Consents may be permitted for the creation of a new lot, boundary adjustments, rights of-way, easements, long-term leases and to convey additional lands to an abutting lot provided an undersized lot is not created."

The retained lands will meet the minimum lot size requirements for a detached dwelling in the Zoning By-law and contains sufficient lot size to be developed with 5 street townhouse dwellings as per the approved plan shown in Figure 5. No undersized lots will be created as a result of the proposed lot addition/boundary adjustment. The proposed consent application conforms to the Official Plan in the opinion of Planning Staff.

Zoning By-law 2019-051

The subject property is split-zoned 'Low Rise Residential One Zone (RES-1)' with Site Specific Provision 416 and 'Low Rise Residential Four Zone (RES-4)' with Site Specific Provision 416 in Zoning By-law 2019-051. This zoning was established through Zoning By-law Amendment application ZBA21/012/E/ES in which City Council approved By-law 2025-014 on January 20, 2025. The proposed lot addition was contemplated through the development concept advanced through the Zoning By-law Amendment application. Planning Staff confirm that the proposed lot addition complies with the Zoning By-law.

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 proposed lot addition is desirable and appropriate.

Environmental Planning Comments:

It should be noted that the rear-yard area of the lot addition from 400 Westwood Drive to 787 Glasgow Street has been recently re-zoned with Site Specific Provision 416 which identifies this as a Tree Protection Area. Further, when the lot addition is merged with the original lands at 787 Glasgow Street the new lot area will be 1.39 acres and therefore the entirety (including current 787 Glasgow Street) of the new larger lot will be subject to Kitchener's Tree Conservation Bylaw.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent provided the condition is applied for the Retained lands:

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:

Engineering has no comments.

Parks and Cemeteries/Forestry Division Comments:

Application is for Lot addition – no new lot is created, and no parkland dedication is required.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

Consent application B2025-011 is to sever 1789 m2 from the rear yard of 400 Westwood Drive and merge it on title to enlarge 787 Glasgow Street.

The retained parcel (400 Westwood Drive) will have an area of 2501 m2.

The new lot area of 787 Glasgow will be 3,833 m2.

No new lots are proposed.

Threats Inventory Database: This information is provided until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality. There are no records in the TID on the subject property. There are no high or medium threats in the TID on properties adjacent to the subject property.

Regional Consent Review Fee: Regional staff have not received the fee for consent

review of \$350 per application. The fee payment is requested as a condition of consent approval.

Regional Staff have no objection to Consent File B2025-011 subject to the following condition:

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*
- *DSD-2025-004- Zoning By-law Amendment Report- 400 Westwood Drive*
- *DSD-2025-038- Zoning By-law Amendment Addendum Report- 400 Westwood Drive*

ATTACHMENTS:

Attachment A – Severance Sketch