

# Staff Report



Development Services Department

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**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 10

**DATE OF REPORT:** April 2, 2025

**REPORT NO.:** DSD-2025-169

**SUBJECT:** Minor Variance Application A2025-042 – 1100 Union Street  
Consent Application B2025-013 – 1100 Union Street

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## **RECOMMENDATION:**

### **A. Minor Variance Application A2025-042 - 1100 Union Street**

That Minor Variance Application A2025-042 for 1100 Union Street requesting relief from the following sections of Zoning By-law:

- i) Section 4.6 a) to permit a new lot without frontage on a street whereas Zoning By-law requires all lots, buildings and structures thereon to have frontage on a street; and
- ii) Section 7.3, Table 7-2, to permit a rear yard setback of 5 metres instead of the minimum required 7.5 metres;

to facilitate the development of a new detached dwelling on a proposed severed parcel of land from 1100 Union Street, **BE REFUSED.**

### **B. Consent Application B2025-013 – 1100 Union Street**

That Consent Application B2025-013 for 1100 Union Street requesting consent to sever a parcel of land having a lot width of 17.1 metres, a lot depth of 16.8 metres and a lot area of 235 square metres, **BE REFUSED.**

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to evaluate the applications for minor variance and consent to sever a parcel of land to permit construction of a new detached dwelling.
- The key finding of this report is that the requested minor variances and consent to sever application do not meet criteria of the Planning Act and the City's policies.

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

- 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 northwest corner of Union Street and Union Lane.

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 sever a parcel of land to permit construction of a new detached dwelling.

The Consent and Minor Variance Applications were originally submitted by the Applicant by the January 31<sup>st</sup>, 2025, digital deadline with intent that they be scheduled and considered on the March Committee of Adjustment Agenda.

The Minor Variance Application proposed variances for a reduced lot area, less than the minimum 235 square metres, and rear yard setback from 7.5 metres to 5 metres, for a severed parcel from 1100 Union Street. Upon an initial review by Planning Staff, it was noted that the severed parcel would not have frontage on a street as required by Section 4.6 a) of the City's Zoning By-law.

Planning staff met with the Applicant and Owner on February 28<sup>th</sup>, 2025, to discuss the applications. It was conveyed that Planning Staff could not support the applications for Minor Variance and Consent. The lot would not have the required lot area and the required frontage on a 'Street' as defined by the Zoning By-law and would not be support by policy.

### ***"4.6 FRONTAGE ON A STREET***

*Unless otherwise provided for in this By-law, no person shall erect any building or structure; or use any building, structure, or lot unless:*

*a) The lot has frontage on a street; or"*

***"Street*** – means a public highway greater than 12.19 metres in width, as defined under the Highway Traffic Act or the Municipal Act, which provides access to an abutting lot; and which is dedicated, assumed, and/or maintained by and under the jurisdiction of the City, Region or Province. For the purposes of this By-law, a street does not include a lane or any private street."

The Applicant and Owner were also requested to demonstrate the functionality of the Retained Parcel with the existing 'Triplex' dwelling; that all zoning by-law regulations, including parking, landscaping, unobstructed walkways, could be met. They were also advised that the drawing did not represent the 'as built' condition as an existing covered stairway on the rear fascia was not shown.

- e) *An unobstructed walkway that is a minimum 1.1 metres in width, shall be provided from a street to the principal entrance of each new additional dwelling unit (attached), where the principal entrance is not located on a street line façade.*
- h) *The minimum front yard landscaped area shall consist of 20% soft landscaping, and which shall exclude hard-surfaces such as surface walkways, patios, decks or porches; (Amended; By-law 2024-204, S.7 – December 2, 2024)*
- i) *The minimum rear yard landscaped area shall be 30%.”*

For the April 2025 Committee of Adjustment Agenda, updated Minor Variance and Consent Applications were received. The lot configuration of the proposed Severed Parcel was revised to include a triangular shaped intersection with Union Lane rather than a straight perpendicular line to the other interior side lot line, in order to comply with the minimum lot area requirement and avoid the need for this variance request. The Minor Variance Application was also revised to request a variance to Section 4.6 a) to permit a lot to be created with no 'Frontage on a Street'.

The Applicant continued to submit a drawing with the application that did not show the existing covered stairway on the rear fascia of the existing triplex. The drawing also did not demonstrate the functionality of the 'Triplex' Dwelling on the Retained Parcel particularly with respect to the location of required unobstructed walkways, their relationship with the existing entrances and their intersection, if any, with driveways/parking spaces. The rear landscaped area was noted as 30% but without the required walkways shown it is not known whether this requirement is met. Also, it could not be confirmed that the minimum front yard landscaped area would be 20%.

There is a loss of amenity area for the 'Triplex' dwelling to create a lot that does not have frontage on a street. The resultant amenity area for the 'Triple' dwelling or use thereof, has also not been clearly identified and justified.

On a site visit, it was noted that there are existing walkways at the front of the building and at the side and to the rear were not reflected on the drawing that was submitted with the application.

Since the applications were originally submitted, the drawing has been updated to only reflect the existing covered stairway on the rear fascia and it has been included in this report as Figure 4.



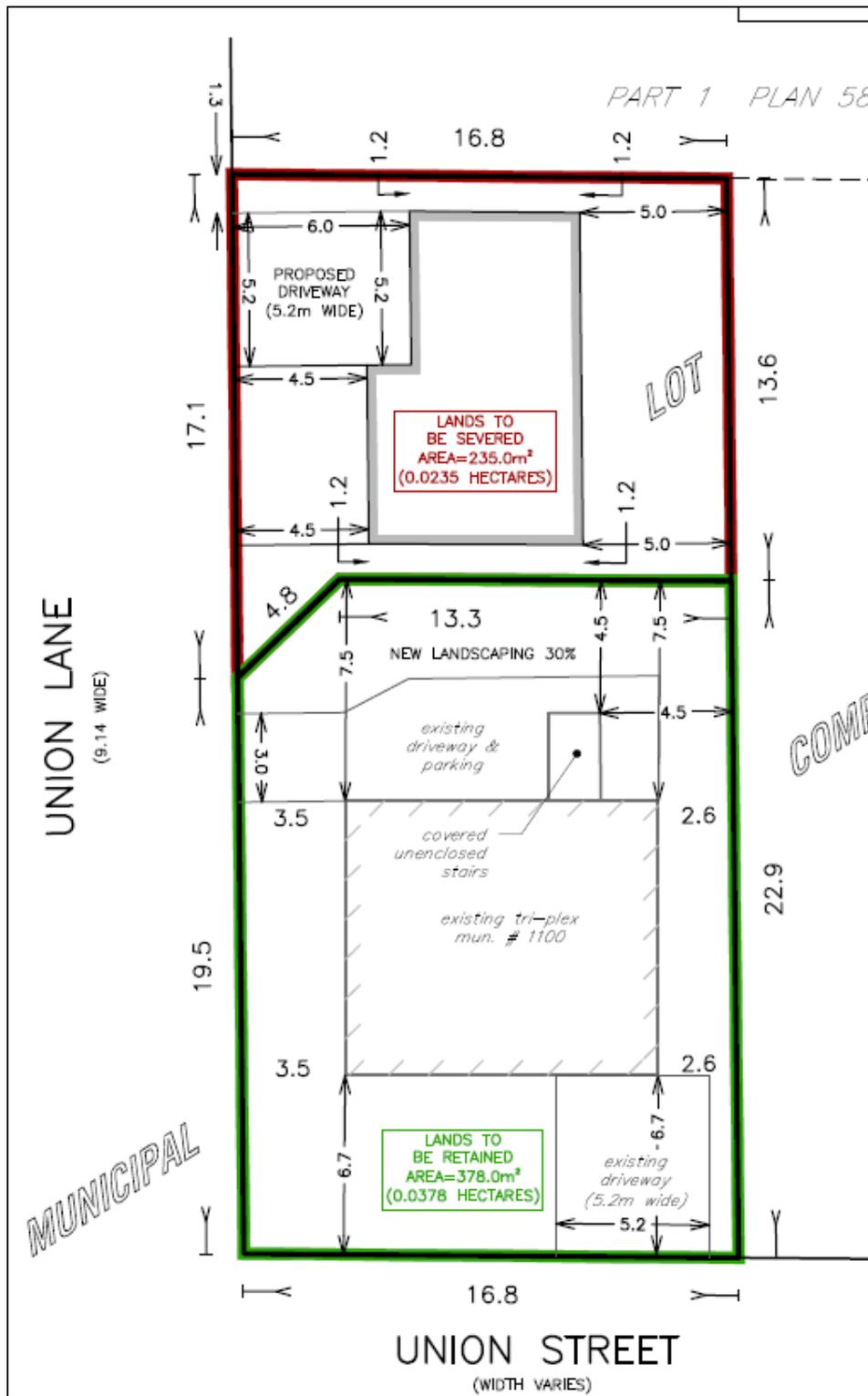
**Figure 1: Location Map**



**Figure 2: View of Subject Lands from Union Street, Existing Triplex (March 28, 2025)**



**Figure 3: View of Subject Lands from Union Lane  
(approximate area of proposed new lot)  
(March 28, 2025)**



**Figure 4: Proposed Lot Fabric  
(Severance Sketch prepared by Grit Engineering Inc.)**

## REPORT:

### Planning Comments Minor Variance Application A2025-042:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

#### ***Creation of a Lot without Frontage on a Street***

##### General Intent of the Official Plan

The general intent of the Official Plan Consent Policies is to ensure proper and orderly development. Section 17.E.20.3 of the City's Official Plan states that the Committee of Adjustment will have regard to the provisions of the Planning Act, to the goals, objectives and policies of the Official Plan, and to the provisions of the Zoning By-law.

Section 17.E.20.5 contains criteria for the creation of a new lot. Section 17.E.20.5 d) requires that new lots have frontage on a public street. Frontage onto a public street ensures that the lot and the future use(s) of the land are able to access municipal services and provide adequate access to the lands. The proposed application is seeking to create a new lot with frontage on Union Lane, which is not a public street and does not have a full range of municipal services.

As the application for Consent application does not conform to the Official Plan Planning Staff are of the opinion that the requested variance does not meet the general intent of the Official Plan.

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

The intent of the zoning regulation in Section 4.6 a) that requires new lots be on a street is to ensure that the future use of the lands can be adequately serviced with the full range of municipal services including vehicular access, pedestrian access, emergency services access, waste collection access, service from a municipal drinking water system, sanitary service, stormwater management, snow removal, streetlights, on-street parking, street trees, telecommunications utilities, hydro and gas utilities, etc.

The applicant is proposing to create a new lot with frontage on Union Lane. The Union Lane right-of-way width of 9.1 metres is not wide enough to be considered a public street (minimum of 12.1 metres) and does not have the full range of municipal services. A summary is included below:

**Vehicular Access:** Union Lane is paved with a 6 metre wide asphalt road with a painted centreline. The City's standard pavement width for a local street is 7.0 metres wide. While vehicular access is possible, the width of the travelled portion of the road is undersized to meet the City's standards for vehicular travel and turning movements.

**Pedestrian Access:** Union Lane does not contain sidewalks. Pedestrians would be required to walk on the vehicular travelled portion of Union Lane.

**Emergency Services Access:** The City's Emergency Service Policy speaks to emergency access route design. Section 2.6 a) states that unless otherwise approved, a portion of a roadway provided as a fire route shall have a clear width not less than 6 metres. The travelled portion of the road is the minimum width of 6 metres. Section 2.6 f) states that the roadway shall have turnaround facilities for any dead-end portion of the access route more than 90 metres long. The dead end of Union Lane does not contain a turnaround facility and is approximately 120 metres long.

**Waste Collection Access:** Municipal (Region of Waterloo) Waste collection does not currently occur on Union Lane as all properties with lot lines on Union Lane have their primary access from Oxford Street or Lancaster Street West. Or in the case of 20 Union Lane, that site is a multiple dwelling of greater than 6 units which would require private waste collection, with turnaround occurring on site. If a new lot were to be created with frontage on Union Lane, it is not clear how a regional waste collection truck complete a turnaround movement after collecting waste from the proposed new lot without entering onto private lands.

**Service from Municipal Drinking Water System:** Union Lane does not have a municipal water service installed. The applicant would be required to extend the municipal water service from Union Street, should the application be approved.

**Sanitary Service:** Union Lane does not have a municipal sanitary service installed. The applicant would be required to extend the municipal sanitary service from Union Street, should the application be approved.

**Stormwater Management:** Union Lane does not have stormwater management facilities installed. Stormwater runs overland on Union Lane towards culverts on Union Street. This overland flow of stormwater would continue should the application be approved.

**Snow Removal:** Union Lane is serviced by City Operations for winter snow removal. Union Lane is classified as a Priority 3 – Local Residential Streets area on the City's Snowplow Priorities Map.

**Streetlights:** Union Lane contains municipal streetlights.

**On-Street Parking:** Union Lane does not contain on-street parking. Parking is prohibited on both sides of the Lane.

**Street Trees:** Union Lane does not contain municipal street trees. The width of the right-of-way does not allow for sufficient space for street trees.

**Telecommunications Utilities:** Telecommunications utilities do not currently exist on Union Lane. Utilities would need to connect through facilities on Union Street.

**Hydro and Gas Utilities:** Hydro poles do not extend down Union Lane. A hydro pole exists on the corner of Union Lane and Union Street, hydro service would need to extend from Union Street. Underground gas lines do not run underneath Union Lane. Gas lines would need to be extended from Union Street.

While Union Lane contains partial municipal services, it lacks the right-of-way width to provide for the safe, orderly, and adequate function and use of the Lane as a public street for individual, separate lots to front onto.

In the opinion of Planning Staff, the Minor Variance Application does not meet the general intent of the Zoning By-law.

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

The effects of the requested variance are not considered to be minor in the opinion of Planning Staff as it would result in a lack of adequate services available to the lot. The effects of not having a full range of municipal services is not considered minor in the opinion of Planning Staff.

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

Union Lane currently is comprised of a majority of back-lotted properties with frontages onto public streets (Oxford Street and Lancaster Street West). There are no lots with detached homes that face Union Lane. The proposed lot size, shape, and orientation are dissimilar to the surrounding lots in the neighbourhood. Further, the area that is requested to be severed is currently serving as the outdoor amenity space for the tenants of the existing triplex on the retained lands. Finally, it is not considered appropriate use of the lands to create a lot without frontage on a street that provides adequate access to municipal services. In the opinion of Planning Staff, the requested variance is not desirable for the appropriate development or use of the land.

***Rear Yard Setback***

General Intent of the Official Plan

The requested variance meets the general intent of the Official Plan. The Low Rise Residential land use designation in the Official Plan favours the mixing and integration of different forms of housing, including detached dwellings, to achieve a low overall intensity of use. The requested variance for reduction in rear yard setback does not interfere with the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that requires a minimum rear yard setback of 7.5 metres is to provide for adequate building separation and adequate outdoor amenity space.

Regarding building separation, the original lot is a corner property which would result in the proposed new lot containing a rear lot line that would face the internal side lot line at 1106 Union Lane. Internal side lot lines typically have a lesser setback and an addition to the rear of the existing triplex on the retained lands could be located 1.2 metres from the internal side lot line of 1106 Union Street as-of-right. Planning Staff are satisfied that the requested variance provides for adequate building separation.

Regarding outdoor amenity space, Staff acknowledge that the total area of amenity space is similar to a lot with the minimum rear yard setback of 7.5 metres and the minimum lot width of 9 metres, as the additional area is made up from the surplus lot width of the proposed lot of 17.1 metres. However, it is important to consider the shape of the amenity

space when considering the use and functionality of the space. Area can be a poor measure of functional amenity space if it becomes a narrow strip that is not deep or wide enough to contain space for passive and active forms of recreation. Therefore, the minimum setback distance of 7.5 metres is important in ensuring not only that there is adequate amenity area, but that the orientation of that area is functional and appropriate for its intended use. The proposed amenity area would be 17.1 metres wide by 5 metres deep and would not provide for enough functional depth for its intended use.

Staff note that should the application be approved, the detached home could contain 4 separate dwelling units and therefore 4 households sharing the outdoor amenity area. Staff are not of the opinion that the proposed rear yard outdoor amenity area is sufficient for a potential of 4 households.

Staff are of the opinion that that proposed rear yard setback does not provide for sufficient outdoor amenity space on site and that the requested variance does not meet the general intent of the Zoning By-law.

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

The effect of the requested variance is that the future users of the site would not have adequate amenity space on site. Access to outdoor amenity area is important in achieving the goals of the City to contribute to an enhanced high quality of life. Staff are of the opinion that the effects of the requested variance are not minor.

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

The requested variance would result in an undersized lot that is unable to provide for adequate outdoor amenity space on site for a proposed use of the severed lands and the 'Triplex' use of the Retained lands. The appropriate development of the land should include adequate on site amenity space. Planning Staff is of the opinion that the requested variance is not desirable for the appropriate development of the land.

**Planning Comments Consent Application B2025-013:**

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

Provincial Planning Statement (PPS 2024)

reviewed the application The Provincial Planning Statement contains 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. Staff are not satisfied that the proposal to create a lot without frontage on a municipal street meets the social, health, and well-being needs future residents as the lot will not have access to full municipal services.

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. Policy 2.D.1 of the ROP requires residential development to provide for adequate physical and community infrastructure including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. The proposal to create a new lot without frontage on a public street will compromise the ability to provide for adequate physical infrastructure. Staff are of the opinion that the proposed severance application does not conform 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.

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."

Regarding policy 17.E.20.5 b) above, the proposed lot does not reflect the general scale and character of the established development pattern of surrounding lands. Lots on the surrounding blocks range between 600-1500 square metres in area, whereas the proposed lot is 235 square metres in area. Figure 5 below illustrates the lot general scale and lot sizes of the surrounding lands.



**Figure 5: Proposed Lot Boundaries shown with Lot Fabric of Surrounding Lands**

Regarding Policy 17.E.20.5 d) above, the proposed lot does not have frontage onto a public street, as Union Lane does not have sufficient right-of-way width to be considered a public street.

The request for consent to sever does not conform to the Official Plan.

Zoning By-law 2019-051

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

With respect to the lands proposed to be severed, Zoning By-law Regulation 4.6 a) requires all new lots to be located on a street. Union Lane is not considered a street as it does not have sufficient right-of-way width. The applicant has requested a variance for this regulation, which has been analyzed in the Minor Variance section of this report.

In the absence of detailed plans for development of the severed parcel, appropriate justification has not been submitted to support a reduced rear yard; why is it not possible to comply.

With respect to the 'Retained Lands', the drawing, submitted with the Minor Variance and Consent Applications did not demonstrate the zoning compliance or functionality of the 'Triplex' Dwelling on the Retained Parcel particularly with respect to the location of required unobstructed walkways, their relationship with the existing entrances and their intersection, if any, with driveways/parking spaces. The rear landscaped area was noted as 30% but without the required walkways shown it is not known whether this requirement

is met. Also, it could not be confirmed that the minimum front yard landscaped area would be 20%. Also, there is a loss of amenity area for the 'Triplex' dwelling to create a lot that does not have frontage on a street. The resultant amenity area for the 'Triple' dwelling or use thereof, has not been clearly identified.

**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 not of the opinion that the creation of the severed lot is desirable and appropriate.

Specifically, the proposed application does not meet the following criteria in Section 51(24) of the Planning Act:

- c) whether the proposed subdivision conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- i) the adequacy of utilities and municipal services;

The creation of the proposed severed parcel is not in conformity with the City's Official Plan and Zoning By-law, as the lot does not have frontage onto a street. Further, Staff is of the opinion that the proposal does not represent good planning and is not in the public interest.

**Environmental Planning Comments:**

The standard condition that requires a tree management plan will apply.

**Heritage Planning Comments:**

The subject property does not have any heritage comments or concerns. However, the property is located adjacent to the Union Street Cultural Heritage Landscape.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permits for the new single detached dwelling is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

The Building Division has no objections to the proposed consent subject to the following conditions:

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 address 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.

There is currently no servicing on Union Lane, services will need to be extended per City of Kitchener standards per the condition below.

*“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.”*

Planning Comments:

While Engineering Services Staff have noted that an agreement for municipal services would be a satisfactory condition, Planning staff have concerns given Provincial, Regional and City policies with respect to the adequacy/availability of municipal services. In particular:

*Section 51(24) of the Planning Act*

- i) the adequacy of utilities and municipal services;*

*Official Plan Policy 17.E.20.5*

*“17.E.20.5 Applications for consent to create new lots will only be granted where:*

- 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;*

In this case, it would not be appropriate to defer servicing to a future agreement where a Minor Variance Application is requesting to create a lot that does not have frontage on a street.

If it can be demonstrated that the Minor Variance to facilitate the creation of a lot, with no frontage on a street, can meet the 4 tests of the Planning Act, the creation of the lot should also meet Provincial and City Policy in that municipal services are adequate and available.

If the Committee decides that the Minor Variances meet the 4 tests in the Planning Act and that the Consent Application would conform to Provincial, Regional and City Policies and the City's Zoning By-law, then Planning Staff recommends that they standard Engineering conditions for servicing should be applied to approval of the Consent Application.

**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 17.1 metres at a land value of \$36,080.00 per frontage meter with a per unit cap of \$11,862.00.00.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

This applicant proposes to sever the subject property into two lots. The severed parcel is vacant, and the owner/applicant is planning to build a single detached dwelling on the vacant parcel. The retained parcel has a residential building with three units. The lot area of the severed parcel is 235 m<sup>2</sup>. The lot area of the retained parcel is 378 m<sup>2</sup>.

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 Threat Inventory Database 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 approval.

Regional Staff have no objection to Consent File B 2025-013 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*
- *Emergency Services Policy*

**ATTACHMENTS:**

- Attachment A – Severance Sketch
- Attachment B – Consent Conditions

## **Attachment B:**

**Should the Committee approve Minor Variance Application A2025-042 and choose to approve Consent Application B2025-013, Staff would recommend applying the following conditions:**

### **Consent Application B2025-013**

**That Consent Application B2025-013 for 1100 Union Street requesting consent to sever a parcel of land having a lot width of 17.1 metres, a lot depth of 16.8 metres and a lot area of 235 square metres, BE APPROVED subject to the following conditions:**

- 1. That Minor Variance Application A2025-042 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 driveway at the rear be reduced in size to be located fully within the 'Retained Lands' to the satisfaction of the City's Manager, Development Approvals.**
- 6. That the Owner submit a Zoning Occupancy Certificate demonstrating compliance of the Dwelling on the 'Retained Lands' with respect to the revised lot lines, to the satisfaction of the City's Manager, Development Approvals.**
- 7. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**
- 8. 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.**
- 9. 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.**

- 10. 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.**
- 11. 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.**
- 12. That the Owner shall:**
  - a) Complete a Building Code Assessment for the existing dwelling proposed to be retained on the [severed or 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.**
- 13. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.**
- 14. That prior to any grading, servicing or the application or issuance of a Demolition and/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 the following:**
  - (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 the required mitigation and 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).**

**Any alteration or improvement to the lands including grading, servicing, tree removal and the application or issuance of any Demolition and/or 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 Owner submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.**