

REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 2025

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

PREPARED BY: Brian Bateman, Senior Planner 519-783-8905

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: March 31, 2025

REPORT NO.: DSD-25-158

SUBJECT: Consent Application B2025-010 – 57 and 59 Iron Gate Street

RECOMMENDATION:

That Consent Application B2025-010 for 57 and 59 Iron Gate Street requesting consent to sever a parcel of land having a lot width of 7.8 metres on Iron Gate Street, a lot depth of 31.8 metres and a lot area of 251 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 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 assess a request to sever an existing property that has merged on title and containing a semi-detached dwelling.

- The key finding of this report is that the request is technical in nature required to facilitate a real-estate transaction to convey an independent parcel.
- 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 at 57 and 59 Iron Gate Street near the major intersection of Ira needles Boulevard and University Avenue West (see Figure 1). The subject property contains an existing semi-detached dwelling on property described legally as PLAN 58M-430 PT LOT 2 RP 58R-15739 PT 4.



Figure 1 – Aerial Photo of Subject Property

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 2014 Official Plan.

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

The owner wishes to sell one-half of the semi-detached dwelling and has discovered 57 and 59 Iron Gate Street have merged on title. Therefore, a consent is required in order to facilitate the creation of independent parcels (see Figure 2).

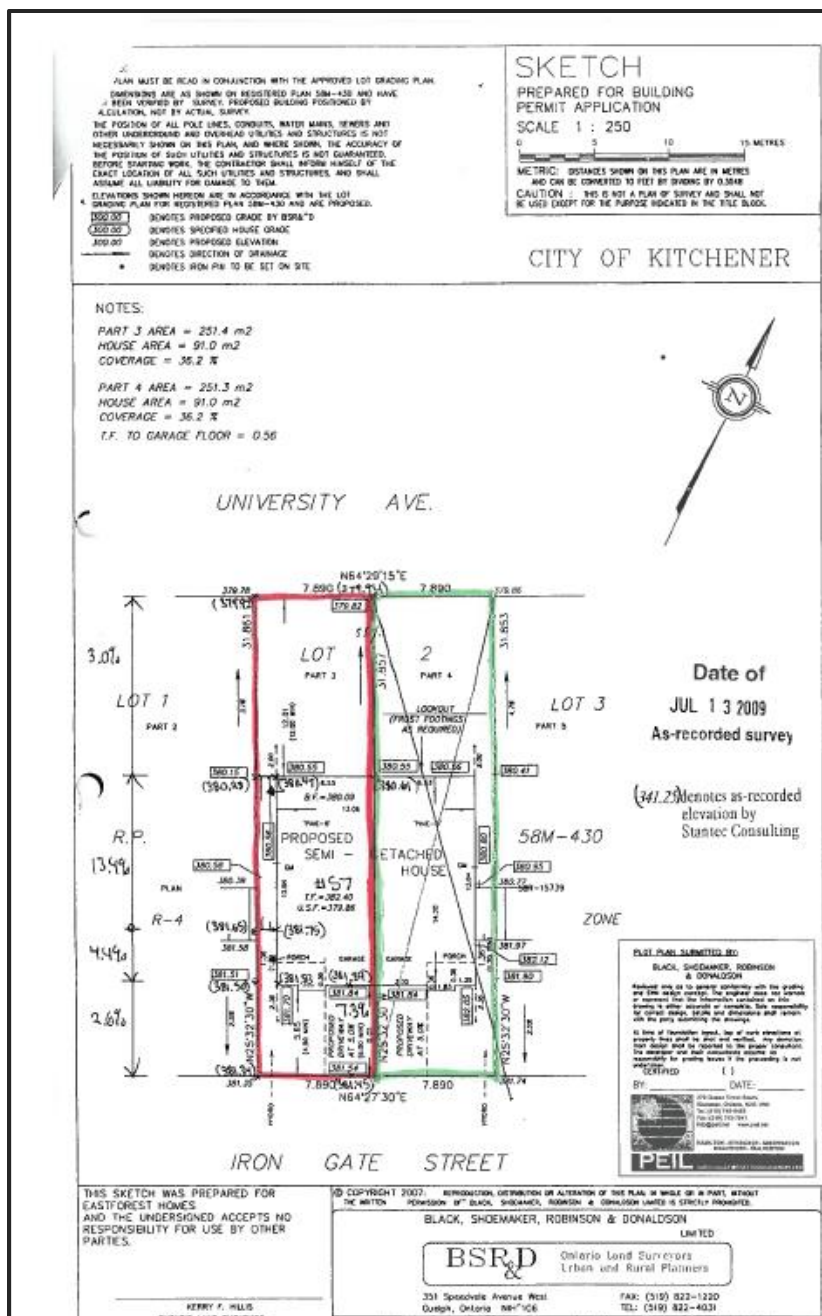


Figure 2 – Proposed Survey Sketch

A site visit occurred on March 27, 2025 (see Figure 3).



Figure 3 – Photo of Site

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 severance application is 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 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. 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 2014 Official Plan. The intent is to support various forms of low-rise residential building forms within this designation, including semi-detached dwellings.

The creation of lots is addressed through policy and it has been determined this is technical in nature due to the merger and therefore conforms.

Zoning By-law 2019-051

The subject property is zoned 'Low Rise Residential Zone (RES-4)' in Zoning By-law 2019-051. The creation of separate parcels complies with the zoning regulations for lot area and width. The building setbacks also comply with zoning. Zoning By-law 85-1 stated that "In the case of a semi-detached dwelling with an attached garage the driveway may extend beyond the width of the attached garage to a maximum width of 5.2 metres and shall be located no closer than 0.6 metres to the side lot line which is not located along the common wall of the same dwelling." Accordingly, an existing driveway width of 5.2 metres is legal non-conforming.

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:

No comments.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Engineering has no comment and confirm that separate services exist to each lot.

Parks and Cemeteries/Forestry Division Comments:

Technical severance – no parkland dedication is required.

Transportation Planning Comments:

No concerns.

Region of Waterloo

No objection but request a \$350 Consent Fee as a condition of approval.

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*