

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 17, 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 3

DATE OF REPORT: June 5, 2025

REPORT NO.: DSD-2025-283

SUBJECT: Consent Application B2025-018 – 73 Second Avenue

RECOMMENDATION:

That Consent Application B2025-018 requesting consent to sever a parcel of land having a lot width of 10 metres on Second Avenue, a lot depth of 40.2, metres and a lot area of 404.7 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 obtains a Demolition Permit, for the existing detached dwelling and any accessory buildings/structures proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling and any accessory buildings/structures prior to deed endorsement.
5. That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11, 862.00.

6. That the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title to the Severed and Retained lands, which shall include the following:
- i) That the Owner shall prepare a Tree Preservation and Enhancement Plan, in accordance with the City's Tree Management Policy, demonstrating protection and preservation of the City-owned tree that is located adjacent to the severed and/or retained lands, to the satisfaction of and approval by the City's Director Parks and Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director, Parks and Cemeteries.
 - ii) The Owner shall implement the Tree Protection and Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Director, Parks and Cemeteries.
 - iii) The Owner shall maintain the Severed and Retained lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for Consent to create a new lot for a new duplex dwelling on the severed parcels of land. The retained parcel of land is also proposed to contain a new duplex dwelling.
- The key finding of this report is that the requested severance meets the criteria of the Planning Act and Provincial, Regional and City policies.
- 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 an interior lot located on the East side of Second Avenue between Kingsway Drive and Connaught Street.



Figure 1: Location of Subject Property



Figure 2: View of Existing Detached Dwelling (May 27, 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 create a new lot to construct a new detached duplex dwelling on the severed lands. A duplex dwelling would also be built on the retained lands. The existing detached dwelling is proposed to be demolished.

On April 18, 2023, the Committee of Adjustment approved severance application B2023-016 for the subject lands, which proposed the same severance as the subject application. The applicant has completed some of the conditions, including installation of services. However, the 24 month deadline to complete conditions has now lapsed and the applicant is re-applying for severance on the subject lands.

The Development and Housing Approvals Division approved a Demolition Control application on April 25, 2025.

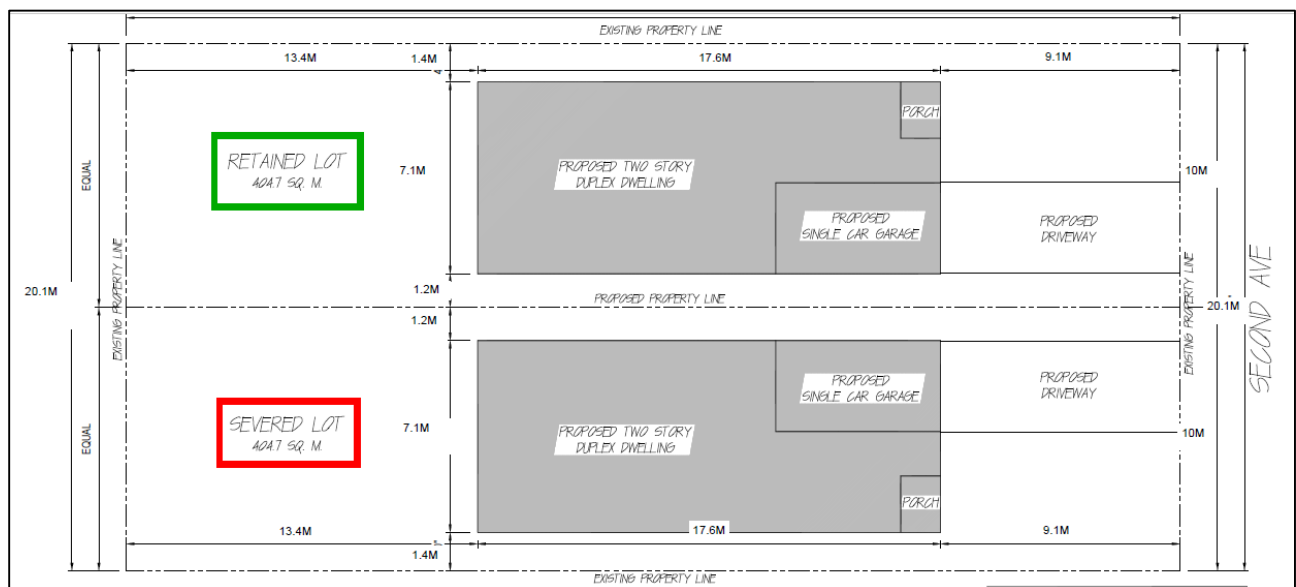


Figure 3: Severance Sketch

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 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."

The proposed lot widths and lot areas of the proposed severed and retained lots will meet the minimum 'RES-4' zone lot width and lot area requirements and minor variances are not required. 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

neighbourhood which is developed with single detached, semi detached and multiple dwellings with lots sizes that vary in width, depth, and area. The lands front onto a public street and full services are available. There are no natural heritage features that would be impacted by the proposed consent application. Planning staff is of the opinion that the proposed severance conforms with the City of Kitchener Official Plan.

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. The 'RES-4' zone permits a range of low density dwelling types such as duplex dwellings. The 'RES-4' Zone requires a minimum lot width of 9 metres (internal lots) and 12.8 metres (corner lots) and minimum lot area of 235 square metres for duplex dwellings. The proposed lot widths and lot areas of the proposed severed and retained lots meet the minimum 'RES-4' zone lot width and lot area requirements.

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 permitted in the City's Official Plan and Zoning By-law. The severed lands front onto Second Avenue is an established public street and is 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:

Standard condition for Tree Protection/Enhancement Plan to apply.

Heritage Planning Comments:

No Heritage Planning Comments.

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. Separate building permit(s) will be required for the demolition of the existing building, as well as construction of the new residential buildings.

Engineering Division Comments:

Off-site works already completed through previous application, Engineering has no further comments

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 **\$11,862.00**. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 10.05 metres at a land value of \$36,080.00 per frontage metre, which equals \$18,130.20. In this case, a per unit cap of \$11,862.00 has been applied.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No comments.

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-2023-185*

ATTACHMENTS:

Attachment A – Severance Sketch