

REPORT TO: Committee of Adjustment

DATE OF MEETING: November 19, 2024

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

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

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: November 6, 2024

REPORT NO.: DSD-2024-482

SUBJECT: Consent Application B2024-031 – 829 Stirling Avenue South

RECOMMENDATION:

That Consent Application B2024-031 for 829 Stirling Avenue South requesting consent to sever a parcel of land having a lot width of 7.9 metres, a lot depth of 45.7 metres and a lot area of 362.3 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 the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of 11,862.00.
10. That the Owner make arrangements regarding financial compensation of \$5,000 for the removal of the City-owned street tree, to the satisfaction of the City's Director, Parks and Cemeteries.
11. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.
12. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a consent application to sever a parcel of land to permit each half of a new semi-detached duplex dwelling to be dealt with independently.
- 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 within close proximity to the intersection of Stirling Avenue South and Avalon Street, and directly north of Highway 7/8. The neighbourhood is comprised of a mix of low and mid-rise residential uses.

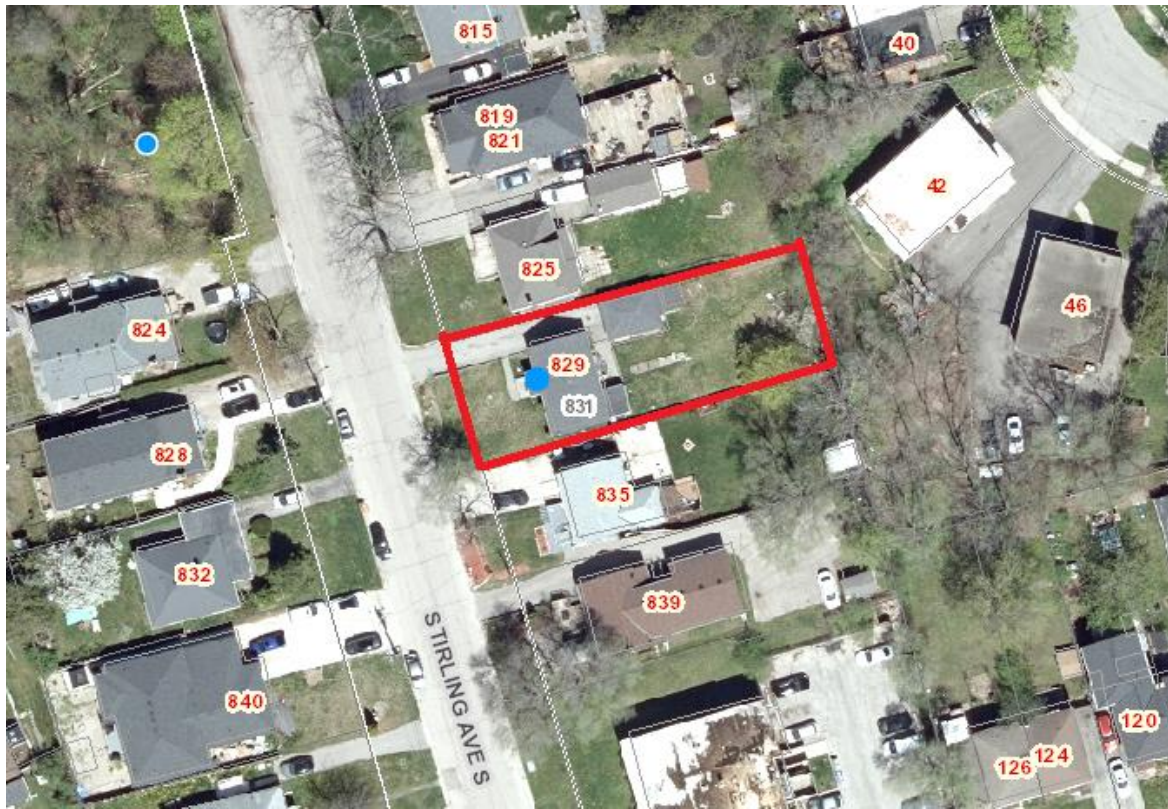


Figure 1: Location Map – 829 Stirling Avenue South



Figure 2: Existing building – 829 Stirling Avenue South

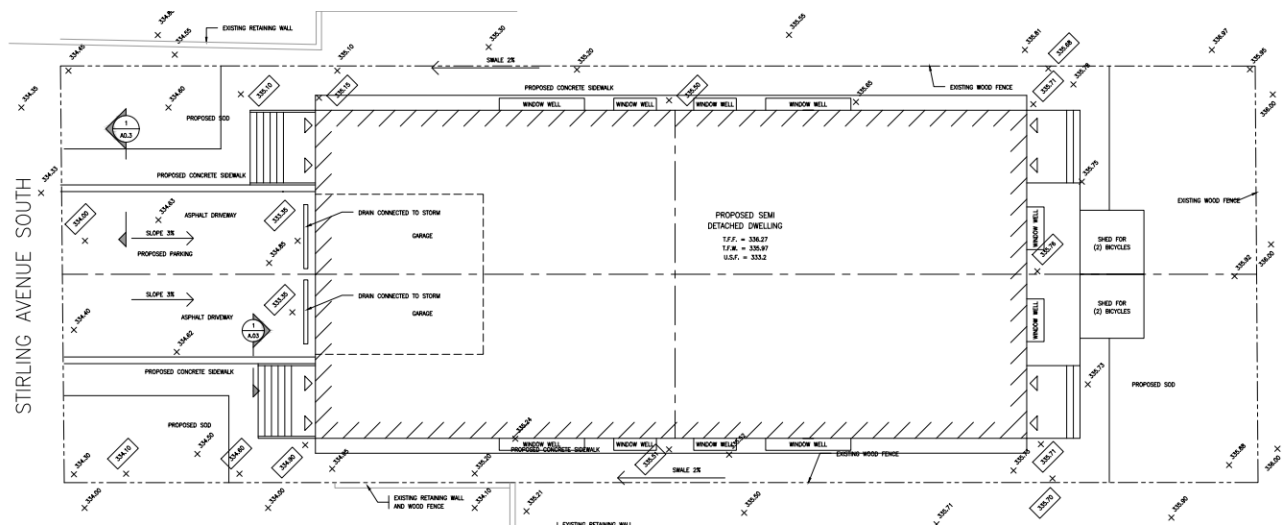
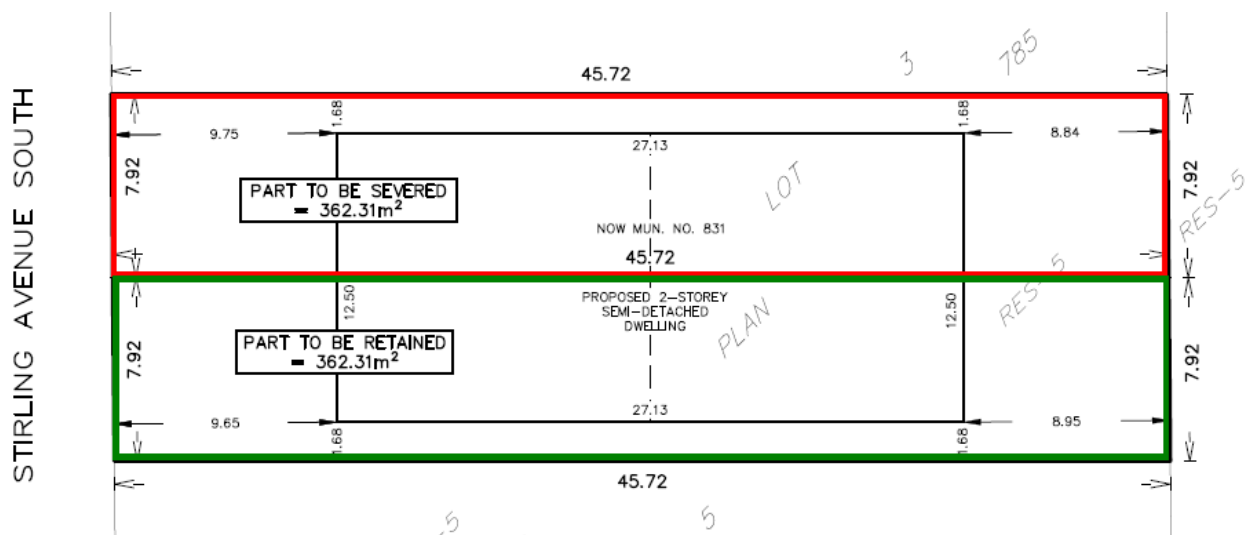
The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of the application is to review a consent application to sever a parcel of land to permit each half of a new semi-detached duplex dwelling to be dealt with independently.

The severed lot would have a lot width of 7.9 metres, a lot depth of 45.7 metres and an area of 362.3 square metres, while the retained lot would have a lot width of 7.9 metres, a lot depth of 45.7 metres and an area of 362.3 square metres. In this case, the whole of the semi-detached duplex dwelling will be constructed on an existing lot and each semi-detached duplex dwelling unit has been designed to be located on a separate lot.

Furthermore, the applicant has already applied for a building permit, demolition permit, and has obtained demolition control and a zoning occupancy certificate for the proposed new residential dwellings. Staff are in a position to support the application moving forward.



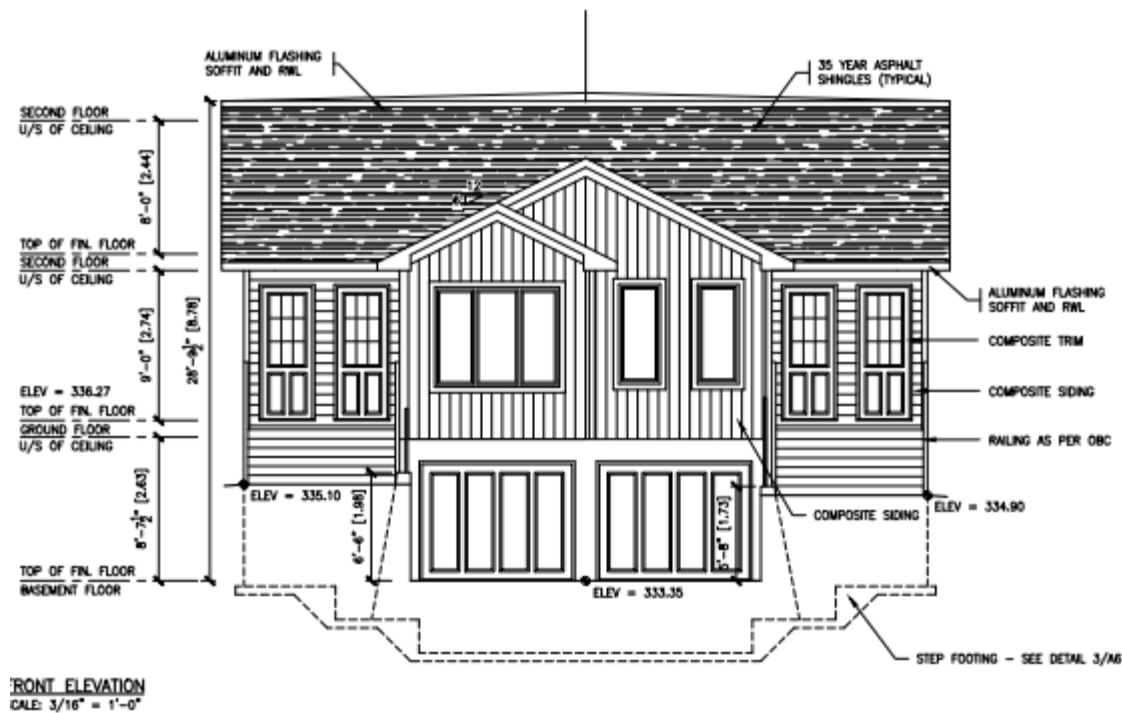


Figure 5: Proposed Front Elevations – Semi-detached duplex dwelling

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. Section 2.2.1 of the PPS promotes providing an appropriate range and mix of housing options and densities to meet projected needs of current and future residents, and sets out a policy framework for sustainable healthy, liveable, and safe communities. The PPS promotes all housing options required to meet the social, health, economic and well being requirements of current and future residents, and all types of residential intensification while promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities. It also supports the use of active transportation and requiring transit supportive development.

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of two new lots for the new semi-detached duplex dwelling that are compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. Therefore, Staff are of the opinion that this proposal is consistent with the PPS.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands 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 infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply 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. Planning staff are of the opinion that the severance application conforms to the Regional Official Plan.

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.

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 width and lot area of the proposed severed and retained lots meets the minimum 'RES-5' zone lot width and lot area requirements. 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 low rise residential uses with lot sizes that vary in width, depth, and area. The subject 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 property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051. The 'RES-5' zones permit a range of low-rise residential dwelling types including single detached, semi-detached and multiple dwellings. The whole of the semi-detached duplex dwelling meets the 'RES-5' zone requirements and each half of the semi-detached duplex dwelling will comply as well.

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. 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. There are existing schools within the neighbourhood. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is good planning and in the public interest.

Environmental Planning Comments:

No natural heritage features/functions, therefore no Environmental planning concerns.

Heritage Planning Comments:

No heritage planning comments or concerns.

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:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, 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, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to niall.melanson@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.
- 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/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 7.92 metres at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

If the lot is *not severed* parkland dedication calculations will be assessed at each building permit and reflect the number of approved units and overall lot area.

There is an existing City-owned street tree along the Stirling Ave S frontage and Forestry staff have agreed that the tree may be removed. **\$5,000.00** in Urban Forest Compensation is required for the removal of this tree prior to final approval of the Consent or issuance of the Building Permits. The owner has been advised of these fees and requirement.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No regional comments or concerns.

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*