

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 9, 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 10

DATE OF REPORT: November 24, 2025

REPORT NO.: DSD-2025-486

SUBJECT: Consent Application B2025-033 – 104 Brentwood Avenue

RECOMMENDATION:

That Consent Application B2025-033 for 104 Brentwood Avenue requesting Consent to create a lot and retain a lot each having a lot width of 7.6 metres on Brentwood Avenue, a lot depth of 36.6 metres, and a lot area of 277.9 square metres to allow each half of a proposed Semi-Detached Dwelling, having 3 Additional Dwelling Units (ADUs) (Attached) to be dealt with independently, 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 provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals.

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

5. 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.
6. That the Owner obtains a Demolition Permit, for the existing detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.
7. That the Owner shall:
 - a) Prepare a Tree Preservation Plan for the Severed and Retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any demolition, grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
 - b) That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.
8. That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
9. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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 a parcel of land that would allow each half of a proposed Semi-Detached Dwelling with 3 attached ADUs be dealt with independently.
- The key finding of this report is the proposal is considered good planning. Semi-Detached Dwellings are a permitted use in the zone category applicable to the subject property and there are no variances required to facilitate the proposed lotting fabric nor the use of a Semi-Detached Dwelling with ADUs. Staff is therefore recommending approval of the Consent Application subject to conditions.
- 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 Brentwood Drive near the intersection of Jackson Avene close to Eastwood Collegiate Institute. The neighbourhood is comprised of a mix of low and mid-rise residential uses. The subject property contains an existing detached dwelling (see Figures 1 and 2) that is proposed to be demolished to construct a Semi-Detached Dwelling with 3 Additional Dwelling Units (ADUs) (Attached).

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. This zone permits the use of a Semi-Detached Dwelling with up to 3 ADUs providing the zoning regulations can be met.

The purpose of the application is to sever a parcel of land to permit each half of a new Semi-Detached Dwelling, with 3 ADUs (Attached) in each side, to be dealt with independently (see Figure 3).

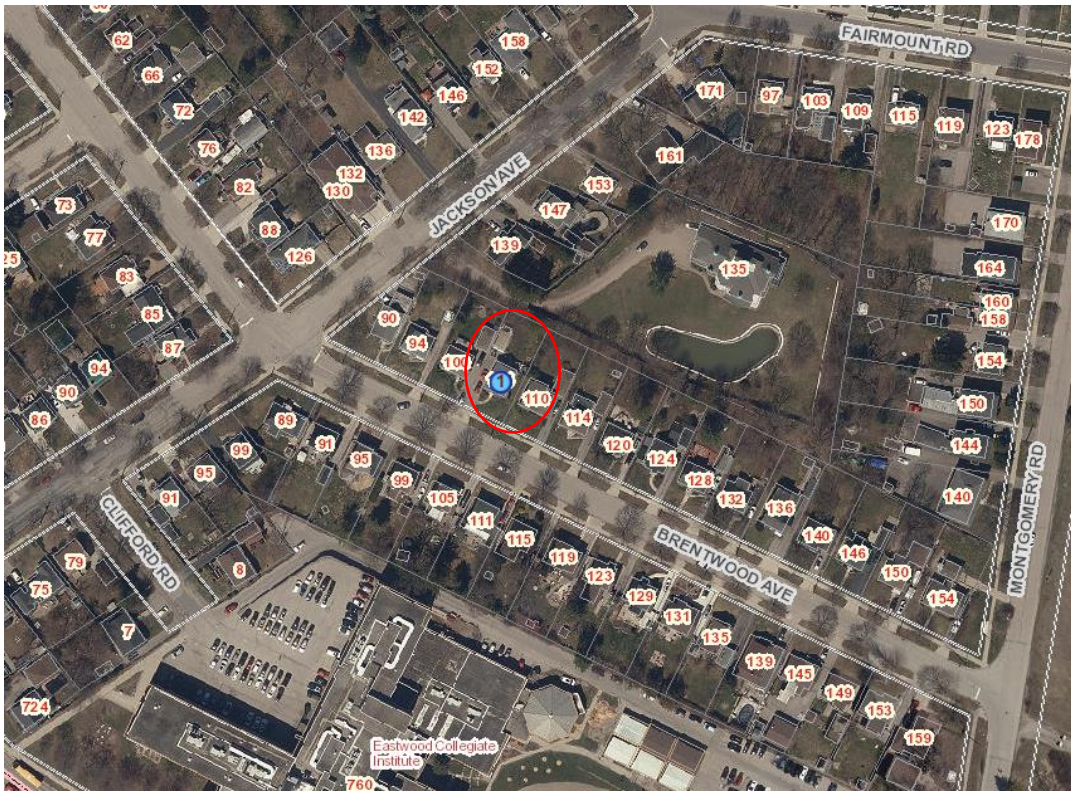


Figure 1 – Aerial Photo of Subject (outlined in red) and Surrounding Lands



Figure 2 – Photo of 104 Brentwood Avenue



THE CORPORATION OF THE CITY OF KITCHENER
ZONING CERTIFICATE

AS REQUIRED BY SECTION 34(6) OF THE PLANNING ACT AND
ZONING BY-LAWS OF THE CITY OF KITCHENER

Certificate Number: 25 110975 Date Issued: October 15, 2025

Address: 104 BRENTWOOD AVE

Permitted Use: Semi-detached Dwelling with 3 Additional Dwelling Units
(attached)


Total # of Units: 4

Zoning: RES-4 Zoning By-law: 2019-051

	Footprint	GFA
Principal Building per Side:	117.46 m ²	227.68 m ²

	Required	Provided
Total Parking Spaces per Side:	2	2
Bicycle Stalls:	2	4

Comments/Conditions:
In accordance with approved Zoning Plan attached.
In accordance with Building Permit 25-119473



Zoning Official for
Director of Planning and Housing Policy,
DSD Department

Important Notice

With authority of the Planning Act, a certificate of zoning occupancy verifies that the use is permitted by the City of Kitchener's Zoning By-Law. A certificate of zoning occupancy does not exempt the recipient from obtaining a building permit and ensuring compliance with Building and Fire Code Regulations, including occupancy requirements under the Building Code.

Figure 4 – Zoning Occupancy Certificate

It is noted that the foundation for the future building/dwelling has not yet been poured and surveyed and a Reference Plan and Building Location Survey were not provided and submitted with the Consent Application. Typically, best practices dictate that prior to the Consent of a property proposed to contain an attached dwelling, the foundation is to be set and surveyed so as to accurately capture the new lot line as constructed. The City is cognisant of the construction challenges and excavation costs that this process poses, and as such, will permit Consent Applications to proceed ahead of the foundation being poured and surveyed. The Applicant is submitting this application with confidence that the future foundation will coincide with the proposed lot dimensions and setbacks, no maintenance easements are necessary and is proceeding with the application at this time

'at their own risk'. A new condition is proposed to be added to these types of Consent Approvals as follows:

“That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals.”

Should the common wall of the foundation not be located on the common lot line, or the setbacks of the building/dwelling do not meet zoning requirements, the Applicant will be required to rectify and/or submit new Committee of Adjustment Applications to resolve the errors and/or deficiencies at their own expense.

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)

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

Staff are satisfied that the proposed infill 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 polices 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 application adheres 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 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). Policy 17.E.20.5 states 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.”

Zoning By-law 2019-051

The property is zoned ‘Low Rise Residential Four Zone (RES-4)’ in Zoning By-law 2019-051. This Zone category permits the use of a Semi-Detached Dwelling with up to 3 ADUs (Attached) providing the zoning regulation can be met. A Zoning Occupancy Certificate has been issued confirming the zoning regulations are being met.

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 lot is desirable and appropriate. The uses of both the severed and retained parcels are in conformity with the City’s Official Plan and Zoning By-law. 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. The severed lands front onto an established public street and are 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:

Request the standard consent condition to enter into an agreement to complete, submit, obtain approval of, and implement a Tree Preservation and Enhancement Plan (TPEP) for both the severed and retained lots, prior to site alteration, demolition and/or building permit. In this case it would be appropriate to require the TPEP as a condition of Final Approval given that a Demolition Permit is required in advance of obtaining the Certificate of the Official. Although the Applicant may not be actively clearing all of the conditions of this Consent at the time of consideration of Demolition Control/Permit of the existing detached dwelling, the Applicant is advised that the TPEP Condition is still applicable and must be approved prior to Demolition Permit issuance.

Heritage Planning Comments:

No 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.
- 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.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.
- The side yard currently accommodates overland stormwater flows. A sidewalk is required to the rear yard in accordance with the Zoning By-law. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Parks and Cemeteries/Forestry Division Comments:

Cash-in-lieu of parkland dedication will be required at the time of severance for 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 7.6 metres and a land value of \$36,080.00 per frontage metre, which equals \$13,710.40. In this case, a per unit cap of \$11,862.00 has been applied.

Transportation Planning Comments:

No concerns.

Region of Waterloo Comments:

Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of \$350.00 per application to the satisfaction of the Region of Waterloo.

GRCA Comments:

No concerns.

SNGREC 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*