

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: December 13, 2022

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Julian Lee, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: December 7, 2022

REPORT NO.: DSD-2022-491

SUBJECT: Consent Application B2022-060 – 17 Nelson Avenue

RECOMMENDATION:

That Consent Application B2022-060 requesting consent to sever a parcel of land having a lot width of 18.26 metres, a lot depth of 137.84 metres and a lot area of 2517.2 square metres, from the property municipally addressed as 17 Nelson Avenue to be conveyed as a lot addition to the property municipally addressed as 11 Norbert Place, BE APPROVED subject to the following conditions:

1. That the property 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 property 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 property 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 lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands, addressed as 11 Norbert Place. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
5. That the property owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a

reasonable time following registration.

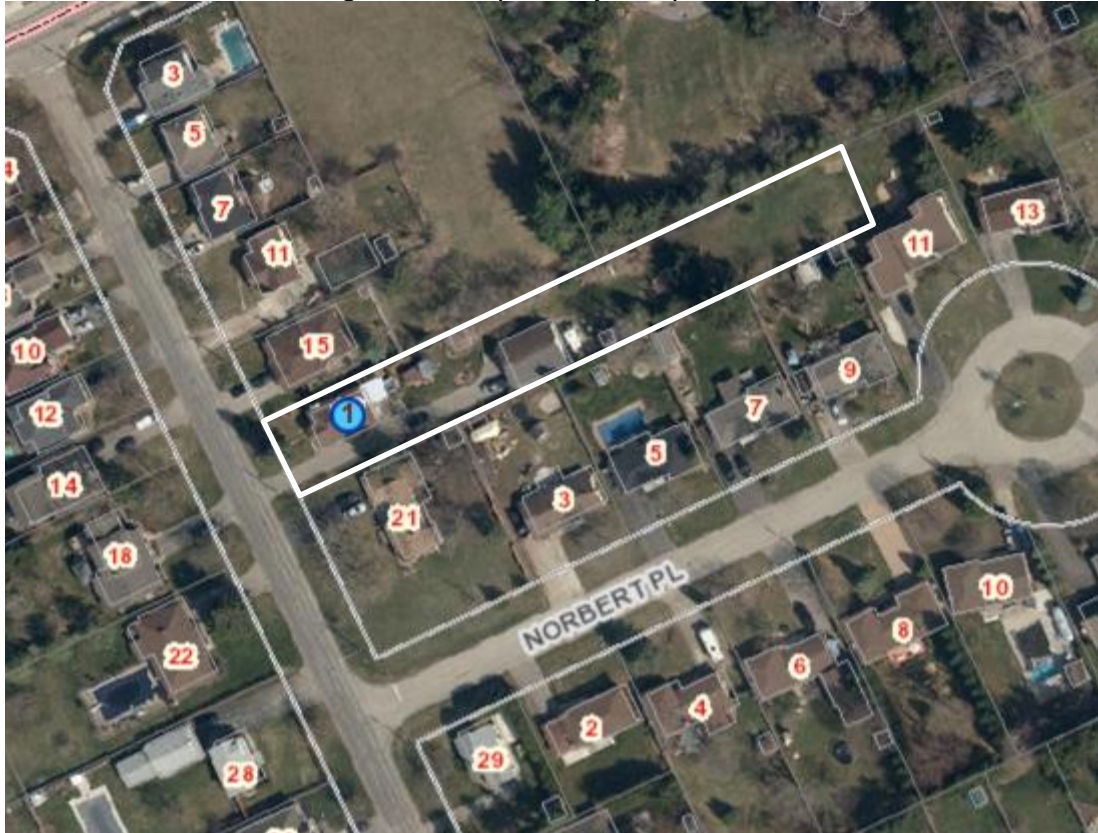
6. That, prior to final approval, the property owner shall make financial arrangements for the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is that the applicant is requesting to sever the existing lot to convey the severed portion of the existing parcel as a lot addition to 11 Norbert Place.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the easterly side of Nelson Avenue in the Bridgeport East neighbourhood. The surrounding context is primarily comprised of low rise residential uses.



Location Map – 17 Nelson Avenue

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 'Residential Three Zone (R-3)' in Zoning By-law 85-1.

The purpose of the application is to request consent to sever a rear portion of the existing property, municipally addressed as 17 Nelson Avenue, and convey as a lot addition to the property municipally addressed as 11 Norbert Place. The retained lands will have a lot area of 2365.1 square metres, a

lot depth of 129.52 metres, and a lot width of 18.27 metres. The severed lands to be conveyed will have a lot area of 152.1 square metres, a lot width of 18.26 metres, and a lot depth of 8.34 metres.



Photo of Subject Property

Planning staff conducted a site visit on December 5th, 2022.

REPORT:

Planning Comments:

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

Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Planning staff are of the opinion that severing the existing property to facilitate the conveyance of the severed portion to 11 Norbert Place is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation.

Policy 2.2.6.1(a) Municipalities will support housing choice through the achievement of the minimum intensification and targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

The subject lands are located within the City's delineated built up area. The proposed severance and conveyance represent efficient use of existing land and infrastructure. Staff are of the opinion that the consent application is consistent with the Growth Plan.

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 'Urban Growth Centres' 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 Area 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 retained lands will have a lot area of 2365.1 square metres, a lot depth of 129.52 metres, and a lot width of 18.27 metres. The severed lands to be conveyed as a lot addition to 11 Norbert Place will have a lot area of 152.1 square metres, a lot width of 18.26 metres, and a lot depth of 8.34 metres. Staff are of the opinion that the size, dimensions, and shape of both the subject property and 11 Norbert Place are compatible with the surrounding neighbourhood. Both properties 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.

The consent application will have the effect of readjusting the boundary between the properties addressed as 17 Nelson Avenue and 11 Norbert Place and provide the property at 11 Norbert Place with a more regular in shape standard lot size and a more useable rear yard

Staff are of the opinion that the proposed consent application conforms with the City's Official Plan.

Zoning By-law 85-1

The subject property is zoned 'Residential Three Zone (R-3)' in Zoning By-law 85-1. The R-3 zone requires a 13.7 metre lot width and a 411 square metre lot area. Both the retained lands and the property to which the severed lands will be added exceed the minimum required lot area and lot width zone 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 lot is desirable and appropriate.

The uses of both the retained lands and the lands to which the lot addition is proposed, 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 both resultant 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 or tree management policies as no new development is proposed.

Heritage Planning Comments:

There are no heritage concerns. The property municipally addressed as 17 Nelson Avenue was reviewed for the Kitchener Heritage Inventory in 2010 and determined to have no cultural heritage interest or value.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

No park dedication is required as the application proposes a lot addition and no new development lot is created.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Region of Waterloo Comments:

The owner/applicant is proposing to sever the existing lot as a lot addition from 17 Nelson Avenue to 11 Norbert Place.

Regional Fee:

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.

GRCA 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 Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

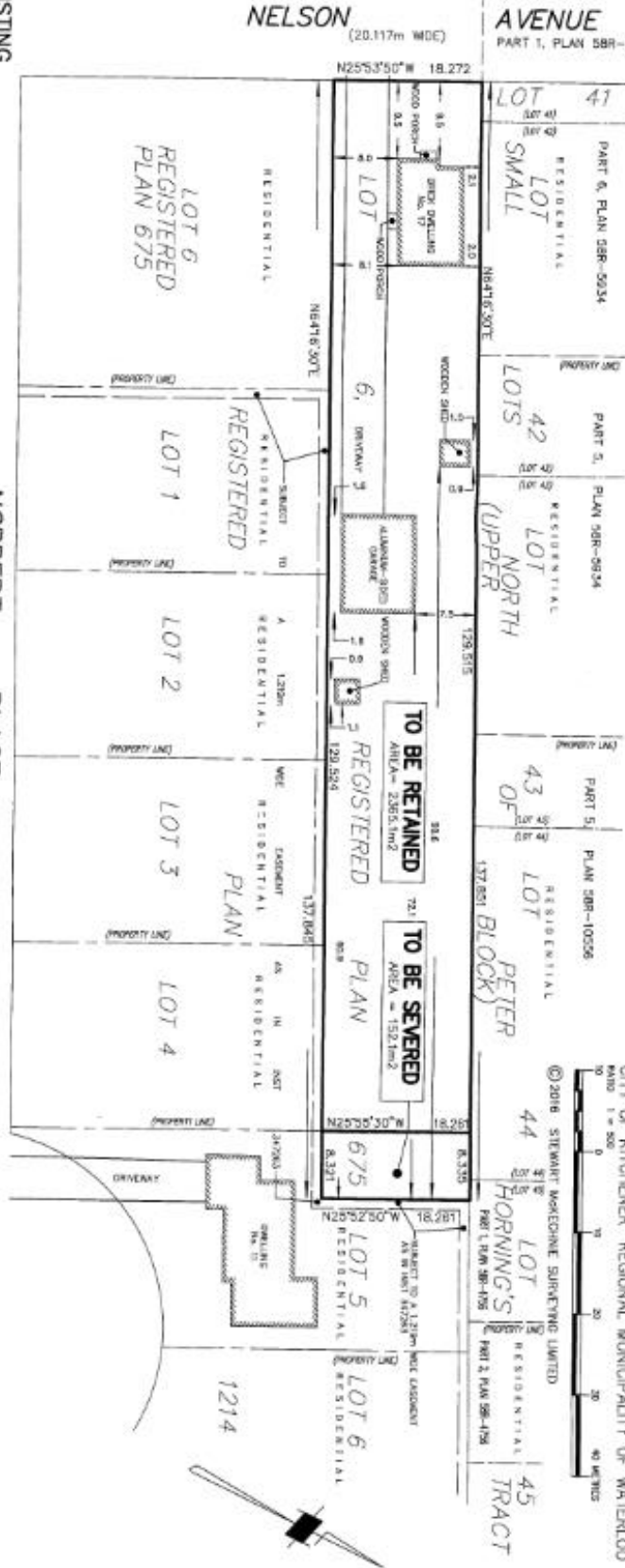
Attachment A – Severance Sketch of Subject Property

CAUTION: THIS IS NOT A PLAN OF SURVEY

SUBMISSION No. B-

SKETCH FOR PLANNING PURPOSES
PART OF LOT 6, REGISTERED PLAN 675
(FORMERLY VILLAGE OF BRIDGEPORT)
CITY OF KITCHENER REGIONAL MUNICIPALITY OF WATERLOO

© 2016 STEWART MCKECHNIE SURVEYING LIMITED
SCALE 1" = 50'
NAD 83
MAY 10 2016



EXISTING
MUNICIPAL 17 NELSON AVENUE
CURRENT USE: SINGLE DWELLING
OFFICIAL PLAN DESIGNATION IS LOW RISE RESIDENTIAL
ZONING BY-LAW NO. 1, AS CONSOLIDATED.
PART OF LOT 6, REGISTERED PLAN 675 (CITY
OF KITCHENER) IS SHOWN AS SEVERED (1/4 W/4E Q/4, 2017)
AND IDENTIFIED BY PLAN 2201-0054 (1/7)
REGISTERED OWNER ON 2016/03/28: PIN 22001-0054(1/7)
HANSER KATHA
STENBOCK, JAMES ANTHONY

PROPOSED
SEVERING A PORTION OF THE SUBJECT PROPERTY
SHOWN HEREON AS "TO BE SEVERED" AND ADDING IT
TO ADJACENT PROPERTY TO EAST

ALL BUILDINGS TO BE APPROXIMATE ONLY
AND SUBJECT TO A COMPLETE EROSION SURVEY
ALL BUILDINGS AND DRIVEWAYS SHOWN HEREON
ARE NOT TO BE CONSIDERED AS PART OF THE
SUBJECT PROPERTY TO EAST

McKECHNIE SURVEYING
LTD.
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WATERLOO, ONTARIO
TEL: (519) 578-5570
FAX: (519) 578-3491
email: info@stewartmckechnie.com

DATE: JULY 6/16
DRAWN BY: JH
FILE No. 16-011
PLAN No. BB-706

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FOR: CHRS KREUTZKAMP

Severance Sketch of Subject Property