

# PLANNING JUSTIFICATION REPORT

Consent to Sever a Residential Lot

709 Glasgow Street  
City of Kitchener

Date:

**January 3, 2023**

Prepared for:

**John Gallivan and Susan Homer**

Prepared by:

**MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC)**

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File: 21208'A'

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# 1.0 INTRODUCTION

MacNaughton Hermesen Britton Clarkson Planning Limited (hereinafter “MHBC”) was retained by John Gallivan and Susan Homer (hereinafter the “Owners”) to provide justification in support of an application to sever one residential lot at 709 Glasgow Street in the Westmount neighbourhood in the City of Kitchener, for the development of a new residential building lot.

The property is municipally addressed as 709 Glasgow Street and is hereinafter referred to as the “subject property”. The subject property is comprised of one 6,624 m<sup>2</sup> (0.66 hectare) parcel fronting onto Glasgow, which is illustrated on **Figure 1 Location & Neighbourhood Context**. The property contains an existing 2 story single-detached residential dwelling towards the rear of the property that was built in the 1970’s.

The Owners are looking to sever the subject property creating one (1) new residential lot and retaining one (1) residential lot.

The proposed severance would create a lot that has approximately 20 metres of frontage onto Glasgow Street, and would be 2,581m<sup>2</sup> (0.26 hectares) in size. Both lots would be appropriately serviced by municipal water and wastewater treatment systems.

The retained lot would have approximately 25 metres of frontage onto Glasgow Street and would be 4043 m<sup>2</sup> (0.40 hectares) in size.

A Pre-Submission Consultation was held on September 30, 2021 which confirmed requirements for submission of a complete application include the following:

- A Planning Opinion that addresses policy conformity; compatibility with surrounding lot sizes and neighbourhood character to justify compatibility; setbacks and limits of development; impacts; preliminary servicing; confirmation of good planning;
- Tree Management Plan;
- Applications for Consent and Minor variance.

Accordingly, in support of the application we have included the following:

- Planning Opinion Report including analysis of Neighbourhood compatibility and demonstration of how the proposal meets the Four Tests of a Minor Variance.
- One (1) copy of each of the Consent to Sever and Minor Variance Applications, completed, signed and commissioned in PDF Format;





## Figure 1: Location and Neighbourhood Context

**709 Glasgow Street**  
Pt Lt 44 PI 793 Kitchener Pt 1,  
58r-12693 & Pt 2, 58r-1423; Kitchener

### LEGEND



Subject Lands 6,624.5 m<sup>2</sup>

Lot A: Lands to be retained: 4,043.1 m<sup>2</sup>

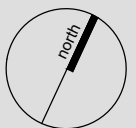
Lot B: Lands to be severed: 2,581.4 m<sup>2</sup>

**DATE:** January 5, 2023

**SCALE:** 1: 4,000

**FILE:** 21208A

**DRAWN:** CCF



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URBAN DESIGN  
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P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Source: Air Photo retrieved from Region of Waterloo (c) 2020, Parcels (c) King's Printer, 2022



- One (1) cheque in the amount of \$4300 made payable to the City of Kitchener; One (1) cheque one (1) cheque in the amount of \$650, made payable Regional Municipality of Waterloo (provided directly to Region of Waterloo);
- One (1) copy of the Severance Sketch, prepared by Van Harten Surveying Inc., dated December 14, 2022;
- Arborist/Tree Saving Report, prepared by MHBC Planning, dated September 13, 2022.

## 2.0 CONTEXT

### 2.1 Site

The subject property at 709 Glasgow Street is comprised of one 6,624m<sup>2</sup> (0.66 hectare) parcel fronting onto Glasgow Street within the Westmount Planning Area of the City of Kitchener. The subject property is located on the south side of Glasgow Street, between Fischer Hallman Road and Westmount Road West. The subject property is legally described as *Part of Lot 44, Registered Plan 793*.

The subject property contains the existing 2 story single-detached residential dwelling built in 1976 that is located near the back of the lot.

The house is situated at the top of a gentle upward slope and there is a relatively flat, grassed front lawn area with a mature tree stand screening the house from street view and as well there are many trees along the perimeter and to the rear of the existing house. There is an existing driveway at the eastern limits of the property that circles in front of the house. It is intended that this driveway entrance will service the newly created lot and a new driveway and entrance will be created to serve the existing residential dwelling. The proposed single detached dwelling will be situated directly adjacent to the existing house with a similar setback and will comply with all yard setback requirements of the Zoning Bylaw.

***View of Subject Property from Glasgow Street***



## 2.2 Surrounding Land Uses

The subject property is situated within the Westmount neighbourhood in the City of Kitchener. The lands fronting Glasgow Street were historically developed with larger estate style single-detached homes on larger lots. However, some properties in the area have been developed at a greater density including developments directly north and to the east of the subject lands. Westmount Golf Course is also located on the north side of Glasgow Street across from the subject lands. The lands are well served by existing public and secondary schools, community facilities as well as active parks and natural areas. The lands are serviced by municipal water and wastewater services.

The property is surrounded primarily by residential uses as illustrated in Figure 1.

**North:** Residential Townhomes and Westmount Golf Course

**West:** Single detached dwellings

**South:** Residential subdivision on relatively smaller lots

**East:** Residential lots of varying sizes

## 2.3 Background

A Pre-submission consultation meeting was held on September 30, 2021 for which the comment record has been included as **Appendix A**. This report is intended to satisfy the requirements to form a complete application for the proposed severance to create a lot for single-detached residential development.

# 3.0 DESCRIPTION OF PROPOSAL

## 3.1 Proposed Severance

The application proposes to create one (1) new residential building lot, and one (1) retained residential lot with an existing dwelling. A new residential dwelling is proposed for the severed lot and the proposed building envelope has been identified on the Severance Sketch prepared by Van Harten Surveying Inc., dated December 14, 2022 and attached as **Appendix B**. The proposed building envelope will have sufficient space to accommodate a variety of building configurations. **Figure 2** illustrates the proposed severance sketch.

## 3.2 Westmount Neighbourhood Compatibility

The City of Kitchener encourages development that is compatible with the location, density and other characteristics of surrounding land uses. The land use compatibility of the severance needs to address the impacts of surrounding land uses and the impacts of the proposed development on surrounding land uses.

As **Figure 1** demonstrates, the properties forming the Westmount Planning Area are largely single-detached residential dwelling on relatively large lots that vary in width, depth, and area.

The proposed severance will result in severed and retained lots that will be compatible with other residential lots in the Westmount Area. The retained and severed lots will have lot widths, areas, depths and front yard setbacks that fall within the range of the other lots within the Westmount Area. In addition, the proposed larger front yard setback from Glasgow Street is in keeping with the existing homes fronting the south side of Glasgow Street.

Therefore, the introduction of a new lot and future residential dwelling will be compatible with the other lots and dwellings within the Westmount Area, and would be in keeping with the existing lot fabric, in terms of lot width, area, and depth. The same will be true of the retained lot.

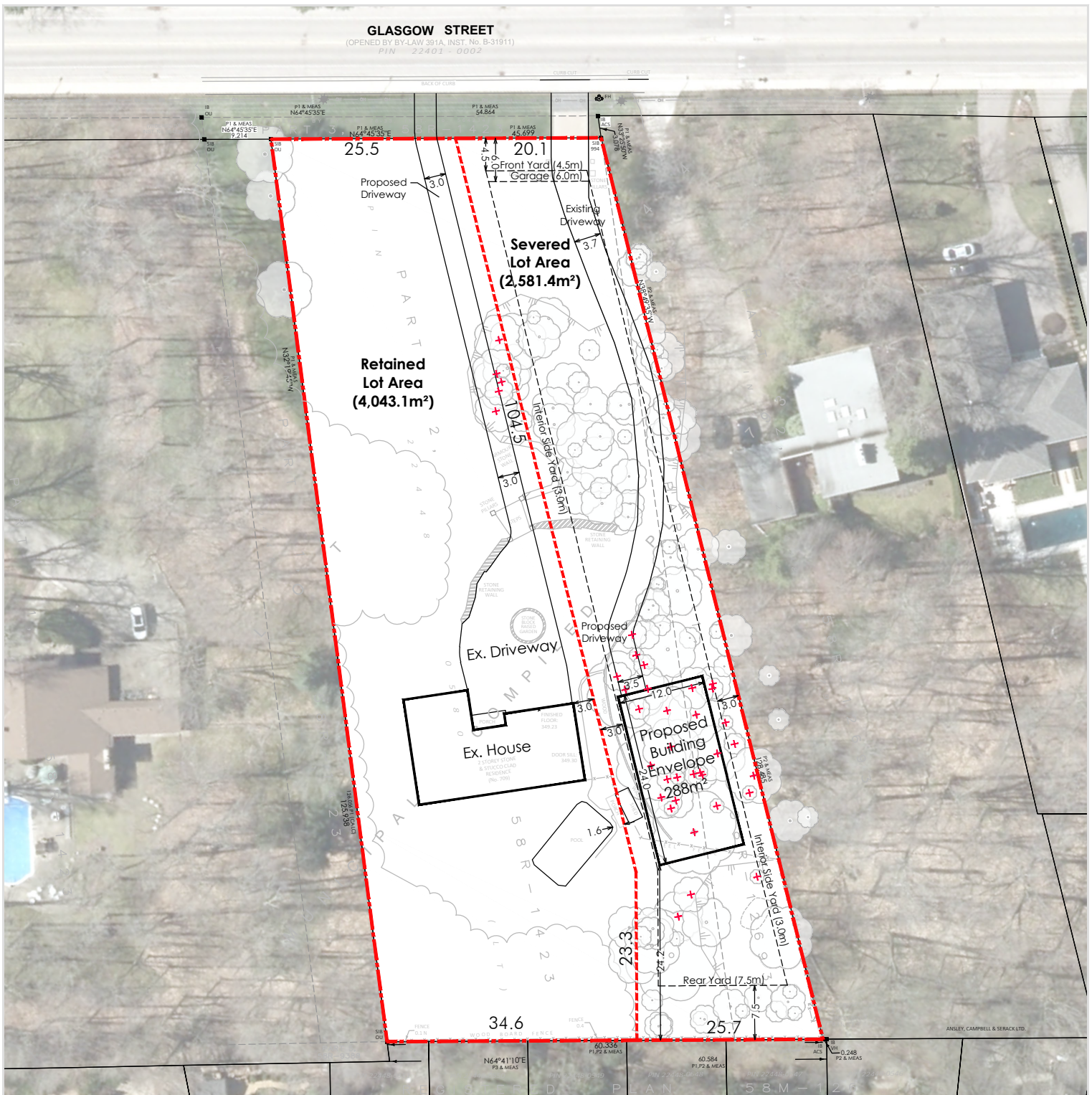
# 4.0 SUMMARY OF TECHNICAL STUDIES

## 4.1 Tree Management

A Tree Inventory, Management and Protection Plan was prepared by MHBC Planning in September 2022 to identify and map existing trees on the subject property in relation to all existing buildings, structures, and hard surfaces. The plan shows the extent of the tree crowns and identifies those trees that are unhealthy and/or should be removed for proposed construction purposes. In this regard, no significant or endangered species were identified on the property. All trees adjacent to the proposed building site will be protected and retained as per the Tree Protection Recommendations.

The tree management plan surveyed a total of 211 trees located largely on the severed lands and included trees along easterly property limit and within the property located directly to the east. It was determined that a total of thirty-six (36) trees will require removal on the proposed severed lands within the area proposed for the building footprint of the new dwelling. The remaining 175 trees, in addition to trees located on the retained parcel and the adjacent property directly to the east will be preserved. The tree species slated for removal include Black/Domestic Cherry, Sugar Maple, Ash and American Beech. A number of trees along the easterly property limit in the vicinity of the proposed building envelope will be removed to facilitate construction however, the existing trees on the neighbouring property to the east coupled with additional plantings that will occur as part of the landscaping proposed to accompany the development are intended to supplement the tree removals and thereby maintain, buffering and privacy for the existing adjacent residential properties to the east and south of the subject lands. **Figure 2** illustrates the proposed severance sketch as well as the trees that are proposed to be removed to accommodate the new single-detached dwelling.





**Figure 2:  
Severance  
Concept Plan**

**LEGEND**



Subject Lands 6,624.5m<sup>2</sup>



Tree to be removed (refer to tree management plan)

Lands to be severed: 2,581.4m<sup>2</sup>

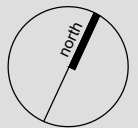
Lands to remain: 4,043.1m<sup>2</sup>

**DATE:** January 5, 2023

**SCALE:** 1: 750

**FILE:** 21208A

**DRAWN:** GC and CCF



K:\21208A- 709 GLASGOW\RP\TIF2\_SEVERANCE SKETCH\_05JAN2023.DWG

**709 Glasgow Street**  
Pt Lt 44 PI 793 Kitchener Pt 1,  
58r-12693 & Pt 2, 58r-1423; Kitchener

Source: Air Photo retrieved from Region of Waterloo (c) 2020, Parcels (c) King's Printer, 2022

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# 5.0 PLANNING ANALYSIS

This section demonstrates that the proposed severance is consistent with and conforms to the applicable Provincial, Regional, and Municipal planning regulatory frameworks.

The following sections provide justification as to how the proposed severance, is consistent with the 2020 Provincial Policy Statement, conforms to the policies of A Place to Grow, the Regional Official Policies Plan, and is consistent with the City of Kitchener Official Plan and Zoning By-law. The severed and retained parcels would front onto an existing, and established open road, and no new road is required. Additionally, the following will provide justification as to how the proposed applications and development conform to the provisions of Section 53(1) of the Planning Act.

## 5.1 Provincial Policy Statement

The Provincial Policy Statement (2020) (hereinafter referred to as the "PPS") applies to planning decisions made on or after May 1, 2020. As a result, the 2020 PPS is applicable to the proposed severance of the subject property.

The PPS is a consolidated statement of the government's policies on land use planning. It gives provincial policy direction on key land use planning issues that affect communities, such as the efficient use and management of land and infrastructure, or the provision of sufficient housing to meet changing needs, among others. The PPS policies relevant to the proposal and subject property have been reviewed and analyzed as part of this analysis.

**Policy 1.1.1** of the PPS states that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting 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;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
  - g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
  - h) promoting development and land use patterns that conserve biodiversity; and*
  - i) preparing for the regional and local impacts of a changing climate.*

The proposal supports these objectives by:

- Contributing to efficient development and land use patterns through the intensification of land that located within a settlement area;
- Contributing to the range and mix of residential uses in the Westmount neighbourhood; and
- Providing residential intensification and the efficient utilization of land, thereby, promoting cost-effective development patterns which would help sustain the financial well-being of the City of Kitchener.

**Policy 1.1.3.1** states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The subject property is located within a Settlement area.

**Policy 1.1.3.2** states that land use patterns within settlement areas shall be based on densities and a mix of land uses which

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive*

The proposed development will provide for an efficient use of land and resources by intensifying a property which has the capacity to accommodate residential uses in an established settlement area.

The proposed uses will be connected to public water and sanitary services.

In addition, the subject property is located on a municipal road and does not require extensive alteration to the site to function as intended. There are no anticipated negative impacts to air quality and climate change expected.

**Policy 1.1.3.4** states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form. The proposed severance would provide for intensification of a site which has the capacity to accommodate such uses.

Section 1.4 provides the policy framework related to housing.

**Policy 1.4.1** states that, in order to provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

*a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

*b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The proposed severance would contribute to the range and mix of housing types and densities through the residential intensification and redevelopment of the proposed new lot. The subject property is located within a designated Built up area. According to the City of Kitchener Official Plan, the City encourages the provision of new dwelling units in built-up areas.

The proposed severance would contribute to the range and mix of housing types and densities, thereby: helping to reach targets for the provision of housing; providing additional housing and residential intensification; and, providing efficient use of land in an area that is well served by existing public infrastructure.

**The proposed severance is consistent with the 2020 Provincial Policy Statement.**

## **5.2 A Place to Grow - Growth Plan for the Greater Golden Horseshoe**

A Place to Grow came into effect on August 26, 2020. This Plan is the framework for implementing the Provincial Government’s initiative to plan for growth and development in a way that supports the economic prosperity, protects the environment, and helps communities achieve a high quality of life. The preamble of the Growth Plan sets out those areas where intensification should occur, prioritizing

settlement areas and more particularly within settlement areas, growth will be focused in delineated built-up areas. In this regard, the subject lands are within a delineated built-up area.

The 2020 Growth Plan is designed to help manage growth so communities in the Greater Golden Horseshoe can develop in ways that expand economic opportunity, increase housing supply and protect jobs while maintaining protections for the Greenbelt, agricultural lands, the agri-food sector and cultural and natural heritage systems.

The policies of the Growth Plan centre on the key themes of directing the vast majority of growth to settlement areas and delineated built-up areas, and among other things: the provision of a sufficient housing supply that reflects market demand and what is needed in local communities; and, a healthy mix of residential and employment land uses. The guiding principles of the Plan include, for example:

- Supporting the achievement of complete communities;
- Prioritizing intensification and higher densities in strategic growth areas;
- Supporting a range and mix of housing options, including second units and affordable housing;
- Improving the integration of land use planning with planning and investment in infrastructure and public service facilities;
- Providing for different approaches to manage growth that recognize the diversity of communities in the GGH;
- Protecting and enhance natural heritage, hydrologic, and landform systems, features, and functions; and
- Conserving and promoting cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.

Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification. The subject property is located within a settlement area and more specifically a delineated built-up area;

The proposed consent application will result in a new residential building lot capable of supporting new residential development (i.e. a unit) in a designated built up area with approved zoning and designation in an official plan that permits this type of development.

**Therefore, the proposed severance conforms to A Place to Grow**

## **5.3 Regional of Waterloo Official Plan**

The Regional Official Plan (ROP) was approved by the Ministry of Municipal Affairs and Housing (MMAH) with modifications on December 22, 2010, and approved, with amendments, by the Ontario Municipal Board on June 14, 2015. The ROP was processed as a municipal comprehensive review and represents the Region's conformity exercise with respect to the 2006 Growth Plan for the Greater Golden Horseshoe. As of today's date, the Region is undertaking a Municipal

Comprehensive Review process to implement A Place to Growth – Growth Plan (2020) and the Provincial Policy Statement (2020).

In 2003, Regional Council adopted the Regional Growth Management Strategy (RGMS) which provides a common vision for the future growth of Waterloo Region. As part of the RGMS, the Region has been planning in an integrated, cross-departmental way to meet the needs of a growing population. Through the adoption of the RGMS, Regional Council identified reurbanization as a cornerstone to the sustainable growth of this community. The intent of reurbanization is to direct new residential and non-residential development into targeted areas within the built-up area to slow the rate of expansion into the peripheral greenfield lands. In doing so, the community can make better use of existing urban people to live and work and by improving access to essential human services and programs.

Chapter 3 of the ROP provides policy direction with respect to “Liveability” in Waterloo Region. The proposed severance is subject to the Range and Mix of Housing policies (Policies 3.A) of the ROP. Specifically,

**3.A.3** *The Region encourages Area Municipalities to permit, wherever appropriate, individual lot intensification, such as secondary apartments and garden suites in residential neighbourhoods, where health, safety, servicing and other reasonable standards or criteria can be met.*

The proposed severance and minor variance would permit the development of a new residential unit, thereby, intensifying an individual lot in an existing residential neighbourhood.

**The proposed severance conforms to the Regional Official Plan, 2015.**

## 5.4 City of Kitchener Official Plan

The City of Kitchener Official Plan was adopted in 2014 through the approval of Official Plan Amendment 103. The 2014 Official Plan establishes a community structure and identifies the subject lands as being within Community Area in the Urban Structure of the City of Kitchener. Residential development is permitted within Community Areas as per Section 3.C.2.50. Policy 3.C.2.51 provides that areas within the Community Area structure will include Low Rise Residential land uses and further Policy 3C2.52 provides that limited intensification may be permitted within Community Areas subject to being sensitive and compatible with the character, form and planned function of the surrounding context.

The lands are designated Low Rise Residential as identified on Map 3 of the City’s Official Plan.

The following relevant policies apply to the subject lands:

- 15.D.3.9. The City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form;

- 15.D.3.10. The maximum net residential density for lands which are designated Low Rise Residential will be 30 units per hectare;
- 15.D.3.11. A maximum Floor Space Ratio of 0.6 will apply to all development and redevelopment. Site-specific increases to allow up to a maximum Floor Space Ratio of 0.75 may be considered where it can be demonstrated that the increase in the Floor Space Ratio is compatible and meets the general intent of the policies in this Plan. An Official Plan Amendment will be required to consider an increase in the Floor Space Ratio greater than 0.75;
- 15.D.3.12. No building will exceed 3 storeys or 11 metres in height, at the highest grade elevation. Relief from the building height may be considered for properties with unusual grade conditions and for buildings and/or structures with increased floor to ceiling heights and architectural features provided the increased building height is compatible with the built form and physical character of the neighbourhood;
- 15.D.3.13. Notwithstanding Policy 15.D.3.12, a maximum building height of 4 storeys or 14 metres, at the highest grade elevation, whichever is the lesser, may be permitted on lands having primary frontage on to a Regional Road or City Arterial Street;
- 15.D.3.14. The predominant land use within the Low Rise Residential designation will be residential but it is intended that complementary non-residential land uses may be permitted to locate within this designation subject to any locational criteria and the appropriate zoning being in place.

**The proposed development meets the density, height and use provisions as per Section 15 of the Official Plan.**

In addition, Section 17.E.20.5 provides that: 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.

In this regard, the proposed lot will comply with zoning regulations except for lot width on the newly created severed lands and accordingly a minor variance application has been submitted concurrently with the consent application to address this minor deficiency. The proposed new lot reflects the overall character of the surrounding neighbourhood as illustrated in **Figure 1**. The lots will have frontage on a public street where municipal water and sanitary services are available, a Plan of Subdivision is not appropriate for the scale of development and the lot configuration will not restrict development on adjacent properties.

In addition, Section 8 of the City's Official Plan provides policy direction to protect, manage and enhance the urban forest through best management practices which are economically, ecologically, and socially desirable. In this regard, a Preliminary Tree Management plan has been prepared which surveyed 211 trees located largely on the newly created severed parcel and recommends removal of a total of 36 trees which are located primarily in the vicinity of the building envelope area including 5 trees in the area proposed to accommodate a new driveway access to the existing dwelling located on the proposed retained lands. There are additional trees located on the proposed retained lands at the rear of the property and along the westerly perimeter of the property limits which will not be impacted by the proposed development. Consideration has been given to maintaining as many trees as possible in addition to retaining existing screening and views for lands located to the east and south.

Specifically Policy 8.C.2.6 speaks to encouraging new development to protect and conserve existing healthy trees in accordance with Urban Design policies. In this regard, the tree removals have been minimized as much as possible to reduce adverse impacts to existing trees on adjacent properties to the east and south and to maintain existing building setbacks from the street such that street views and buffering of adjacent lands are protected. Further, Policy 8.C.2.16 requires preparation of a Tree Management Plan. In this regard, a Preliminary Tree Management Plan has been prepared which justifies the removal of 36 trees to accommodate the proposed building envelope and new driveway location. The plan will be further refined in conjunction with the final grading and drainage plan prior to building permit issuance in order to protect the balance of trees and respect existing buffers and maintain appropriate tree coverage with potential for tree replacement where deemed appropriate.

**Accordingly, the proposed development will meet all the requirements of the City of Kitchener Official Plan.**

## 5.5 The Planning Act, R.S.O. 1990

Section 53 (1) of the Planning Act R.S.O. 1990 states that:

*An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32.*

Section 53(12) of the Planning Act R.S.O. 1990 states that when determining whether provisional consent should be given, regard shall be had for the matters under Section 51(24). As such, the proposed new lots have regard for the following matters:

Criteria	Response
<i>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	The effect of the proposed consent application will not have a negative impact on matters of provincial interest as identified in Section 2 of the Planning Act.
<i>(b) whether the proposed subdivision is premature or in the public interest;</i>	The proposed consent application is not premature, as the subject property is located within the Built Up Area of the City of Kitchener where infill development is encouraged. Further, the subject property is designated in the Official Plan as Low Rise Residential which permits density to a maximum of 30 units per hectare. The proposed development meets this criteria.
<i>(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed consent application conforms to the policies of the City of Kitchener Official Plan and would permit a similar urban form to the adjacent and neighbouring properties within the existing neighbourhood.
<i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i>	The subject lands are located within the City of Kitchener Built Up Area and are designated and zoned for low rise residential use. Therefore, the lands are suitable for the purpose for which they are to be severed.
<i>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	Not applicable – Affordable housing units are not proposed as part of these planning applications.
<i>(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	Not applicable – New roads are not required or proposed as part of these planning applications.
<i>(f) the dimensions and shapes of the proposed lots;</i>	The proposed lot is of a size that will allow for a single detached house similar in scale to those in the surrounding neighbourhood. The frontage of the



	resulting retained lot will be in compliance with the City's Zoning By-law, and the lot shape and size are appropriate and compatible with the neighbourhood and surrounding properties. The newly created lot will not meet the lot width requirements of the zoning bylaw and accordingly a minor variance is required and will be applied for simultaneously with the consent application.
<i>(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	There are no conflicting restrictions on the severed or retained lots.
<i>(h) conservation of natural resources and flood control;</i>	The lands do not contain any identified or protected natural heritage resources. A Tree Management Plan has been prepared in support of the severance application, and is submitted concurrently with this application. The lands are outside of the floodplain, and are not located within the Grand River Conservation Authority's regulated area.
<i>(i) the adequacy of utilities and municipal services;</i>	The subject property is located within the City of Kitchener and have access to full municipal water and wastewater services.
<i>(j) the adequacy of school sites;</i>	There are adequate school facilities to accommodate and additional residential dwelling unit.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	Not applicable – No land is proposed to be conveyed for public purposes as part of these planning applications.
<i>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The proposed severances will allow for infill and intensification within an existing Built-Up area, thereby resulting in an efficient use of land.
<i>(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).</i>	Not applicable – the proposed type of development does not require site plan approval.

The proposed severance conforms to the policies of the City of Kitchener Official Plan and the Regional Official Plan, and the proposed lot configuration is in compliance with the requirements of the City's Zoning By-law. The severed and retained parcels have frontage on an existing open road and no new

road or widening will be required for the proposed severance; and, the proposed severance conforms to Part VI (Subdivision of Land), Section 53(1) (Consents) of the Planning Act.

## 5.6 City of Kitchener Zoning By-law 2019-051

The City of Kitchener Zoning By-law 2019-051 is currently in force and effect and regulates the use of land and provides regulations for the location of buildings and structures, building height, density, parking facilities and landscaping to ensure orderly development within the City of Kitchener.

The subject property is zoned Residential One (RES-1). The intent of the RES – 1 zone is to permit primarily single and duplex residential uses with accessory buildings or structures.

The proposed severance would result in one new residential building lot. A new single-detached residential dwelling would be a permitted use on the new residential lot. The following table illustrates compliance with the performance standards of the City of Kitchener Zoning Bylaw 2019-051 for the proposed severed and retained lots.

Notwithstanding the minimum zoning requirements, the proposed lot would provide sufficient space to allow for a home to be built in a similar scale/size as those in the surrounding neighbourhood. The proposed building lot is of sufficient size such that all of the setbacks can be achieved and still leave a building envelope large enough to accommodate a home similar to those in the surrounding neighbourhood. A minor variance is required to accommodate a reduced lot width from the 24 metre requirement to 20 metres on the proposed severed lot (Parcel B).

*Table 1 - Zoning Compliance Table (Zoning Bylaw 2019-051)*

Residential One (RES-1) Regulations	Zoning By-law Requirement	Severed Lot Parcel B	Retained Lot Parcel A
Minimum Lot Area	929 m <sup>2</sup>	2,581 m <sup>2</sup>	4,043 m <sup>2</sup>
Minimum Lot Width	24 m	20 m	25 m
Minimum Front Yard	6 m 4.5 m (to garage)	+/-75 m	+/-75 m
Maximum Building Height	11.0 m	9 m	9 m
Minimum Interior Side Yard	3.0 m	3.6	3.0 m
Minimum Rear Yard	7.5	+/-24 m	+/-30 m
Maximum Lot Coverage	55%	9%	5%
Maximum Number of Storeys	3	2	2

\*Denotes minor variance required

## 5.7 Four Tests of Minor Variance

### 1. Is the general intent and purpose of the Official Plan maintained?

The subject property is designated as “Low Rise Residential” within the City’s Official Plan (OP). The purpose of the Community Areas designation and further Low Rise Residential classification permits limited intensification provided the proposed development is sensitive and compatible with the character, form and planned function of the surrounding context. Additional policy analysis is provided under Section 4.4 above. The proposed development will meet all the Low Rise Residential policy requirements for use, density, Floor Space Ratio and height as provided by Section 15 of the Official Plan and additionally meets the Consent policies contained in Section 17 of the Official Plan.

The proposed variances would allow for modest intensification and infilling in an existing established neighbourhood that contains a variety of low rise residential dwelling built forms. A number of smaller lot sizes have been created within close proximity to the subject lands and the proposed development is in keeping with the existing neighbourhood character. Therefore, it is our opinion that requested variance for lot width reduction for the severed lands only maintain the general intent and purpose of the Official Plan.

### 2. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variance requests a reduction in the lot width from 24 metres to 20 metres for Part B only (severed parcel as illustrated on Figure 2). All other requirements of the Zoning By-law are being maintained and the newly created lot will have 2581 square metres of lot area while the required lot area for Residential Two (R-2) Zone is 929 square metres. The retained parcel will have 4043 square metres. A complete zoning analysis is provided in Table 1 under Section 4.5 above.

In addition, adequate space to provide a new driveway and parking can be provided on both the severed and retained lands in accordance with zoning by-law requirements.

As such, it is our opinion that the requested variance would maintain the general intent and purpose of the zoning by-law by providing infill development that is consistent with existing development patterns in the area.

### 3. Is the variance appropriate for the development of the land?

The variance is required to facilitate the creation of a new infill lot for single-detached residential use and the retention of the existing residence on a lot that more than meets the size requirements of the zoning bylaw and is in keeping with land development in the adjacent neighbourhood. In our opinion, the variance is appropriate for the development of the lot, as there are no adverse impacts anticipated and all other requirements of the bylaw are complied with and the proposed infill and minor intensification implements the Provincial Policy and A Place to Grow objectives of intensification within the Built-Up area.

#### **4. Is the variance minor?**

The variance request for a reduction in the lot width for Parcel B (retained parcel) is illustrated on the Severance Sketch prepared by Van Harten Surveying Inc., dated December 14, 2022. The proposed reduction in lot width will allow for the creation of a new lot that is larger than typical for the Westmount Planning Area and will adequately permit the addition of a new driveway to service the existing house while the existing driveway will be reconfigured to serve the new lot. All other yard requirements are being maintained. The minor variance has the effect of reducing the lot width from 24 metres to 20 metres on the severed lands (Parcel B) only. This minor reduction required to facilitate the severance is:

1. Similar to lot patterns in the neighbourhood;
2. Allows for maintenance of existing trees that provide buffering and visual screening from Glasgow Street in addition to neighbouring property owners to the south and east of the proposed lot.

Accordingly, the impact of the variance, if any, is considered minor. It is our opinion that the variance is minor.

## 6.0 CONCLUSIONS

The purpose of this planning report was to evaluate the proposed severance of the subject property in the context of existing land use policies and regulations, including the Provincial Policy Statement, A Place to Grow, the Region of Waterloo Official Plan, the City of Kitchener Official Plan, the City of Kitchener Zoning By-law and the Planning Act.

The proposed severance and minor variances would result in the creation of one new and one retained lot with lots that are compatible with the other lots forming the Westmount Planning Area in the City of Kitchener. It is our opinion that the proposed severance will result in a lot that is appropriate and compatible for the area, and that the proposed severance represents good planning. This opinion is based on the following:

1. The proposed severance supports the achievement of providing for a greater range and mix of residential uses and contribute to the current and future housing needs of the City of Kitchener;
2. The proposed severance facilitates the intensification of residential land within an established residential neighbourhood in a manner that is compatible with the site and the surrounding neighbourhood;
3. The proposed severance is consistent with the Provincial Policy Statement, 2020, and conforms to A Place to Grow (Growth Plan for the Greater Golden Horseshoe) 2020;
4. The proposed severance conforms to the Regional Official Plan, 2015 and the City of Kitchener Official Plan, 2014;
5. The proposed severance complies with the performance standards of the City of Kitchener Zoning By-law 2019-051;
6. The proposed severance complies with Section 53(1) of the Planning Act, R.S.O. 1990;
7. The Tree Management Plan illustrates trees requiring removal to accommodate the proposed building envelope. No significant or endangered species are being removed and sufficient buffering/screening to adjacent residential lands to the east and south will be maintained;

8. The proposed new residential building lot is compatible and consistent with the other lots in the Westmount Planning Area in terms of shape, lot width, area, and depth, and is in-keeping with the gradual development and lot pattern for the area and provides an appropriate opportunity for intensification in an area that is well served by public infrastructure.

Respectfully submitted,

**MHBC**



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Dan Currie, MA, MCIP, RPP  
Partner



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Nicolette van Oyen, BES  
Senior Planner

## **Appendix B: Severance Sketch, prepared by Van Harten Surveying Inc.**

GLASGOW STREET

(OPENED BY BY-LAW 391A, INST. No. B-31911)  
PIN 22401 - 0002

(WIDENED BY BY-LAW 76-33, INST. No. 564234)  
PART 3, 58R-1423

SEVERANCE AND MINOR  
VARIANCE SKETCH  
PART OF LOT 44  
REGISTERED PLAN 793  
CITY OF KITCHENER  
REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1 : 400

0 5 10 20 metres

VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
3. THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL.

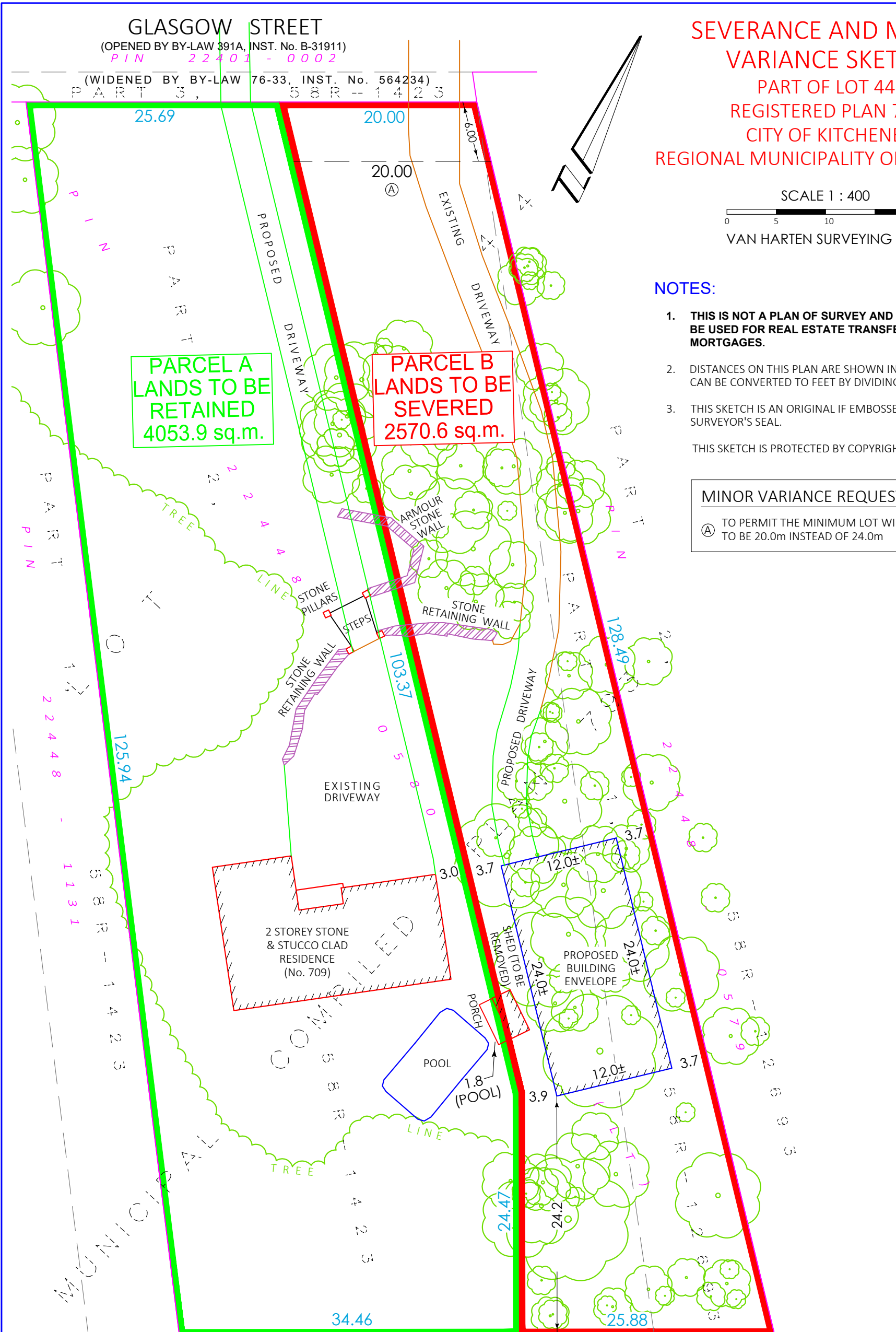
THIS SKETCH IS PROTECTED BY COPYRIGHT © 2023.

MINOR VARIANCE REQUEST:

- Ⓐ TO PERMIT THE MINIMUM LOT WIDTH OF PARCEL B TO BE 20.0m INSTEAD OF 24.0m

PARCEL A  
LANDS TO BE  
RETAINED  
4053.9 sq.m.

PARCEL B  
LANDS TO BE  
SEVERED  
2570.6 sq.m.



PART 5,  
58R-9588

PIN 22448-0551  
LOT 9,  
58M-126

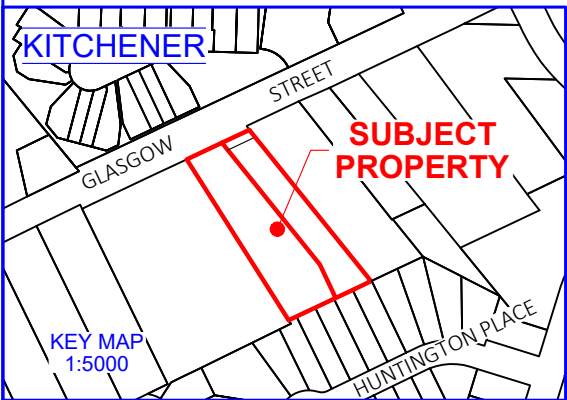
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LOT 8,  
58M-126

PIN 22448-0549  
LOT 7,  
58M-126

PIN 22448-0548  
LOT 6,  
58M-126

PIN 22448-0547  
LOT 5,  
58M-126

PIN 22448-0546  
LOT 4,  
58M-126



**Van Harten**  
SURVEYING INC.  
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo  
Ph: 519-742-8371

Guelph  
Ph: 519-821-2763

Orangeville  
Ph: 519-940-4110

www.vanharten.com

info@vanharten.com

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GLASGOW STREET

(OPENED BY BY-LAW 391A, INST. No. B-31911)  
PIN 22401 - 0002

(WIDENED BY BY-LAW 76-33, INST. No. 564234)  
PART 3, 58R-1423

SEVERANCE AND MINOR  
VARIANCE SKETCH  
PART OF LOT 44  
REGISTERED PLAN 793  
CITY OF KITCHENER  
REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1 : 400

0 5 10 20 metres

VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
3. THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL.

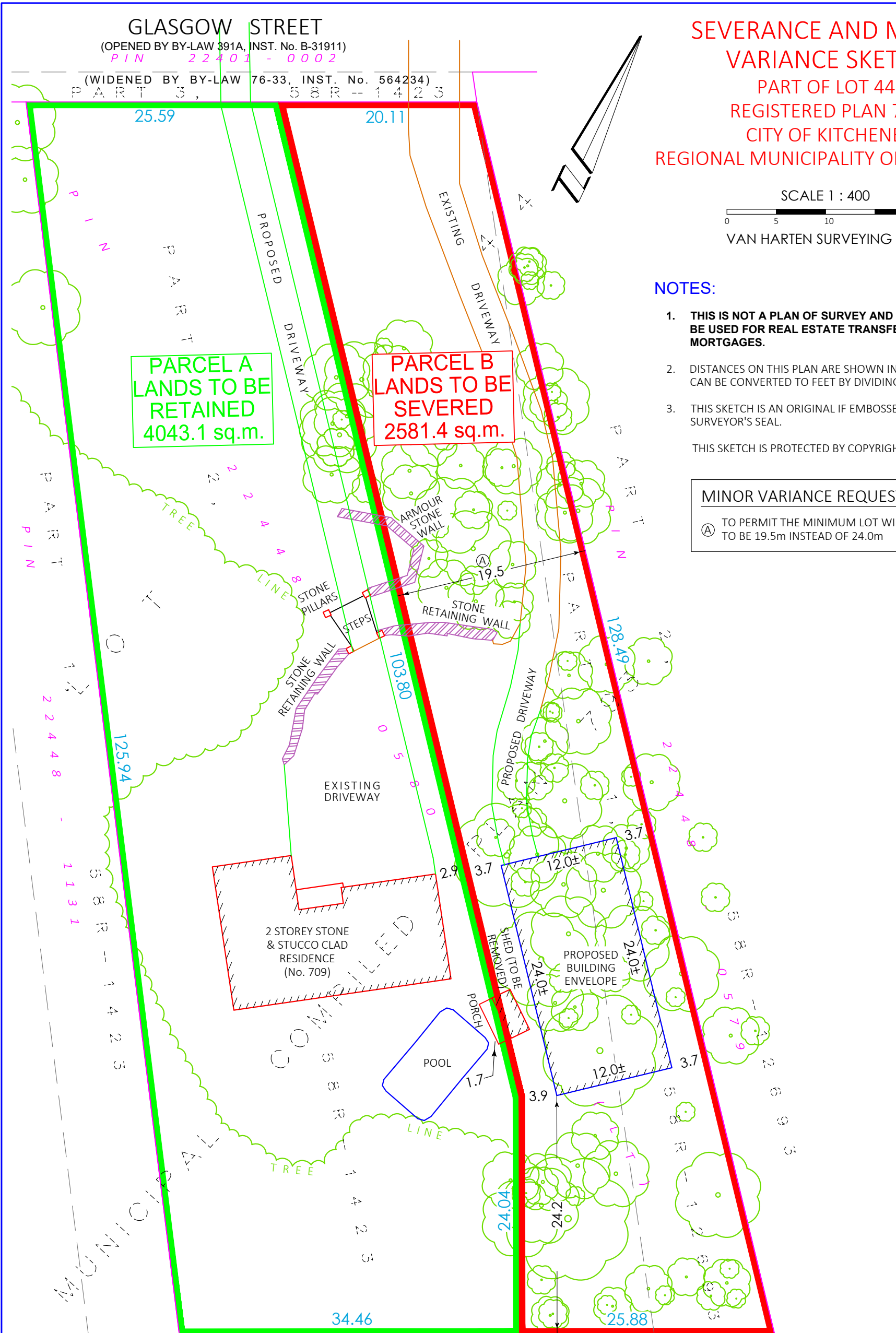
THIS SKETCH IS PROTECTED BY COPYRIGHT © 2022.

MINOR VARIANCE REQUEST:

- Ⓐ TO PERMIT THE MINIMUM LOT WIDTH OF PARCEL B TO BE 19.5m INSTEAD OF 24.0m

PARCEL A  
LANDS TO BE  
RETAINED  
4043.1 sq.m.

PARCEL B  
LANDS TO BE  
SEVERED  
2581.4 sq.m.



PART 5,  
58R-9588

PIN 22448-0551  
LOT 9,  
58M-126

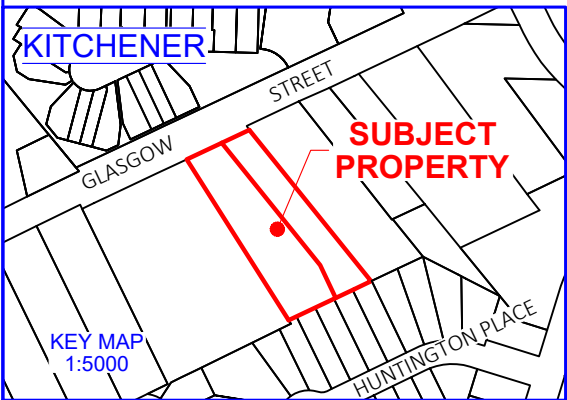
PIN 22448-0550  
LOT 8,  
58M-126

PIN 22448-0549  
LOT 7,  
58M-126

PIN 22448-0548  
LOT 6,  
58M-126

PIN 22448-0547  
LOT 5,  
58M-126

PIN 22448-0546  
LOT 4,  
58M-126



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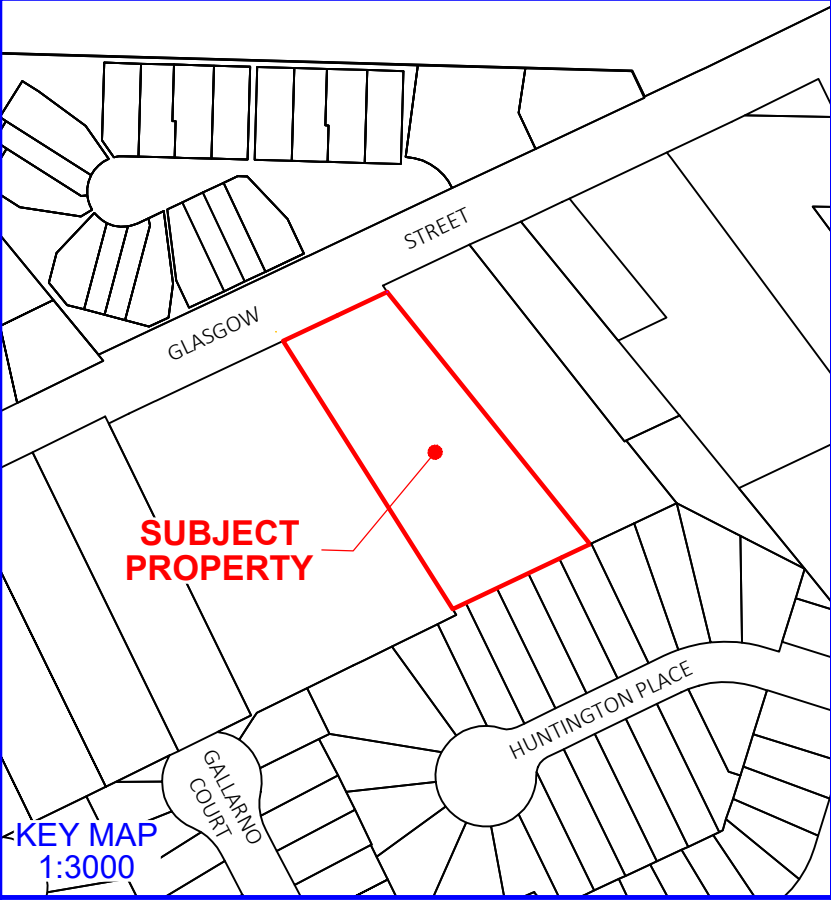
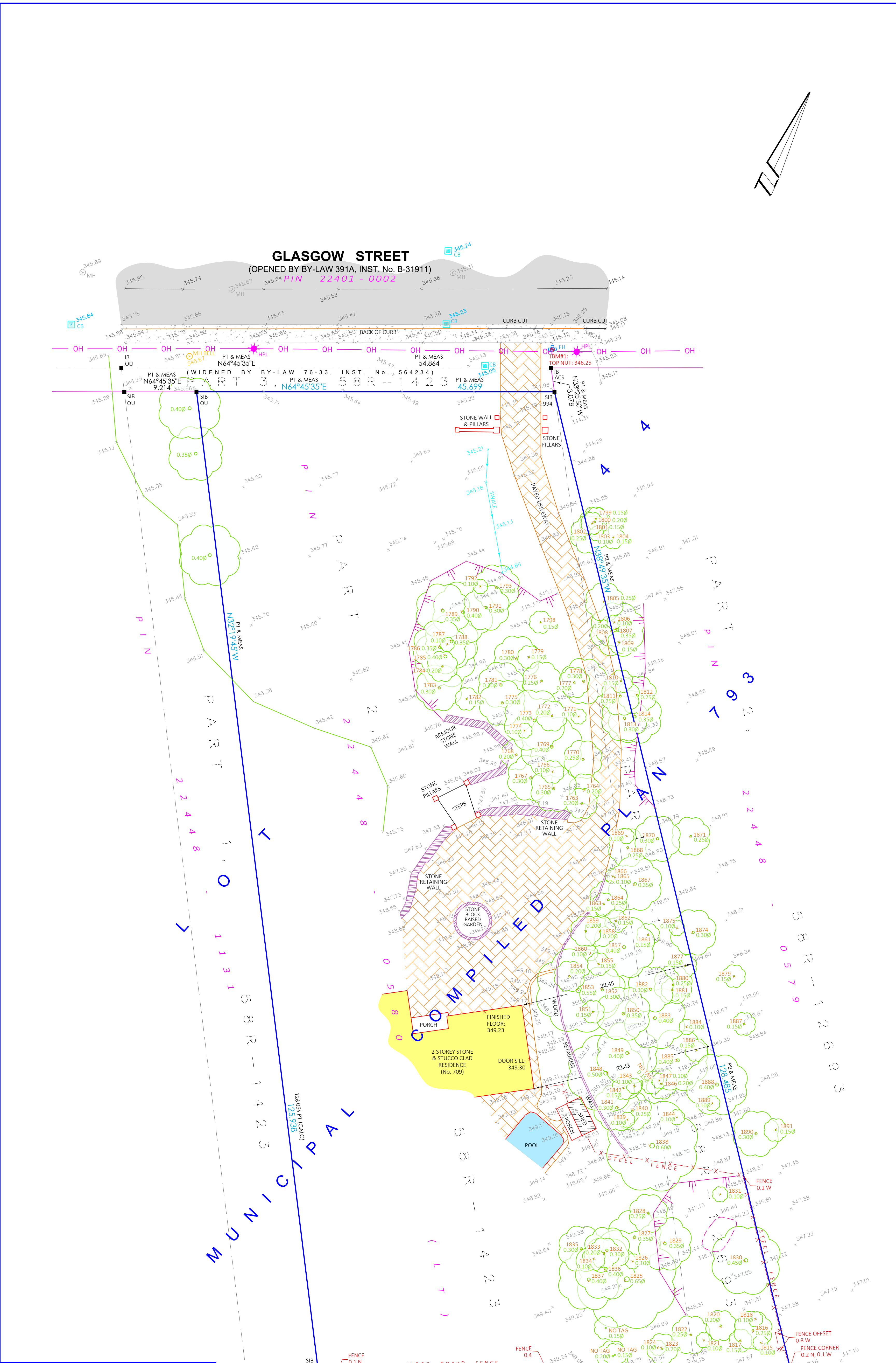
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**UNDERGROUND SERVICES NOTE**

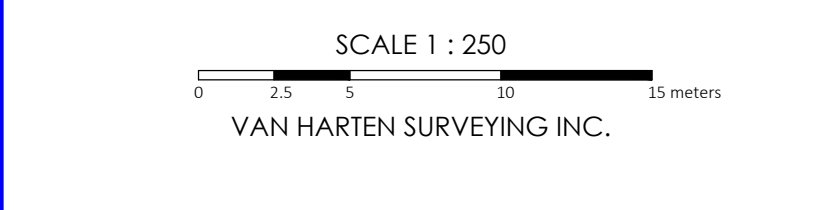
• ALL UNDERGROUND SERVICES INCLUDING STORM, SEWER, WATER, SANITARY, GAS, HYDRO, TELEPHONE, & CABLE SERVICES HAVE NOT BEEN LOCATED OR SURVEYED.

**CALL BEFORE YOU DIG**

THE LOCATION OF SERVICES ON THIS DRAWING ARE ONLY APPROXIMATE AND BASED ON SURFACE FEATURES LOCATED AT THE TIME OF THE TOPOGRAPHIC SURVEY. PRIOR TO ANY CONSTRUCTION IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO ENSURE THE EXACT LOCATION OF ALL UTILITIES.

**SURVEYOR'S REAL PROPERTY REPORT  
WITH TOPOGRAPHIC INFORMATION**

**PLAN OF SURVEY OF  
PART OF LOT 44  
MUNICIPAL COMPILED  
PLAN 793  
CITY OF KITCHENER  
REGIONAL MUNICIPALITY OF  
WATERLOO**



THE INTENDED PLOT SIZE OF THIS PLAN IS 610 mm  
IN WIDTH BY 915 mm IN HEIGHT WHEN PLOTTED AT  
A SCALE OF 1:250

<b>SUMMARY REPORT:</b>
<b>CLIENT:</b> THIS PLAN WAS PREPARED FOR JOHN GALLIVAN AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.
<b>DESCRIPTION OF PROPERTY:</b> PART OF LOT 44, MUNICIPAL COMPILED PLAN 793 CITY OF KITCHENER PIN 22448-0580 (LT) ADDRESS: 709 GLASGOW STREET
<b>NOTE:</b> BOUNDARIES WERE RE-ESTABLISHED FROM THE POSITION OF SURVEY MONUMENTS WHICH WE FOUND (SHOWN AS SOLID SQUARES) AND PREVIOUS SURVEYS (INDICATED AS P1, P2, P3). DIMENSIONS BETWEEN THE SURVEY MONUMENTS GENERALLY MATCHED PREVIOUS SURVEYS WELL. IN SOME AREAS MINOR DIFFERENCES ARE NOTED WITH THE MEASURED DISTANCE NOTED WITH "MEAS." AND THE COMPARISON TO THE PREVIOUS SURVEY SHOWN AS "FM" WHERE # INDICATES THE PARTICULAR PLAN AS DETAILED IN THE LEGEND.
<b>EASEMENTS:</b> NONE FOUND IN REGISTRY OFFICE

- NOTES:**
- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
  - DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.999589.
  - ORIGINAL VERSION OF THIS PLAN WAS PREPARED IN COLOUR.

**BEARING COMPARISONS:**

FOR THE PURPOSES OF BEARING COMPARISONS, PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM BEARINGS BY THE ANGLES SHOWN BELOW.

PLAN	ROTATION FOR NORTHEAST BEARINGS
P1	-0°22'10"
P2, P3	-0°15'40"

**BENCHMARK REFERENCE:**

ELEVATIONS ARE BASED ON GPS OBSERVATIONS FROM PERMANENT REFERENCE STATIONS IN THE NAD83 (CSRS-2010) COORDINATE SYSTEM, WITH HEIGHT CONVERTED TO ORTHOMETRIC ELEVATIONS ON THE CGVD28 DATUM (1978 ADJUSTMENT) WITH GEOID MODEL HTV2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.

TEMPORARY SITE BENCHMARK:  
TBM #1: FIRE HYDRANT TOP NUT ALONG GLASGOW STREET, APPROXIMATELY 5 METRES NORTH OF THE SUBJECT PROPERTY, HAVING AN ELEVATION OF 346.25 METRES.

**LEGEND:**

—+—	DENOTES SURVEY MONUMENT SET	HPL	HYDRO POLE LIGHT
■	DENOTES SURVEY MONUMENT FOUND	—+—	RETAINING WALL
SIB	DENOTES .025 x .025 x 1.20 STANDARD IRON BAR	CB	CATCHBASIN
IB	DENOTES .015 x .015 x 0.60 IRON BAR	+ 341.55	EXISTING ELEVATION
994	DENOTES BRUBACHER CAMPBELL LTD.	FH	FIRE HYDRANT
ACS	DENOTES ANSLY, CAMPBELL & SERACK LTD.	MH	MANHOLE
OU	DENOTES ORIGIN UNKNOWN	MH BELL	MANHOLE
VH	DENOTES VAN HARTEN SURVEYING INC.	1821 0.250	DECIDUOUS TREE (WITH TAG No.)
P1	DENOTES DEPOSITED PLAN 58R-1423	OH	OVERHEAD HYDRO
P2	DENOTES DEPOSITED PLAN 58R-1423	X X X	FENCELINE
P3	DENOTES REGISTERED PLAN 58M-126	—+—	TOP OF BANK
		- - -	BOTTOM OF BANK
		—+—	EDGE OF GRASS
		—+—	DRAINAGE/SWALE
		CONCRETE	CONCRETE
		ASPHALT	ASPHALT
		PAVESTONE	PAVESTONE

**METRIC:**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 28th DAY OF MARCH, 2022.

DATE: MAY 5, 2022

JEFFREY E. BUISMAN  
ONTARIO LAND SURVEYOR

REVISION HISTORY		
No.	DATE	REVISIONS
1	MAY 5, 22	FIRST SUBMISSION

**Van Harten**  
SURVEYING INC.  
LAND SURVEYORS AND ENGINEERS

Kitchener/Waterloo  
Ph: 519-742-8371

Guelph  
Ph: 519-821-2763

Orangeville  
Ph: 519-940-4110

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May 5, 2022-10:12:06 AM

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ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2189730

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In accordance with  
Regulation 1026, Section 29(3).

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