



Committee of Adjustment Agenda

Tuesday, September 19, 2023, 10:00 a.m. - 12:00 p.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

(Pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended,
and Ontario Regulations 197/96 and 200/96, as amended)

TAKE NOTICE THAT the Committee of Adjustment for the City of Kitchener **will meet in Council Chambers, 2nd Floor, Kitchener City Hall, 200 King Street West, on TUESDAY, SEPTEMBER 19, 2023, commencing at 10:00 a.m.** for the purpose of hearing the following applications for Minor Variance and/or Consent.

Applicants or Agents must attend in support of the application. This is a public meeting, anyone having an interest in any of these applications may make oral submission at the meeting or provide a written submission for Committee consideration. Please note this is a public meeting and will be livestreamed and archived at www.kitchener.ca/watchnow

The complete agenda, including staff reports will be available online the Friday prior to the week of the meeting date.

Pages

1. COMMENCEMENT

2. MINUTES

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared please visit www.kitchener.ca/conflict to submit your written form.

4. APPLICATIONS FOR MINOR VARIANCE AND / OR CONSENT PURSUANT TO THE PLANNING ACT

5. UNFINISHED BUSINESS

5.1 A 2023-080 - 15 Dellroy Avenue, DSD-2023-396 6

Requesting a minor variance to the Zoning By-law to facilitate the construction an 18-storey mixed-use building with residential and commercial uses having a front yard setback of 1.0m rather than the required 3.0m, a northerly side yard setback of 0.0m for covered bike parking rather than the required 4.5m; to permit 0.6 parking spaces per dwelling unit rather than the required 1 parking space per dwelling unit, and 0.08 visitor parking spaces per dwelling unit rather than the required 0.10 visitor parking spaces per dwelling unit; to permit support columns to encroach into the Driveway Visibility Triangles (DVT) abutting Weber Street East, whereas the By-law does not permit encroachments into the DVT; to permit the second floor of the proposed building to encroach into a DVT whereas the Zoning By-law does not permit obstructions within a DVT, except for objects 0.9m or less in height from the ground or objects higher than 5.0m in height from the ground; and, to permit parking spaces and drive aisles to be located on the ground floor of a multiple dwelling building not entirely behind the area on the ground floor devoted to permitted uses abutting a street line facade whereas the Zoning By-law requires that all parking spaces and drive aisles on the ground floor of a multiple dwelling building be located entirely behind the area on the ground floor devoted to permitted uses abutting a street line facade.

5.2 A 2023-100 - 332 Prospect Avenue, DSD-2023-342 25

Requesting a minor variance to the Zoning By-law to permit a rear yard setback of 4.6m rather than the required 7.5m to facilitate the construction of a new single detached dwelling.

6. NEW BUSINESS

6.1 A 2023-104 – 254 Westwood Drive, DSD-2023-391 35

Requesting a minor variance to the Zoning By-law to permit a required parking space to be located 2.6m from the front lot line rather than the minimum required 6m, to facilitate the conversion of an existing Single Detached Dwelling into a Duplex.

6.2 A 2023-105 – 120 Rossford Crescent, DSD-2023-407 58

Requesting minor variances to the Zoning By-law to permit a lot to have the width of 10.7m rather than the minimum required 13.1m; and, to permit a building used for dwelling units to be setback 19m from the lot line of the active railway right-of-way for a Principal line, rather than the minimum required 30m to facilitate the conversion of the existing single detached dwelling with 1 Additional Dwelling Unit (ADU) (attached) to a single detached dwelling with 2 Additional Dwelling Unit (ADU) (attached).

6.3	A 2023-106 – 279 Sheldon Avenue North, DSD-2023-390	76
	Requesting minor variances to the Zoning By-law to permit a minimum front yard of 4.2m rather than the required 5.6m, to permit architectural features to project into the minimum front yard to a maximum of 0.83m rather than the maximum permitted projection of 0.6m; to permit an attached private garage to project beyond the front façade of the habitable at grade portion of the dwelling unit, whereas the By-law does not permit an attached garage to project beyond the front façade; to permit a parking space within the carport to be 4.44m in length rather than the required length of 5.5m; to permit a parking space to be located within 6m from a street line; to permit an access ramp exceeding 0.6m above ground level to be located a minimum of 0.63m from the westerly interior side lot line rather than the required 0.75m to facilitate an access ramp along the westerly side of the existing single detached dwelling, to facilitate the construction of a carport and access ramp along the westerly side of the of an existing single detached dwelling.	
6.4	A 2023-107 – 239 Rosebank Place, DSD-2023-397	93
	Requesting a minor variance to the Zoning By-law to permit a required parking space to be located 4.5m from the front lot line rather than the minimum required 6m to facilitate the conversion of the attached garage into a new Additional Dwelling Unit (ADU) (Attached) in an existing single detached dwelling.	
6.5	A 2023-108 – 540 Frederick Street , DSD-2023-388	107
	Requesting a minor variance to the Zoning By-law to permit a legal non-conforming Single Detached Dwelling in a MIX-3 zone to be used as a Single Detached Dwelling with a Personal Services Home Occupation.	
6.6	A 2023-109 – 27 Roy Street , DSD-2023-403	122
	Requesting a minor variance to the Zoning By-law to permit a minimum parking requirement of 0 parking spaces rather than the minimum required 4 parking spaces, to facilitate the use of the building for commercial and residential uses until a legal right-of-way to the rear yard is established.	
6.7	A 2023-110 – 148 Chandos Drive, DSD-2023-398	134
	Requesting a minor variance to the Zoning By-law to permit a rear yard setback of 2m rather than the minimum required 7.5m to facilitate the construction of an addition in the interior side yard of the existing single detached dwelling.	

- 6.8 A 2023-111 – 15 Catalina Court, DSD-2023-392** 147
 Requesting minor variances to the Zoning By-law to permit a lot to have the width of 11.9m rather than the minimum required 13.1m; and, to permit three parking spaces to be located within 6.0m of the exterior lot line, rather than maximum one permitted, to facilitate the conversion of a semi-detached dwelling into a semi-detached duplex dwelling with an Additional Dwelling Unit (ADU) (Detached) within the rear yard.
- 6.9 A 2023-112 – 103 Peter Street, DSD-2023-399** 160
 Requesting a minor variance to the Zoning By-law to permit a lot to have the width of 12.7m rather than the minimum required 13.1m to facilitate the conversion of the existing single detached dwelling with 1 Additional Dwelling Unit (ADU) (attached) (Duplex) into a single detached dwelling unit with 2 Additional Dwelling Units (attached) (Triplex).
- 6.10 A 2023-113 – 9 Siebert Avenue , DSD-2023-393** 172
 Requesting a minor variance to the Zoning By-law to permit an Additional Dwelling Unit (ADU) (Detached) to be located partially within the exterior side yard of the property abutting Clark Avenue, whereas the By-law does not permit an ADU to be located in an exterior side yard; and, and to facilitate two (2) required parking spaces to be located within 6.0m of a front or exterior lot line rather than the maximum one (1) parking space, to facilitate the conversion of a single detached duplex into a single detached duplex with ADU.
- 6.11 A 2023-114 – 78 Weber Street West, DSD-2023-404** 188
 Requesting minor variances to the Zoning By-law to permit steps that are within 3m of a street line and within a required yard to be 0.78m in height rather than the maximum permitted height of 0.6m; and to permit a porch to that is greater than 0.6m to be 0.22m from a street line rather than the minimum required 3m to permit the existing building on the subject property to have a total of 6 dwelling units.
- 6.12 A 2023-115 – 275 Lawrence Avenue, DSD-2023-405** 204
 Requesting a minor variance to the Zoning By-law to permit an “office” use in the existing building whereas the By-law does not allow for an “office” use on the subject property.
- 6.13 B 2023-035 – 100 St. George Street, DSD-2023-406** 215
 Requesting permission to sever a parcel of land having a lot width of 16.m, a lot depth of 35.3m and a lot area of 564 sq.m. The retained lands will have a lot width of 16.m, a lot depth of 35.3m and a lot area of 563 sq.m. Both lots are proposed for semi-detached dwellings.

7. ADJOURNMENT

8. PLANNING ACT INFORMATION

- Additional information is available at the Legislated Services Department, 2nd Floor, City Hall, 200 King Street West, Kitchener (519-741-2203).
- Copies of written submissions/public agencies' comments are available the Friday afternoon prior to the meeting on the City of Kitchener website www.kitchener.ca in the online Council and Committee calendar; see the meeting date for more details.
- Anyone having an interest in any of these applications may attend this meeting.
- Only the Applicant, Minister, specified person (as defined in Section 1 of the Planning Act) or public body that has an interest in the matter has the right to appeal of decisions of the Committee of Adjustment. These parties must make written submissions to the Committee prior to the Committee granting or refusing Provisional Consent otherwise, the Ontario Land Tribunal (OLT) may dismiss the appeal.
- Any personal information received in relation to this meeting is collected under the authority s. 28(2) of the Planning Act, R.S.O. 1990, c. P.13, and will be used by the City of Kitchener to process Committee of Adjustment applications. Questions about the collection of information should be directed to Mariah Blake at mariah.blake@kitchener.ca.
- If you wish to be notified of a decision, you must make a written request to the Secretary-Treasurer, Committee of Adjustment, City Hall, 200 King St. W., Kitchener ON, N2G 4G7.

The Notice of Hearing for this meeting was published in the Record on the 1st day of September, 2023.

Mariah Blake
Secretary-Treasurer
Committee of Adjustment

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Brian Bateman, Senior Planner, 519-741-2200 x7869

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-396

SUBJECT: Minor Variance Application A2023-080 – 15 Dellroy Avenue

RECOMMENDATION:

That Minor Variance Application A2023-080 for 15 Dellroy Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Requesting relief from Section 7.3, Table 7-6, to permit a front yard setback of 1 metre instead of the minimum required front yard setback of 3 metres and to permit an interior side yard setback of 0 metres instead of the minimum required interior side yard setback of 4.5 metres;
- ii) Requesting relief from Section 5.6, Table 5-5, to allow 0.6 parking spaces per dwelling unit (167 parking spaces) and 0.08 visitor parking spaces per dwelling unit (24 parking spaces) instead of the minimum required 1 parking space per dwelling unit (277 parking spaces) and 0.10 visitor parking spaces per dwelling unit (28 parking spaces);
- iii) Requesting relief from Section 5.3.4 b) ii) to allow parking spaces and drive aisles on the ground floor of a multiple dwelling building to be not entirely behind the area on the ground floor devoted to permitted uses abutting a street line facade, whereas the by-law requires all parking spaces and drive aisles to be behind the area devoted to permitted uses abutting a street line facade; and
- iv) Requesting relief from section 4.5 a) to allow encroachments into the Driveway Visibility Triangle (DVT) abutting Weber Street East whereas no encroachments into the Driveway Visibility Triangle (DVT) are allowed in;

to facilitate the development of an 18-storey mixed-use building with residential and commercial uses while retaining the existing 6-storey apartment building in accordance with Site Plan Application SP22/158/D/BB, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend approval of a Minor Variance Application to facilitate the development of an 18-storey mixed use building on the subject property.
- This application was deferred at the July meeting to this meeting so that the applicant could complete some survey work to ensure no further variances would be required. This has been confirmed.
- The issues related to the road widening have been addressed with no additional variances and/or revisions required to the application.
- Site Plan Application SP22/158/D/BB to facilitate the proposed development has received Conditional Approval.
- Since this is Unfinished Business, this request was not re-advertised.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property, municipally known as 15 Dellroy Avenue, is located at the intersection of Dellroy Avenue and Weber Street East. The subject property before the required 1.7 metre Weber Street East road widening is 5,720 m² or 0.572 hectares and roughly square in shape with 73.1 metres of frontage along Weber Street East and 76.7 metres of frontage along Dellroy Avenue (see Image 1). After the required road widening, the subject property is 5,587 m² or 0.55 hectares with the same frontage along Weber Street East and 75 metres along Dellroy Avenue.

Currently there is an existing 6-storey apartment building on the subject property fronting onto Dellroy Avenue which was originally constructed in the 1970s (see Image 2). Surface parking located in the northwestern corner of the site is accessed from Dellroy Avenue to the north of the existing apartment building (Underground parking is accessed via Weber Street East to the east of the existing building). A grassed, sloped area covers the eastern half of the property (see Image 1). This area includes an L-shaped existing foundation wall within the eastern portion of the front yard and the northern portion of the interior side yard. The foundation wall was originally intended to support the construction of a second apartment building in an abandoned second phase of the project, and had been covered by the grassed, sloped area to maintain a safe condition on site.



Image 1 – 15 Dellroy Avenue

The applicant is proposing to construct an 18-storey mixed-use building with a 4-storey podium fronting Weber Street East while retaining an existing 6-storey, 46 dwelling unit apartment building and associated underground parking structure. The new building will include 231 dwelling units in the tower and podium. 200 parking spaces are proposed at the surface and underground for all uses on the site. Specifically, 71 parking spaces are proposed on a reconfigured surface parking area, which is accessed via the existing Dellroy Avenue surface parking access and via a new Weber Street East access to facilitate fire truck movements. 109 parking spaces are provided in two underground levels via a new dedicated access from Weber Street East and 20 parking spaces are provided under the existing 6-storey apartment building, accessed via the existing Dellroy Avenue access, and connected to the new underground parking structure on the second underground level. The applicant is in discussions with the Ministry of Transportation (Ontario) in consideration of a long-term lease of the vacant MTO lands directly across Dellroy Avenue for up to 120 additional surface parking spaces. Any such leased parking is not permitted to count toward meeting Zoning By-Law requirements.



Image 2 – Photo of 15 Dellroy Avenue

The application was originally considered at the July 19, 2023, meeting where it was deferred to allow the applicant an opportunity to complete surveying work, to determine whether additional variances will be required due to the road widening work associated with the proposed development. These matters have been addressed with the Region and there are no additional variances required or revisions needed to the original request. Therefore, staff is recommending approval of the minor variances.

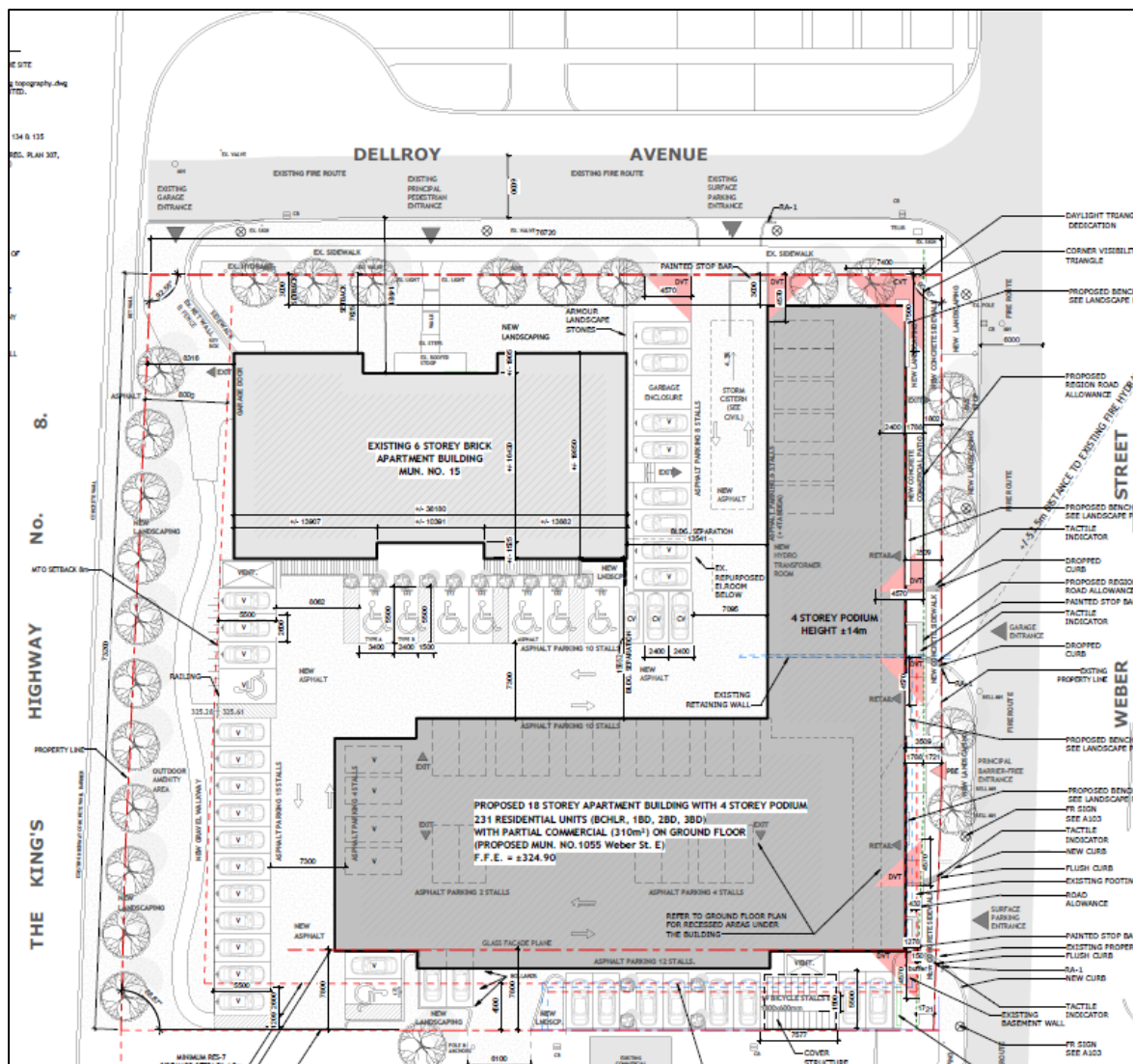


Image 3 – Proposed Site Development

REPORT:

Planning Comments Minor Variance Applications

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is shown within an 'Urban Corridor' on Map 2 and designated 'High Rise Residential' on Map 3 of the City of Kitchener Official Plan. Lands shown within 'Urban Corridors' are 'Intensification Areas' intended "to have strong *pedestrian* linkages and be integrated with neighbouring residential and employment uses' as well as to 'provide for a range of *retail* and commercial uses and intensification opportunities that should be *transit supportive*." Lands designated 'High Rise Residential' "will primarily accommodate high density multiple dwellings...to achieve a high intensity of residential use". All *development* and *redevelopment* must have a *Floor Space Ratio* between 2.0 and 4.0. The minor variances to facilitate this development will meet the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'RES-7: High Rise Residential Seven Zone', under Zoning By-law 2019-051, which permits 'Multiple Dwelling' and a range of non-residential uses. This zone category requires a minimum *Front Yard* and *Exterior Yard Setback* of 3.0 metres and a minimum *Interior Side Yard Setback* of 4.5 metres. Section 5 of the Zoning By-law (Parking, Loading, and Stacking) requires 1.0 parking spaces per dwelling unit plus 0.1 per dwelling unit of visitor parking and 1.0 parking spaces per 33 m² of non-residential GFA. It further requires that ground floor parking spaces and drive aisles for multiple dwelling buildings be located entirely behind permitted uses abutting the street line façade of the building, such as the proposed residential and non-residential uses, except for access. Section 4 of the Zoning By-Law (General Regulations) requires driveway visibility triangles at all driveway accesses and restricts any obstructions to visibility, including buildings, except for objects 0.9 metres or less in height from the ground or objects higher than 5 metres in height from the ground.

The minor variances have been reviewed in the context of Site Plan Application SP22/158/D/BB to ensure that the proposal and built form support the planned function of the land use designation and intent of the zone category and Zoning By-law. Accordingly, the intent of the Zoning By-law will be maintained.

Is/Are the Effects of the Variance(s) Minor?

The effects of the variances will be minor. The proposed development has been reviewed to ensure that it is compatible in built form and can function appropriately on the subject lands. A Transportation Impact Study and Parking Study has been submitted and accepted by Transportation Planning Staff. Also as Site Plan Application SP22/158/D/BB, to facilitate this development, has received conditional approval, the effects of the variances will be minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The minor variances are desirable and appropriate as they will facilitate the development of an 18-storey mixed-use building with a 4-storey podium fronting Weber Street East while retaining an existing 6-storey, 46 dwelling unit apartment building and associated underground parking structure. The new building will provide an additional 231 dwelling units, for a total of 277 dwelling units and support the City's Housing Pledge.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances provided a building permit for the new residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns

Transportation Planning Comments:

It should be noted that Paradigm Transportation Solutions Limited submitted (November 2022) a Transportation Impact Study and Parking Study, which was reviewed by Transportation Services. Transportation Services staff have dealt with the applicant regarding the proposed parking rate and encroachments into the driveway visibility triangles and are supportive of both.

Grand River Conservation Authority Comments:

No objections or concerns.

Region of Waterloo Comments:

Since the July Committee of Adjustment meeting the applicant has submitted a Draft Reference Plan to the Region for their review. Corridor Planning staff has confirmed that the R-Plan is acceptable and asks that the Draft R-Plan be deposited and copy of Deposited R-Plan be sent to the Region for their files.

The applicants are advised that any encroachments at, under or over the ground will not be considered within the Regional road right-of-way. The building offsets must be taken according to this R-Plan, once registered.

Airport Zoning (Advisory):

The owners/applicants are also advised that the subject property falls within the Region of Waterloo Zoning Regulated Area, specifically under the Take-off/Approach Surface for Runway 08. Using the Region of Waterloo International Airport Zoning Regulations (AZR) online tool (<https://www.waterloairport.ca/en/about-ykf/airport-zoning-regulations-update.aspx>), the permitted building height for the subject property is 399.5m Above Sea Level (ASL), the maximum building height is 75.5m based on a maximum ground level of 324m ASL. Please ensure that the building heights for the proposed development comply with the Region of Waterloo Airport zoning and height restrictions. The Region of Waterloo International Airport AZR also regulates any construction of towers/cranes for a proposed development. Any proposed development at this location must ensure that construction towers/cranes also comply with the Region of Waterloo International AZR.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *ROPA 6*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2023-314*

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 18, 2023

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

PREPARED BY: Brian Bateman, Senior Planner, 519-741-2200 x7869

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: July 5, 2023

REPORT NO.: DSD-2023-314

SUBJECT: Minor Variance Application A2023-080 - 15 Dellroy Avenue

RECOMMENDATION:

That Minor Variance Application A2023-080 for 15 Dellroy Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Requesting relief from Section 7.3, Table 7-6, to permit a front yard setback of 1 metre instead of the minimum required front yard setback of 3 metres and to permit an interior side yard setback of 0 metres instead of the minimum required interior side yard setback of 4.5 metres;
- ii) Requesting relief from Section 5.6, Table 5-5, to allow 0.6 parking spaces per dwelling unit (167 parking spaces) and 0.08 visitor parking spaces per dwelling unit (24 parking spaces) instead of the minimum required 1 parking space per dwelling unit (277 parking spaces) and 0.10 visitor parking spaces per dwelling unit (28 parking spaces);
- iii) Requesting relief from Section 5.3.4 b) ii) to allow parking spaces and drive aisles on the ground floor of a multiple dwelling building to be not entirely behind the area on the ground floor devoted to permitted uses abutting a street line facade, whereas the by-law requires all parking spaces and drive aisles to be behind the area devoted to permitted uses abutting a street line facade; and
- iv) Requesting relief from section 4.5 a) to allow encroachments into the Driveway Visibility Triangle (DVT) abutting Weber Street East whereas no encroachments into the Driveway Visibility Triangle (DVT) are allowed in;

to facilitate the development of an 18-storey mixed-use building with residential and commercial uses while retaining the existing 6-storey apartment building in accordance with Site Plan Application SP22/158/D/BB, BE DEFERRED to a future meeting date agreeable to the Applicant.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend Deferral of a Minor Variance Application to facilitate the development of an 18-storey mixed use building on the subject property.
- Site Plan Application SP22/158/D/BB to facilitate the proposed development has received Conditional Approval.

- Region of Waterloo Staff have identified some potential concerns with the DVT Minor Variance due to a proposed road widening along Weber Street East. The Applicant is agreeable to some more detailed work being completed by an Ontario Land Surveyor to establish the road widening and confirm the location of the proposed building relative to the new lot line and CVT and DVT.
- 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.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property, municipally known as 15 Dellroy Avenue, is located at the intersection of Dellroy Avenue and Weber Street East. The subject property before the required 1.7 metre Weber Street East road widening is 5,720 m² or 0.572 hectares and roughly square in shape with 73.1 metres of frontage along Weber Street East and 76.7 metres of frontage along Dellroy Avenue (see Image 1 above). After the required road widening, the subject property is 5,587 m² or 0.55 hectares with the same frontage along Weber Street East and 75 metres along Dellroy Avenue.



Image 1 – 15 Dellroy Avenue

Currently there is an existing 6-storey apartment building on the subject property fronting onto Dellroy Avenue which was originally constructed in the 1970s (see Image 2). Surface parking located in the northwestern corner of the site is accessed from Dellroy Avenue to the north of the existing apartment building (Underground parking is accessed via Weber Street East to the east of the existing building). A grassed, sloped area covers the eastern half of the property (see Image 1). This area includes an L-shaped existing foundation wall within the eastern portion of the front yard and the northern portion of the interior side yard. The foundation wall was originally intended to support the construction of a second apartment building in an abandoned second phase of the project, and had been covered by the grassed, sloped area to maintain a safe condition on site.

The applicant is proposing to construct an 18-storey mixed-use building with a 4-storey podium fronting Weber Street East while retaining an existing 6-storey, 46 dwelling unit apartment building and associated underground parking structure. The new building will include 231 dwelling units in the tower and podium. 200 parking spaces are proposed at the surface and underground for all uses on the site. Specifically, 71 parking spaces are proposed on a reconfigured surface parking area, which is accessed via the existing Dellroy Avenue surface parking access and via a new Weber Street East access to facilitate fire truck movements. 109 parking spaces are provided in two underground levels via a new dedicated access from Weber Street East and 20 parking spaces are provided under the existing 6-storey apartment building, accessed via the existing Dellroy Avenue access, and connected to the new underground parking structure on the second underground level. The applicant is in discussions with the Ministry of Transportation (Ontario) in consideration of a long-term lease of the vacant MTO lands directly across Dellroy Avenue for up to 120 additional surface parking spaces. Any such leased parking is not permitted to count toward meeting Zoning By-Law requirements.



Image 2 – Photo of 15 Dellroy Avenue

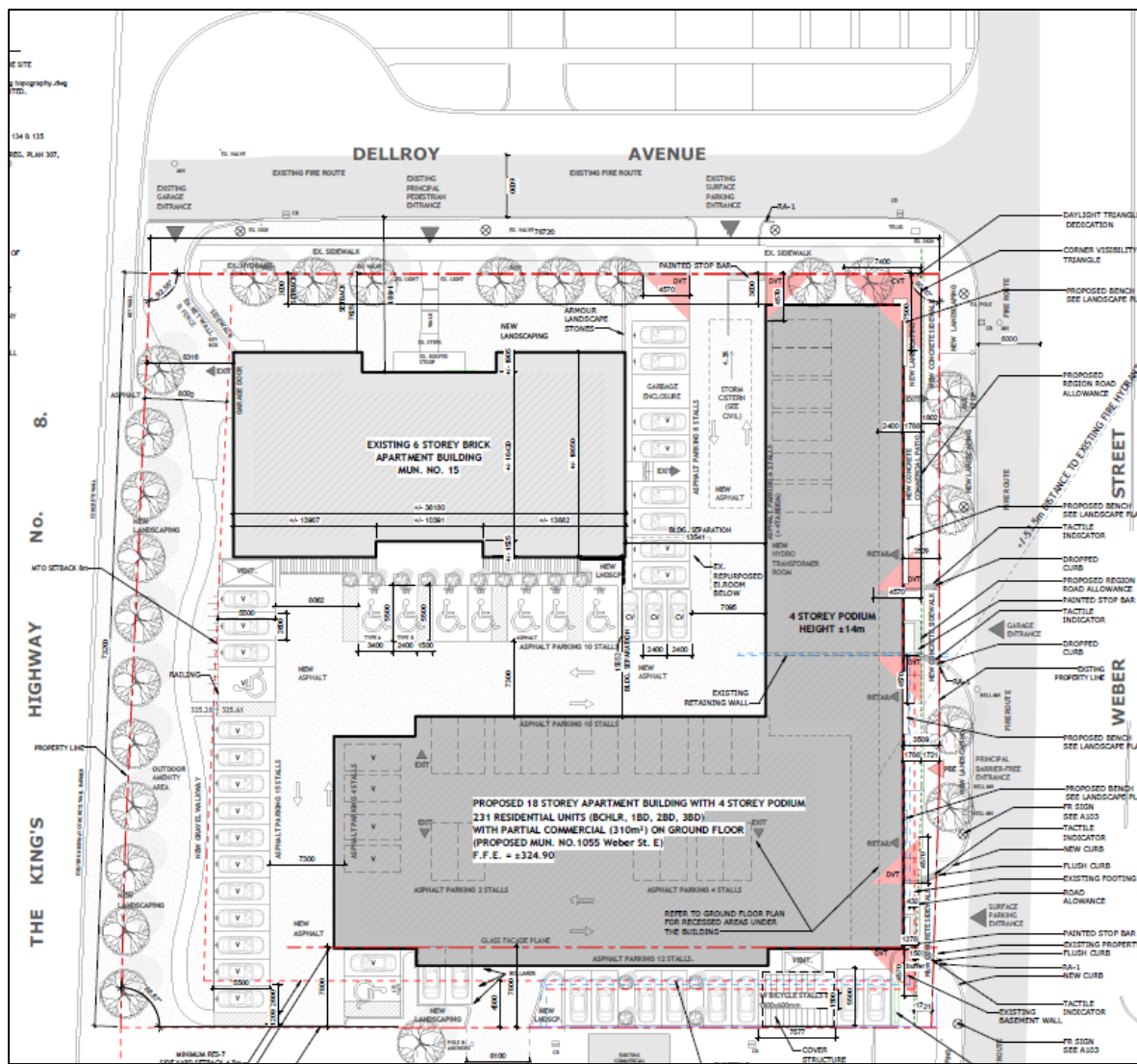


Image 3 – Proposed Site Development

REPORT:

Planning Comments Minor Variance Applications

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is shown within an 'Urban Corridor' on Map 2 and designated 'High Rise Residential' on Map 3 of the City of Kitchener Official Plan. Lands shown within 'Urban Corridors' are 'Intensification Areas' intended "to have strong *pedestrian* linkages and be integrated with neighbouring residential and employment uses' as well as to 'provide for a range of *retail* and commercial uses and intensification opportunities that should be *transit supportive*." Lands designated 'High Rise Residential' "will primarily accommodate high density multiple dwellings...to achieve a high intensity of residential use." All *development* and *redevelopment* must have a *Floor Space Ratio* between 2.0 and 4.0. The minor variances to facilitate this development will meet the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'RES-7: High Rise Residential Seven Zone', under Zoning By-law 2019-051, which permits 'Multiple Dwelling' and a range of non-residential uses. This zone category requires a minimum *Front Yard* and *Exterior Yard Setback* of 3.0 metres and a minimum *Interior Side Yard Setback* of 4.5 metres. Section 5 of the Zoning By-law (Parking, Loading, and Stacking) requires 1.0 parking spaces per dwelling unit plus 0.1 per dwelling unit of visitor parking and 1.0 parking spaces per 33 m² of non-residential GFA. It further requires that ground floor parking spaces and drive aisles for multiple dwelling buildings be located entirely behind permitted uses abutting the street line façade of the building, such as the proposed residential and non-residential uses, except for access. Section 4 of the Zoning By-Law (General Regulations) requires driveway visibility triangles at all driveway accesses and restricts any obstructions to visibility, including buildings, except for objects 0.9 metres or less in height from the ground or objects higher than 5 metres in height from the ground.

The minor variances have been reviewed in the context of Site Plan Application SP22/158/D/BB to ensure that the proposal and built form support the planned function of the land use designation and intent of the zone category and Zoning By-law. Accordingly, the intent of the Zoning By-law will be maintained.

Is/Are the Effects of the Variance(s) Minor?

The effects of the variances will be minor. The proposed development has been reviewed to ensure that it is compatible in built form and can function appropriately on the subject lands. A Transportation Impact Study and Parking Study has been submitted and accepted by Transportation Planning Staff. Also as Site Plan Application SP22/158/D/BB, to facilitate this development, has received conditional approval, the effects of the variances will be minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The minor variances are desirable and appropriate as they will facilitate the development of an 18-storey mixed-use building with a 4-storey podium fronting Weber Street East while retaining an existing 6-storey, 46 dwelling unit apartment building and associated underground parking structure. The new building will provide an additional 231 dwelling units, for a total of 277 dwelling units and support the City's Housing Pledge.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances provided a building permit for the new residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns

Transportation Planning Comments:

It should be noted that Paradigm Transportation Solutions Limited submitted (November 2022) a Transportation Impact Study and Parking Study, which was reviewed by Transportation Services.

Transportation Services staff have dealt with the applicant regarding the proposed parking rate and encroachments into the driveway visibility triangles and are supportive of both.

Grand River Conservation Authority Comments:

No objections or concerns.

Region of Waterloo Comments:

The Regional staff do not support this minor variance application. Any structures within the Daylight Triangle (DLT) and any encroachment under, at or above the ground within the Regional right of way, including the daylight triangle (including the lands to be dedicated to the Region), will not be allowed. The buildings and the site must be designed accordingly.

Planning Staff Comments:

Site Plan Application SP22/158/D/BB received Conditional Approval on May 15, 2023. During the review of the Site Plan there was considerable dialogue with the Region with respect to the required road widenings, the location of the building and proposed landscaping within the Regional Road allowance. There are 2 triangles in this location, a Corner Visibility Triangle (CVT) and a Driveway Visibility Triangle (DVT). The DVT's apply to the driveway entrances, whereas the CVT applies to the corner of Weber Street East and Dellroy Avenue. The applicant has requested a Minor Variance with respect to the Driveway Visibility Triangle (DVT). Some survey work needs to be done to confirm the road widening and the impacts to the proposed development. In any case, the applicant can confirm that building will be adjusted to comply with the Regional CVT. However, in the absence of this more detailed survey work to establish the road widening and confirm the location of the proposed building relative to the new lot line and CVT and DVT, the Applicant has requested to defer this application.

Corner Visibility Area - means the area formed within a corner lot by two triangles, where the intersecting street lines form the legs of each triangle, and the triangles extend from the street linepoint of intersection.

Corner Visibility Triangle – means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof, and a straight line connecting them from their point of intersection.

Driveway Visibility Triangle – means a triangular area formed within a lot by the intersection of an edge of a driveway and a lot line, or the projections thereof, and a straight line connecting them from their point of intersection.

Airport Zoning (Advisory):

The owners/applicants are also advised that the subject property falls within the Region of Waterloo Zoning Regulated Area, specifically under the Take-off/Approach Surface for Runway 08. Using the Region of Waterloo International Airport Zoning Regulations (AZR) online tool (<https://www.waterloairport.ca/en/about-ykf/airport-zoning-regulations-update.aspx>), the permitted building height for the subject property is 399.5m Above Sea Level (ASL), the maximum building height is 75.5m based on a maximum ground level of 324m ASL. Please ensure that the building heights for the proposed development comply with the Region of Waterloo Airport zoning and height restrictions. The Region of Waterloo International Airport AZR also regulates any construction of towers/cranes for a proposed development. Any proposed development at this location must ensure that construction towers/cranes also comply with the Region of Waterloo International AZR.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *ROPA 6*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

June 30, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN
(5) 08 WEBER KIT, 15 DELLROY AVENUE
2296342 ONTARIO INCORPORATED

(12) VAR KIT, 30 AND 40 MARGARET
AVENUE ACTIVA HOLDINGS

Subject: Committee of Adjustment Meeting July 18, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 076 – 912 Otterbein Court – No Concerns.
- 2) A 2023 - 077 – 176 Indian Road – No Concerns.
- 3) A 2023 - 078 – 35 Fifth Avenue – There are no conditions for this application. However, the owners are advised that the proposed and existing dwelling(s) on the subject lands would have impacts from the transportation noise in the vicinity. The owners are responsible for ensuring that the subject development does not have any environmental noise impacts. In the absence of a detailed noise study, the staff strongly recommend that all dwelling units be installed with air-ducted heating and ventilation system, suitably sized and designed for the provision of central air conditioning. This will avoid retrofit at any later application stage, e.g. Consent/Condo.

There are no airport-specific concerns for the proposed development. However, the owners are advised that the subject lands are located within the Airport Zoning Regulated area and specifically under the runway take-off/approach surface; and, as such, subject to all provisions of the Airport Zoning Regulations.

- 4) A 2023 - 079 – 55 Rockcliffe Drive – No Concerns.

- 5) A 2023 – 080 – 15 Dellroy Avenue – The Regional staff **do not support this minor variance application**. Any structures within the Daylight Triangle (DLT) and any encroachment under, at or above the ground within the Regional right of way, including the daylight triangle (including the lands to be dedicated to the Region), will not be allowed. The buildings and the site must be designed accordingly.

Airport Zoning (Advisory):

The owners/applicants are also advised that the subject property falls within the Region of Waterloo Zoning Regulated Area, specifically under the Take-off/Approach Surface for Runway 08. Using the Region of Waterloo International Airport Zoning Regulations (AZR) online tool (<https://www.waterloairport.ca/en/about-ykf/airport-zoning-regulations-update.aspx>), the permitted building height for the subject property is 399.5m Above Sea Level (ASL), the maximum building height is 75.5m based on a maximum ground level of 324m ASL. Please ensure that the building heights for the proposed development comply with the Region of Waterloo Airport zoning and height restrictions. The Region of Waterloo International Airport AZR also regulates any construction of towers/cranes for a proposed development. Any proposed development at this location must ensure that construction towers/cranes also comply with the Region of Waterloo International AZR.

- 6) A 2023 - 081 – 333 Pine Valley Drive – No Concerns.
- 7) A 2023 - 082 – 685 Frederick Street – No Concerns.
- 8) A 2023 - 083 – 15 Kenora Drive– No concerns/conditions for this application. Staff note that the subject lands are located within the Airport Zoning Regulated area and specifically under the runway take-off/approach surface; and, as such, subject to all provisions of the Airport Zoning Regulations.
- 9) A 2023 - 084 – 151 Frederick Street – There are no conditions for this application. However, the applicants are advised that they are responsible for ensuring that the proposed development does not have any environmental noise impacts (both on-site and off-site).
- 10) A 2023 - 085 – 920 Keewatin Place – No Concerns.
- 11) A 2023 – 086 – 59 Graber Place – Although there are no conditions for this application, the staff note that there are noise-sensitive land uses, specifically the backyards of many residential dwellings, in the immediate vicinity of the subject lands, which may have impacts from the noise from the proposed storage related activities. The staff recommend that the City staff look into this as deemed appropriate.

12) A 2023 – 087 – 30-40 Margaret Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



June 29, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 18, 2023

Applications for Minor Variance

A 2023-077 176 Indian Road
A 2023-078 35 Fifth Avenue
A 2023-079 55 Rockcliffe Drive
A 2023-080 15 Dellroy Avenue
A 2023-081 333 Pine Valley Drive
A 2023-082 685 Frederick Street
A 2023-083 15 Kenora Drive
A 2023-084 151 Frederick Street
A 2023-085 920 Keewatin Place
A 2023-087 30-40 Margaret Avenue

Applications for Consent

B 2023-025 97 Second Avenue
B 2023-026 30-40 Margaret Avenue

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 15, 2023

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

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: July 28, 2023

REPORT NO.: DSD-2023-342

SUBJECT: Minor Variance Application A2023-100 – 332 Prospect Avenue

RECOMMENDATION:

That Minor Variance Application A2023-100 for 332 Prospect Avenue requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 4.6 metres and 6.9 metres instead of the minimum required 7.5 metres, to facilitate the construction of a detached dwelling, generally in accordance with drawings prepared by Bobicon Ltd., dated June 28, 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to facilitate the construction of a single detached dwelling.
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- 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 a vacant lot located near the intersection of Kenneth Avenue and Prospect Avenue.



Figure 1 – Ariel Photo of Subject Property

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

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to review a rear yard setback variance to facilitate the construction of a single detached dwelling. The subject property is currently a vacant lot, with a lot area of 342.2 square metres. The proposed site plan for the single detached dwelling indicates a rear yard setback of 4.6 metres on the left side of the rear yard and a setback of 6.9 metres on the right side of the rear yard. As a result of the irregular shape of the rear area of the property and the proposed design of the single detached dwelling, the minimum rear yard setback of 7.5 metres is not able to be met.

Staff visited the subject property on July 26, 2023.

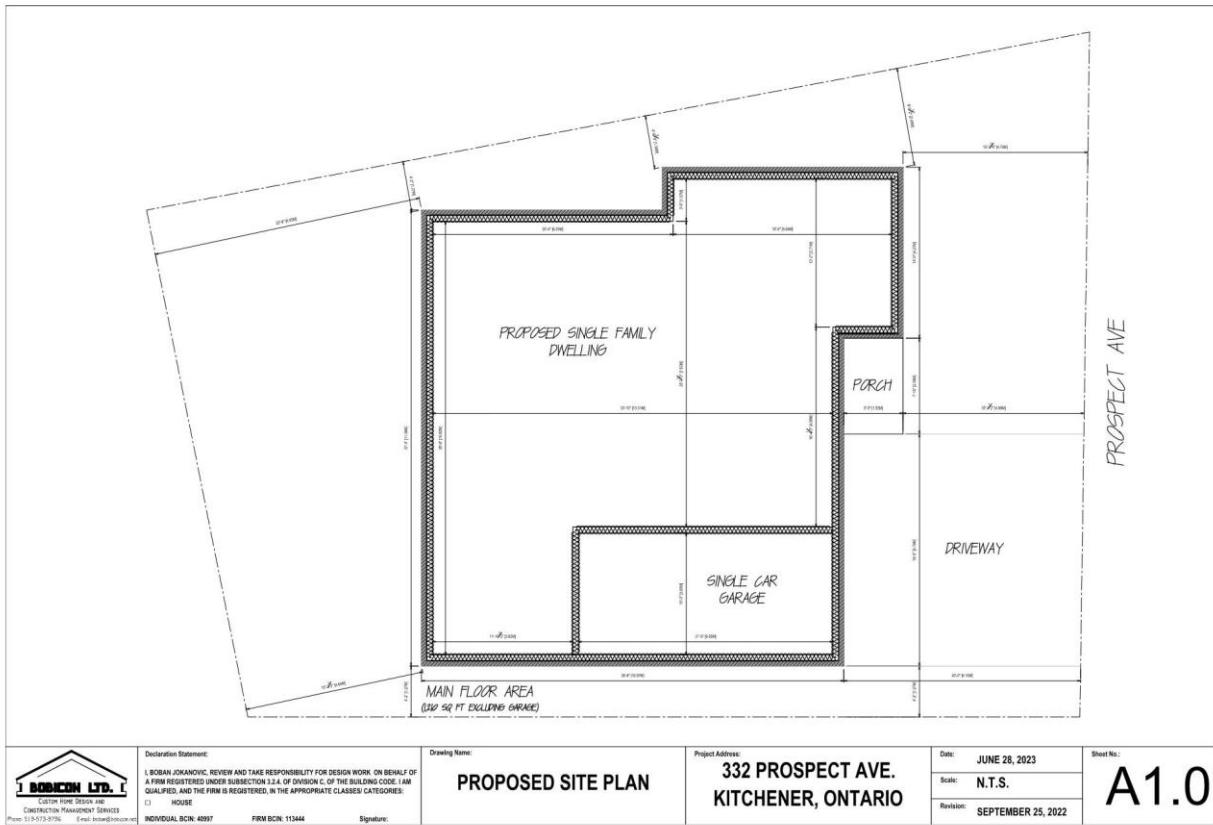


Figure 2 – Proposed Site Plan



Figure 3 – Front View of Subject Property

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' on Map 3 – Land Use. The Low Rise Residential land use designation permits a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing.

This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. It is the opinion of staff that the variance to facilitate the proposed use of a single detached dwelling meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the rear yard setback requirement is to ensure that there is an adequate separation from adjacent properties with respect to privacy concerns, and that there is appropriate amenity space for residents. The proposed site plan indicates that there will be adequate amenity space for residents in the rear yard, due to the shape of the lot. The privacy concerns appear minimal due to the existing fence and the larger rear yard setbacks on adjacent properties. As such, staff is of the opinion that the variance meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the requested variance is minor, as any privacy concerns related to adjacent properties are minimal, the reduced rear yard setback will still provide a sufficient amenity area and will not have any significant impacts to adjacent properties or the overall neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variance to reduce the minimum rear yard setback is appropriate for the desirable development of the lands, as it will facilitate the construction of a dwelling on an existing irregular-shaped lot.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the single detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering Division has no concerns with this application.

Parks/Operations Division Comments:

Parks/Operations Division have no concerns with this application.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

There are no concerns/requirements for the above application. The owners are advised that the subject property falls within the Region of Waterloo Zoning Regulated Area, specifically under the Take-off/Approach Surface for Runway 08. For more information in this regard, please contact Jordan Vander Veen, Manager at 519-648-2256 ext. 8514 Email: jvanderveen@regionofwaterloo.ca.

Grand River Conservation Authority Comments:

The GRCA have no concerns with this application.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

July 25, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

- (3) 08 URBAN, ACTIVA TRUSSLER NORTH
SUBDIVISION
- (6) 06 HIGHLAND, 460 HIGHLAND ROAD
WEST MCCRORY ASSOCIATES LIMITED
- (9) 04 URBAN, 1020 OTTAWA STREET
NORTH OTTAWA-RIVER DEVELOPMENTS
- (11) VAR KIT GEN, 134 TO 152 SHANLEY STREET
SHANNONDALE
- (16) VAR KIT, 485 HURON ROAD ACTIVA HOLDINGS
INC (HURON B2 LANDS)

Subject: Committee of Adjustment Meeting August 15, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 088 – 52 Earl Street – No Concerns.
- 2) A 2023 - 089 – 204 Fifth Avenue – No Concerns.
- 3) A 2023 - 090 – 2-56 Benninger Drive – No Concerns.
- 4) A 2023 - 091 – 181 Weber Street East – There are no Concerns for the above application to keep the existing setbacks due to the existing conditions of the building.

However, the owners are advised that at the future development application stage on the subject property, a dedicated road widening of approximately 3.05m may be required to comply with the ROP Designated Road width of 26.213m, and the existing building will be encroaching within the Regional right-of-way. Under any future development application stage, an encroachment agreement may also be required to keep the existing building with the existing setbacks.

Staff strongly advise that the applicants consider doing the building addition fronting Weber Street accordingly such that the building does not encroach into future Regional right-of-way.

- 5) A 2023 – 092 – 68 Rushbrook Drive – No Concerns.
- 6) A 2023 - 093 – 460 Highland Road West – No Concerns.
- 7) A 2023 - 094 – 39 Third Avenue – No Concerns.
- 8) A 2023 - 095 – 64 Garden Avenue– No concerns.
- 9) A 2023 - 096 – 1020 Ottawa Street North – There are no Regional concerns for this application. The staff notes that the City staff ensures this is consistent with the stationary noise report completed for the development (City's requirement).
- 10) A 2023 - 097 – 68 Betzner Avenue North – There are no requirements/concerns to this application. However, the staff note that dwellings on the subject lands may have environmental noise impacts from traffic on Weber Street East (RR #08).
- 11) A 2023 – 098 – 134 -152 Shanley Street– No requirements/concerns for this application. The owners are advised that the proposed development (specifically higher floors) may have transportation noise impacts from the Region of Waterloo Railway Line (approximately 109m) and Weber Street West (approximately 153m).
- 12) A 2023 – 099 – 195 Victoria Street North – There are no requirements for this application. However, the owners are advised that:
 - a) The proposed development will have transportation noise impacts from Metrolinx/CN Railway Line (approximately 88 and the abutting Victoria Street North (RR #55), and any potential stationary noise sources in the vicinity. The owners are responsible for ensuring that the proposed development does not have any environmental noise impacts (both on-site and off-site).
 - b) A development application, e.g. Site Plan / Consent on these lands, would require approximately 3.05m of road dedication along the frontage on Victoria Street.
- 13) A 2023 – 100 – 332 Prospect Avenue – There are no concerns/requirements for the above application. The owners are advised that the subject property falls within the Region of Waterloo Zoning Regulated Area, specifically under the Take-off/Approach Surface for Runway 08. For more information in this regard, please contact Jordan Vander Veen, Manager @ 519-648-2256 ext 8514 Email: jvanderveen@regionofwaterloo.ca
- 14) A 2023 – 101 – 471 Duke Street West – No Concerns.
- 15) A 2023 – 102 – 485 Huron Road (Commercial) – No Concerns.

16)A 2023 – 103 – 485 Huron Road (Residential) – There are no concerns. The owners should ensure that this does not affect the recommendations of the approved noise study for this development.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca

Shilling Yip & Melissa Mohr, Region of Waterloo – FYI only regarding OPA 21/02 and ZBA 21/04 for 134-152 Shanley Street.



July 27, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – August 15, 2023

Applications for Minor Variance

A 2023-088 52 Earl Street
A 2023-089 204 Fifth Avenue
A 2023-090 2-56 Benninger Drive
A 2023-091 181 Weber Street East
A 2023-092 68 Rushbrook Drive
A 2023-094 39 Third Avenue
A 2023-095 64 Garden Avenue
A 2023-096 1020 Ottawa Street North
A 2023-097 68 Betzner Avenue North
A 2023-098 134-152 Shanley Street
A 2023-099 195 Victoria Street North
A 2023-100 332 Prospect Avenue
A 2023-101 471 Duke Street West

Applications for Consent

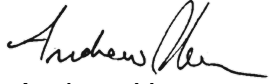
B 2023-027 116 Hoffman Street
B 2023-028 47 & 51 Pequegnat Avenue
B 2023-029 15 Ellen Street West
B 2023-030 83 Victoria Street North
B 2023-031 87 Victoria Street North
B 2023-034 685 Fischer Hallman Road

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherremman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, with a large, stylized initial "A".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: September 6, 2022

REPORT NO.: DSD-2023-391

SUBJECT: Minor Variance Application A2023-104 – 254 Westwood Drive

RECOMMENDATION:

That Minor Variance Application A2023-104 for 254 Westwood Drive requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit one (1) required parking space to be located 2.6 metres from the street line instead of the minimum required 6 metres in order to facilitate the conversion of the attached garage into living space for a new Additional Dwelling Unit (Attached), generally in accordance with drawings attached to Minor Variance Application A2023-104, dated July 12, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to permit a required parking space within the front driveway to facilitate a duplex use of the existing building.
- The key finding of this report is that the requested minor variance satisfies the four tests of the Planning Act.
- 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 Westwood Drive, between Gallarno Court and Huntington Place. The existing use of the subject property is a single-detached dwelling.



Figure A – Location of Subject Property

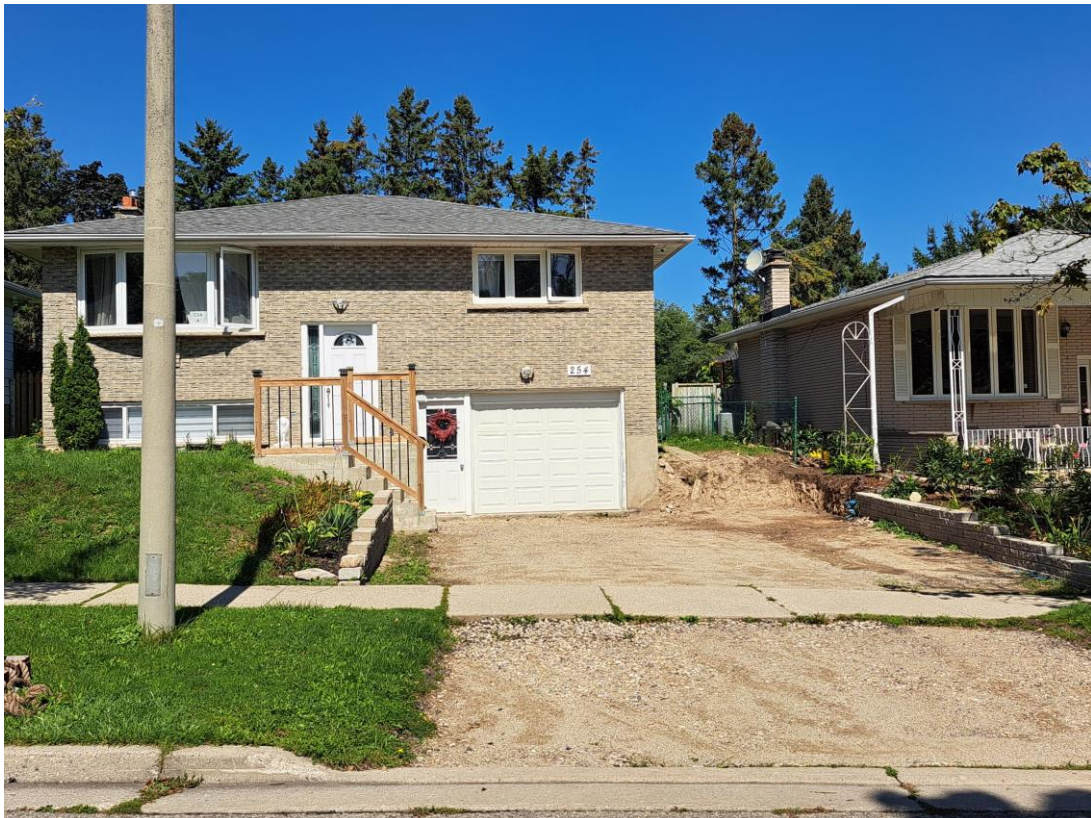


Figure B – Location of Parking Space

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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conversion of the attached garage into living space for an Additional Dwelling Unit (ADU) (Attached). The required parking space for the ADU (Attached) will be located within the existing driveway in the front yard of the subject property, shown in 'Figure B'. The existing driveway is not long enough for one (1) of the required parking spaces to be located a minimum of 6.0 metres from the street line. As the Zoning By-law only allows one (1) required parking space to be located within 6 metres of the street (property) line, requested relief from the Zoning By-law is necessary to facilitate a duplex use of the property.

Section 4.12.2 b) of Zoning By-law 2019-051 states that a maximum of one pedestrian entrance to the principal building shall be located on each street line façade, except where more pedestrian entrances are existing. As the door beside the attached garage is existing, it would be permitted to be retained with the enclosure of the attached garage into living space.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject lands are designated as 'Low-Rise Residential' on Map 3 of the Official Plan. This designation permits a full range of low density housing types including duplexes, additional dwelling units, and other forms of low-rise housing. The intent of this designation is to ensure compatibility of building form, with respect to massing, scale and design in order to support the successful integration of a range of building types. It also places emphasis on the relationship of buildings to adjacent properties, streets, and exterior areas. As the built form is not changing, Staff is of the opinion that the requested variance to permit a duplex use meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of Section 5.3.3 a) i) of Zoning By-law 2019-051 which does not permit parking spaces within 6.0 metres of a street line is to ensure that the front or exterior side yards of lots do not primarily function as parking areas. This also intends to ensure that front or exterior side yards of lots contain adequate landscaped area. The subject lands contain an existing driveway in the front yard, which will accommodate the required parking space for the ADU (Attached). The existing driveway has a width of 7.3 metres, which is less than the maximum permitted driveway width of 7.6 metres, 50% of the lot width of 15.3 metres. Staff is of the opinion that there is adequate landscaped area in the front yard of the subject lands, therefore the requested variance meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the effects of the requested variance to permit a required parking space for an ADU (Attached) within 6.0 metres of the front lot line is minor. The requested variance will not have any visual impacts on neighbouring properties or the existing neighbourhood character.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Staff is of the opinion that the variance is desirable and appropriate for the use of the land as it will facilitate the conversion of the building on the subject property into a duplex, supporting a gentle intensification of the property, will make use of existing infrastructure, and support the City's Housing Pledge.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the attached additional dwelling unit and it is currently under review.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services can support the proposed application to permit a required parking space be 2.6 metres from the property line instead of the minimum required 6 metres from the property line. Additionally, the driveway can accommodate two (2) vehicles which helps support the proposed ADU.

Region of Waterloo Comments:

There are no conditions for this application. However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m). The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

Metrolinx Comments:

The subject property is located within 300 metres of Canadian National Railway's (CN Rail) Guelph Subdivision which carries Metrolinx's Kitchener GO Train service. As CN Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CN Rail is circulated the application for review. The proponent is advised of the following:

- Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to ore expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints of claims arising from use of such facilities and/or operations on, over or under these lands.

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:

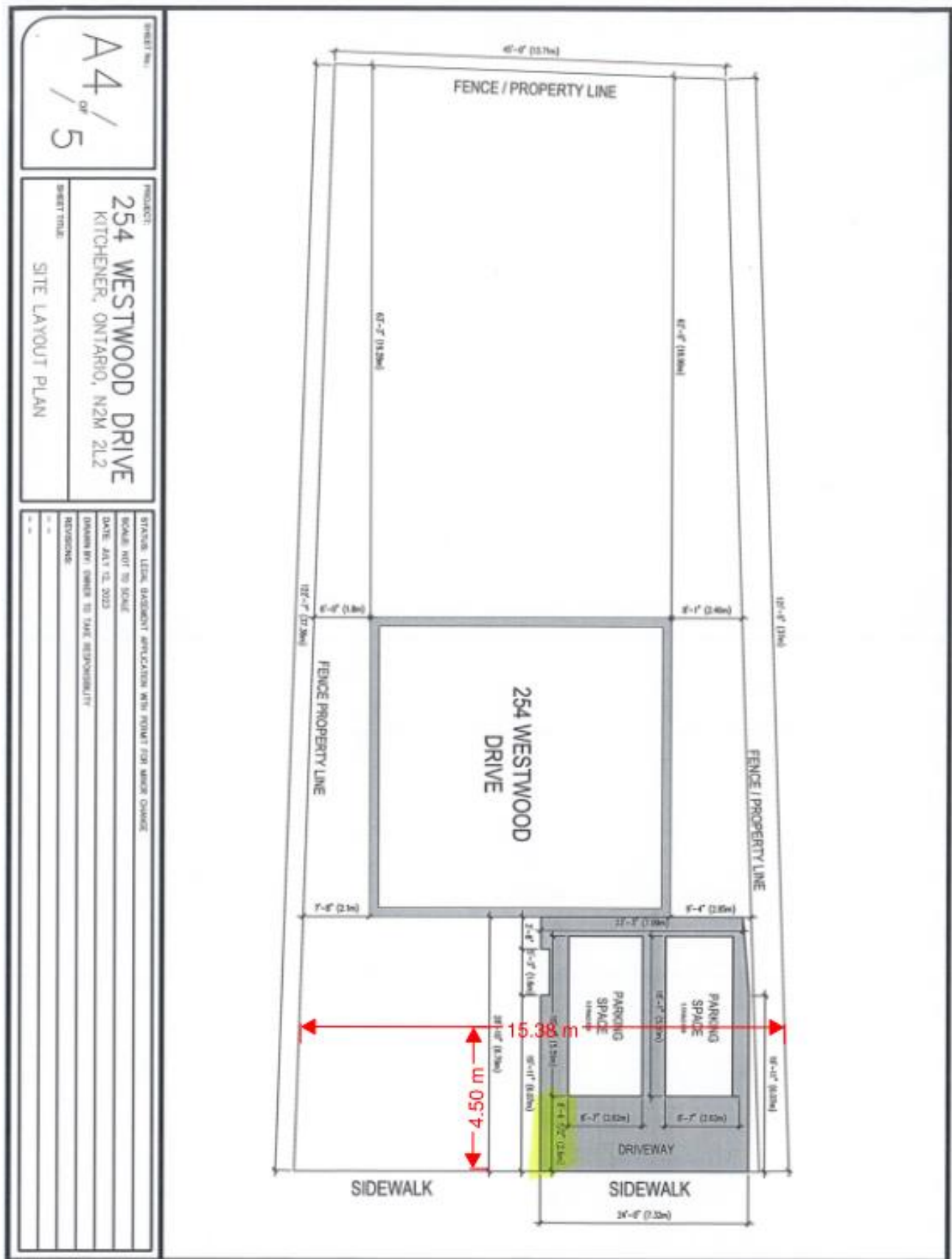
INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Site Plan



Attachment A – Site Plan

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

To: Kitchener Committee of Adjustment
From: *Adjacent Developments GO Expansion - Third Party Projects Review & LRT - Metrolinx*
Date: September 1st, 2023
Re: A 2023 104 - 254 Westwood Drive, Kitchener

Metrolinx is in receipt of the minor variance application for 254 Westwood Dr to facilitate a parking space to support the conversion of the detached garage into a living space (duplex). Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Canadian National Railway's (CN Rail) Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- As CN Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CN Rail is circulated the application for review.
- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
Farah Faroque
Project Analyst, Third Party Projects Review
Metrolinx
10 Bay Street | Toronto | Ontario | M5J 2N8

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



From: Kathie Stone-Mason

Sent: Friday, September 1, 2023 11:32 AM

To: Sharon Stone

Subject: 254 Westwood Drive Kitchener variance application (A2023-104) in regards to parking space

I spoke to Connie yesterday and I am sending this email in regards to 254 Westwood Drive Kitchener. I live directly across this residence which was purchased by the current owner Andre in 2018. I have lived at [REDACTED] since July 2016 , contact number is [REDACTED] . I am fearful of this landlord and

[REDACTED] . Police were called on Tuesday Aug 22,2023 by the tenants [REDACTED] unit since about April 2021. There has been several visits to this address by the local by-law and recently local police.

[REDACTED] texted myself on Aug 22, 2023 at 6:38 pm asking if I can hear landlord yelling at her boyfriend in the backyard of 254 Westwood Dr. She was at work and could hear and see the commotion via her home camera. I told her yes, very aggressive yelling on the landlords part, yelling you need to move, you need to pay \$ 500.00 more a month. I advised [REDACTED] to call the police and get home. Police arrived at 7:15 pm and left an hour later. Landlord is always on the property weekly with his wife and 2 children doing various work. By-law has been called twice in July 2023 as he is working till 8-8:45 pm in the weeknights disturbing the renters, myself and close neighbours. Since then, he has refrained from making loud construction noises.

This house was rented out to a family of 7 (5 kids) shortly after the purchase in 2018. These tenants [REDACTED] abruptly moved just before covid due to ongoing fights with landlord Andrea about rent. This home was renovated and MADE INTO A DUPLEX AND WAS RENTED OUT IN APRIL 2021 AS UNIT A AND B. It was rented out as a duplex till end of March 2023 when [REDACTED] tenant moved. I want the city to know that this was made into a duplex, landlord spent several months with no visible permit in 2020-2021. I believe the landlord has made it look as one unit as he removed the upper mailbox in August 2023, so now only one mailbox. He reconfigured the front

porch in 2020-2021 so that the lower unit had access to the garage entrance.

The landlord has served the [redacted] with notice in April 2023 that he wants to move BACK in and he has never lived there. This was done a week after he asked for more illegal rent increase and the [redacted] refused to pay more than the legal amount. In July 2023, I have formerly met the [redacted] tenants [redacted], [redacted]. They informed me that they are awaiting a housing tribunal date, due to the fact that he wants to move back in. I told them he has never lived there and has a home in Waterloo and he told me back in 2018 that his wife doesn't live the area and has a nice home In Waterloo. They informed me he has recently shut of the AC unit, removed internet connection, shut off power to the dryer and recently removed the dryer last August 2023.

Another close neighbour called the city for 2 years citing that the duplex is illegal and the city took 2 years to finally investigate and here we are. This is only background information for your committee of the events across the street and on August 22, 2023 when the cops arrived, the landlord informed the police he is moving in the home Sept 1, 2023 which is today. The [redacted] were on the front porch and they were advised to call the police again on Sept 1, 2023. Our neighbourhood doesn't need this aggressiveness and chaos from this landlord. Someone is going to get assaulted as this issue escalates till a tribunal hearing.

This residence as 254 Westwood Drive Kitchener (A 2023-104) was rented out as a duplex on or about April 2021 (was previously rented out to one family for entire house) with [redacted] living in the [redacted] unit and [redacted] living in the [redacted] unit. This was evident as the landlord added another mailbox and added "A" and B"" on each of the mailboxes. The front porch was also reconfigured for an [redacted] tenant. At that time, the [redacted] tenants only had 1 vehicle, so parking was not an issued until the [redacted] tenants gained a second small white vehicle which picture is attached taken Aug 31, 2023. This happened a few months after April 2021. The landlord did extend the width of the driveway before the tenants moved in, adding about 2 feet. Once the [redacted] tenants had 2 vehicles, the parking for 3 vehicles in this driveway was impossible and caused by-lay and police to attend the residence on several occasions. Surrounding neighbours are aware and myself witnessed confrontations between [redacted] tenants (before I formerly met them). This again was scary and stressful. The [redacted] who had didn't have a large vehicle could barely get in and out of her vehicle. The [redacted] tenant moved out end of March 2023 and since then the [redacted] has not been rented out.

I believe the landlord/owner is now trying to get a city permit for a legal duplex and pay his fair share of city taxes going forward if this is designated as a legal duplex. As a concerned neighbour, I have attached a picture of a large truck parked in the driveway from August 31, 2023. If this variance is allowed, there again is no room for 3 vehicles and again our neighbourhood will be subjected to ongoing conflicts with tenants. This driveway is small in comparison to nearby homes. There is a legal duplex across from 254 Westwood Drive and parking is ample and 3 vehicles have parked there for over a year without incident.

Three vehicles parked beside each other in a row is dangerous. The vehicle parked to the right has to drive over the boulevard in order to get out as the boulevard driveway is not as wide as the 3 vehicles. If 3 vehicles are present, the furthest right vehicle has difficulty backing out and I have witnessed this several times over the last 2 years. Lately tenants have been parking on the street as the landlord is parking in the driveway and it makes it difficult for neighbour across the street to

leave their driveway as their side of the street has no parking as is narrow. There is no way to get cars parking in front of each other, so the only option is to have 3 vehicles in a row, and again I have lived through 2 years of tenants arguing, by law and police visits, till ultimately the moved end of March 2023. I am all for improving rental properties, however I firmly believe this driveway is too small for 3 vehicles. I have witnessed the chaos it has caused when resided there. I am not looking forward to this.

Kathie Stone-Mason

|

|

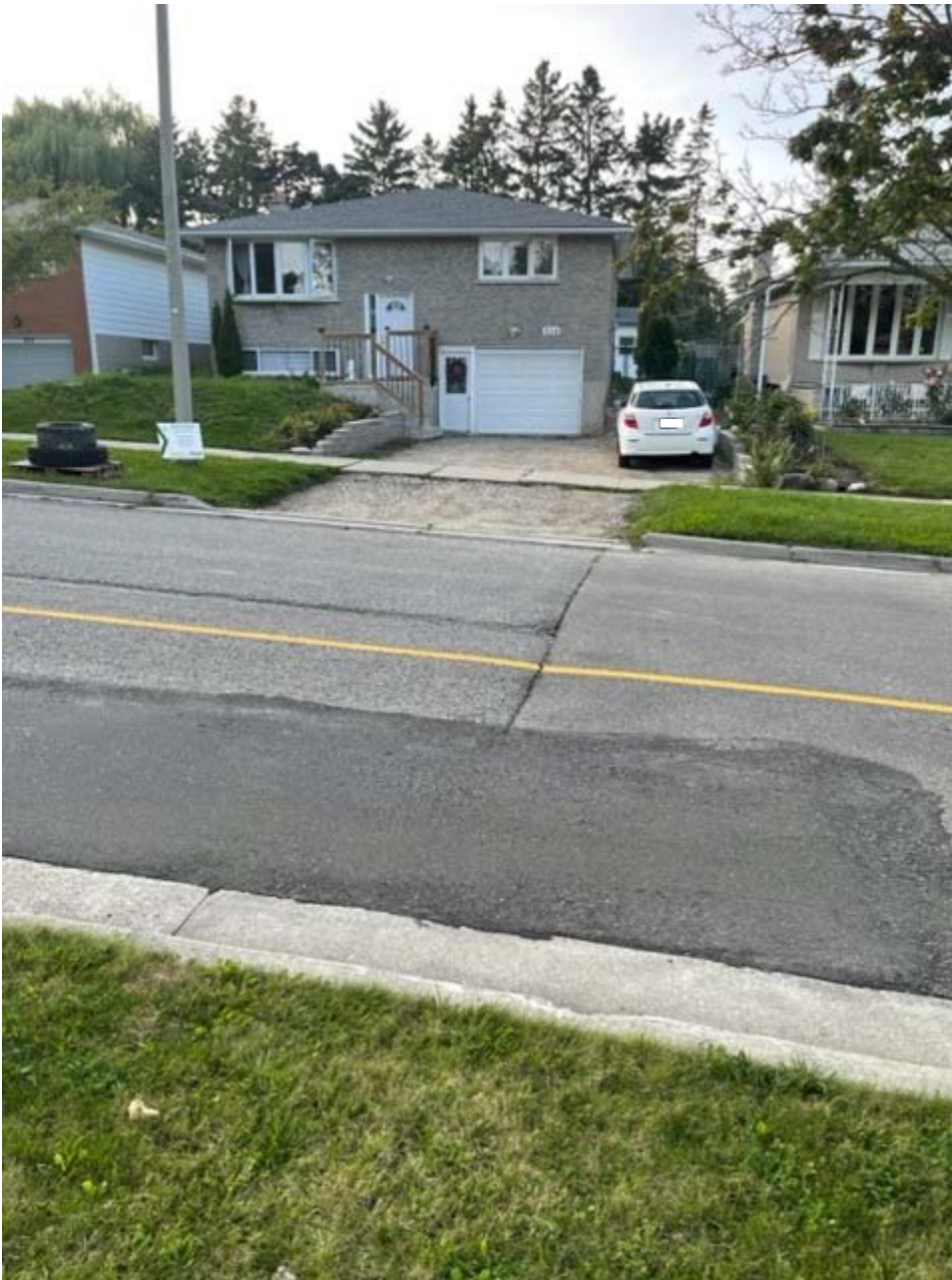
Alison Fox

From: Kathie Stone
Sent: Friday, September 1, 2023 3:21 PM
To: Committee of Adjustment (SM)
Subject: 254 Westwood dr Kitchener (A2023-104)



Here is two cars parked at said residence asking for a parking variance. Landlords wife just arrived and parked to the left of the driveway. White car on the right is will be driving home from work and is obvious 3 cars cannot safely park in the driveway as it is now.

I have sent in an email earlier today regarding this matter and this pic was taken today Sept 1, 2023 at 3:20 pm



Alison Fox

From: Kathie Stone
Sent: Friday, September 1, 2023 10:29 AM
To: Kathie Stone-Mason
Subject: 254 Westwood dr Kitchener Aug 31 pic of visitor vehicle



Alison Fox

From: Kathie Stone
Sent: Thursday, September 7, 2023 10:41 AM
To: Committee of Adjustment (SM)
Subject: 254 Westwood dr Kitchener

Hello. There is a sept 19, 2023 scheduled for this parking variance and I already sent in my comments.

The by law was here again at this residence as the owner again was working past 7:00 pm and disturbing the rental tenants and neighbours. This was Wed Sept 6 2023 and by law was here for an hr.

Adjourning neighbour had no internet tv on wed sept 6 the day digging was going on. This neighbour came to our house to ask us our cable was working

See attached picture of the destruction owner had done to neighbours garden

Hoping the planner can come by and take more pictures. This neighbour doesn't speak much English and he and his wife spend countless hours on the garden which if it rains there is no retaining wall of bricks and part of fence is removed.

No scans of property where done before he dug up several feet of earth and same day neighbour doesn't have cable??



Owner had his 3 kids running on the front property part 7:00 pm and his wife was also there. called

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Joanne McCallum, Coordinator – Planning & Zoning Services,
519-741-2200 ext. 7075

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-407

SUBJECT: Minor Variance Application A2023-105 – 120 Rossford Cres.

RECOMMENDATION:

That Minor Variance Application A2023-105 for 120 Rossford Crescent, requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2 e) to permit a lot width of 11 metres instead of the minimum required 13.1 metres; and
- ii) Section 4.16 a) i) to permit a building used for dwelling units to be setback 16 metres from the lot line of the active railway right-of-way for a Principal line instead of the minimum required 30 metres;

to facilitate the conversion of the existing Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) into a Single Detached Dwelling with 2 Additional Dwelling Units (ADUs) (Attached) (Triplex) generally in accordance with the Site Plan prepared by Michael Burgoyne and Tim Brenner, dated 11-02-2020, BE APPROVED, subject to the following condition:

1. The Owner enter into an agreement with the City of Kitchener, to the satisfaction of the City Solicitor, to include the following warning clause in all agreements of Offers of Purchase or Sale, Deeds or Rental/Lease Agreements of the building and/or dwelling units:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity,

notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the conversion of a Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) to a Single Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) (Triplex).
- The key finding of this report is that the requested minor variances satisfy the four tests of the Planning Act.
- 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 a pie-shaped interior lot, located on Rossford Crescent, west of Westmount Road West, between Victoria Street South and Glasgow Street. The subject property is within walking distance to Victoria Hills Community Centre and Hillside Public School.

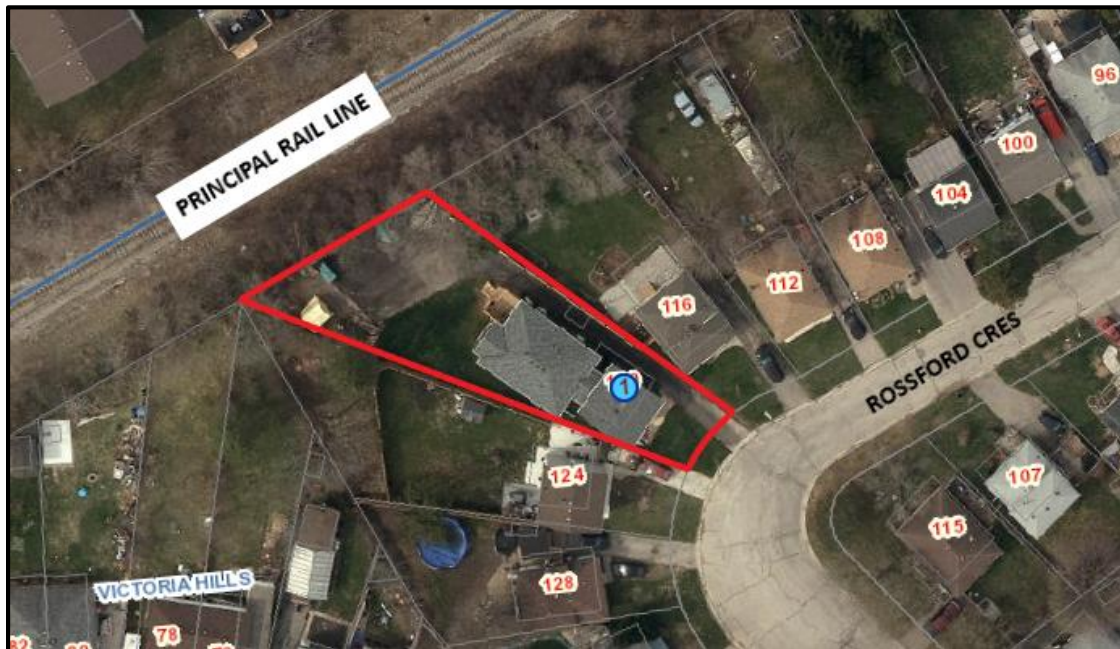


Figure 1: Location of Subject Property

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 Three Zone (RES-3)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conversion of a Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) to a Single Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) (Triplex).

The minor variances being requested are to permit a single detached dwelling with 2 Additional Dwelling Units (Attached) (triplex) on a lot with a lot width of 11 metres instead of 13.1 metres and to permit a building used for dwelling units to be setback 16 metres from the lot line of the active railway right-of-way for a Principal line instead of 30 metres.



Figure 2: Photo of Front of House at 120 Rossford Cres

The applicants reached out to CN in June 2023 to determine if CN would be supportive of their request to convert the existing duplex to a triplex and having the existing building be located within 30 metres of the required setback. CN provided a response to the applicant in July 2023 stating that they can accept a 15-metre setback with a condition that a registration of an environmental easement for operational noise and vibration emissions, in favor of CN be applied to the property.

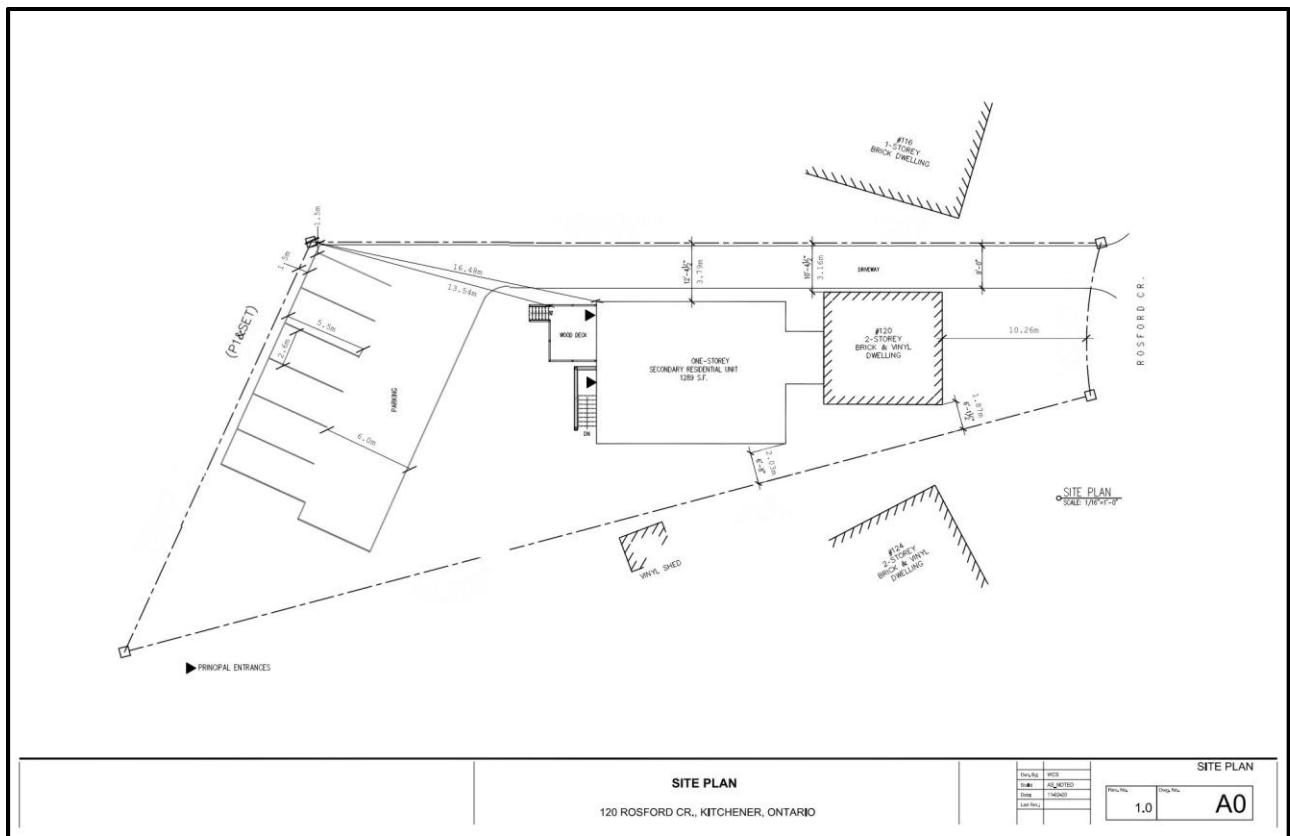


Figure 3: Site Plan of Subject Property

Planning staff conducted a site visit on August 31st, 2023, and took the following photos:



Figure 4: Photo of Parking Lot in Rear Yard



Figure 5: Photo from Parking Lot Looking at Rear and Side Yard Amenity Space

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' in the 2014 Official Plan. Low Rise Residential areas place an emphasis on the importance of accommodating a full range of low-density housing types, including single detached dwellings with additional dwelling units (attached).

To facilitate a triplex, staff is of the opinion that the proposed variances requesting a reduction to the lot width, and requesting a reduction to the setback of a building containing dwelling units from a lot line of an active Principal railway right-of-way maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'Low Rise Residential Three Zone (RES-3)' in Zoning By-law 2019-051. The intent of the minimum lot width of 13.1 metres for single detached dwellings with 2 additional dwelling units (attached) (triplex) is to ensure that the property can function adequately with proper building setbacks, provide sufficient amenity space and accommodate the required parking. The subject property exceeds the minimum required lot area for a triplex use, however, due to the nature of the pie-shaped lot, the lot width of 11 metres is slightly deficient and does not meet the requirement set out in the Zoning By-law. The building on the subject property complies with all required setbacks

and can accommodate the required parking spaces necessary for a triplex. As shown in Figure 5 above, there is amenity space provided in the rear and side yard, as well, the subject property is within walking distance to Victoria Hills Community Centre and Gzowski Park for additional amenity options.

The intent of the required setback for buildings containing dwelling units to be at least 30 metres from the lot line of the active railway right-of-way for a Principal line is to ensure the safety of the residents in the building in the event of a train derailment. The applicant understands the risk associated with a residential building being 16 metres from a CN rail line and reached out to CN to determine if their proposal for converting the existing duplex to a triplex would be supported prior to applying for this minor variance. CN provided positive feedback directly to the applicant regarding this proposal and provided conditions to ensure the continued safety of the residents at the subject property.

Staff is of the opinion that the requested variances maintain the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

To facilitate a triplex, the third dwelling unit being proposed on the subject property will be located within the existing building. The existing lot width is 2.1 metres less than the required lot width due to the pie-shaped nature of the lot. The setbacks for the building, and provided parking comply with the regulations in the Zoning By-law. Adequate amenity space is also provided in the rear and side yards of the subject property.

The reduced setback of the building containing dwelling units to the lot line of the active railway right-of-way for a Principal line could impact the safety of the residents of the subject property, however, CN has provided conditions to ensure the continued safety to residents in the event of a derailment.

Staff is of the opinion that the requested variances are minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variances to reduce the lot width for a triplex and to reduce the setback of a building containing dwelling units to the lot line of the active railway right-of-way of the Principal line is desirable and appropriate as this will facilitate gentle intensification of the subject property.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the attached additional dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

Engineering Division Comments:

Engineering has no comments.

Heritage Planning Comments:

The subject property is adjacent to the Canadian National Railway Line CHL. There are no anticipated impacts or other heritage concerns as a result of the proposed variance.

Environmental Planning Comments:

No concerns due to no site development.

Parks/Operations Division Comments:

No concerns, no comments.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of this application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Region of Waterloo Comments:

There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

MTO Comments:

MTO has no requirement for this application.

Metrolinx Comments:

Metrolinx is in receipt of the minor variance application for 120 Rossford Cres to facilitate a single detached dwelling with 2 additional attached dwellings. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent to Canadian National Railway's (CN Rail) Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- As CN Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CN Rail is circulated the application for review.
- The Proponent is advised the following:
 - Warning: Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims

arising from use of such facilities and/or operations on, over or under these lands.

CN Comments:

CN comments are concerning application A2023-105 – 120 Rossford Crescent. Our understanding is that a new extension will be added or an existing accessory building will be converted into an ADU. CN does not recommend any safety setback lesser than 30 metres from CN right of way unless a crash barrier is constructed along the railway right of way.

CN also requests for following clause to be inserted in all offers of Sale or Lease of ADU:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Planning staff reached out to CN, in an email dated September 6, 2023, to clarify the requested variances, with respect to the requirement for the construction of a crash barrier, in that the applicant has an existing building on their property and that they are proposing interior alterations in order to convert the duplex to a triplex. They are not proposing any additional floor area or any detached dwellings on the lot.

In an email response from CN on September 8, 2023, CN thanked Planning Staff for providing these clarifications. CN indicated that they have no comments regarding the application mentioned in subject, since the proposal is concerning the existing building without any additional floor area or any detached dwellings on the lot.

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.

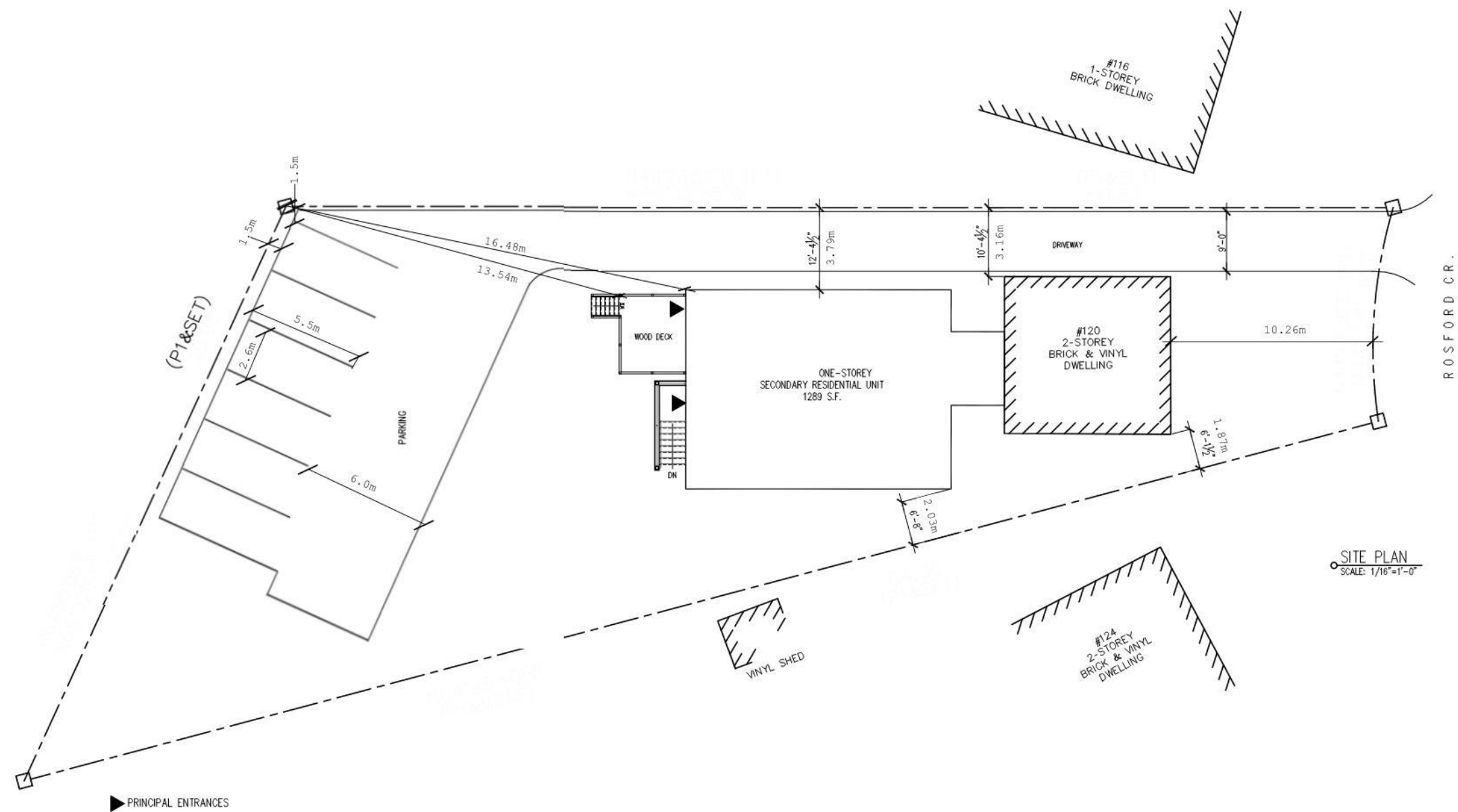
COMMUNITY ENGAGEMENT:

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENT A – Site Plan:



August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Proximity](#)
To: [Committee of Adjustment \(SM\)](#)
Cc: [Mariah Blake](#)
Subject: 2023-09-06_CN_RES_Agenda - Committee of Adjustment - A 2023-105 – 120 Rossford Crescent -Tuesday, September 19, 2023
Date: Wednesday, September 6, 2023 11:46:42 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Hello,

CN comments are concerning application A 2023-105 – 120 Rossford Crescent. Our understanding is that a new extension will be added or an existing accessory building will be converted into a ADU. CN dose not recommend any safety setback lesser that 30m from CN right of way, unless a crash barrier is constructed along the railway right of way.

CN also requests for following clause to be inserted in all offers of Sale or Lease of ADU:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca
T : 1-438-459-9190
1600, René-Lévesque Ouest, 11e étage
Montréal (Québec)
H3H 1P9 CANADA
wsp.com

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, September 01, 2023 11:55 AM
Subject: Agenda - Committee of Adjustment - Tuesday, September 19, 2023

CAUTION: This email originated from outside CN: DO NOT click links or open attachments unless you recognize the sender AND KNOW the content is safe.

AVERTISSEMENT : ce courriel provient d'une source externe au CN : NE CLIQUEZ SUR AUCUN lien ou pièce jointe à moins de reconnaître l'expéditeur et d'avoir VÉRIFIÉ la sécurité du contenu.

Good morning,

The [agenda](#) for the September 19, 2023 Committee of Adjustment meeting is now available on our [Council/Committee calendar](#).

The combined agenda with reports will be posted to the meeting calendar by noon on Friday, September 15, 2023.

Best,

Alison Fox (she/her)
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



To: Kitchener Committee of Adjustment
From: *Adjacent Developments GO Expansion - Third Party Projects Review & LRT - Metrolinx*
Date: September 1st, 2023
Re: A 2023-105 - 120 Rossford Cres, Kitchener

Metrolinx is in receipt of the minor variance application for 120 Rossford Cres to facilitate a single detached dwelling with 2 additional attached dwellings. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent to Canadian National Railway's (CN Rail) Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- As CN Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CN Rail is circulated the application for review.
- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
Farah Farouque
Project Analyst, Third Party Projects Review
Metrolinx
10 Bay Street | Toronto | Ontario | M5J 2N8

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Gaurang Khandelwal, Planner (Policy), 519-741-2200 ext. 7611

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 13, 2023

REPORT NO.: DSD-2023-390

SUBJECT: Minor Variance Application A2023-106 – 279 Sheldon Ave. N.

RECOMMENDATION:

That Minor Variance Application A2023-106 for 279 Sheldon Avenue North requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.1 to permit architectural features to project into the minimum front yard to a maximum of 0.83 metres instead of the maximum permitted projection of 0.6 metres;
- ii) Section 4.14.10 b) to permit an access ramp exceeding 0.6 metres above ground level to be located a minimum of 0.63 metres from the westerly interior side lot line instead of the minimum 0.75 metres;
- iii) Section 5.3.1 to permit a parking space within the carport to be 4.4 metres in length instead of the minimum required length of 5.5 metres;
- iv) Section 5.3.3 a) to permit a parking space to be located within 6 metres from a street line;
- v) Section 5.4 a) to permit an attached private garage to project beyond the front façade of the habitable at grade portion of the dwelling unit; and
- vi) Section 7.6 a) to permit a minimum front yard of 4.2 metres instead of the minimum required front yard of 5.65 metres;

to facilitate the construction of a carport and a wheelchair lift in the front yard and a new access ramp in the side yard of an existing single detached dwelling, generally in accordance with drawings prepared by Elan Design Studio Inc., dated July 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to facilitate the construction of a carport and a wheelchair lift in the front yard and an access ramp in the side yard of an existing single detached dwelling in order to provide an accessible entrance and exit from the dwelling to meet and enhance mobility needs.
- The key finding of this report is that the requested minor variances meet the 4 tests of the Planning Act.
- 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 the south side of Sheldon Avenue North, in the Eastwood planning community. The surrounding context comprises of primarily low-rise residential uses. Lots on the south side of Sheldon Avenue North are developed as low-rise single detached dwellings. Lots on the north side of Sheldon Avenue North are large sized with one of the properties developed as a medium-rise residential condominium. Further, Sheldon Avenue North has an irregular right-of-way configuration.



Figure 1 – Location Map of the Subject Property



Figure 2 – Photo of Subject Property

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)' and is located within 'Appendix C – Central Neighbourhoods Area' and 'Appendix D – Established Neighbourhoods Area' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of a carport and a wheelchair lift in the front yard and an access ramp in the westerly side yard of the existing single detached dwelling. These additions are intended to provide an accessible entrance and exit from the dwelling to meet and enhance mobility needs for the existing single detached dwelling.

A previous minor variance application was approved for the subject property by the Committee of Adjustment on June 15, 2021. At that time, the minor variance was approved without conditions and permitted the re-construction of an attached covered deck in the side yard of the existing single detached dwelling with a westerly side yard setback of 0.55 metres rather than the required 1.2 metres in Zoning By-law 85-1. Since that time Zoning By-law 2019-051 has come into full force and effect for the subject property, requiring additional relief from prescribed regulations with respect to the proposed carport, wheelchair lift and access ramp.



Figure 3 – Location of Requested Minor Variances

City Planning staff conducted a site visit on August 25th, 2023.

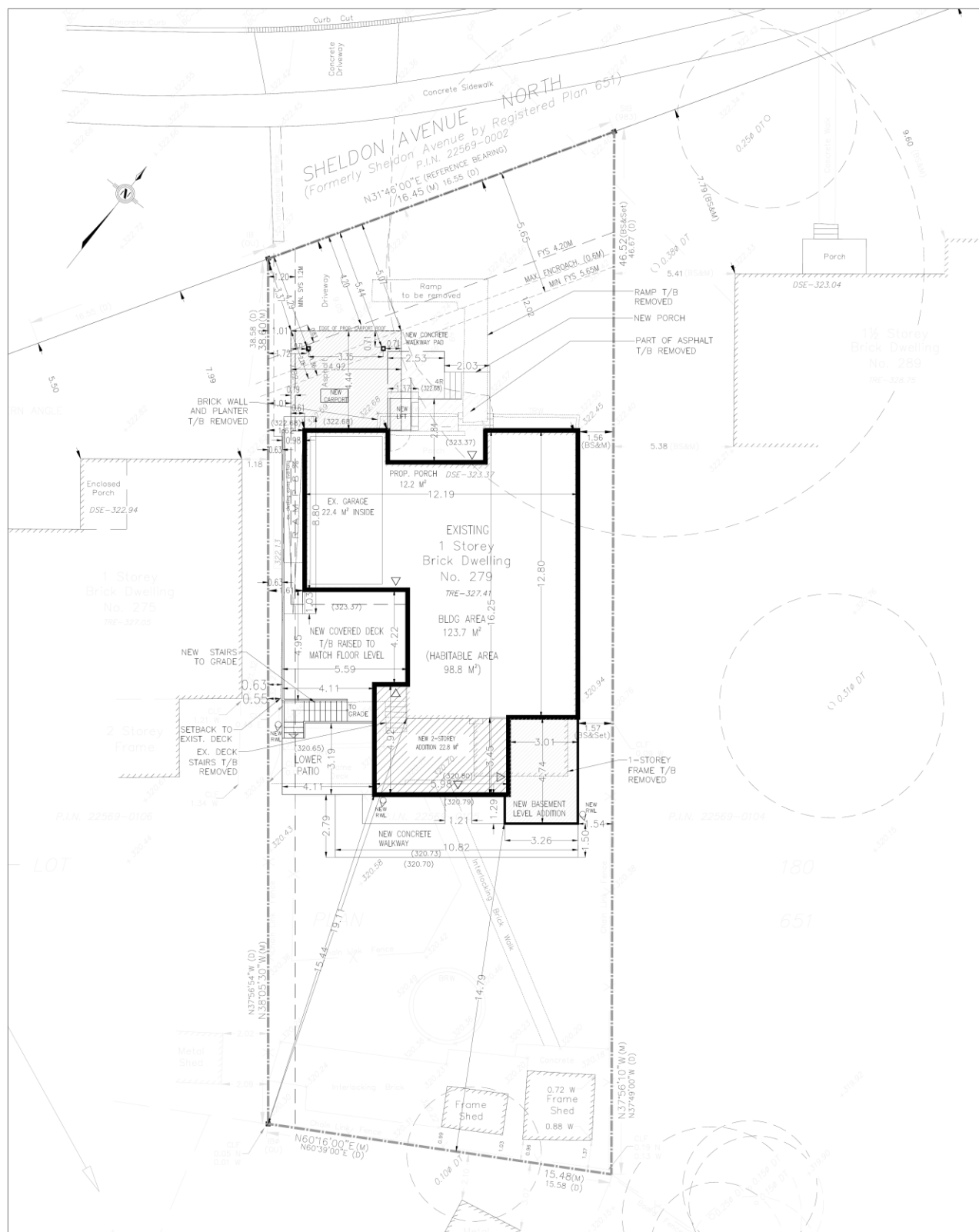


Figure 4 – Proposed Site Plan

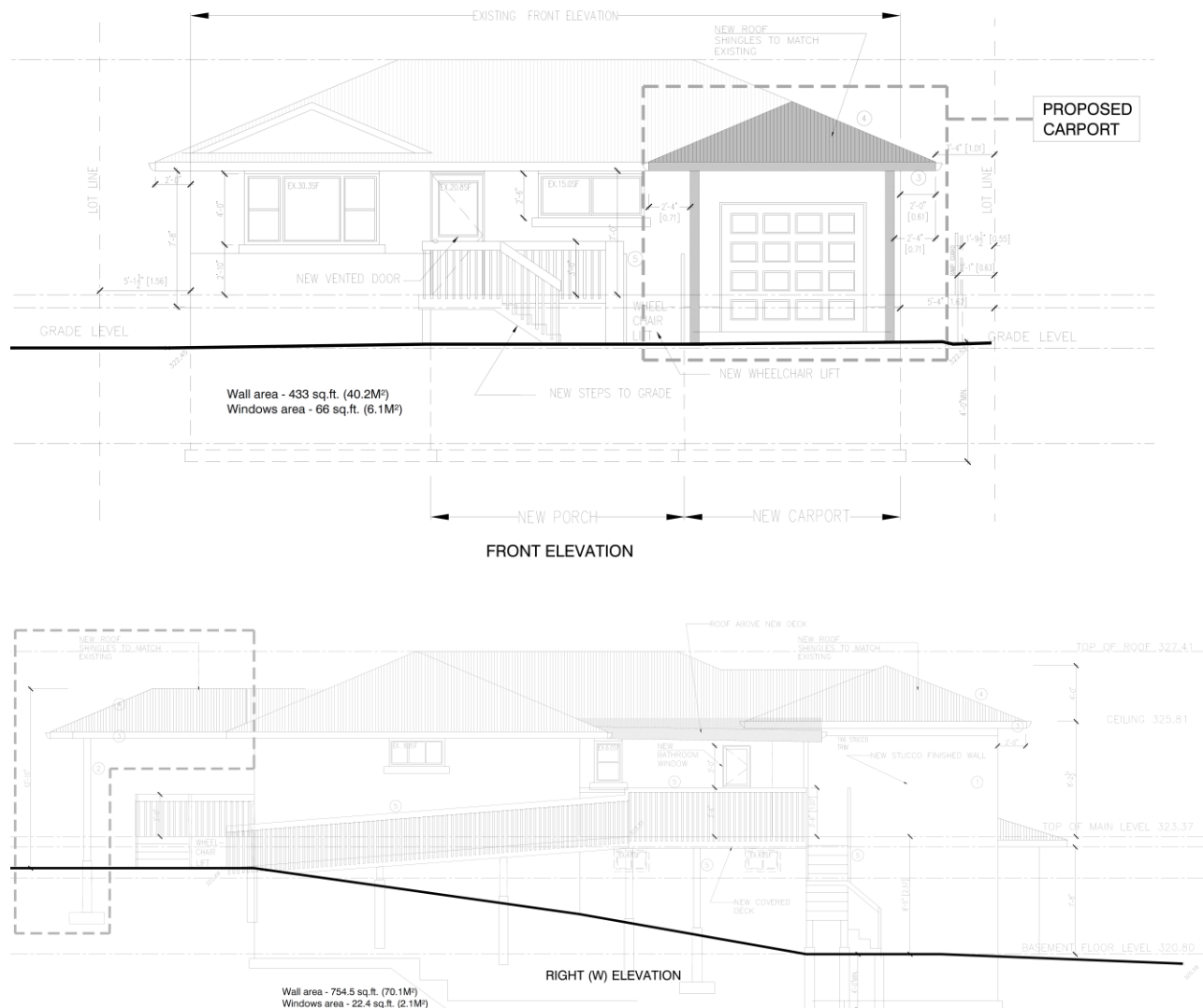


Figure 5 – Elevation drawings

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

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 of Kitchener Official Plan. The intent of the Low Rise Residential designation is to accommodate a full range of low density housing types including special needs housing. The Official Plan defines special needs housing as, "any housing, including dedicated facilities such as residential care facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living." One of the objectives of the residential land uses (Policy 15.3.4) is to implement policies in 'Section 4: Housing' of the Official Plan. Official Plan policy 4.C.1.8 details criteria that should be considered

where minor variances are requested and specifies that additions and/or modifications to existing buildings should be appropriate in massing and scale and compatible with the built form and character of the established neighbourhood and adjacent properties. Further Policy 4.C.1.25 to 4.C.1.29 speaks to 'special needs housing'. Policy 4.C.1.28 in particular directs the City to ensure that adaptive reuse of existing buildings for special needs housing is compatible in terms of use and built form with the surrounding context. Staff are of the opinion that the proposed addition of the carport, wheelchair lift and access ramp to the existing single detached dwelling is compatible with the scale, massing, design and character of adjacent properties, maintains the character of the streetscape, and is appropriate for the adaptive reuse of the existing single detached dwelling for special needs housing. Further, staff are of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

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

1. Front Yard Setback

The intent of the minimum front yard setback is to ensure that buildings are adequately set back from the travelled portion of the right-of-way for buffering and safety purposes, to allow sufficient private front yard landscaped area for aesthetic reasons, and to ensure that new developments and front yard additions do not disrupt the character of an established neighbourhood.

The subject property is within 'Appendix D – Established Neighbourhoods Area' of Zoning By-law 2019-051. The RES-5 zone requires the minimum front yard for lands identified in Appendix D to be the average of the front yards of the abutting lots, minus 1.0 metre. In this regard, the required minimum front yard has been determined as 5.65 metres, based on current conditions of the adjacent properties (275 Sheldon Avenue North and 289 Sheldon Avenue North). Sheldon Avenue North has an irregular right-of-way configuration which results in front lot line of the subject property to be located further away from Sheldon Avenue North with an extended right-of-way for the street. Further, 289-295 Sheldon Avenue North has an active Site Plan application (SP19/117/S/TS) that has been Approved in Principle with a proposal for 40 stacked townhouse dwelling units. The front yard setback for the redeveloped site is proposed to be 4.55 metres.

The proposed carport in the front yard is designed to be unenclosed and match the existing single detached dwelling so that it does not disrupt the character of the neighbourhood and the streetscape while providing improved accessibility and protection from elements for the wheelchair user.

Staff are of the opinion that the requested variance for reduction in minimum front yard to 4.2 metres instead of 5.65 metres meets the general intent of the Zoning By-law.

2. Projection of Architectural Features in the Front Yard

The intent of architectural features, including eaves, to project a maximum of 0.6 metres into any required yard is to ensure that the design and character of the built environment in neighbourhoods is maintained.

The existing single detached dwelling has eaves that extend 0.6 metres from around the dwelling. To match the overhang of the eaves on the westerly side of the dwelling, eaves of the carport project 0.71 metres from the columns of the carport. This results in the eaves to project 0.83 metres into the minimum front yard setback (4.2 metres). The proposed carport design matches the existing single detached dwelling and the overhang of the carport eaves follows and extends with that of the existing dwelling.

Staff are of the opinion that the requested variance to allow architectural features (eaves) to project 0.83 metres into the minimum front yard setback meets the general intent of the Zoning By-law.

3. Projection of an Attached Garage beyond the Front Façade of the Dwelling

The intent of attached private garage to not project beyond the front façade of the habitable portion of the dwelling within Central Neighbourhoods Area is to ensure that new development does not disrupt the character of the Central Neighbourhoods Area.

The projection of the carport beyond the habitable portion of the dwelling is necessary so that the wheelchair lift can be accessed through the carport with sufficient protection from the elements. It is to be noted that the applicant has explored locating the wheelchair lift within the existing private garage but has indicated that the current size of the garage does not allow the accommodation of a wheelchair lift. Further, in consideration of the irregular shape of the lot and the minimum required front yard setback, the habitable portion of the dwelling can be developed and extend beyond the proposed carport.

Staff are of the opinion that the requested variance to permit an attached private garage to project beyond the front façade of the existing habitable at grade portion of the dwelling meets the general intent of the Zoning By-law.

4. Minimum Length of Parking Space

The intent of minimum parking space dimensions is to ensure provision of functional car parking spaces. The Zoning By-law requires a parking space length of 5.5 metres. The applicant has proposed a carport with the length of the car parking space to be 4.44 metres. Since the attached garage is a carport, the applicant has indicated that the parking length space of 4.44 metres will provide sufficient shelter from the elements.

Staff are of the opinion that the requested variance for a reduction in the required minimum length of a car parking space meets the general intent of the Zoning By-law.

5. Parking Space Location

The intent of off-street parking spaces in Zoning By-law 2019-051 to be setback 6 metres from the lot line is to ensure that a vehicle can be safely parked on the driveway without affecting the City right-of-way and abutting properties. The required setback ensures clear visibility lines when existing the driveway.

Sheldon Avenue North has an irregular right-of-way configuration which results in most of the driveway of 279 Sheldon Avenue North to be located within the City's right-of-way. Although the proposed parking space within the carport is located within 6 metres from the lot line, it is more than 6 metres away from the street. This ensures that a vehicle can be safely parked on the driveway and there are clear visibility lines when existing the driveway. It is to be noted that there is only 1 parking space required for the single detached dwelling. The existing attached private garage is to be maintained for parking and the applicant has indicated that there are no intentions to convert the existing private garage for other use.

Staff are of the opinion that the requested variance to allow the required parking spaces to be located within 6 metres from the street (property) meets the general intent of the Zoning By-law.

6. Access ramp setback

The intent of the access ramp exceeding 0.6 metres above ground level to be located a minimum of 0.75 metres from the side lot line is to ensure privacy with adjacent properties.

The access ramp provided on the westerly side of the property is designed to be 0.98 metres wide which will facilitate the use by a wheelchair user. The adjacent property has two windows along the westerly side of the subject property. The overlook and privacy concerns in relation to the access ramp above 0.6 metres above ground level to be used primarily by a wheelchair user are negligible.

Staff are of the opinion that the requested variance for the access ramp to be located 0.63 metres from the side lot line instead of the minimum required 0.75 metres meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Planning staff is of the opinion that the requested variances are minor, in that they will not adversely impact the character of the neighbourhood, streetscape and adjacent properties. No compatibility or privacy concerns are identified with the requested variances, because of building design measures and orientation relative to the surrounding neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variances are desirable and appropriate for the development of subject land to meet and enhance mobility needs through the provisions of a carport, wheelchair lift, and an access ramp. The applicant has demonstrated through building and site design, that the proposed additions will not have adverse impacts on the adjacent properties and will be compatible with the character of the neighbourhood. In addition, the variances would facilitate accessible entrance and exit from the existing single detached unit to meet and enhance mobility needs.

Environmental Planning Comments:

No natural heritage or trees in area of development.

Heritage Planning Comments:

No heritage concerns

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the carport and revision to the issued permit are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Applicant to provide a minimum 0.5 metre setback from property line to ensure an unobstructed shared property line swale is maintained.

Parks/Operations Division Comments:

No concerns, no comments

Transportation Planning Comments:

Transportation Services can support the proposed application to permit the following:

- That the parking space in the proposed carport be 4.4 metres in length instead of the required 5.5 metres length; and
- That a parking space be located less than 6 metres from the property line.

Sheldon Ave North has an irregular right-of-way configuration which makes almost half of the length of the existing driveway at 279 Sheldon Avenue North located within the City's right-of-way but does not impact the sidewalk or roadway in any way. The proposed applications should not impact parking on-site.

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:

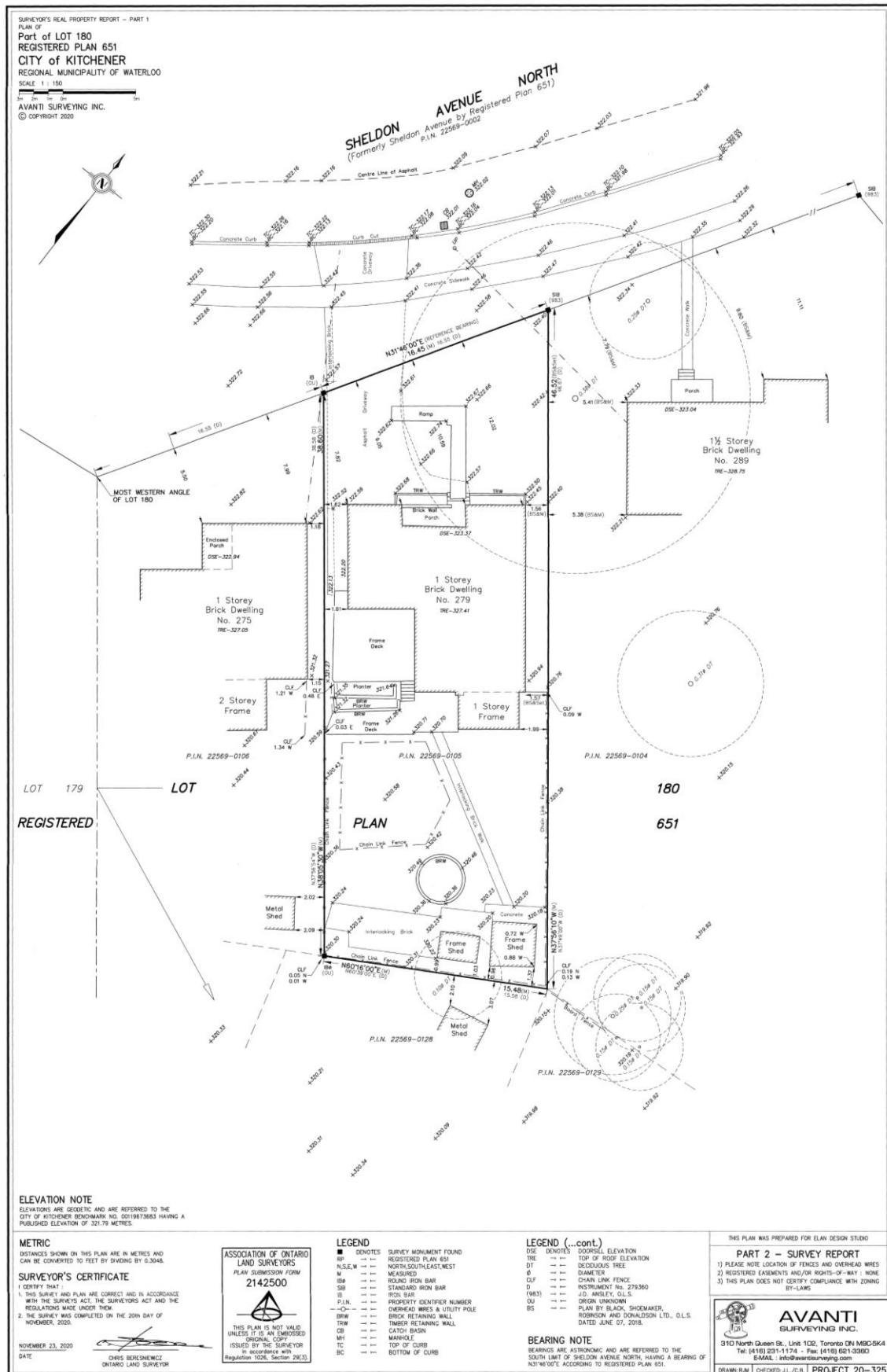
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- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Survey of 279 Sheldon Ave N

Attachment B – Site Plan of proposed addition for 279 Sheldon Ave N

Attachment A – Survey of 279 Sheldon Ave N



[illegible]

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
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- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
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 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
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A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: September 1, 2023

REPORT NO.: DSD-2023-397

SUBJECT: Minor Variance Application A2023-107 – 239 Rosebank Place

RECOMMENDATION:

That Minor Variance Application A2023-107 for 239 Rosebank Place requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit a required parking space to be located 4.5 metres from street (property) line instead of the minimum required 6 metres, to facilitate the conversion of the attached garage into living space for a new Additional Dwelling Unit (ADU) (Attached) in the existing Single Detached Dwelling, generally in accordance with drawings submitted with Minor Variance Application A2023-107, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to facilitate the conversion of an existing attached garage into living space for a new Additional Dwelling Unit (ADU) (Attached).
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is an irregularly-shaped lot located on a cul-de-sac, or no exit road, municipally known as Rosebank Place.

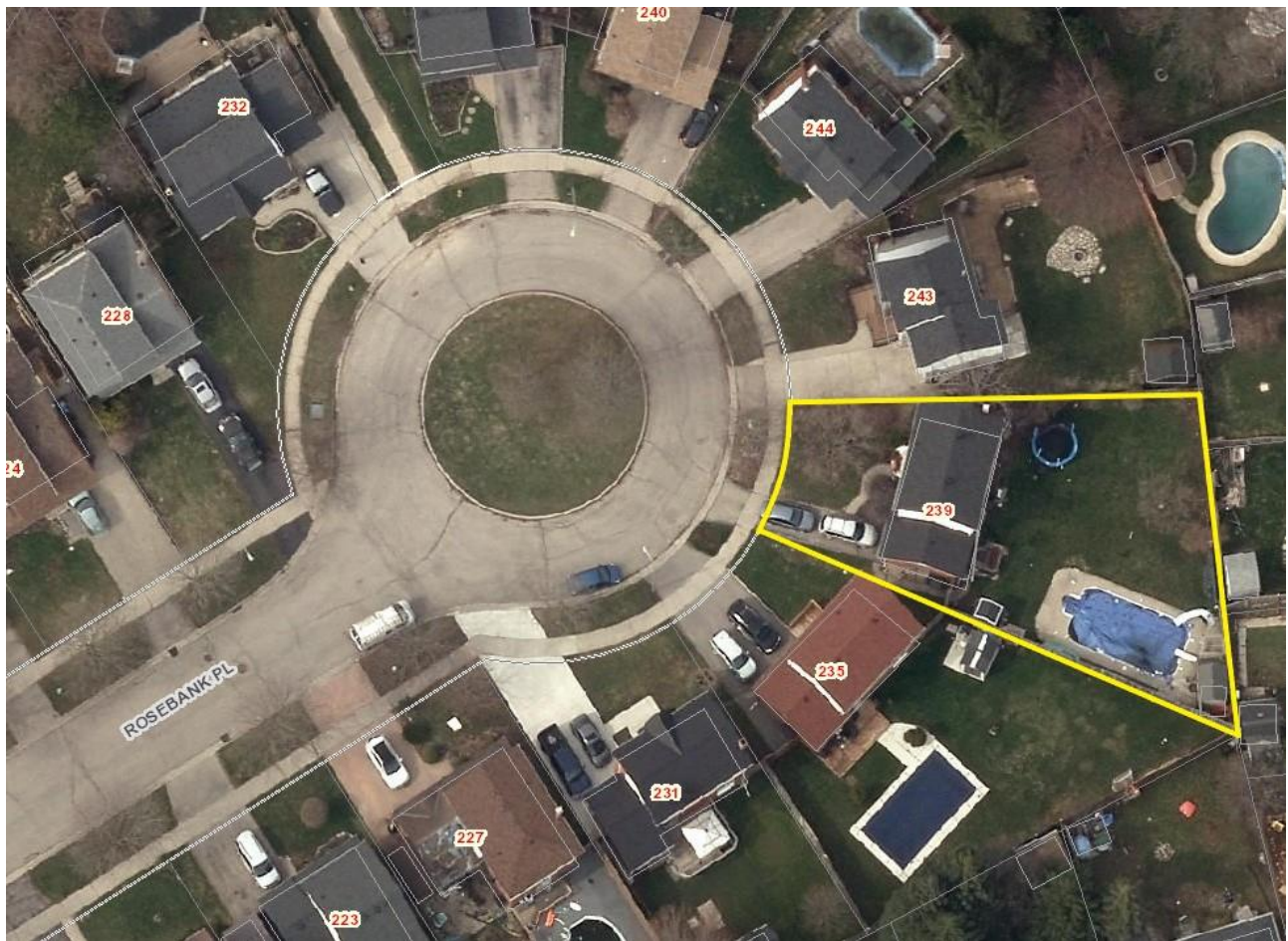


Figure 1 – Aerial Photo of Subject Property

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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance to facilitate the conversion of an existing attached garage to an ADU (Attached) in an existing Single Detached Dwelling. The existing attached garage is located 10 metres from the street (property) line, which provides the 1 required parking space for the existing dwelling unit. To convert the garage into an ADU (Attached), the 2 required parking spaces would be located, side by side, in the driveway in the front of the subject property.

Zoning By-law 2019 requires that parking spaces must be a minimum of 5.5 metres in length and that one (1) of the required parking spaces must be located 6 metres from the street (property) line. Given that the driveway is 10 metres in length, a minor variance is requested for one (1) of the required parking spaces to be located 4.5 metres from the street line and permit side by side parking.

The proposed driveway width, at the widest point, is 7 metres, which complies with the Zoning By-law, as it is less than 50% of the lot width. The driveway width on the City right-of-way is not proposed to change. Accordingly, no Curb Cut Permit is required to facilitate

the increased driveway width on the subject property to accommodate the proposed side by side parking arrangement.

The front yard setback is 10 metres and the rear yard setback is 17 metres, which exceeds the minimum requirements of 4.5 metres and 7.5 metres, respectively, outlined in Zoning By-law 2019-051. The side yard setbacks both exceed the minimum requirement of 1.2 metres, with the left side yard setback being 1.9 metres, and the right yard setback being 2.3 metres. As such, the dimensions and setbacks of the proposed addition at the rear of the existing dwelling will comply with Zoning By-law 2019-051.

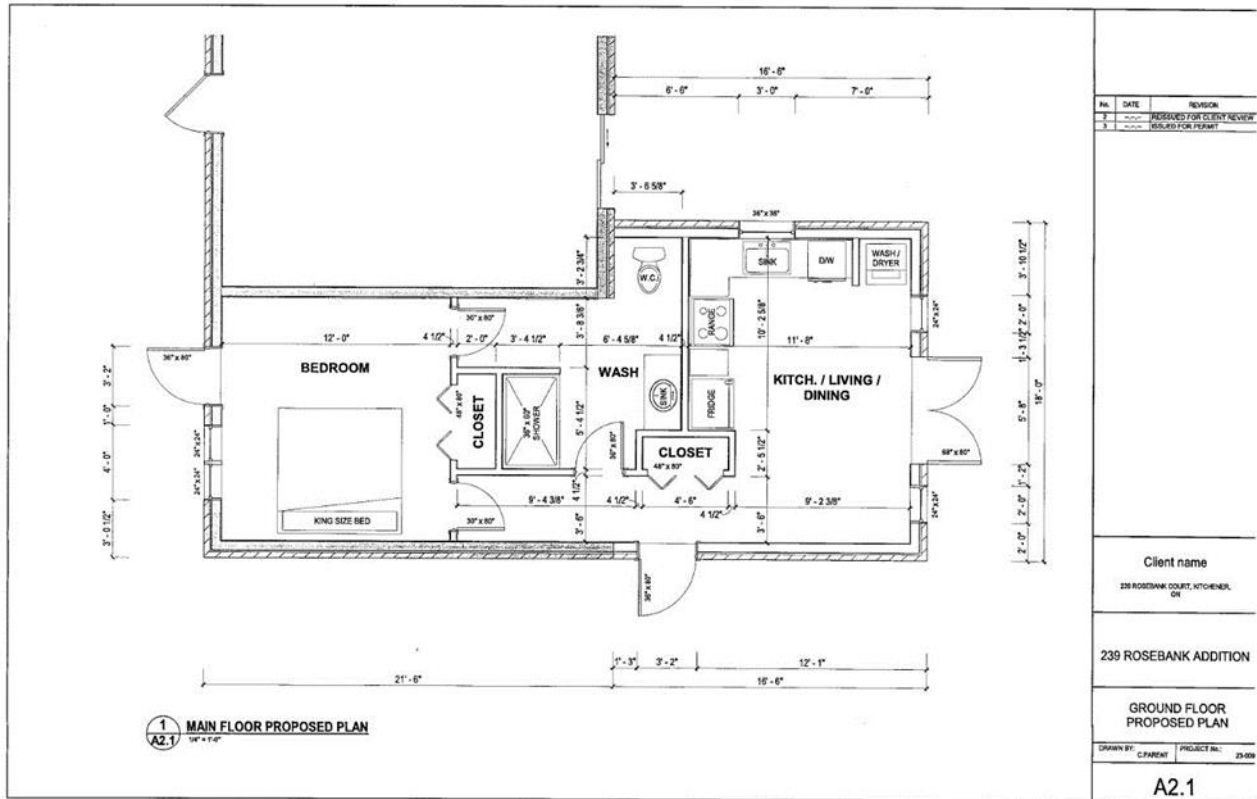


Figure 2 – Proposed Addition Plan



Staff visited the subject property on August 30, 2023.



Figure 4 – Front View of Subject Property

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' on Map 3 – Land Use. This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. It is the opinion of staff that the minor variance to facilitate a proposed ADU (Attached) within the existing single detached dwelling meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of requiring a parking space to be located 6 metres from street (property) line is to ensure that there is adequate space to accommodate vehicles without

impacting or impeding pedestrian use of the sidewalk right-of-way, and that there is adequate space for additional parking. Staff is of the opinion that the minor variance meets the general intent of the By-law, as the driveway is proposed to be widened to 7 metres, which negates the need for tandem parking, and the distance of 4.5 metres does not impede on the pedestrian use of the sidewalk right-of-way. Staff are of the opinion that the general intent of the Zoning By-law will be maintained.

Is/Are the Effects of the Variance(s) Minor?

The effects of the variance, to permit one (1) of the required parking spaces to be located 4.5 metres from street (property) line, can be considered minor as there is enough space to accommodate two vehicles without impacting the use of the sidewalk by pedestrians. Further, as the 10 metre front yard setback exceeds the minimum requirement in the Zoning By-law, and the driveway width is less than 50% of the lot width, the impact of one (1) of the required parking spaces being located 4.5 metre distance from the street (property) line is reduced, since there is adequate front yard space still remaining.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variance to reduce the minimum parking space distance from the street (property) line is appropriate for the desirable development of the lands as it will facilitate the creation of additional residential space, which supports the gentle intensification of housing and the City's Housing Pledge.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the attached additional dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

There is an existing City-owned street tree within the boulevard and if there is any driveway widening associated with the development, this tree should be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law. Suitable arrangements including the submission and approval of a Tree Protection and Enhancement Plan showing full protection for existing trees; an ISA valuation of City-owned trees and any required securities or compensation for removed trees will be required to the satisfaction of Parks and Cemeteries prior to the issuance of a Building Permit or curb cut permit. Please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement.

Planning Response: No driveway alteration or driveway widening is being proposed which would require a Curb Cut permit.

Transportation Planning Comments:

Transportation Services can support the proposed application to permit a required parking space be 4.5 metres from the property line instead of the minimum required 6 metres from the property line. Additionally, the proposed new driveway can accommodate two (2) vehicles which helps support the proposed ADU.

NOTE: if the homeowner wishes to modify the driveway and curb, they will need to follow the Curb Cut Permit process that can be found on the City of Kitchener website.

Planning Response: No driveway alteration or driveway widening is being proposed which would require a Curb Cut permit.

Grand River Conservation Authority Comments:

GRCA has no concerns.

Ministry of Transportation Comments:

MTO has no concerns.

Forestry Division Comments:

Staff have provided comment that a curb cut request would only be permitted for an additional 0.3 metre widening of the driveway in the boulevard.

Planning Response: No driveway alteration or driveway widening is being proposed which would require a Curb Cut permit.

Region of Waterloo Comments:

The Region has no 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 Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

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Document Number: 4468243

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 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
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Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

A handwritten signature in black ink, followed by a blue circular stamp or mark.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

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A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
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A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

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Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
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[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

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Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19th, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Arwa Alzoor, Planning Technician, 519-741-2200 ext. 7847

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: August 29th, 2023

REPORT NO.: DSD-2023-388

SUBJECT: Minor Variance Application A2023-108– 540 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2023-108 for 540 Frederick Street requesting Permission under section 45(2)(a)(ii) of the Planning Act to permit a legal non-conforming 'Single Detached Dwelling' in a 'Mixed Use Three Zone (MIX-3)' to be used as a 'Single Detached Dwelling with a Personal Services Home Occupation' generally in accordance with drawings attached to Report DSD-2023-388 as 'Attachments A and B', BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations with respect to the requested application for Permission for 540 Frederick Street.
- Staff recommends that the Minor Variance Application be approved.
- 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 in the Rosemount Neighbourhood on the east side of Highway 7 on Frederick Street. The subject lot currently contains a single detached dwelling with front parking and a driveway that leads to surface parking in the rear yard. The property is surrounded by retail, low-density offices, health clinics, personal service, and residential buildings. The property is also close to a low-rise residential zone.

The subject property is identified as a 'Community Node' on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan.

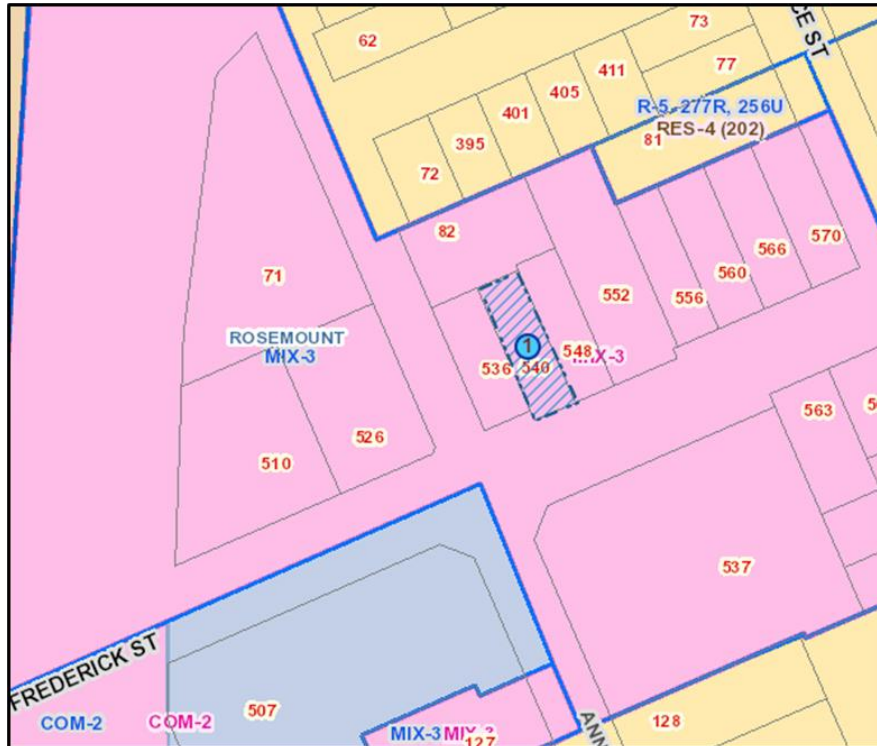


Figure 1: The proposed property on the Zoning map

The property is zoned 'Mixed Use Three Zone (MIX-3)' in Zoning By-law 2019-051. The MIX-3 zone permits a variety of commercial uses, including a 'personal services use', and residential uses, to be developed on the same property. A Minor Variance application is not necessary for the subject property to be developed with personal services use on the main/ground floor and residential use on the upper floor. However, the MIX-3 zone does not permit residential uses on the main/ground floor and does not permit the use of the property for a Single Detached Dwelling. Significant changes would need to be required to the existing building to facilitate the use of the property contemplated by the MIX-3 zone.



Figure 2: Street view of the property

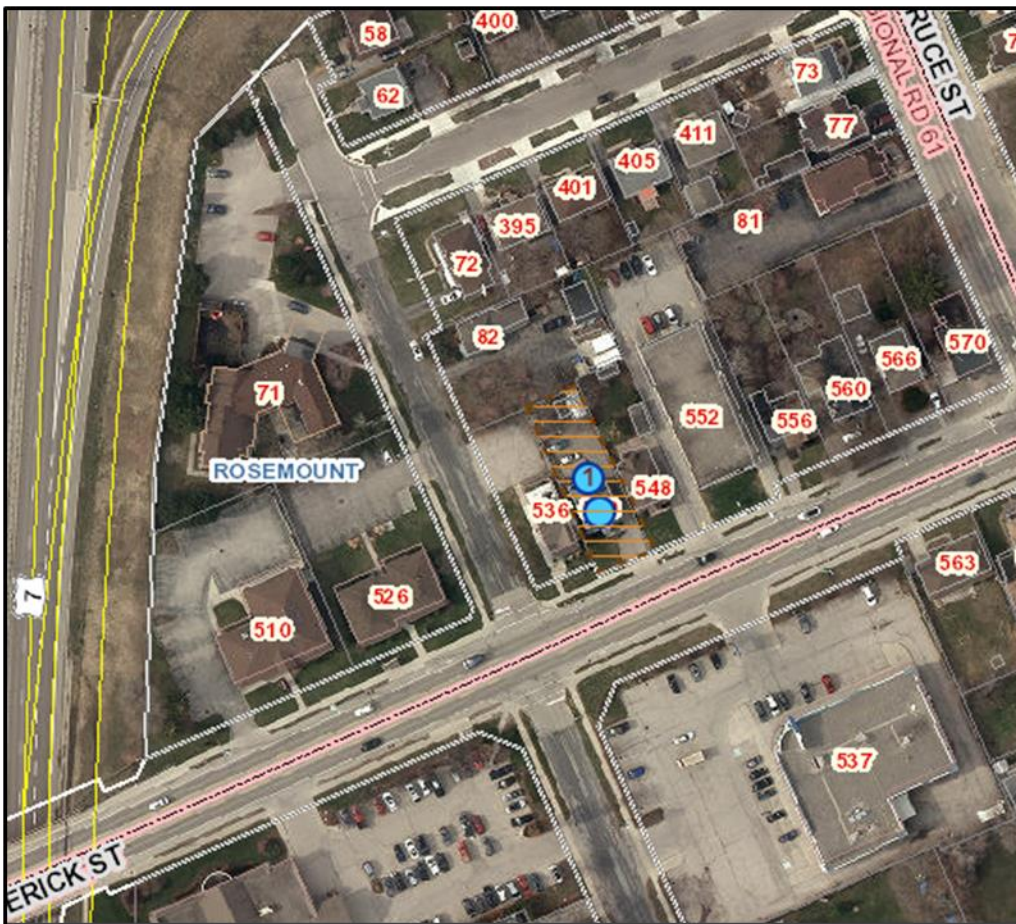


Figure 3: The proposed property on an aerial view

Minor variance applications were considered twice, in 2004 and again in 2008, when the property was zoned 'Residential Six Zone (R-6) in Zoning By-law 85-1,' to locate two (2)

off-street parking spaces in the rear yard for a home business rather than the permitted one (1) off-street parking in order to introduce a personal services home occupation in the single detached dwelling. Both minor variance applications were approved conditional on the parking areas being covered with asphalt and more landscaped area being provided in the rear. However, the conditions from the previous Decisions were not met within the required timeframe, as noted in the Decisions, and the Decisions became null and void.

Since that time, the property has been zoned 'Mixed Use Three Zone (MIX-3)' in Zoning By-law 2019-051, and the parking areas in the front and rear have been asphalted and some landscaping restored.

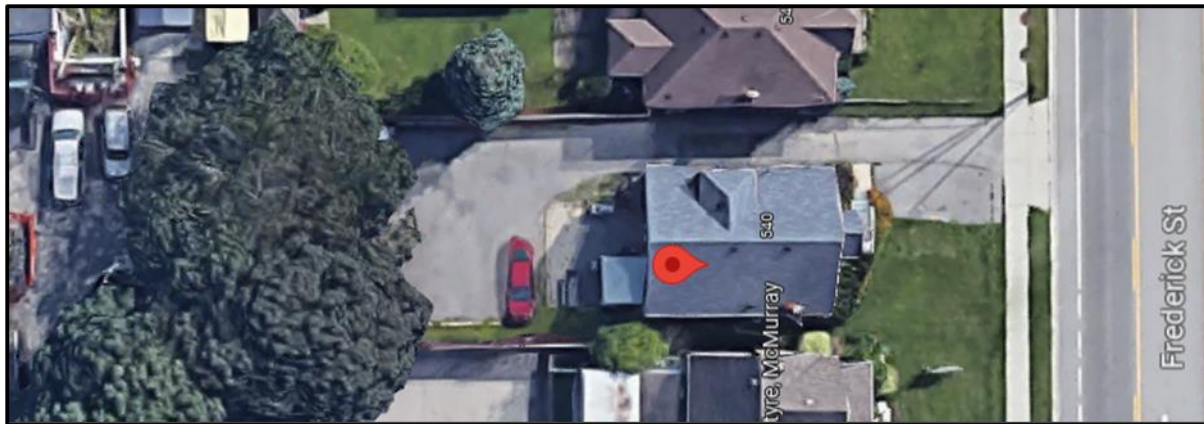


Figure 4: Aerial view of the property showing the driveway and the hardscaped rear yard.

The current tenant/owner would like to move forward with the proposal to establish a personal services home occupation in the legal non-conforming single detached dwelling.

Given that the use of the property is a legal non-conforming Single Detached Dwelling and the applicant would like to continue to use the existing building for residential purposes, the applicant is making application for Permission for the Committee to consider a use of the land that is similar for the purposes it was used on the day the by-law was passed and which is more compatible with the uses permitted in the MIX-3 zone.

Section 45(2)(a)(ii) of the Planning Act:

- “ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee;”*

The applicant has prepared a Site Plan to show how the existing property has been developed with parking at the front and the rear.

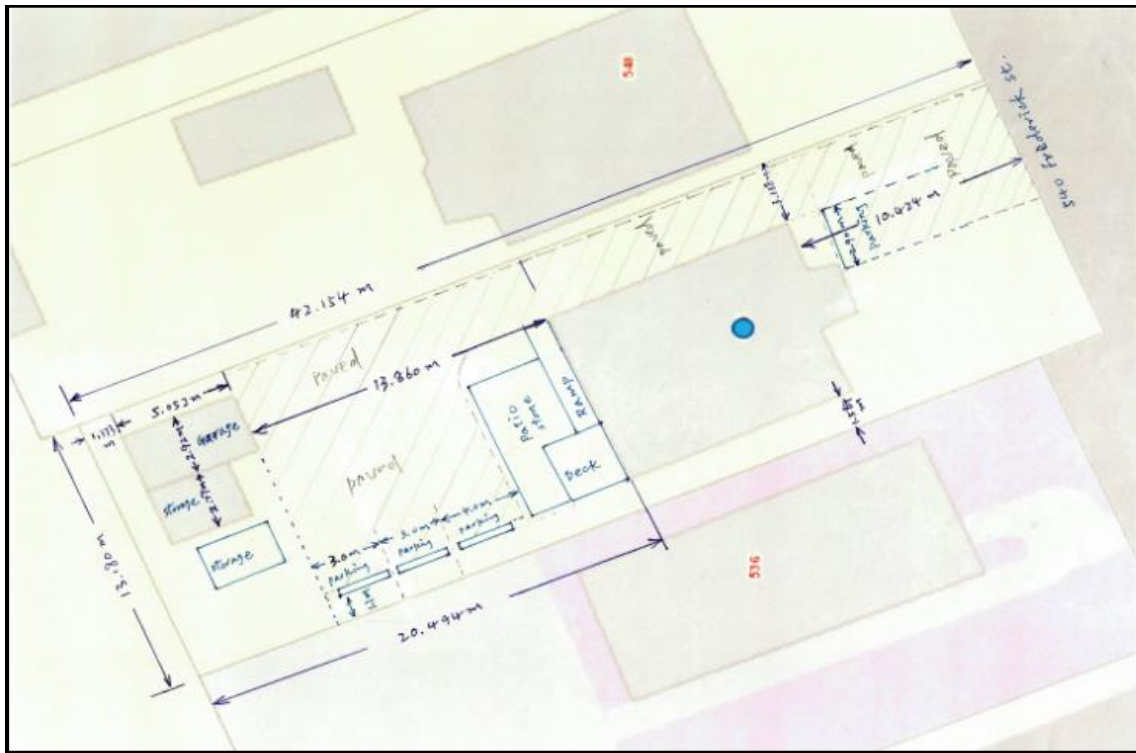


Figure 5: Site Plan sketch for the property



Figure 6: Front photo of the subject property

Staff conducted a site visit on August 30, 2023.

REPORT:

Planning Comments:

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(ii). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

Is Approval in the Public Interest?

Staff are of the opinion that the approval of this application is in the public interest as it would allow for the continuation of the existing use of the Single Detached Dwelling (SDD) while introducing a home occupation. The proposed SDD and home occupation will introduce non-residential use in the form of home occupation without requiring major renovation for a one-and-a-half-storey building. This approach avoids the necessity of converting the building into a mixed-use building (personal service and a dwelling unit), which will result in adding a full second storey to accommodate the dwelling unit to be entirely on the second floor as per mixed-use zone requirements. The proposed SDD with home occupation will offer the community with service that will be in line with the intent of the zone change from a residential zone to a mixed-use under the 2019-051 Zoning By-law. Given that there are already existing residential uses along Frederick Street, there would not be a discernable impact on mixed-use zone uses in the area.

Any Adverse or Unacceptable Impacts?

Staff are of the opinion that permitting home occupation use in the legal non-conforming single detached dwelling on the subject property will not create any adverse or unacceptable impacts. The property contains enough parking to provide for the single detached dwelling and the home occupation. Staff note that the surrounding properties to the east of the subject property (along Frederick Street) are zoned 'RES-4' and 'RES-2', which permits the use of home occupation in a single-detached dwelling. Additionally, the front façade of the subject property and the abutting lots that contain different permitted uses in the mixed-use zone have the same residential/commercial character; therefore, no adverse or unacceptable impacts are anticipated.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No concerns

Parks/Operations Division Comments:

No concerns, no comments

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

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.

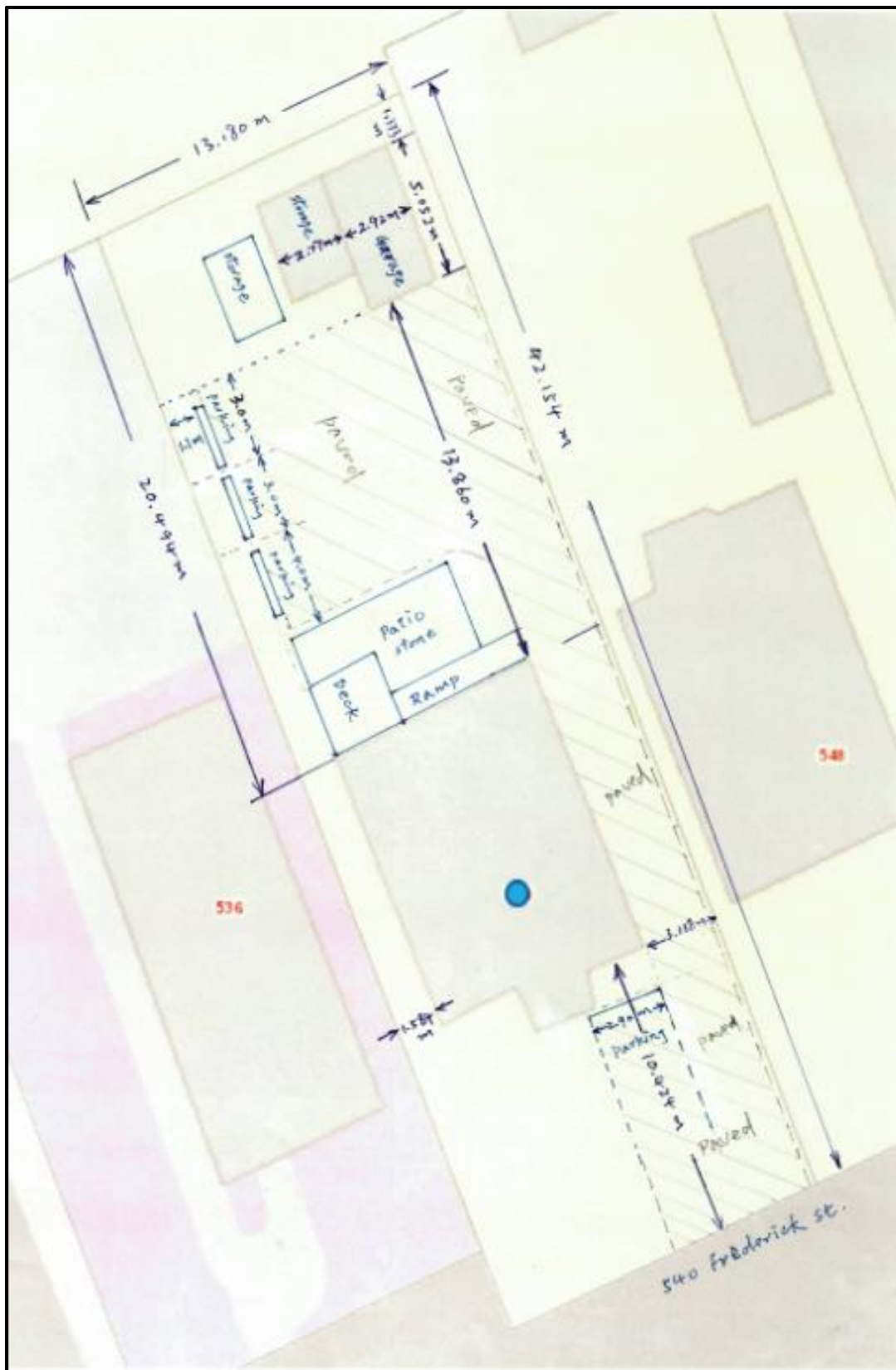
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *A2004-080 - 540 Frederick Street*
- *A2008-072 - 540 Frederick Street*

ATTACHMENTS:

Attachment A – Existing Survey of the Property

Attachment B – Proposed Site Plan



Attachment B: Proposed Site Plan

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
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- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 18, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-403

SUBJECT: Minor Variance Application A2023-109 – 27 Roy Street

RECOMMENDATION:

That Minor Variance Application A2023-109 for 27 Roy Street requesting relief from Section 6.1.2 a) and Special Regulation Provision 781R of Zoning By-law 85-1, to permit a minimum parking requirement of 0 spaces instead of the minimum required 4 parking spaces, in accordance with Site Plan Application SP22/175/R/TS, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to facilitate the construction of a mixed-use development containing 3 residential units, and 1 commercial unit.
- 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 the south (east) side of Roy Street between Queen Street North and Young Street. The surrounding context of the subject property is primarily comprised of low-rise residential uses to the north, and mixed uses to the east, west and south.



Figure 1: Subject property – 27 Roy Street

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Office Residential Conversion' in the Civic Centre Secondary Plan.

The property is zoned 'Residential Five Zone (R-5) with Special Regulation Provision 781R' in Zoning By-law 85-1.

The purpose of the report is to review an application for a minor variance to permit the construction of a mixed-use development with 0 required parking. The development will contain 4 units, 3 of which are residential, and one that is commercial. It should be noted that this property was approved by Council for an Official Plan Amendment and Zoning By-law Amendment to permit the commercial uses on site, and for a reduction of parking to 4 spaces, 1 space for each of the units. The subsequent site plan application had a requirement for the creation of a legal right of way over the adjacent property 23 Roy Street. At this time the owner has been unable to obtain the easement with the adjacent property owner and would like to still move forward with the development. They are requesting a parking requirement of 0 spaces and should the legal right-of-way to the rear yard be obtained. then the 4 parking spaces that were proposed could be used and functional.



Figure 2: Front view of subject property

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated as 'Office Residential Conversion' in the Civic Centre Secondary Plan, with Special Policy Area 11 to permit the uses of artisan's establishment and restaurant within the same building as residential uses. Section 13.1.2.6 states that the designation of Office Residential Conversion aims to both preserve the existing structures in these areas and serve as a transition area between the higher intensity uses along Weber Street and Queen Street and the 'Low Rise Residential – Preservation' designation of the interior of the neighbourhood. Permitted uses are restricted to single detached dwellings, and the conversion of existing buildings to multiple dwellings up to a maximum of three units and professional offices. Residential and office uses may be permitted to locate within the same building. Section 13.C.8.3 states that the City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management measures or where sufficient transit exists or is to be provided.

Planning staff notes that the subject site is approximately 300 meters from an ION station stop located on Duke Street that provides connections to the broader Waterloo Region

transit system. The proposal also includes both Class A and Class B bicycle parking spaces.

Transportation Services has also reviewed the application and supports the parking reduction.

Accordingly, Planning staff is of the opinion that the requested variance for a parking reduction meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 4 parking spaces per unit parking requirement is to ensure that there is adequate parking spaces available for the residents and for visitors to the property. The reduction to 0 parking spaces per unit is permitted with an MTSA area as it is the future direction for lands within the MTSA areas to require minimal to no parking spaces. Furthermore, alternative transportation options are provided on site, as the property is located approximately 300 meters to an existing ION transit stop. Adequate bicycle parking (both Class A and B spaces) will also be provided in the new development. Should the easement be created with the adjacent landowner, then the 4 parking spaces that were initially proposed by the applicant at the time of the Zoning By-law Amendment will be fully operational for residents and visitors to use.

Staff is of the opinion that the variance meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the requested variance is minor as the reduced parking will not present any significant impacts to adjacent properties or the overall neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The proposed variance is desirable and appropriate for the development and use of the land as its approval will facilitate the conversion of an existing building to a mixed-use building, which is permitted in Zoning By-law 85-1 and will contribute to the neighbourhood to make a complete community.

Environmental Planning Comments:

No environmental planning concerns, due to no site development.

Heritage Planning Comments:

The subject property is designated under Part V of the Ontario Heritage Act and located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD). A reduction in parking from the required four spaces to zero spaces will not have adverse impact on the property, the character of the streetscape, or the heritage character of the surrounding CCNHCD. As such, Heritage Planning staff do not have concerns with the proposed minor variance.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no comments.

Parks/Operations Division Comments:

Parks has no concerns, as requirements will be addressed through SP22/175/R/TS.

Transportation Planning Comments:

Transportation Services can support the proposed minor variance application to reduce the required parking for the property. The property is located very close to major transit station stops as well as to several public parking options that would support the proposed uses for the subject property.

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:

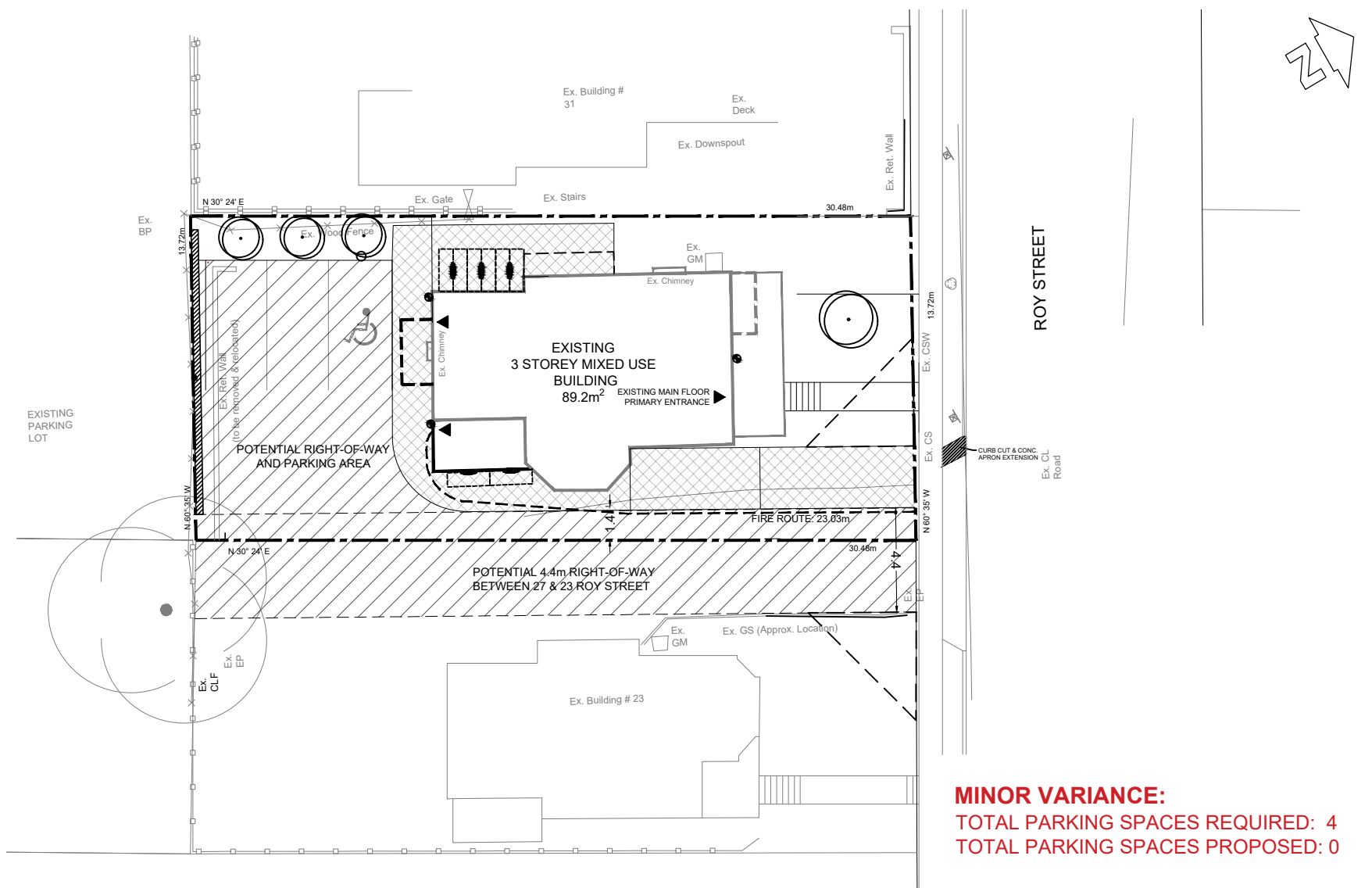
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *DSD-2022-407*

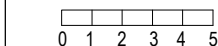
ATTACHMENTS:

Attachment A – Site Plan Sketch



MINOR VARIANCE SKETCH

RFB DEVELOPMENT
27 ROY STREET



SCALE 1: 250

DATE: July 31, 2023

REVISED:

SITE PLAN APPLICATION No. SP22/175/R/TS
PLAN 360 PT LOT 5

City of Kitchener
DEVELOPMENT SERVICES DEPARTMENT

CAD FILE:
sp21248c.DWG

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

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Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
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- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
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The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
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A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
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[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: September 5, 2023

REPORT NO.: DSD-2023-398

SUBJECT: Minor Variance Application A2023-110 – 148 Chandos Drive

RECOMMENDATION:

That Minor Variance Application A2023-110 for 148 Chandos Drive requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback of 2 metres instead of the minimum required 7.5 metres, to facilitate the construction of an addition to an existing Single Detached Dwelling, generally in accordance with drawings prepared by Pawandeep Grewal, dated August 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of an addition to an existing Single Detached Dwelling.
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- 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 a corner lot on Chandos Drive, which contains a two-storey single detached dwelling.

The 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.

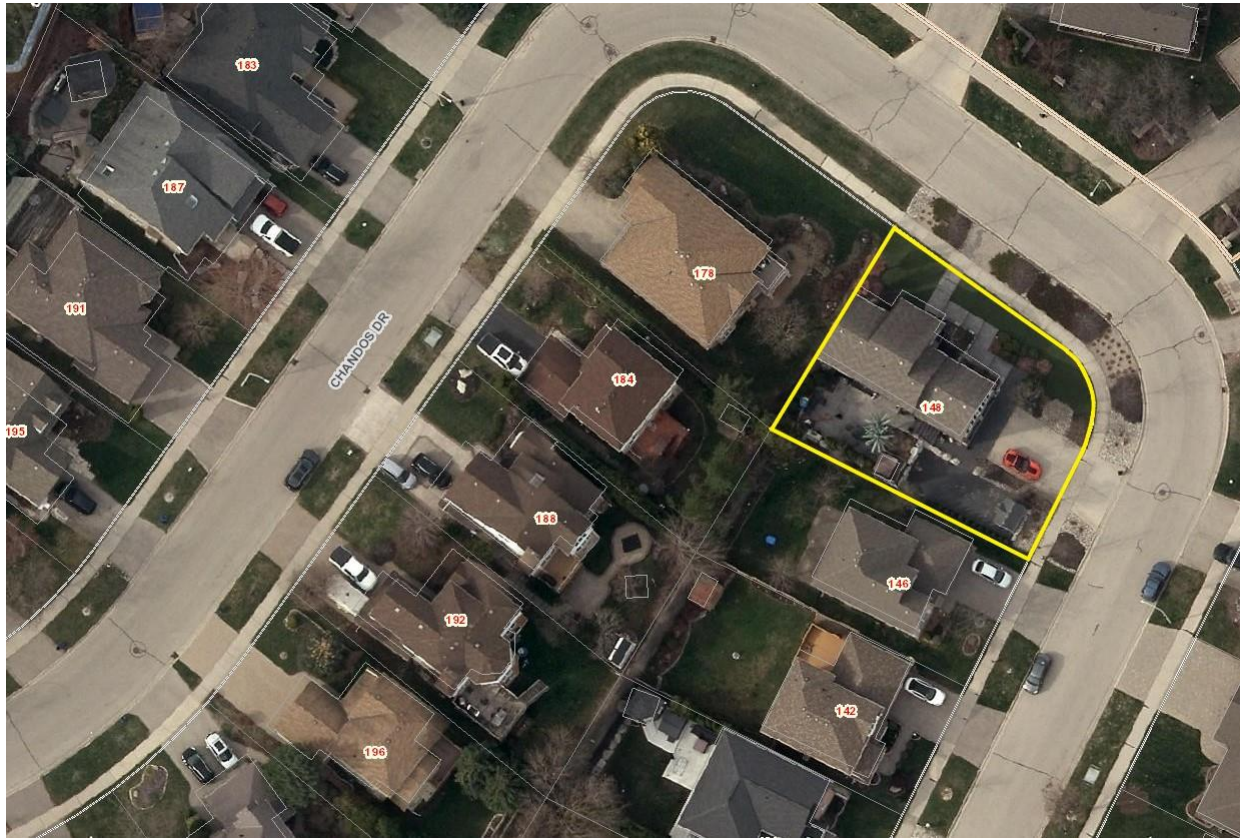


Figure 1 – Aerial View of Subject Property

The property is zoned 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance application to facilitate the construction of a proposed addition attached to an existing single detached dwelling. The addition is proposed to be 7.25 metres in height and will be used as additional bedroom and living space. Columns that are 3.1 metres in length will support the addition, and the addition will be aligned with the existing second floor of the dwelling.

Zoning By-law 2019 states that the front lot line of a corner lot is the shorter lot line abutting a street, meaning that the portion of the subject property containing the driveway and landscaping, facing towards the right of Chandos Drive, is the front yard of the property. As such, the addition would be located in what is considered in the Zoning By-law to be the interior left side yard, although it functions as a rear yard. The dwelling is oriented such that the pedestrian entrance is facing north of Chandos Drive. Both side yard setbacks exceed the minimum requirement of 1.2 metres outlined in Zoning By-law 2019, with the left side yard setback being 7.7 metres, and the right side yard setback being 7.6 metres. The proposed addition would reduce the left side yard setback to 4.5 metres, which is still in compliance with the Zoning By-law. However, due to the orientation of the lot, the rear yard setback is 2 metres, whereas the Zoning By-law requires a setback of 7.5 metres. Accordingly, a minor variance is requested to permit a rear yard setback of 2 metres.

Staff visited the subject property on August 30, 2023.



Figure 4 – Front View of Subject Property



Figure 5 – Interior Side Yard of Subject Property

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' on Map 3 – Land Use. This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. It is the opinion of staff that the existing use and proposed one-storey addition conforms to the land use designation. Accordingly, the variance to facilitate the addition will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of Section 7.3, Table 7-2, is to ensure that the built form of residential dwellings is appropriate for the lot and for the surrounding neighbourhood. The minimum rear yard setback requirement is to ensure private amenity space for residents, as well as adequate separation between buildings on adjacent properties. Staff are of the opinion that the minor variance meets the intent of the By-law, as the larger side yard setbacks would continue to provide adequate private amenity space, and there are landscaped buffers between the subject property and neighbouring properties.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the requested variance is minor. The privacy concerns related to adjacent properties are minimal as there are no windows proposed for the portion of the addition facing the technical rear yard, the addition is at level with the existing second floor, and adequate amenity space will continue be provided. The proposed addition will be located in the interior side yard as defined by the Zoning By-law, however this yard functions as the actual rear yard for the dwelling. The functional rear yard will be 4.5 metres in width and be able to provide a sufficient amenity area in addition to the area under the 2nd storey addition. As such, the reduced rear yard setback does not have any significant impacts to adjacent properties or the overall neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variance to reduce the minimum rear yard setback is appropriate for the desirable development of the lands as it will facilitate the expansion of interior living space for the dwelling, increasing the functioning and desirability of the residential property.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the addition to the existing residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks/Operations Division has no comments.

Transportation Planning Comments:

Transportation Planning has no concerns.

Region of Waterloo Comments:

Region of Waterloo has no concerns.

Ministry of Transportation Comments:

MTO has no concerns.

Grand River Conservation Authority Comments:

GRCA has no 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 Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*

- *Official Plan (2014)*
- *Zoning By-law 2019-051*

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m). The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-392

SUBJECT: Minor Variance Application A2023-111 – 15 Catalina Court

RECOMMENDATION:

That Minor Variance Application A2023-111 for 15 Catalina Court requesting relief from the following sections of Zoning By-law 2019-051;

- i) Section 4.12.2 e) to permit a lot width of 11.9 metres instead of the minimum required 13.1 metres; and
- ii) Section 5.3.3 a) ii) to permit three (3) parking spaces to be located within 6.0 metres of a street line instead of the maximum permitted one (1) parking space within 6.0 metres of a street line;

to facilitate the construction of an Additional Dwelling Unit (Detached) in the rear yard of the property and an Additional Dwelling Unit (Attached) in the basement of the existing semi-detached dwelling unit, generally in accordance with drawings prepared by Rob Sajkunovic, dated August 16, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the development of an additional two (2) dwelling units on the subject property.
- The key finding of this report is that the requested minor variances satisfy the four tests of the Planning Act.
- 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 Catalina Court, near its intersection with Monte Carlo Street. The existing use of the property is a semi-detached dwelling unit.



Figure A – Location of Subject Property



Figure B – Location of Proposed ADU (Detached)



Figure C - Location of Proposed Driveway

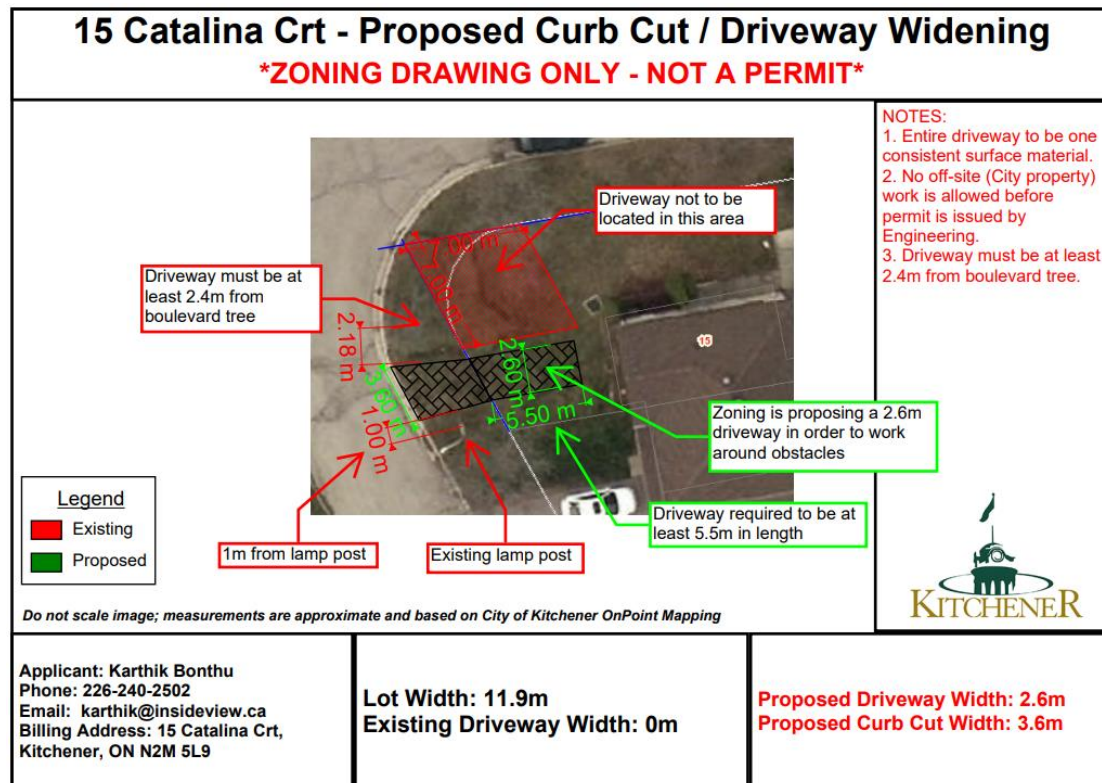


Figure D – Curb Cutting/Driveway Widening Drawing For Permit

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 85-1 or 2019-051.

The purpose of the application is to facilitate the development of two (2) additional dwelling units on the subject property through the construction of an Additional Dwelling Unit (Attached) in the basement of the existing semi-detached dwelling unit and an Additional Dwelling Unit (Detached) in the rear yard of the subject property, as shown in 'Attachment A'.

The requested relief from the Zoning By-law is necessary to permit the ADU (Detached) on a lot with a width of 11.9 metres. To facilitate the three (3) dwelling unit use of the property, two (2) of the three (3) required parking spaces will be located in the existing driveway in the exterior side yard of the property. One (1) of the three (3) required parking spaces will be located in a new driveway in the front yard of the property. The location of the three (3) parking spaces is shown in 'Attachment A'.

A drawing submitted as a part of the driveway widening/curb cutting application has been included with this report as Figure 'D'.

The requested relief from the Zoning By-law is necessary to locate three (3) required parking spaces on the subject property within 6 metres of the street (property) line.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' on Map 3 of the Official Plan. This designation permits a full range of low density housing types including semi-detached dwelling units, additional dwelling units, and other forms of low-rise housing. The intent of this designation is to ensure compatibility of building form, with respect to massing, scale and design in order to support the successful integration of a range of building types. It also places emphasis on the relationship of buildings to adjacent properties, streets, and exterior areas. Staff is of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Minimum Lot Width for Additional Dwelling Unit (Detached):

The intent of Section 4.12.3 k) of Zoning By-law 2019-051 which requires a minimum lot width of 13.1 metres to permit an ADU (Detached) is to ensure there is adequate space on the lot to accommodate the size of an ADU (Detached), required parking and a sufficient amenity area for use by the residents of the dwelling units. The proposed ADU (Detached)

is able to locate within the rear yard of the property while preserving the existing driveway and a portion of the landscaped area. The proposed ADU (Attached) will be located within the existing semi-detached dwelling unit. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

Parking Spaces within 6.0 metres of a Street Line:

The intent of Section 5.3.3 a) ii) of Zoning By-law 2019-051 which permits a maximum of one (1) parking space within 6.0 metres of a street line for a property having 3 dwelling units is to ensure that the front and exterior yards of properties do not primarily function as parking areas. Two of the three required parking spaces will be located in the existing driveway in the exterior side yard and will be set back 0.3 metres from the street line. One of the three parking spaces will be located in a new driveway in the front yard and will be set back 0 metres from the street line. A Curb Cut Permit has already been issued for this new driveway. The exterior side yard of the property will still provide greater than the minimum required 20% landscaped area. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the requested variances are minor. The proposed ADU (Detached) will not impact the neighbouring properties. The potential issue of overlook is mitigated by the building design which does not feature any windows on the wall adjacent to the neighbouring property. The boulevard and existing street trees provide a visual barrier between the parking spaces and the street. Accordingly, the effects of the variances will be minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Staff is of the opinion that the variances are desirable and appropriate for the use of the land as it will facilitate the development of 3 dwelling units on the subject property, supporting a gentle intensification of the property, will make use of existing infrastructure, and support the City's Housing Pledge.

Environmental Planning Comments:

No natural heritage concerns. The neighbour's tree (root zone) is close to the ADU construction but should be far enough away to prevent damage, therefore there are no concerns.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed variance. An application has been made for the detached additional dwelling unit.

Engineering Division Comments:

Advisory comment: it is City policy for only 1 set of services per property.

Parks/Operations Division Comments:

Comments revised to indicate no concerns.

Transportation Planning Comments:

Transportation Services can support the proposed application to permit three (3) parking spaces to be located within 6 metres of the property line as the proposal includes an updated driveway that can accommodate the proposed number of vehicles. NOTE: The homeowner is responsible for obtaining an approved Curb Cut Permit from the City of Kitchener before modifying the curb in any way. This application can be filled out via the City of Kitchener website.

Region of Waterloo Comments:

There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Site Plan

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
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 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
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A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
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[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: September 5, 2023

REPORT NO.: DSD-2023-399

SUBJECT: Minor Variance Application A2023-112 – 103 Peter Street

RECOMMENDATION:

That Minor Variance Application A2023-112 for 103 Peter Street requesting relief from Section 5.22.2 f) of Zoning By-law 85-1 to permit a lot width of 12.7 metres instead of the minimum required 13.1 metres, to facilitate the conversion of the existing Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) into a Single Detached Dwelling with 2 ADUs (Attached) (Triplex), generally in accordance with drawings prepared by Nuovo Engineering Services, dated June 2023, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the conversion of an existing Single Detached Dwelling with 1 Additional Dwelling Unit (ADU) (Attached) (Duplex) into a Single Detached Dwelling with 2 ADUs (Attached) (Triplex).
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- 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 a rectangular lot located at the intersection of Peter Street and Martin Street.

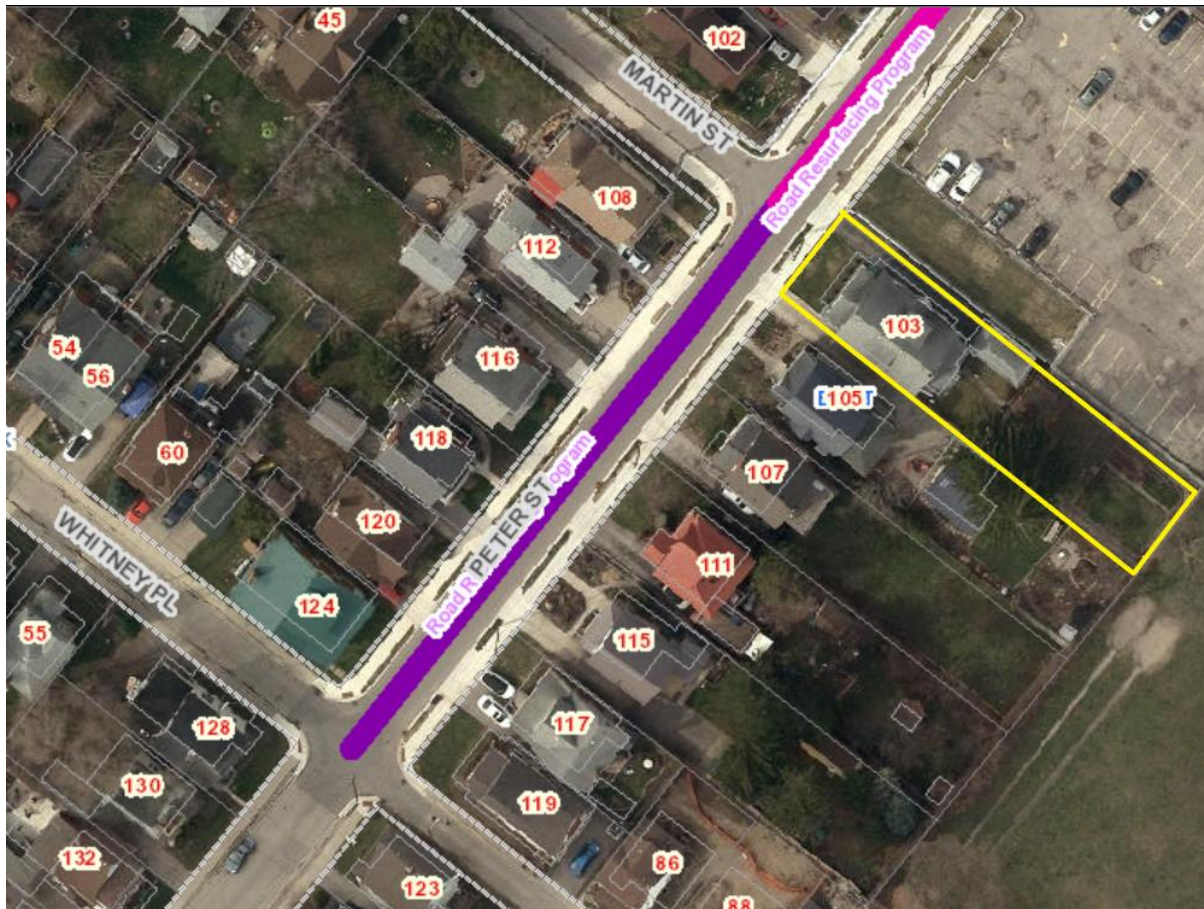


Figure 1 – Aerial Photo of Subject Property

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' in the Mill Courtland Woodside Park Secondary Plan.

The property is zoned 'Residential Five Zone (R-5)' and is identified in 'Appendix H - Residential Intensification in Established Neighbourhoods Study (RIENS) Area' in Zoning By-law 85-1.

The purpose of the application is to review a minor variance to facilitate the conversion of an existing Duplex into a Triplex. The subject property currently contains a three-storey duplex dwelling on a lot with a width of 12.7 metres. Section 5.22.2 f) of Zoning By-law 85-1 states that 13.1 metres is the minimum lot width requirement for a property with 2 Additional Dwelling Units (ADU) (Attached). Accordingly, a minor variance is required to permit the lot width of 12.7 metres.

The right side yard setback and rear yard setback of the subject property exceed the minimum requirements outlined in Zoning By-law 85-1, as they are 3.9 metres and 29.4 metres, respectively.

In November of 2022 the Committee approved Minor Variance Application A2022-103 requesting relief from Section 39.2.1 of Zoning By-law 85-1, to permit an interior side yard setback of 0.8 metres instead of the minimum required 1.2 metres to recognize the

setback of a third storey addition, currently under construction, to facilitate the conversion of a two storey single detached dwelling to a duplex dwelling,

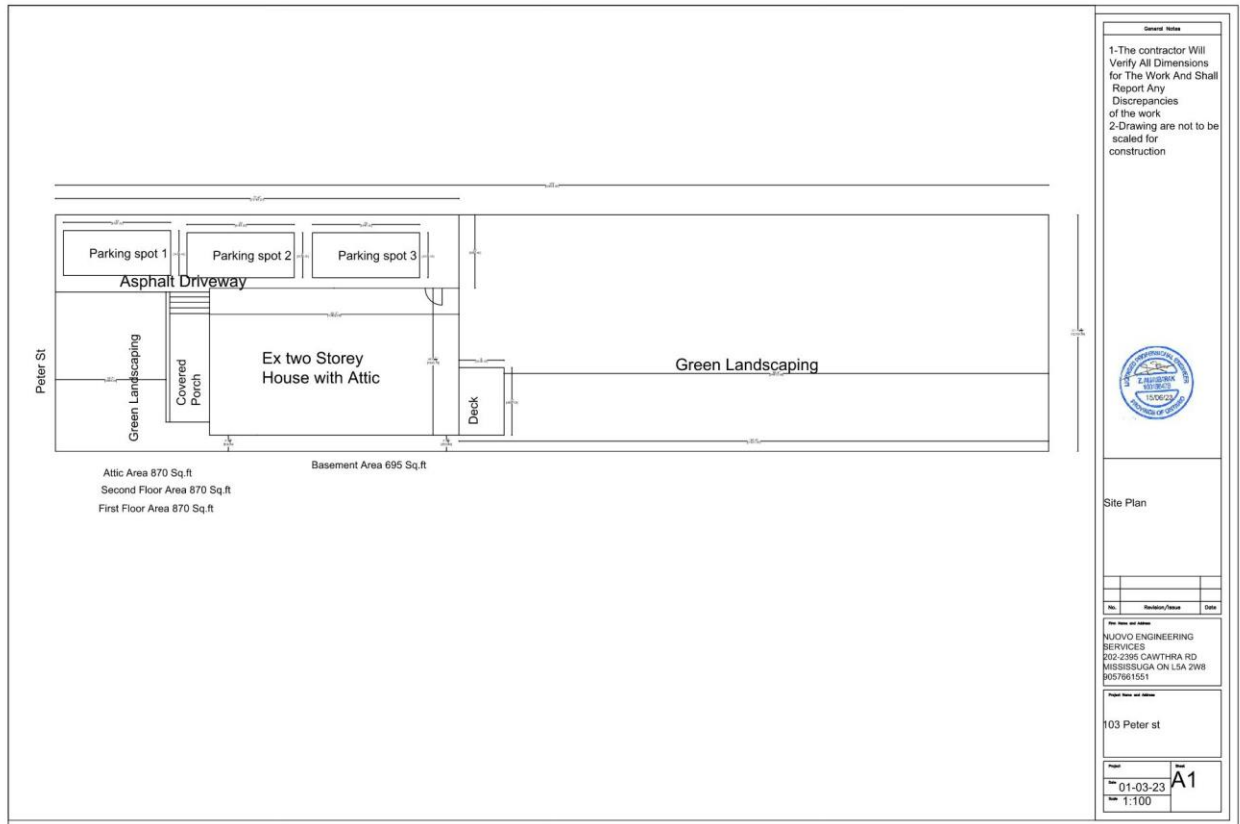


Figure 2 – Site Plan

Staff conducted a site visit to the subject property on August 30, 2023.



Figure 3 – Front View of Subject Property

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Conservation' in the Mill Courtland Woodside Park Secondary Plan. The intent of this designation is to retain the existing low-rise stock while simultaneously allowing a slight density increase by permitting conversion or redevelopment to a maximum of three dwelling units. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to permit an additional ADU (Attached) (Triplex) meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the minimum lot width requirement of 13.1 metres is to ensure that there is adequate space for required parking, emergency access, appropriate side yard setbacks and amenity space on the lot. Staff is of the opinion that the proposed use meets the general intent of the By-law, and that this size lot will continue to function appropriately as a triplex unit, as 3 parking spaces can be accommodated in tandem, the right side yard

setback exceeds the minimum 1.2 metre requirement, the rear yard setback is 29.4 metres, and the landscaped area exceeds the minimum 20% lot coverage requirement.

Is/Are the Effects of the Variance(s) Minor?

The variance can be considered minor as the addition of an attached dwelling to facilitate the conversion of a duplex to a triplex is proposed for a portion of an existing Duplex Dwelling and there are no new additions or floor area being proposed. Sufficient parking and amenity area can be accommodated on the subject property. Although tandem parking is not ideal, the property is located within a Major Transit Station Area and not all 3 parking spaces may be required. The variance of 0.4 metres will facilitate a 3rd dwelling unit within the existing building on the subject property which should not impact abutting properties.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variance to facilitate the conversion of the building on the subject property into a triplex is appropriate for the development and use of the land as it will support a gentle intensification of the property with the creation of a dwelling unit, will make use of existing infrastructure, and support the City's Housing Pledge.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 103 Peter Street is located within the Cedar Hill Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Cedar Hill Neighbourhood CHL area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Cedar Hill Neighbourhood CHL, please visit the following link: www.kitchener.ca/npr.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the addition of a second attached additional dwelling unit and it is currently under review.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks/Operations Division has no concerns.

Transportation Planning Comments:

Transportation Planning has no concerns.

Grand River Conservation Authority Comments:

GRCA has no concerns.

Ministry of Transportation Comments:

MTO has no concerns.

Region of Waterloo Comments:

There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *DSD-2022-471 – Minor Variance A2022-129*

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-393

SUBJECT: Minor Variance Application A2023-113 – 9 Siebert Avenue

RECOMMENDATION:

That Minor Variance Application A2023-113 for 9 Siebert Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.3 k) to permit an Additional Dwelling Unit (Detached) to be partially located in an exterior side yard whereas the Zoning By-law does not permit an Additional Dwelling Unit to be located in an exterior side yard; and
- ii) Section 5.3.3. a) ii) to permit two (2) parking spaces to be located within 6.0 metres of a street line instead of the maximum permitted one (1) parking space within 6.0 metres of a street line;

to permit the construction of an Additional Dwelling Unit (ADU) (Detached) in the exterior side yard of the property, generally in accordance with drawings submitted with Minor Variance Application A2023-113, BE DEFERRED to the December 12th, 2023 Committee of Adjustment Meeting, or sooner, to allow the GRCA an opportunity to review a Topographic Survey, with the Floodplain delineated, to confirm that the proposed Additional Dwelling Unit (ADU) (Detached) will be located outside the Montgomery Creek Floodplain.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variances to facilitate the construction of an Additional Dwelling Unit (Detached) partially in the exterior side yard of the subject property.
- The key finding of this report is that the requested minor variances need to be deferred to a future Committee of Adjustment meeting.
- 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 the corner of Siebert Avenue and Clark Avenue. The existing use of the property is a Single Detached dwelling with an Additional Dwelling Unit (ADU) (Attached).



Figure A – Location of Subject Property



Figure B – Location of proposed ADU (Detached)



Figure C – Driveway with access to Siebert Ave



Figure D – Driveway with access to Clark Ave

The subject property is identified as 'Major Transit Station Area' 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 Two Zone (RES-2)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) partially in the exterior side yard of the subject property. The location of the proposed ADU is shown on 'Attachment A' and in 'Figure B'.

The requested relief from the Zoning By-law is necessary to facilitate the construction of the ADU (Detached) in order to try and preserve a large evergreen tree. To facilitate a three (3) dwelling unit use of the property, two (2) required parking spaces will be located in tandem in the existing driveway with access onto Siebert Avenue, shown in 'Figure C', and one (1) of these two (2) parking spaces will be located within 6.0 metres of a street line. One (1) parking space for the ADU (Detached) will be located in the existing driveway with access onto Clark Avenue, shown in 'Figure D', and will be located within 6.0 metres of a street line.

The parking space for the ADU (Detached) will be provided but is not required since the property is within 800 metres of an LRT station (See Section 4.12.3 p) of Zoning By-law 2019-051). The requested relief from the Zoning By-law is necessary to locate three parking spaces within the existing driveways.

Minor Variance A2023-113 is recommended to be deferred from September 19th's Committee of Adjustment Agenda. In circulation and review of the Minor Variance Application, GRCA noted that a portion of the subject property is within the regulated allowance adjacent to the floodplain associated with Montgomery Creek.

The proposed ADU is in close proximity to the floodplain and GRCA policies do not permit new dwelling units within the floodplain. As such, GRCA staff have requested a Topographic Survey, with the floodplain delineated, to confirm that the proposed ADU will

be outside the floodplain. GRCA staff will provide the floodplain elevation to the applicant under separate cover to assist in the preparation of the Topographic Survey.

Environmental Planning Comments:

No concerns. No trees in shared ownership appear to be affected. If survey for GRCA results in a new footprint being proposed, please re-assess potential impacts to any trees.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit application has been made for the detached additional dwelling unit and it is currently under review.

Engineering Division Comments:

Advisory comment: It is City policy for only 1 set of services per property.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

GRCA Comments:

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that a portion of the subject property is within the regulated allowance adjacent to the floodplain associated with Montgomery Creek. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The proposed minor variance application requests permission to allow an Additional Dwelling Unit (ADU) partially within the exterior side yard. The proposed ADU is in close proximity to the floodplain and GRCA policies do not permit new dwelling units within the floodplain. As such, GRCA staff request a topographic survey with the floodplain delineated to confirm that the proposed ADU will be outside the floodplain. GRCA staff will provide the floodplain elevation to the applicant under separate cover.

Consistent with GRCA's 2023 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced the amount of \$300.00 for the GRCA's review of this application.

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:

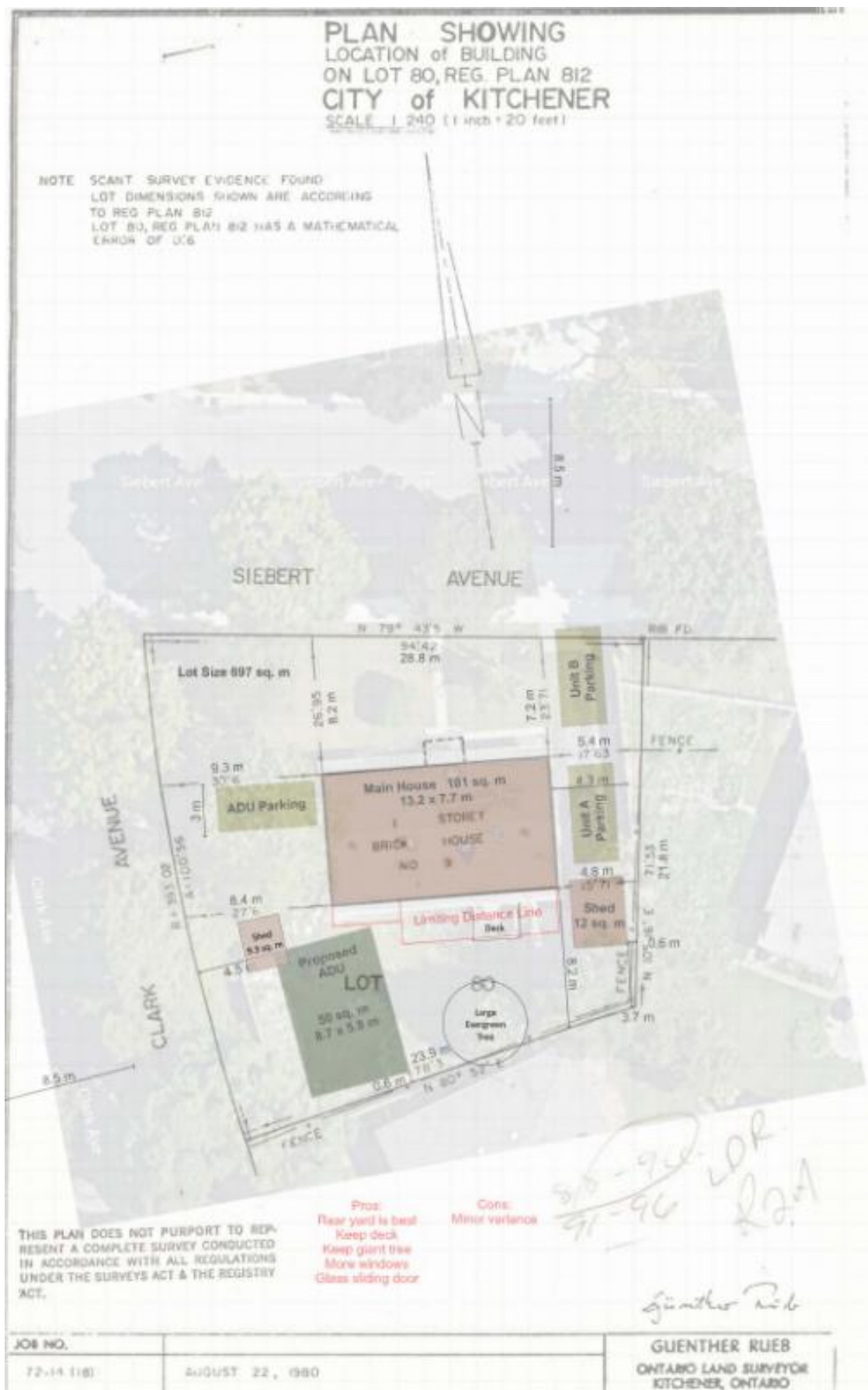
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PREVIOUS REPORTS/AUTHORITIES:

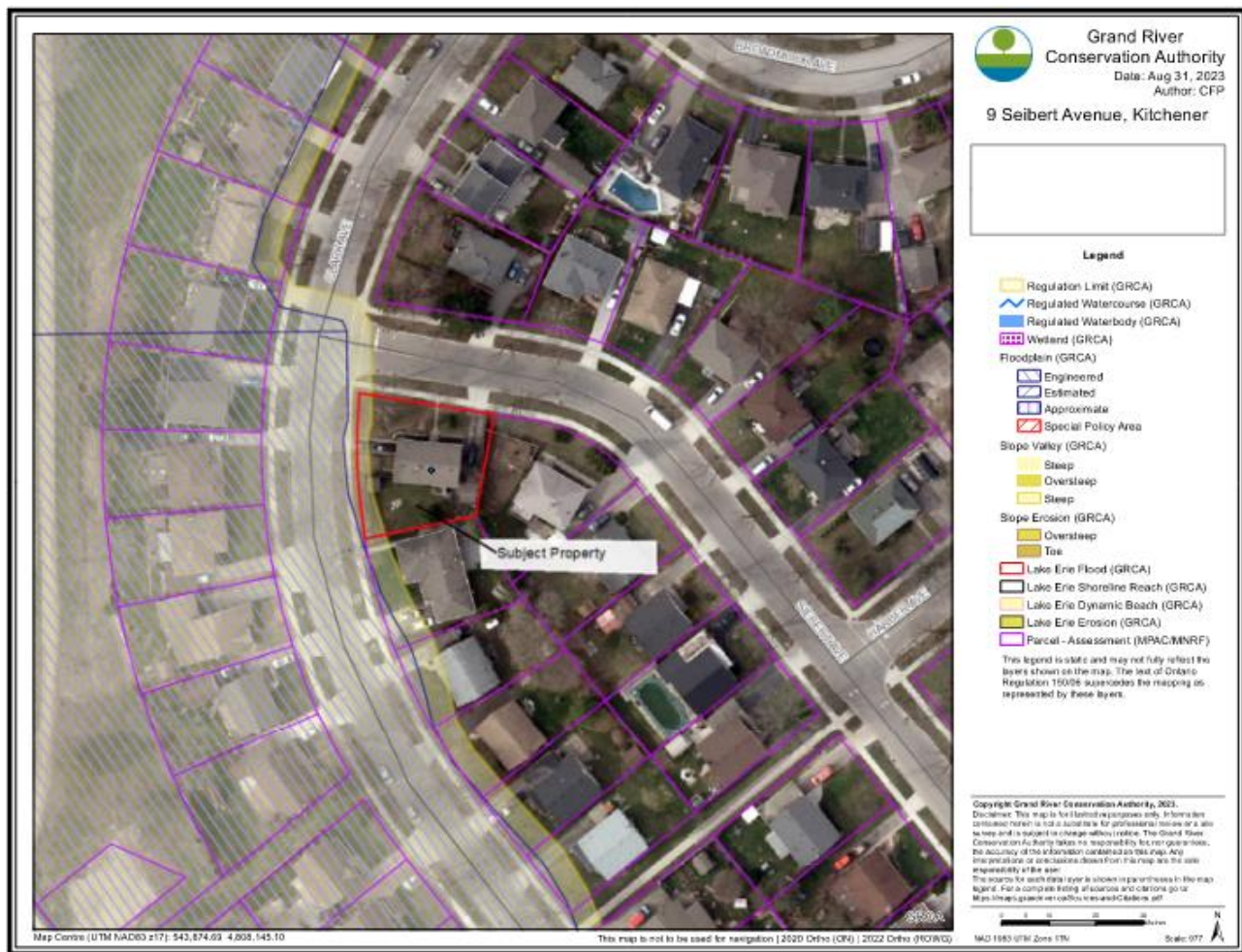
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- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

- Attachment A – Site Plan
- Attachment B – GRCA Source Mapping



Attachment A – Site Plan



Attachment B – GRCA Source Mapping

PLAN SHOWING LOCATION of BUILDING ON LOT 80, REG. PLAN 812 CITY of KITCHENER SCALE 1/240 (1 inch = 20 feet)

NOTE SCANT SURVEY EVIDENCE FOUND
LOT DIMENSIONS SHOWN ARE ACCORDING
TO REG PLAN 812
LOT 80, REG PLAN 812 HAS A MATHEMATICAL
ERROR OF 0.6



THIS PLAN DOES NOT PURPORT TO REPRESENT A COMPLETE SURVEY CONDUCTED IN ACCORDANCE WITH ALL REGULATIONS UNDER THE SURVEYS ACT & THE REGISTRY ACT.

Pros:
Rear yard is best
Keep deck
Keep giant tree
More windows
Glass sliding door

Cons:
Minor variance

80-94 LPR
91-94 L2A

Guenther Rueb

JOB NO.		GUENTHER RUEB
72-14 (18)	AUGUST 22, 1980	ONTARIO LAND SURVEYOR KITCHENER, ONTARIO

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

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Document Number: 4468243

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- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by a blue circular stamp or mark.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

GRCA File: A2023-113 – 9 Siebert Avenue

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON N2G 4G7

Dear Marilyn Mills,

Re: Application for Minor Variance A2023-113
9 Siebert Avenue, City of Kitchener
Robert Westbury

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation

The GRCA recommends deferral of this application to allow the applicant an opportunity to confirm the proposed Additional Dwelling Unit will be located outside of the floodplain. Please see additional comments below.

Documents Reviewed by Staff

Staff have reviewed the following documents submitted with this application:

- Application for Minor Variance
- Site Plan Sketch

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that a portion of the subject property is within the regulated allowance adjacent to the floodplain associated with Montgomery Creek. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future

development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The proposed minor variance application requests permission to allow an Additional Dwelling Unit (ADU) partially within the exterior side yard. The proposed ADU is in close proximity to the floodplain and GRCA policies do not permit new dwelling units within the floodplain. As such, GRCA staff request a topographic survey with the floodplain delineated to confirm that the proposed ADU will be outside of the floodplain. GRCA staff will provide the floodplain elevation to the applicant under separate cover.

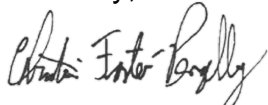
Consistent with GRCA's 2023 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for the GRCA's review of this application.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact the undersigned at 519-621-2763 ext. 2319 or cfosterpengelly@grandriver.ca.

Sincerely,



Chris Foster-Pengelly, M.Sc.
Assistant Supervisor of Resource Planning
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Robert Westbury (via email)

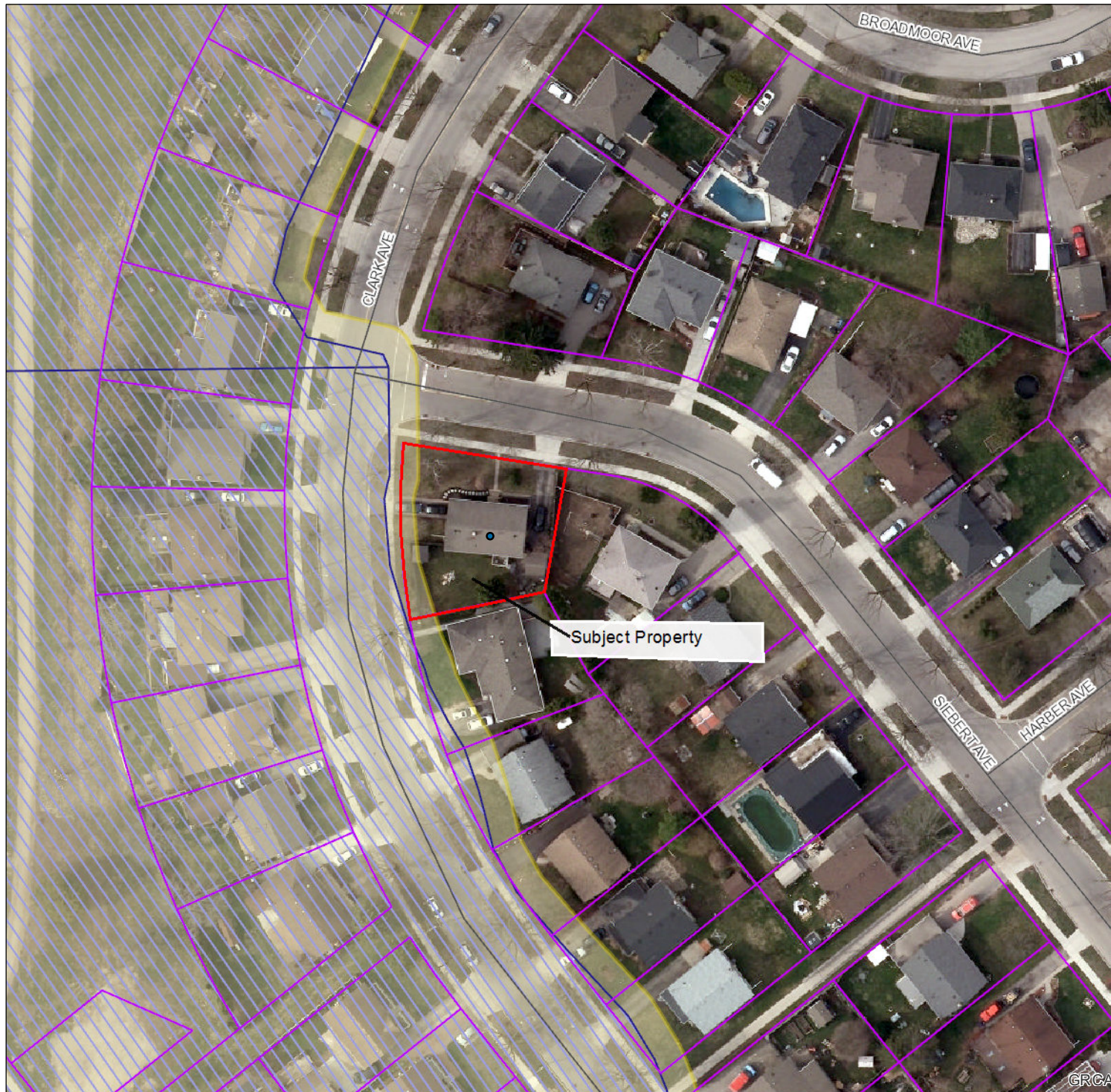


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2023.
Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>



From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
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[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 9, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-404

SUBJECT: Minor Variance Application A2023-114 – 78 Weber Street West

RECOMMENDATION:

That Minor Variance Application A2023-114 for 78 Weber Street West requesting relief from:

- i) Section 5.6.1 a) of Zoning By-law 85-1 to permit steps that are within 3 metres of a street line and within a required yard to be 0.78 metres in height rather than the maximum permitted height of 0.6 metres; and
- ii) Section 5.6A.4 d) of Zoning By-law 85-1 to permit a porch that is greater than 0.6 metres in height to be 0.2 metres from a street line instead of the minimum required 3 metres;

in accordance with drawings prepared by Stakt Architecture Inc., dated August 2, 2023, BE APPROVED, subject to the following conditions:

1. That the Owner shall grant Metrolinx an environmental easement over the Retained Lands for operational emissions, to the satisfaction of Metrolinx.
2. That the Owner shall provide confirmation to Metrolinx that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor, to the satisfaction of Metrolinx:

“Warning: The Applicant is advised that the subject land is located within Metrolinx’s 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that

Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to permit the use of the building as a 6-unit multiple dwelling.
- 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 a corner lot and is located on the northeast corner of Weber Street West and College Street. The existing building on site is designated under Part V of the Ontario Heritage Act and located within the Civic Centre Neighbourhood Heritage Conservation District. The building has been used previously as a 4-unit multiple dwelling.

The subject property is identified as a ‘Major Transit Station Area’ on Map 2 – Urban Structure and is designated ‘High Density Commercial Residential’ on Map 9 – Civic Centre Neighbourhood Plan for Land use in the City’s Official Plan.

The property is zoned ‘Commercial Residential Three Zone (CR-3)’ in Zoning By-law 85-1.

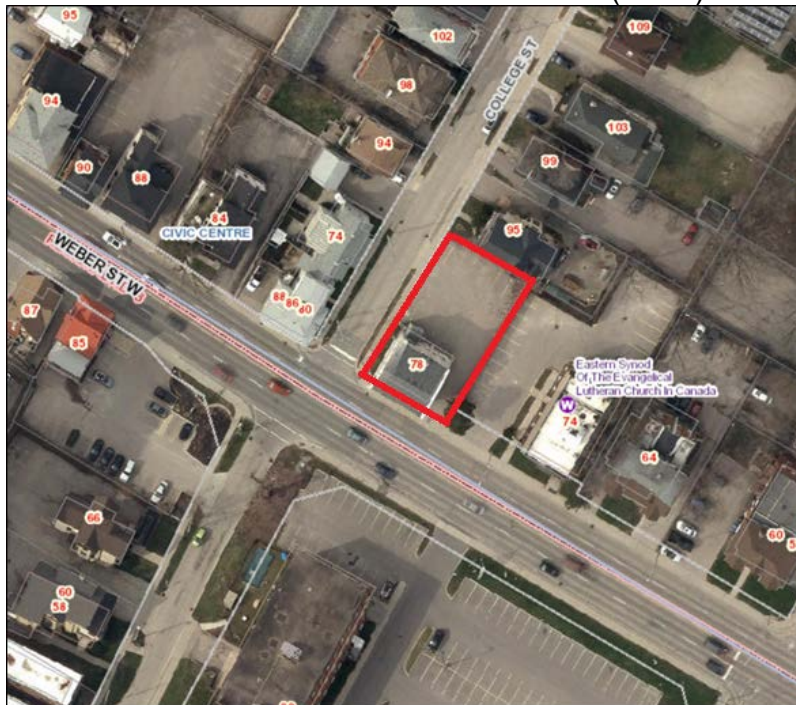


Figure 1: Location of Subject Property

The purpose of the application is to facilitate the redevelopment of the site for use as a 6-unit multiple dwelling. The proposed porch and steps are to facilitate the entrance required for the additional unit(s) being added. The applicant has submitted a Zoning Occupancy Certificate (ZOC) to the Planning Division that is under review. Site Plan approval is not required for multiple dwellings of 10 units or less as of November 28, 2022 (Bill 23). A Heritage Permit is required for the proposed redevelopment of the site and has been issued as HPA-2023-V-013.



Figure 2: View of Existing Building from Weber Street West (September 5, 2023)



Figure 3: View of Existing Building from College Street (September 5, 2023)

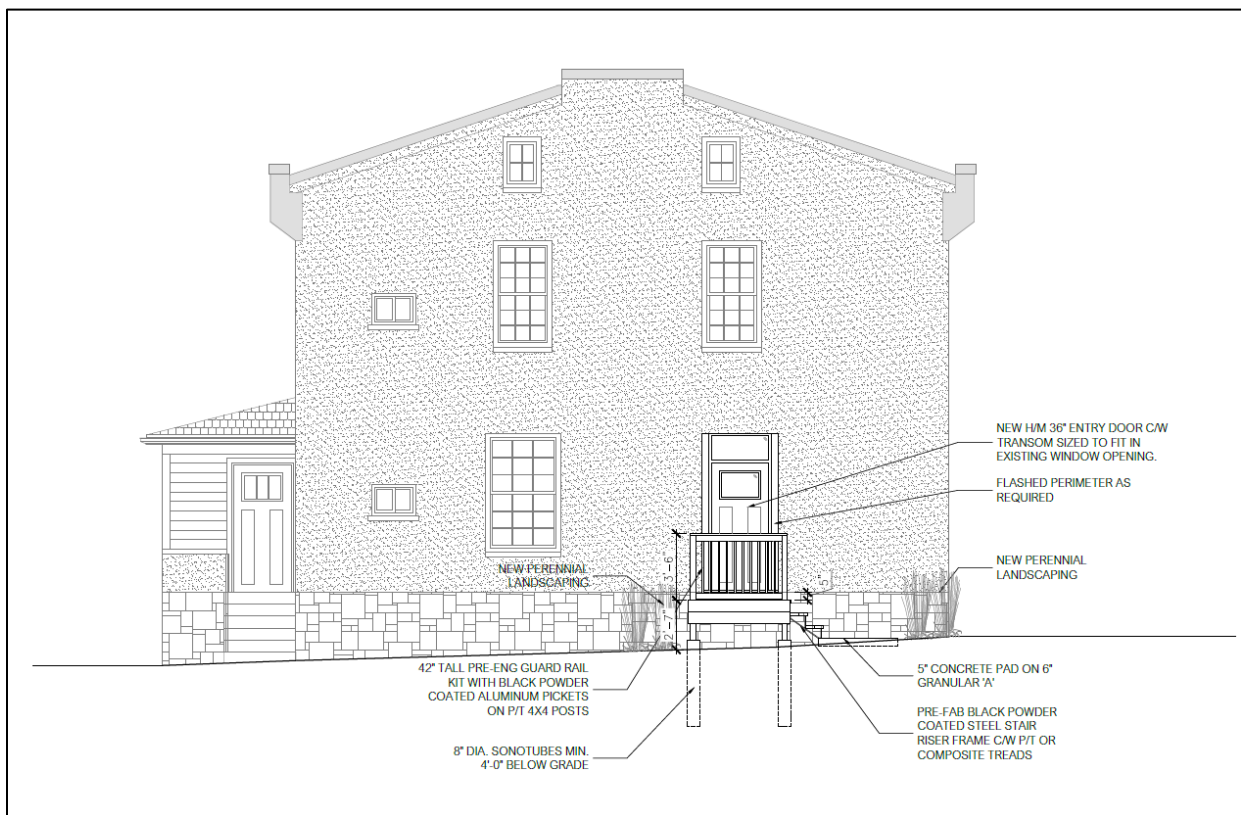


Figure 4: Proposed Elevation with Porch and Steps

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The City's Official Plan contains policies that encourage the redevelopment and re-use of existing buildings and infill opportunities, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure. The requested variance would enable the use of the existing building for a re-purposed 6-unit multiple dwelling. Staff is of the opinion that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulations that require a porch and steps to be under 0.6 metres in height and to be set back from the street line is to provide for adequate separation between the functional space used for private property and the public realm. With the existing building setback at 1.6 metres to the street line at College Street, the building is located closer to the street line than a porch could in the current zoning. This is indicative of the unique character of the Civic Centre neighbourhood, which contains numerous examples of reduced setbacks of buildings, porches, and steps to the street line. College Street is a one-way directional street in this section, and municipal sidewalk and a landscaped boulevard is existing. The proposed porch and steps are outside of the Driveway Visibility Triangle (DVT) and the Corner Visibility Triangle (CVT). Staff do not foresee any adverse impacts to the public realm in this street cross section, and therefore are of the opinion that the requested minor variances meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The existing building currently contains a small porch and steps within 3 metre of the street line (see Figure 3). The proposed porch and steps will provide functional access to a dwelling unit and are not expected to create adverse impacts for neighbouring lands or the public realm. Staff is of the opinion that the effects of the requested variances are minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The lands contain a building formerly used as a 4-unit multiple residential. The redevelopment of the site into a 6-unit multiple dwelling is appropriate for the lands based on the site layout and former use as a small multiple dwelling site. The site is situated in the Civic Centre Neighbourhood Conservation District and the building is designated under Part V of the Ontario Heritage Act. The re-use of the existing building is considered desirable and appropriate for the use of the land and building in the opinion of Staff.

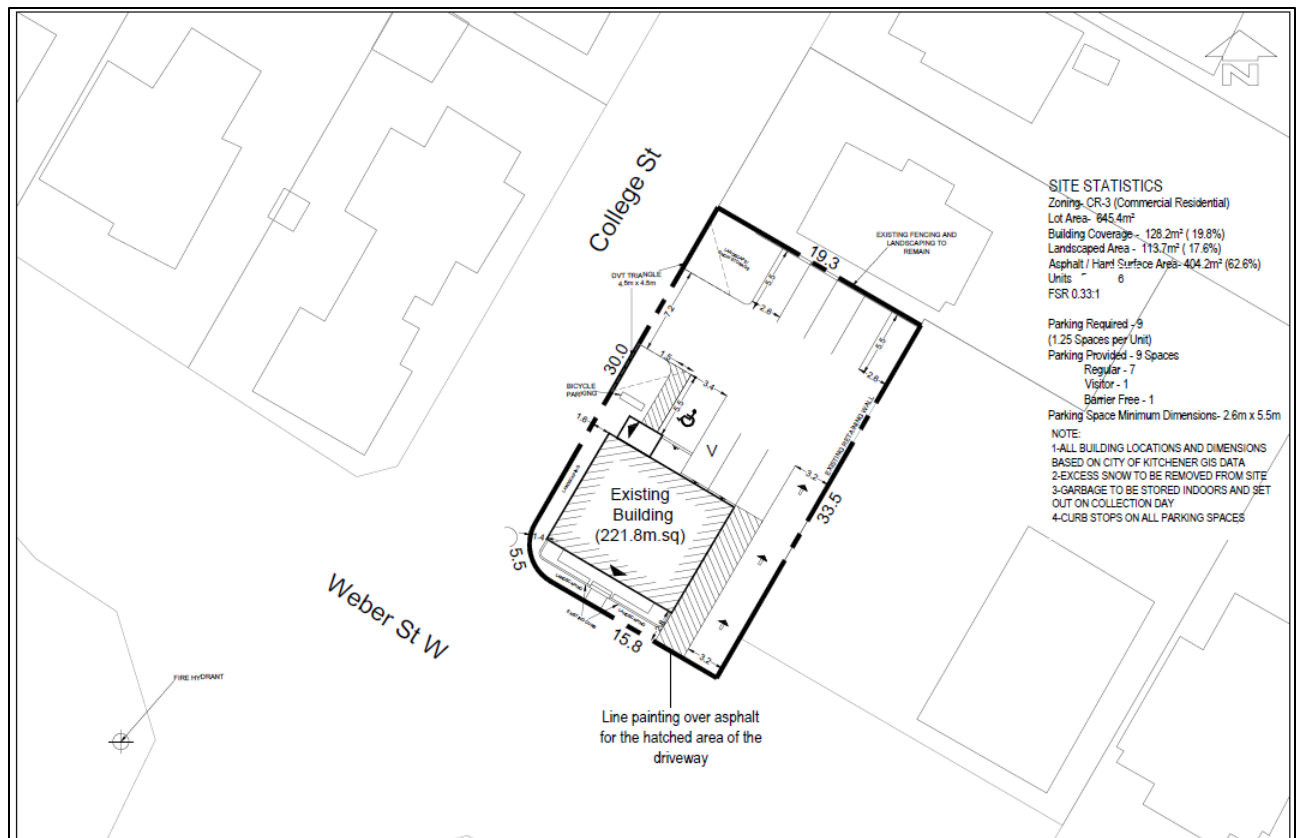


Figure 5: Proposed Site Layout

Environmental Planning Comments:

No natural heritage concerns.

Heritage Planning Comments:

The subject property is designated under Part V of the Ontario Heritage Act and located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD). A heritage permit (HPA-2023-V-013) has been issued for the proposed work. There are no further heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit application has been made for the additional dwelling unit and it is currently under review.

Parks/Operations Division Comments:

Parkland dedication will be required for the proposed new unit associated with Building Permit 23 116216.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

Region of Waterloo Comments:

There are no conditions for this application. However, the staff notes as below:

- a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on

Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- b) Under any future development application, a dedicated road widening (approximately 3.82 metres) will be required to comply with ROP Designated road width (currently 26.213 metres) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
- c) An encroachment agreement may be required under any future development application stage.

Metrolinx Comments:

Metrolinx is in receipt of the minor variance application for 78 Weber Street West to facilitate the construction of a new side porch and steps to support a new 2nd storey unit within the building. Metrolinx's comments on the subject Application are noted below:

- The subject property is located within 300 metres of Metrolinx's Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor

"Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units."

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Civic Centre Secondary Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *HPA-2023-V-013*

ATTACHMENTS:

No attachments.

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by a blue circular stamp or mark.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority



To: Kitchener Committee of Adjustment
From: *Adjacent Developments GO Expansion - Third Party Projects Review & LRT - Metrolinx*
Date: September 1st, 2023
Re: A 2023-114 - 78 Weber St W, Kitchener

Metrolinx is in receipt of the minor variance application for 78 Weber St W to facilitate the construction of a new side porch and steps to support a new 2nd storey unit within the building. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
Farah Faroque
Project Analyst, Third Party Projects Review
Metrolinx
10 Bay Street | Toronto | Ontario | M5J 2N8

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

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Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 19, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Sheryl Rice Menezes, Planning Technician (Zoning),
519-741-2200 ext. 7844

WARD(S) INVOLVED: 8

DATE OF REPORT: September 8, 2023

REPORT NO.: DSD-2023-405

SUBJECT: Minor Variance Application A2023-115 – 275 Lawrence Ave.

RECOMMENDATION:

That Minor Variance Application A2023-115 for 275 Lawrence Avenue requesting relief from Section 10.2 of Zoning By-law 2019-051, to permit an 'office' use of the subject property whereas the 'EMP-1' Zone does not permit an 'office' use, in accordance with Site Plan SP16/096/L/SRM, dated December 9, 2016, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application requesting permission to add a new use to the property whereas the current zoning does not permit the use.
- The key finding of this report is that the requested minor variance meets all the four tests of the Planning Act.
- 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 at the south-west corner of Lawrence Avenue and Paulander Drive.

The property is identified as 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'General Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

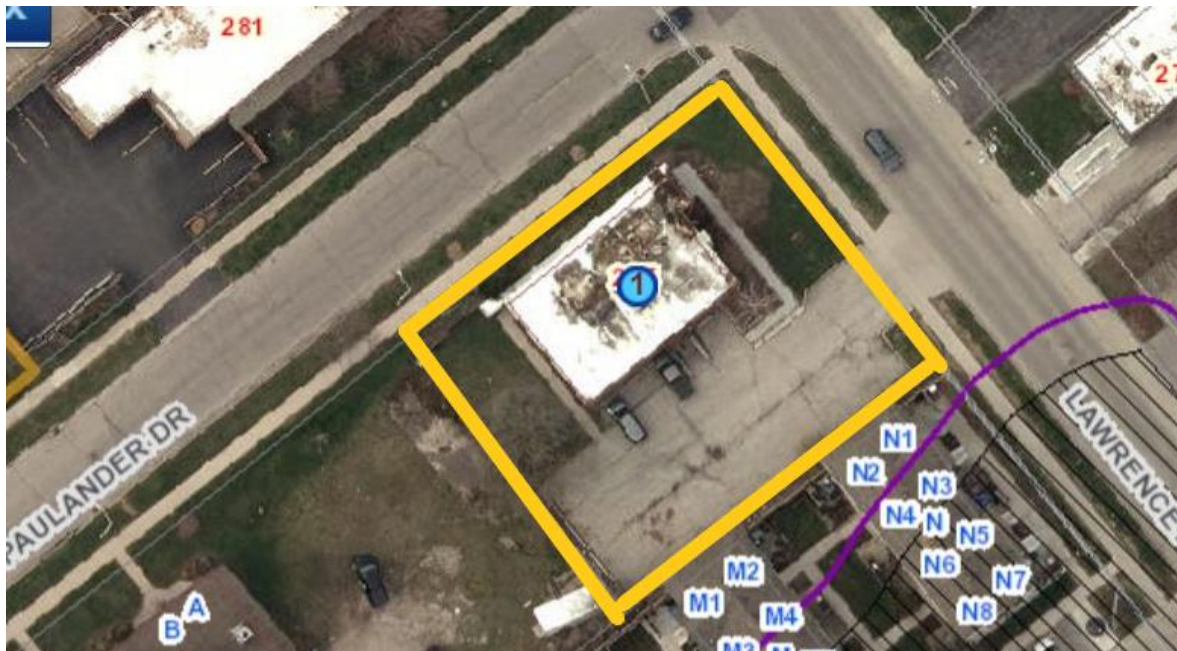


Figure 1: Location map

The property is zoned 'Neighbourhood Industrial Employment Zone (EMP-1)' in Zoning By-law 2019-051.

The purpose of the application is to add a new use to the existing building and property. The property was developed in 1955 as a 'rural office building'. In 1962 it was rezoned as Industrial. Over the years there may have been office use in parts of the building, along with documentation of industrial uses as well (tradesman/contractor, printing establishment, religious institution). Therefore, legal non-conforming status for 100% general office use of the building is no longer applicable. The current use on file is for a 'religious institution' (for their head office) under the previous industrial zoning 'M-2' (By-law 4830).

The applicant wishes to establish a new use of 100% office (no specific tenant is proposed at this time).

'Office' use is defined as: the use of a building in which clerical, administrative, consulting, advisory, or training services are performed, but shall not include a health clinic, commercial school, or industrial administrative office'.

Staff visited the site on September 5, 2023.



Figure 2: View from Lawrence Ave



Figure 3: View from corner of Lawrence Ave and Paulander Dr

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The intent of the 'General Industrial Employment' land use designation is to provide for a broad range of industrial uses. It also permits small free-standing offices in a mixed industrial-residential area as per Policy 15.D.6.23.

- 15.D.6.23. Existing single detached, duplex, and triplex dwellings as well as small free standing offices will be permitted in a mixed industrial-residential area designated as General Industrial Employment.

The minor variance to permit the existing building to be used for 'office' meets the intent of the 'General Industrial Employment' land use designation and the Official Plan.

General Intent of the Zoning By-law

The intent of the Neighbourhood Industrial Employment Zone (EMP-1) is to accommodate a limited range of industrial uses on lands located within neighbourhoods and/or Major Transit Station Areas. This property has been used for office purposes, for the entire building and for parts of the building, over the years. The legal non-conforming status for 100% office of the building was lost when industrially permitted uses no longer occupied the building (last use on file 'religious institution (head office)'). The property is located adjacent to both residential and industrial uses and office uses have served the neighbourhood in the past. Staff are of the opinion that the general intent of the Zoning By-law is met.

Is/Are the Effects of the Variance(s) Minor?

The building's construction is best suited for general small office use rather than several of the uses normally permitted in the EMP-1 zone. No exterior changes are proposed for the building and sufficient parking exists on site. Staff are of the opinion that the effects of the variance to permit an office use are minor.

Is/Are the Variance(s) Desirable for The Appropriate Development or Use of the Land, Building and/or Structure?

The minor variance is desirable and appropriate as it will facilitate the use of the existing building for office which is an appropriate use for this building and for the land which is located in a mixed residential-industrial neighbourhood.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments.

Building Division Comments:

No objections to the proposed variance provided building permits for the change of use to an office is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

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 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

August 29, 2023

Alison Fox
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener,
ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting September 19, 2023, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

- 1) A 2023 - 104 – 254 Westwood Drive – There are no conditions for this application.

However, the applicants are advised that any residential dwellings (existing and proposed) on the subject lands would have environmental noise from the CN Railway mainline within 200 metres of the subject property (approximately 95m).

The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.

- 2) A 2023 - 105 – 120 Rossford Crescent – There are no conditions for this application. However, the applicants are advised that any residential dwellings (Existing and proposed) on the subject lands would have environmental noise and rail vibration impacts from the CN Railway mainline adjoining the subject property being located within 45m of the railway vibration influence zone as per railway proximity guidelines). The applicants are responsible for ensuring that the subject development does not have any environmental noise/vibration impacts.

Document Number: 4468243

- 3) A 2023 - 106 – 279 Sheldon Avenue North – No Concerns
- 4) A 2023 - 107 – 239 Rosebank Place – No Concerns.
- 5) A 2023 - 108 – 540 Frederick Street – No Concerns.
- 6) A 2023 – 109 – 27 Roy Street – No Concerns.
- 7) A 2023 - 110 – 148 Chandos Drive – No Concerns.
- 8) A 2023 - 111 – 15 Catalina Court – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 9) A 2023 - 112 – 103 Peter Street – There are no conditions for this application. However, the owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
- 10) A 2023 – 113 – 9 Siebert Avenue – No Concerns.
- 11) A 2023 - 114 – 78 Weber Street West – There are no conditions for this application. However, the staff notes as below:
 - a) The owners are advised that any noise-sensitive development on the subject lands may have impacts from environmental noise from transportation noise from traffic on Weber Street East (RR #08) and any potential stationary noise in the vicinity. The applicants are responsible for ensuring that the subject development does not have any environmental noise impacts.
 - b) Under any future development application, a dedicated road widening (approximately 3.82m) will be required to comply with ROP Designated road width (currently 26.213m) for Weber Street West (RR #08). Under such future conditions, the existing/proposed building would be encroaching into the Regional road right-of-way. The applicants must use their due diligence so as to have minimum impacts to the subject's existing/proposed development at such times in future.
 - c) An encroachment agreement may be required under any future development application stage.
- 12) A 2023 – 115 – 275 Lawrence Avenue – No Concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,



Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Marilyn Mills, City of Kitchener

CofA@Kitchener.ca



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
A 2023-105 120 Rossford Crescent
A 2023-106 279 Sheldon Avenue North
A 2023-107 239 Rosebank Place
A 2023-108 540 Frederick Street
A 2023-109 27 Roy Street
A 2023-110 148 Chandos Drive
A 2023-111 15 Catalina Court
A 2023-112 103 Peter Street
A 2023-114 78 Weber Street West
A 2023-115 275 Lawrence Avenue

Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from jeremiah.johnston@ontario.ca. [Learn why this is important](#)

Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca



REPORT TO: Committee of Adjustment

DATE OF MEETING: September 9, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-406

SUBJECT: Consent Application B2023-035 – 100 St. George Street

RECOMMENDATION:

That Consent Application B2023-035 requesting consent to sever a parcel of land at 100 St. George Street having a lot width of 16.8 metres, a lot depth of 35.3 metres and a lot area of 564 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 at the sole option of the City's Director of Planning, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Planning, which shall include the following:
 - a) That the owner shall 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 Supervisor, Site Plans, and where necessary, implemented prior to any 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) 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 Supervisor, Site Plans.
10. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00. If the owner can demonstrate suitable non-profit housing provider status to the satisfaction of the Director of Parks and Cemeteries, parkland dedication fees may be waived.
11. That prior to final approval, a licensed Archaeologist prepares an Archaeological Assessment on the severed and retained lands and a copy of the Ministry of Citizenship and Multiculturalism Acknowledgement letter(s) and the Assessment Report(s) must be provided to Regional Staff to the satisfaction of the Region's Planning, Development and Legislative Services Department.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to create a new lot in order to construct a semi-detached dwelling. A new semi-detached dwelling is also proposed to be constructed on the lands to be retained.

- 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 the North side of St. George Street between Peter Street and Cedar Street South. The site formerly contained a regional water tower that has been demolished. The site is currently vacant.



Figure 1: Location of Subject Property

The subject property is identified as a 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 11 – Cedar Hill Neighbourhood Land Use Plan in the City's Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.

The purpose of the application is to separate the lot into two roughly equal size lots in order to be developed with a semi-detached dwelling on both resulting lots. A further severance application would be required in the future after construction of the dwellings to allow separate ownership of each half of each semi-detached dwelling. This would result

in a total of 4 residential units. Habitat for Humanity is intending to provide the units as affordable home ownership.



Figure 2: View of Vacant Site (August 28, 2023)

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 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 future semi-detached dwellings 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. Planning staff is of the opinion that this proposal 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. The subject lands are in close proximity to transit and the subject lands are in closer proximity to trails and parks.

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 development represents intensification and will contribute towards achieving the City's intensification density targets. The severance application will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the development proposal conforms to 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 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 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 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 11 – Cedar Hill Neighbourhood Land Use Plan in the City's Official Plan.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

“17.E.20.5 Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration;
- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

Zoning By-law 85-1

The property is zoned ‘Residential Five Zone (R-5)’ in Zoning By-law 85-1. The ‘R-5’ zone permits a range of low density dwelling types such as semi-detached dwellings. The proposed lot sizes meet and exceed the minimum lot width and lot area requirements in the R-5 Zone.

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.



Figure 3: Severance Sketch

Environmental Planning Comments:

The standard condition for Tree Protection/Enhancement Plan shall be applied.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 100 St. George Street is located within the Cedar Hill Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Cedar Hill area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Cedar Hill Neighbourhood CHL, please visit the following link:

www.kitchener.ca/npr

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 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 Jason Brule (jason.brule@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 street sewers. If this is not the case, then the owner would have 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.

Parks/Operations Division Comments:

There are four existing City-owned street trees located on St George Street that will be impacted by future construction. If these trees cannot be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law, full compensation and/or replacement is expected. A Tree Protection and Enhancement Plan (TPEP) will be required as part of a Building Permit application, please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement.

A cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot is created. The cash-in-lieu dedication required is \$11,862. If the owner can demonstrate suitable non-profit housing provider status, parkland dedication fees may be waived.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

GRCA Comments:

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application. GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Hydro One Comments:

We are in receipt of your Application for Consent, B-2023-035 dated August 25th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

Region of Waterloo Comments:

The applicant is proposing to sever a parcel of land for residential purposes. The severed parcel will have frontage on St. George Street of 16.8 metres with an approximate area of 564 square metres. The lands to be retained will have a frontage of 16.8 metres on St. George Street with an approximate area of 563 square metres. The owner (Habitat for Humanity) is proposing two semi-detached dwellings on each lot for a total of four (4) dwelling units.

Regional Cultural Heritage:

The subject lands have the potential for the recovery of archaeological resources due to the location of the subject lands within a historic core area, its proximity to historic buildings and the location upon a landform associated with the habitation of early peoples in this Region. As a result, an Archaeological Assessment is required as a condition of approval for the proposed severed and retained lands.

As per Regional Official Plan policy 3.G.9, the applicant is required to have a licensed Archaeologist complete an Archeological Assessment of the subject property. The applicant must submit the Archaeological Assessment report(s) to the Ministry of Heritage, Sport, Tourism and Culture Industries and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

The completed Archaeological Assessment(s) and Ministry Acknowledgement(s) will be required as a condition of approval for the proposed severed lands.

Regional Fee:

This project has committed government funding and therefore the consent fee is not required in accordance with Region of Waterloo Fees and Charges By-law 23-009.

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

1. THAT prior to final approval, a licensed Archaeologist prepares an Archaeological Assessment on the severed and retained lands and a copy of the Ministry of Citizenship and Multiculturalism Acknowledgement letter(s) and the Assessment

Report(s) must be provided to Regional Staff to the satisfaction of the Region's Planning, Development and Legislative Services Department.

General Comments

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

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.

CONSULT – Staff communicated by email with a community resident. The resident expressed that they are welcoming development on the vacant parcel in the proposed housing form.

PREVIOUS REPORTS/AUTHORITIES:

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

ATTACHMENTS:

No attachments.



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Melissa Mohr
226-752-8622
D20-20/23 KIT

August 31, 2023

Marilyn Mills, Secretary Treasurer
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

**Re: Comments for Consent Applications B2023-0019
Committee of Adjustment Hearing September 19, 2023
CITY OF KITCHENER**

B2023-035

100 St. George Street

Habitat for Humanity (Owners) C/O Dan Currie (MHBC Planning Inc. – Authorized Agent)

The applicant is proposing to sever a parcel of land for residential purposes. The severed parcel will have frontage on St. George Street of 16.8m with an approximate area of 564 square metres. The lands to be retained will have a frontage of 16.8m on St. George Street with an approximate area of 563 square metres. The owner (habitat for humanity) is proposing two semi-detached dwellings on each lot for a total of four (4) dwelling units.

Regional Cultural Heritage:

The subject lands have the potential for the recovery of archaeological resources due to the location of the subject lands within a historic core area, its proximity to historic buildings and the location upon a landform associated with the habitation of early peoples in this Region. As a result, an Archaeological Assessment is required as a condition of approval for the proposed severed and retained lands.

As per Regional Official Plan policy 3.G.9, the applicant is required to have a licensed Archaeologist complete an Archeological Assessment of the subject property. The

Document Number: 4470268

Version: 1

applicant must submit the Archaeological Assessment report(s) to the Ministry of Heritage, Sport, Tourism and Culture Industries and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

The completed Archaeological Assessment(s) and Ministry Acknowledgement(s) will be required as a condition of approval for the proposed severed lands.

Regional Fee:

This project has committed government funding and therefore the consent fee is not required in accordance with Region of Waterloo Fees and Charges By-law 23-009.

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

- 1) THAT prior to final approval, a licensed Archaeologist prepares an Archaeological Assessment on the severed and retained lands and a copy of the Ministry of Citizenship and Multiculturalism Acknowledgement letter(s) and the Assessment Report(s) must be provided to Regional Staff to the satisfaction of the Region's Planning, Development and Legislative Services Department.

General Comments

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner



August 31, 2023

via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – September 19, 2023

Applications for Minor Variance

A 2023-104 254 Westwood Drive
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Application for Consent

B 2023-035 100 St. George Street

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: ADARIA Gabriel
To: Committee of Adjustment (S/M); Planning (S/M)
Subject: City of Kitchener - 100 St. George St - B-2023-035
Date: Tuesday, September 5, 2023 8:45:38 AM
Attachments: image001.png

Hello,

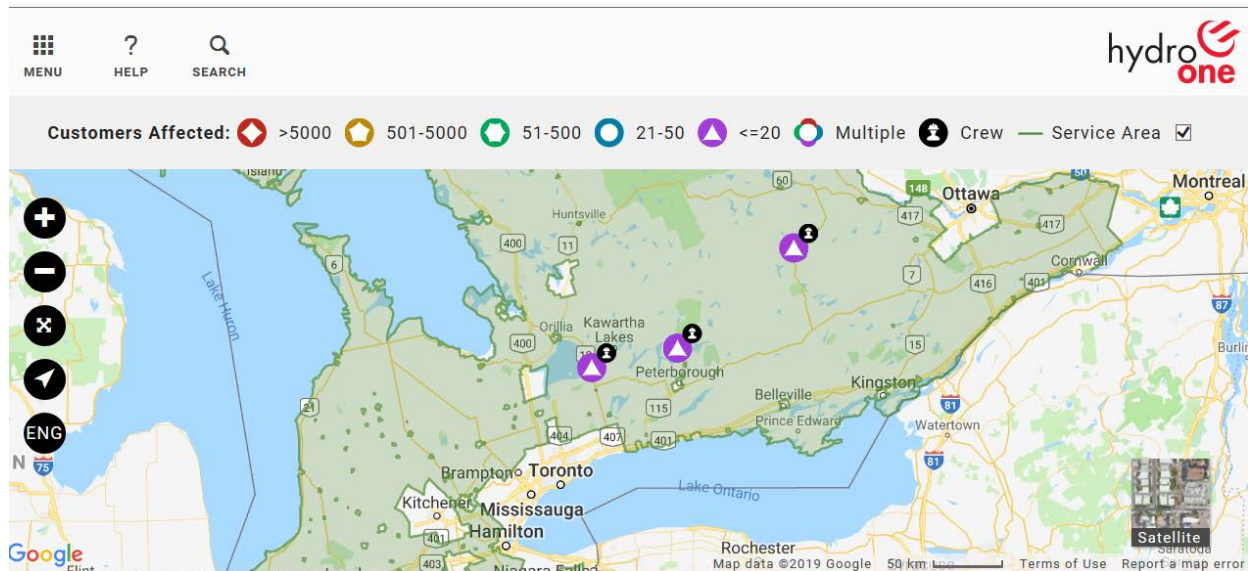
We are in receipt of your Application for Consent, B-2023-035 dated August 25th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.
Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[HydroOne Map](#)

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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From: [Johnston, Jeremiah \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#); [Alison Fox](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting
Date: Friday, August 25, 2023 12:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
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[image008.png](#)
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Hello Allison,

MTO has no requirement for any of the applications scheduled for the Sept. 19th meeting.

Thank you,

[Jeremiah Johnston](#) Corridor Management Planner
Corridor Management Section
Ministry of Transportation Operations Branch West
659 Exeter Road, London, ON N6E 1L3
M: (226)-980-6407

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: August 25, 2023 11:46 AM
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - September 19, 2023 Meeting

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, September 19, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than **12 noon on Friday, September 1, 2023.**

If you have no comments for the Committee's consideration, you do not need to

respond to this email.

Best,

Alison Fox (she/her)

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca

