



## **Committee of Adjustment Agenda**

**Tuesday, April 16, 2024, 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, APRIL 16, 2024, 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 an 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](http://www.kitchener.ca/watchnow).

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

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### **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](http://www.kitchener.ca/conflict) to submit your written form.

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

**5. NEW BUSINESS**

- 5.1 A 2024-023 - 423 Edwin Street, DSD-2024-175** 6  
Requesting a minor variance to permit a required parking space to be located 2.3m from the street line rather than the minimum required 6m, to facilitate the conversion of the Single Detached Dwelling into a Duplex (single detached dwelling with attached additional dwelling unit).
- 5.2 A 2024-024 - 101 Clive Road, DSD-2024-178** 14  
Requesting minor variances to permit a Floor Space Ratio (FSR) of 0.75 rather than the maximum permitted 0.6; and, to permit a front yard setback of 6.76m rather than the required 7.77m to facilitate the construction of a multiple residential development with 24 dwelling units in accordance with Site Plan Application SP22/014/C/ES.
- 5.3 A 2024-025 - 1187 Fischer Hallman Road, DSD-2024-177** 23  
Requesting a minor variance to permit an outdoor patio to be located 0m from a lot line abutting a street rather than the minimum required 3m, to facilitate the development of a new outdoor patio space for an existing commercial use (restaurant) adjacent to Max Becker Drive.
- 5.4 A 2024-026 - 58 & 60 Ellen Street East and 115 Lancaster Street East, DSD-2024-162** 31  
Requesting minor variances to permit a front yard setback of 0m rather than the required 3m; having an easterly side yard setback of 3.5m rather than the required 4.5m; having a rear yard setback of 4m rather than the required 7.5m; having a setback for the required off-street located 0m from the westerly lot line, rather than the required 3m; having 0 off-street parking spaces rather than the required 11 (there are two visitor parking spaces proposed); and, to permit a reduction in private amenity space for units at grade to be 3 sq.m. rather than the required 11 sq.m. to facilitate the construction of a three storey addition in the rear of an existing 3-storey multiple dwelling building increasing the number of residential units from 6 to 11 in accordance with Site Plan Application SP22/154/L/BB.
- 5.5 A 2024-027 - 610 Wabanaki Drive, DSD-2024-164** 42  
Requesting a minor variance to permit a maximum parking requirement of 67 parking spaces rather than the maximum permitted parking requirement of 26 parking spaces to facilitate the creation of parking spaces in an existing gravelled area on the property in accordance with Site Plan Application SP23/076/W/TZ.
- 5.6 A 2024-028 - 54 Franklin Street South, DSD-2024-189** 51  
Requesting a minor variance to permit a minimum lot width of 12.1m rather than the minimum required 13.1m to permit the development of an Additional Dwelling Unit (ADU) (Attached) within the existing building to facilitate the conversion of the existing Duplex into a Triplex.

- 5.7 A 2024-029 - 59 Vancamp Avenue, DSD-2024-182** 60  
 Requesting minor variances to permit a lot width of 12.1m rather than the required 13.1m; to permit a driveway to have a minimum width at one point of 2.2m rather than the required 2m; to permit a maximum driveway width in the rear yard of 5.4m (44.6%) rather than the maximum permitted 4.8m (40%); and, to permit a parking requirement of 2 off-street parking spaces rather than the required 3 parking spaces to facilitate the development of two (2) Additional Dwelling Units (ADUs) (Attached) and the conversion of a single detached dwelling into a triplex.
- 5.8 A 2024-030 - 109 Ingleside Drive, DSD-2024-163** 70  
 Requesting minor variances to permit a required parking space to be located 1.9m from the street line rather than the required 6m; and, to permit a driveway to have a maximum width of 5.2m (57.1%) rather than the maximum permitted 4.5m (50%) to facilitate the development of an Additional Dwelling Unit (ADU) (Attached) in the existing Semi-Detached Dwelling.
- 5.9 A 2024-031 - 172 Kehl Street, DSD-2024-146** 79  
 Requesting minor variances to permit a parking lot to be set back 0m from a side lot line rather than the minimum required 1m; to permit a minimum lot width of 15.2m rather than the required 19m; having a minimum interior side yard to the south of 2.6m rather than the minimum required 4m; having an increase in the maximum permitted Floor Space Ratio from 0.6 to 0.75; having a building height of 10.1m rather than the maximum permitted 9m; and, to permit decks in the interior side yard to have a setback of 0.95m, whereas the By-law requires that all decks meet the setback regulations required for the building in the applicable zone, to facilitate the development of a townhouse block containing 5 dwelling units.
- 5.10 A 2024-032 - 55 Trillium Park Place, DSD-2024-167** 92  
 Requesting a minor variance to permit a rear yard setback of 2.7m rather than the minimum required 7.5m to facilitate the construction of a one (1) storey addition to an industrial building having an area of 526 square metres in accordance with Site Plan Application SP24/004/T/AA.
- 5.11 B 2024-006 - 103 & 105 Dalegrove Drive, DSD-2024-187** 102  
 Requesting consent to sever a parcel of land, 103 Dalegrove Drive, having a lot width of 9.3m along Dalegrove Drive, a lot depth of 30.9m, and a lot area of 282 sq.m. The lands to be retained, 105 Dalegrove Drive, will have a lot width of 9.1m along Dalegrove Drive, a lot depth of 30.9m and a lot area of 282 sq.m. The consent will permit each half of an existing semi-detached dwelling to be dealt with independently.

**5.12 B 2024-007 - 137 Queen Street South, DSD-2024-165**

119

Requesting consent to create 2 easements over 137 Queen Street South (being Parcel A (retained lands) identified in B 2023-013, B 2023-014 and B 2023-015 in favour of 15 Church Street (being parcel C (severed lands) identified in B 2023-013, B 2023-014 and B 2023-015). The proposed easements replace and expand the previous easement approved in application B 2023-015. Easement #3 is proposed to have a width of 3.2m, a length of 36.735m and an area of 126 sq.m. for the purpose of access and parking, and Easement #4 is proposed to have a width of 3.25m, a length of 20.88m and an area of 67.8 sq.m. for the purpose of access, parking and storm water.

**6. ADJOURNMENT**



## 7. PLANNING ACT INFORMATION

- Additional information is available at the Legislated Services Department, 2nd Floor, Kitchener City Hall, 200 King Street West, Kitchener 519-741-2203 or by emailing [CofA@kitchener.ca](mailto:CofA@kitchener.ca).
- 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/meetings](http://www.kitchener.ca/meetings) 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](mailto: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, Kitchener City Hall, 200 King St. W., Kitchener ON, N2G 4G7.

The Notice of Hearing for this meeting was published in the Record on the 28th day of March, 2024.

Mariah Blake  
Secretary-Treasurer  
Committee of Adjustment

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 16, 2024

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

**PREPARED BY:** Ryan Hammond, Student Planner, 519-741-2200 ext. 7074.

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** April 3, 2024

**REPORT NO.:** DSD-2024-175

**SUBJECT:** Minor Variance Application A2024-023 – 423 Edwin Street

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## RECOMMENDATION:

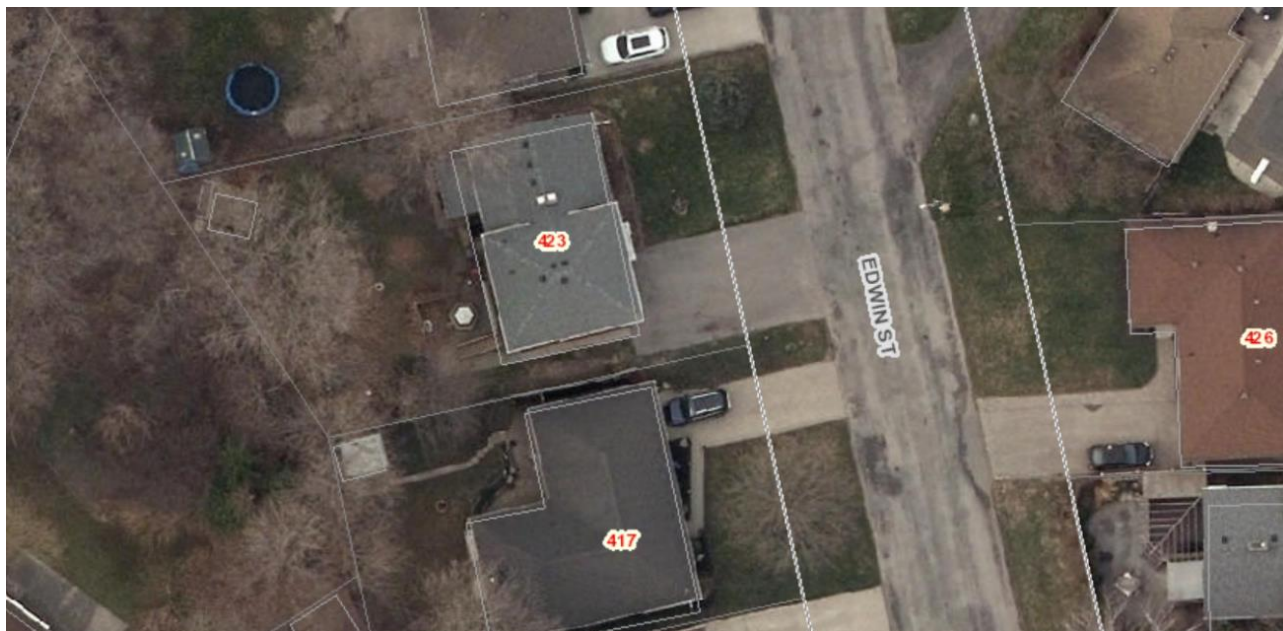
That Minor Variance Application A 2024-023 for 423 Edwin Street requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051 to permit a required parking space to be located 2.3 metres from the street (property) line instead of the minimum required 6 metres, to recognize the existing parking configuration to permit the construction of an Additional Dwelling Unit (ADU) (Attached), to facilitate the conversion of Single Detached Dwelling into a Duplex, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for parking to permit a conversion from a Single Detached Dwelling to a Single Detached Dwelling with one Additional Dwelling Unit (ADU) (Attached) (Duplex).
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- There are not any 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 northerly side of Edwin Street between Bridgeport East and Downey Street. It is currently being used as a single detached dwelling.



**Figure 1: Aerial View of 423 Edwin Street**

423 Edwin Street is identified as 'Community 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application to allow for one required parking space on the driveway, to be located 2.3 metres from the front lot line. This is to allow for a single detached dwelling with one additional attached dwelling unit.

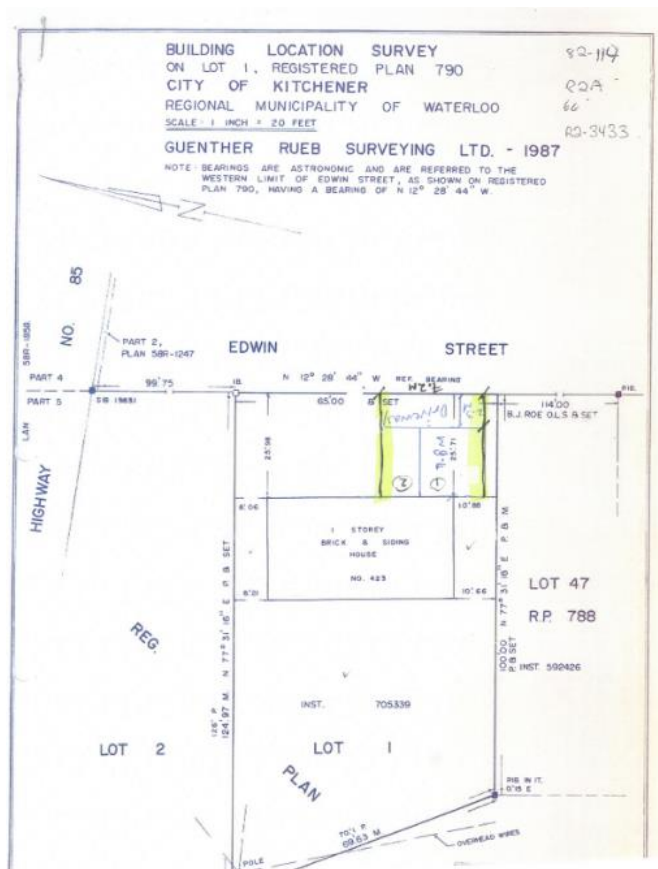
Council recently considered 'The Enabling Four Units Project' on March 25, 2024, and adopted By-law 2024-074 amending Zoning By-law 2019-051. The amendments to Zoning By-law 2019-051 will become effective March 25, 2024, pending the approval of Official Plan Amendment No. 47 and no appeals of either OPA No. 47 and By-law 2024-074.

With the 'Enabling Four Units' amendments a minor variance would not be required to Zoning By-law 2019-051 to facilitate this conversion. However, the applicant did not want to wait given the uncertainty of the timelines as to when these amendments would come into full force and effect.

Staff conducted a visit to 423 Edwin Street on April 2, 2024



**Figure 2: Front View of 423 Edwin Street**



### Figure 3: Survey with Parking Plan

## **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

432 Edwin Street is designated 'Low Rise Residential' in the City's Official Plan. The intent of this land use designation is to encourage residential intensification and redevelopment which includes additional dwelling units in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and services costs by minimizing land consumption and making better use of existing community infrastructure.

The proposed parking variance will facilitate a duplex dwelling use of the property and accordingly will maintain the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The zoning regulation for one (1) of the two (2) required parking spaces for a duplex use to be located a minimum distance of 6 metres from the front lot line is to ensure that there is sufficient parking for a duplex use should the site only have tandem parking (which is permitted for the use). As well, it ensures that the parking spaces are not all located 0 metres from the street line which could result in vehicles dominating the streetscape. For the subject property, there is sufficient lot width, for a driveway to meet zoning requirements, so that having two parking spaces side by side near the front lot line does not dominate the property frontage or the streetscape.

With the 'Enabling Four Units' amendments parking spaces, where there is no attached garage, will be required to be located 0.5 metres from the street (front property) line.

The minor variance meets the general intent of the Zoning By-law.

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

The variance to permit the required parking space to be less than 6 metres from the street line can be considered minor as there is adequate area to provide the minimum of two parking spaces, side by side, on the existing driveway. The effects of this variance will be minor.

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

Staff are of the opinion that the variance is desirable and appropriate as it will facilitate a gentle form of intensification within the existing building, utilize 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 change of use to a duplex.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No comments or concerns.

**Transportation Planning Comments:**

No comments or concerns.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

**PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial 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*

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
- 4) A 2024 - 026 – 58 & 60 Ellen St E and 115 Lancaster St E – No concerns.
- 5) A 2024 - 027 – 610 Wabanaki Drive – No concerns.
- 6) A 2024 - 028 – 54 Franklin St S – No concerns.
- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
- 8) A 2024 - 030 – 109 Ingleside Drive – No concerns.
- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087



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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)





April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

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

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

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** April 5, 2024

**REPORT NO.:** DSD-2024-178

**SUBJECT:** Minor Variance Application A2024-024 – 101 Clive Road

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## **RECOMMENDATION:**

That Minor Variance Application A2024-024 for 101 Clive Road requesting relief from Section 7.3, Table 7-6, of Zoning By-law 2019-051:

- i) To permit a Floor Space Ratio (FSR) of 0.75 instead of the maximum permitted 0.6; and
- ii) To permit a front yard setback of 6.7 metres instead of the minimum required 7.7 metres;

to facilitate a multiple residential development with 24 dwelling units, in accordance with Site Plan Application SP22/014/C/ES, BE APPROVED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application to facilitate the construction of a multiple dwelling development containing 24 dwelling units within two (2) stacked townhome buildings.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included notice signs 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 Clive Road between Montgomery Road and Fairmount Road. The lands currently contain a single detached dwelling.



**Figure 1: Location Map**

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

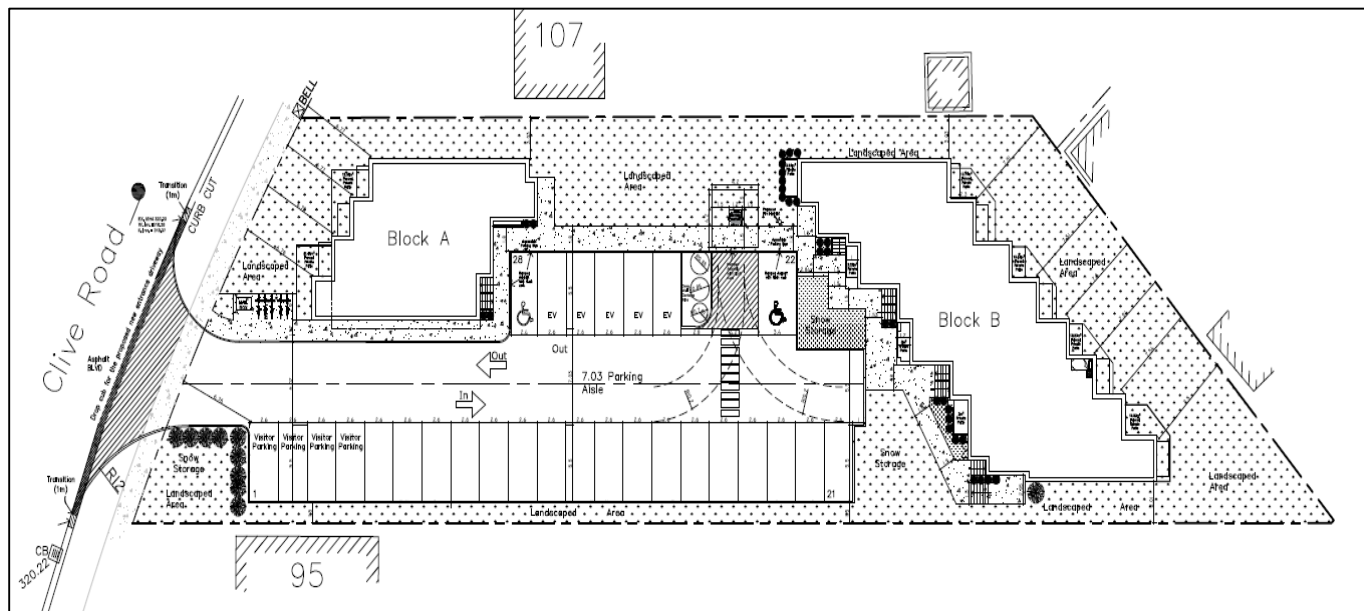
The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the redevelopment of the lands with a multiple dwelling development consisting of 24 dwelling units in stacked townhouse built form. The applicant proposes to demolish the existing single detached dwelling.

Site Plan Application SP22/014/C/ES received 'Conditional Approval' in May 2023 for a 21 dwelling unit concept with three (3) buildings. The applicant has since revised the concept to 24 dwelling units within two (2) buildings and is now requesting relief from the Zoning By-law for this updated concept.



**Figure 2: View of Existing Single Detached Dwelling (March 22, 2024).**



**Figure 3: Site Plan Drawing.**

## 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:

## **Requesting to increase the Floor Space Ratio (FSR) to 0.75**

### General Intent of the Official Plan

The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the proposed stacked townhouse dwellings. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form. Official Plan policies in the Low Rise Residential land use designation allow for increases up to 0.75 in FSR where it can be demonstrated that the increase is compatible. It is important to note that compatible does not mean it must be the same land use as the adjacent properties. Compatibility is defined in the Official Plan as “mutually tolerant and capable of existing together in harmony within an area without causing adverse impacts”. Planning Staff have worked with the applicant through the site plan application process to achieve a site layout that can accomplish compatibility and can demonstrate that it can be developed in a manner that does not cause adverse impacts. Planning Staff are of the opinion that the proposed development meets the general intent of the Official Plan.

### General Intent of the Zoning By-law

The intent of the regulation for a maximum Floor Space Ratio of 0.6 for multiple dwellings is to regulate the overall massing of buildings on site and to ensure there is adequate space on-site for off-street parking, amenity areas, waste storage, snow storage, hydro transformers, community mailbox, bicycle storage, and other various site features. In regards to the massing, the proposed buildings are within the 11 metre maximum building height and are meeting the 3 metre minimum interior side yards and 7.5 metre minimum rear yard setbacks. The site plan provided demonstrates that there is adequate space on site for the aforementioned site features to be provided. Staff is of the opinion that the requested variance for an increase in Floor Space Ratio meets the general intent of the Zoning By-law.

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

The effects of the increase in Floor Space Ratio are considered minor, as the increased floor space on site can be accommodated while providing for the necessary site features as well as maintaining the required side and rear yard setbacks and maximum building height. The increased floor space is not expected to increase impacts to the surrounding neighbourhood beyond what is permitted with a 0.6 Floor Space Ratio permitted as-of-right.

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

The requested variance is considered desirable for the appropriate development of the land. The increase in floor space ratio allows for the incorporation of 3 bedroom units, while developing the site with the permitted building typology of multiple dwellings within stacked townhomes.

## **Requesting to decrease the front yard setback to 6.7 metres**

### General Intent of the Official Plan

The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the proposed stacked townhouse dwellings.



The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form. The requested decrease in front yard setback does not interfere with the Low Rise Residential land use designation. Planning Staff are of the opinion that the requested variance meets the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The minimum front yard setback for the subject application is determined by the RIENS (Residential Intensification in Established Neighbourhoods) by-law, meaning it is determined by the average of front yard setback of the two adjacent dwellings on Clive Road. The intent of this regulation is to maintain an existing building line along the street in areas with established building lines along streets. The subject lands are located along a curve in the road, which results in an irregular shaped lot and a front yard line that is on an obtuse angle from the parallel interior side yard lines. This creates an inconsistent building line along the street and is not considered uniform or symmetrical. The proposed 6.7 metres setback will provide adequate building separation from the right of way. Therefore, 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?

The effects of the reduction in front yard setback can be considered minor, as the shifting of the building one metre closer to the front lot line does not interrupt an established building line and will provide adequate separation from the right of way and public realm.

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

The proposed front yard setback of 6.7 metres is appropriate for the site and proposed building layout on site and will support the City's Housing Pledge. The requested variance is considered desirable for the appropriate development of the land.

#### **Environmental Planning Comments:**

No Natural Heritage concerns. Tree management will be addressed through the site plan application.

#### **Heritage Planning Comments:**

No heritage concerns.

#### **Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the new residential buildings are obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

#### **Engineering Division Comments:**

No Engineering concerns.

#### **Parks/Operations Division Comments:**

Advisory Comments: The property is subject to site plan application SP22/014/C/ES and Parkland Dedication is required as a condition of final site plan approval; these fees are outstanding.

**Transportation Planning Comments:**

Transportation Services 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*

**ATTACHMENTS:**

Attachment A – Site Plan SP22/014/C/ES

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
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- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087



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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

**SUBMITTED BY:** Paige Thompson, Planning Student, 519-741-2200 ext. 7074

**PREPARED BY:** Tina Malone-Wright, Manager, Development Approvals 519-741-2200 ext. 7765

**WARD(S) INVOLVED:** Ward 5

**DATE OF REPORT:** March 28, 2024

**REPORT NO.:** DSD-2024-177

**SUBJECT:** Minor Variance Application A2024-025  
1187 Fischer Hallman Road

---

## RECOMMENDATION:

That Minor Variance Application A2024-025 for 1187 Fischer Hallman Road requesting relief from Section 5.6B b) of Zoning By-law 85-1 to permit an outdoor patio to be located 0 metres from a lot line abutting a street instead of the minimum required 3 metres, to facilitate the development of a new outdoor patio adjacent to Max Backer Drive, generally in accordance with drawings prepared by Schlegel Urban Developments, dated February 28, 2024, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the development of an outdoor patio.
- The key finding of this report is that the requested variance meets 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 on the City's website with the agenda in advance to the Committee of Adjustment meeting.
- This report supports the delivery of core services.

## BACKGROUND:

The subject property currently contains three (3) commercial buildings and is located at the intersection of Fischer Hallman Road and Max Becker Drive.



**Figure 1 – Aerial View of Building 400 on Subject Property.**

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

The property is zoned as 'Neighbourhood Shopping Centre Zone (C-2)' in Zoning By-law 85-1.

The purpose of the application is to permit the construction of a patio to be 0 metres from the lot line abutting Max Becker Drive instead of the minimum required 3 metres. Building No. 400 (as depicted in Figure 1) is 6.2 metres away from the property line, leaving 3.2 metres with a 3 metre setback, thus not leaving enough room for a functional patio design. The building currently occupies a restaurant use. It is also worth noting that the proposed railings that will surround the patio will be no taller than 3 feet to align with regulations.

Staff conducted a visit to the subject property on March 28<sup>th</sup>, 2024.





Figure 2 – Site visit photo of proposed patio location.

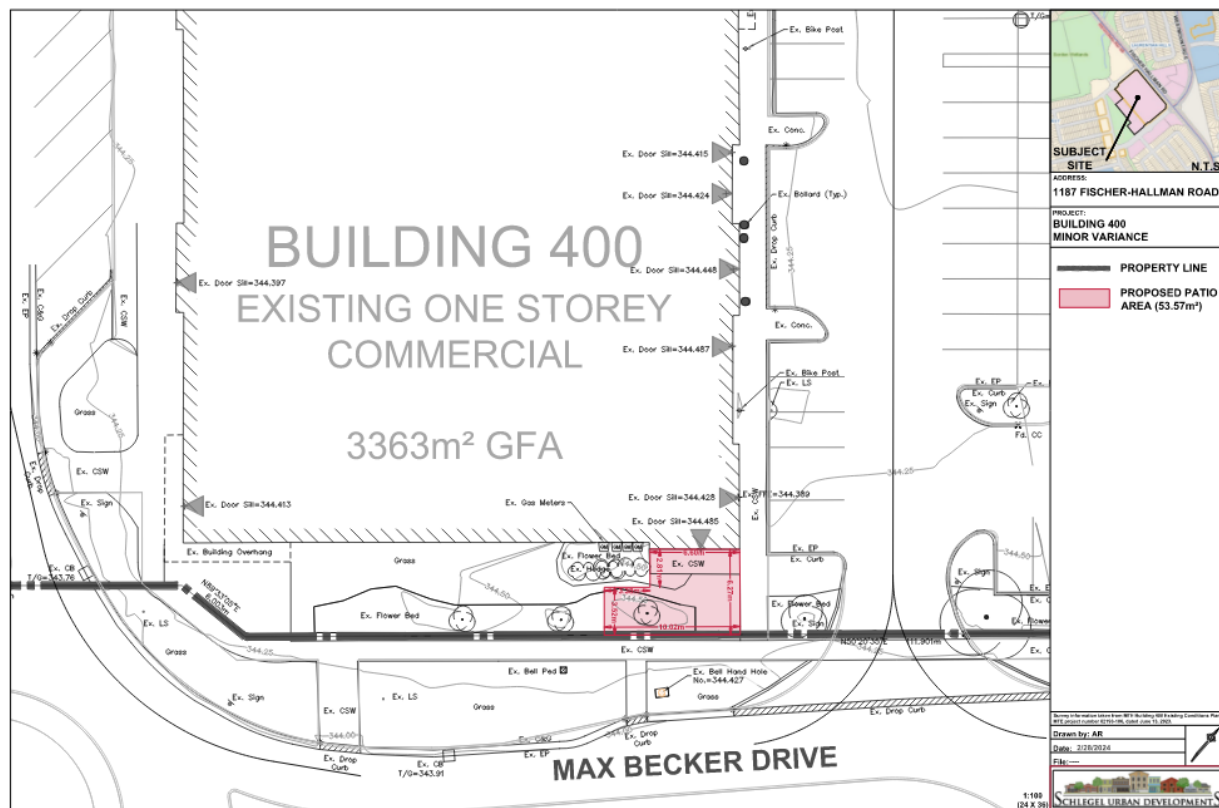


Figure 3 – Proposed Site Plan.

## **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 offer the following comments:

#### General Intent of the Official Plan

The subject property is designated as 'Commercial' in the City's Official Plan (2014). The intent of the Commercial land use designation is to promote commercial activities, of which contribute to the economic activity and health and vitality of the city. Commercial lands are intended to provide a range of retail and service commercial uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods.

The addition of an outdoor patio supports the existing commercial lands and use and improves versatility. With that said, staff are of the opinion that the proposed minor variance meets the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The general intent of Zoning By-law 85-1 requires that patios attached or unattached to the main building be setback a minimum of 3 metres to provide adequate separation between buildings and outdoor structures from the street. This regulation ensures that there is sufficient space for greenery, sidewalks, and open space. Given the width of the Max Becker right-of-way, there will still be sufficient greenery and open space and the location of the outdoor patio will not inhibit the functioning of the sidewalk or other activity within the right-of-way. 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?

Planning staff is of the opinion that the requested variance is minor in that it is not anticipated to cause unacceptably adverse impacts to the right-of-way or surrounding area.

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

Planning staff are of the opinion that variance is desirable and appropriate as it will facilitate an outdoor patio in this location which will enhance the public realm by creating a vibrant and lively streetscape.

### **Environmental Planning Comments:**

No natural heritage or tree management concerns.

### **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 patio enclosure is obtained prior to construction.

**Engineering Division Comments:**

Engineering Division staff have no comments.

**Parks/Operations Division Comments:**

Parks/Operations Division staff have no comments.

**Transportation Planning Comments:**

Transportation Planning staff have no comments.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

**PREVIOUS REPORTS/AUTHORITIES:**

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

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

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- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087



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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,

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Joginder Bhatia  
Transportation Planner  
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

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**Applications for Consent**

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B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto:aherreman@grandriver.ca) or 519-621-2763 ext. 2228.

Sincerely,

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Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 16, 2024

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

**PREPARED BY:** Brian Bateman, Senior Planner, 519-741-2200 ext. 7869

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** April 3, 2024

**REPORT NO.:** DSD-2024-162

**SUBJECT:** Minor Variance Application A2024-026 – 58 and 60 Ellen Street East and 115 Lancaster Street East

---

**RECOMMENDATION:**

**Zoning By-law 85-1**

That Minor Variance Application A2024-026 for 58 and 60 Ellen Street East and 115 Lancaster Street East requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 6.1.1.1 d) i) to permit parking spaces to be located within a front yard/side yard abutting a street and within 0 metres from a street line instead of the minimum required 3 metres;
- ii) Section 6.1.2 a) to permit a parking requirement of 2 parking spaces instead of the minimum required 15 parking spaces;
- iii) Section 42.2.6 to permit a front yard setback of 0 metres instead of the minimum required 4.5 metres;
- iv) Section 42.2.6 to permit a side yard setback abutting a street of 3 metres instead of the minimum required 4.5 metres; and
- v) Section 42.2.6 to permit a rear yard setback of 4 metres instead of the minimum required 7.5 metres;

to facilitate an addition having 5 dwelling units to the existing 6 unit multiple dwelling, for a total of 11 dwelling units, in accordance with Site Plan Application SP22/154/L/BB, BE APPROVED.

## **Zoning By-law 2019-051**

**That Minor Variance Application A2024-026 for 58 and 60 Ellen Street East and 115 Lancaster Street East requesting relief from the following Sections of Zoning By-law 2019-051:**

- i) Section 4.14.8.2 to permit a Private Patio to have a minimum area of 3 square metres instead of the minimum required 11 square metres;**
- ii) Section 5.3.3 b) i) to permit parking spaces to be located within a front yard or exterior side yard and within 0 metres from a front lot line, exterior side lot line or street line instead of the minimum required 3 metres;**
- iii) Section 5.6, Table 5-5, to permit a parking requirement of 2 parking spaces instead of the minimum required 11 parking spaces;**
- iv) Section 7.3, Table 7-6, to permit a front yard setback of 0 metres instead of the minimum required 3 metres;**
- v) Section 7.3, Table 7-6, to permit an exterior side yard setback of 3.5 metres instead of the minimum required 4.5 metres; and**
- vi) Section 7.3, Table 7-6, to permit a rear yard setback of 4 metres instead of the minimum required 7.5 metres;**

**to facilitate an addition having 5 dwelling units to the existing 6 unit multiple dwelling, for a total of 11 dwelling units, in accordance with Site Plan Application SP22/154/L/BB, BE APPROVED subject to the following:**

**This Minor Variance shall become effective only at such time as By-law 2024-066 comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.**

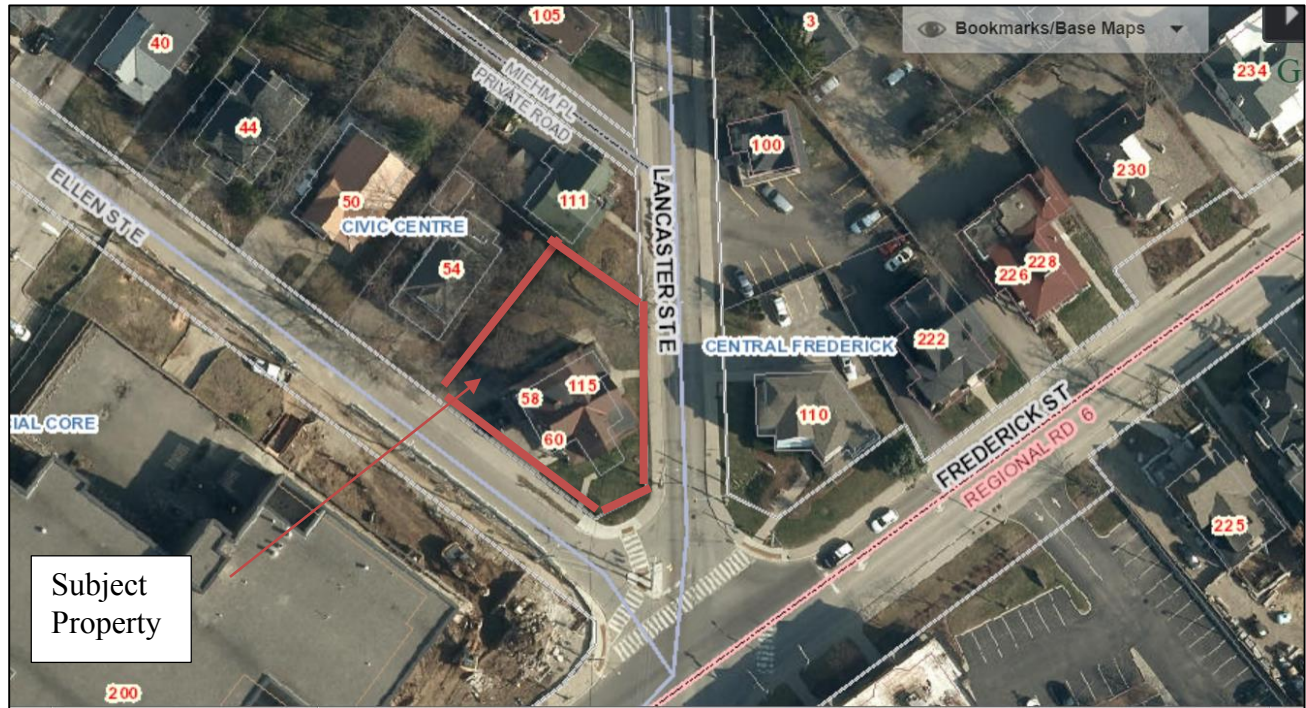
### **REPORT HIGHLIGHTS:**

- The purpose of this report is to seek direction from the Committee of Adjustment regarding a number of variances required to facilitate the proposed building addition of 5 residential units to an existing 6 unit multiple dwelling.
- The key finding of this report is that due to the irregular shape of the lot and the City's requirement for a significant road widening along Lancaster Street East secured through the Site Plan Approval process, several minor variances to both Zoning By-laws 85-1 and 2019-051 are necessary.
- 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 northwest corner of Lancaster Street and Frederick Street and Ellen Street in the Civic Centre Planning Neighbourhood (see Figure 1). The lot

configuration is 'flat-iron' shaped due to two angular street frontages. The lot currently contains a 5 unit multiple dwelling of historical significance.



**Figure 1 – Areal View of Subject Property**

In terms of Planning controls, the subject site is affected by two planning documents and two zoning by-laws. The in-effect Official Plan 1994 designation is 'Medium Density Multiple Residential' in the Civic Centre Secondary Plan within a MTSA Urban Structure in the 2014 Official Plan. Planning staff have undertaken the Growing Together Project, which includes developing a new planning framework for the City's PMTSAs to bring secondary plan areas into the 2014 Official Plan. This project continues the planning review process that began in 2013 with the Planning Around Rapid Transit Stations (PARTS) plans and advanced through the Neighbourhood Planning Review (NPR) project through 2021. Under the new framework, the land use for the subject property is 'Medium Rise Residential' and within a 'Community Area' Urban Structure component as the MTSA boundary has been reduced in area to what it was shown previously shown through PARTS. Council recently recommended adoption of this new planning framework on March 18, 2024, which has since been forwarded to the Region for approval. The new 'RES-6' zoning does not come into effect until the Region approves the Official Plan Amendment, and will be effective as of March 18, 2024.

The property is zoned 'R-8' in Zoning By-law 85-1 (in-effect) and 'RES-6' in Zoning 2019-051(approved). Both Zoning By-laws permit the use of a multiple dwellings at medium densities. Therefore, until such time as the new OP policies are approved and in-effect, dual testing of the zoning will occur and hence the need to vary both Zoning by-laws.



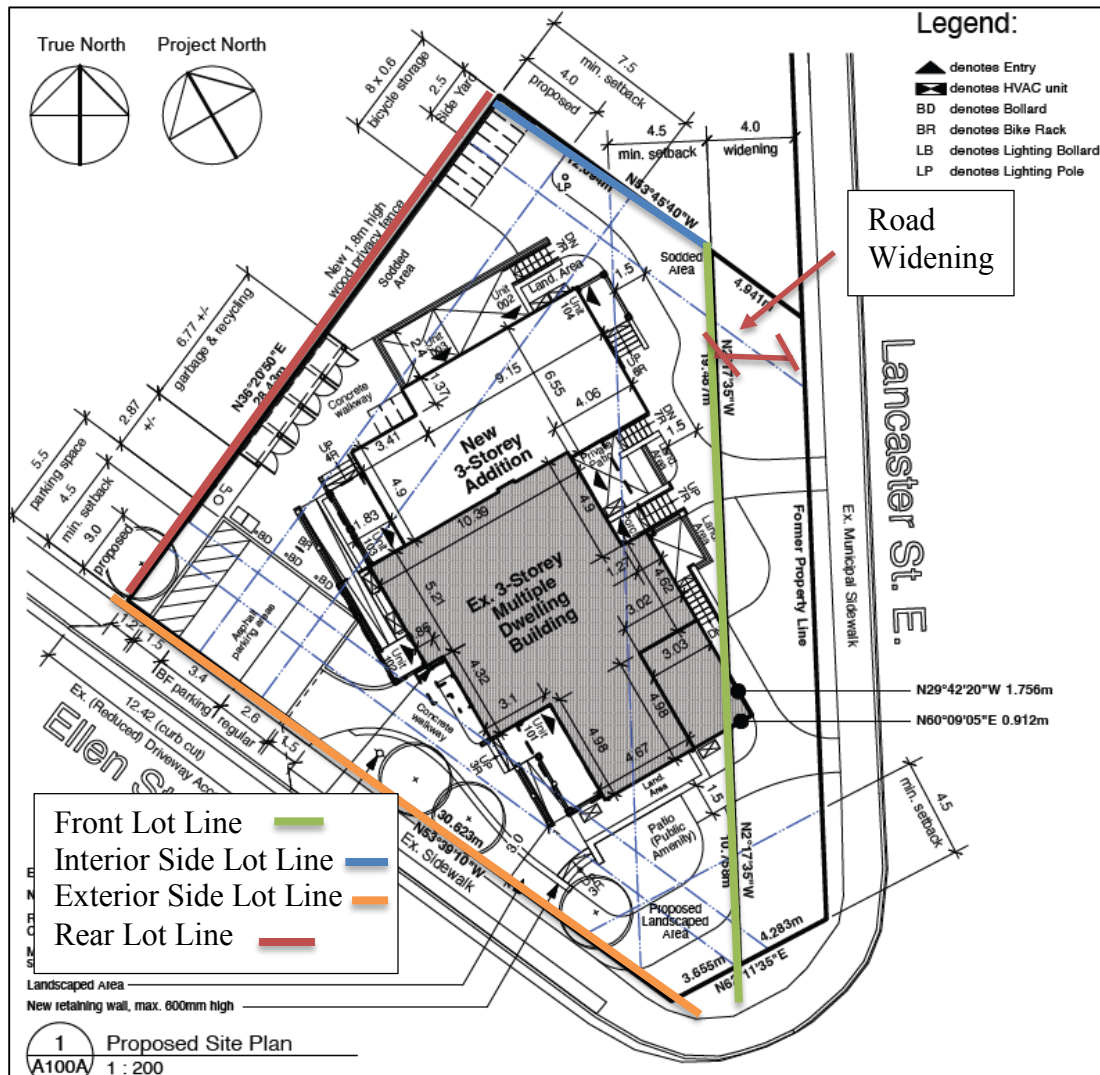


**Figure 2 – Street View Photo of Subject Property**

The applicant is proposing to add a 6 unit, 3 storey building addition in the configuration shown above in Figure 3. To that end, a site plan application was submitted in 2022, and conditional approval issued in May of 2023. The proposal has also been reviewed by Heritage Kitchener in January 2023. Revisions to window proportion, shape and sizing, were suggested by Committee members. A Heritage Permit is required due its location within the Civic Centre Heritage District, and the property Owner intends to make formal application following completion of the minor variance process. A draft Heritage Impact Assessment (HIA) and Conservation Plan (CP) have been prepared and submitted to the City and Heritage Committee and will be revised to address the Heritage Planner's comments. Heritage requirements are conditions of Site Plan Approval to be cleared prior to issuance of a building permit.

To facilitate the proposal, several variances are required and are outlined in detail in the Recommendation section of the report. However, many of those variances such as front yard and interior side yard setback and parking setback are due to existing conditions, lot configuration and a significant road widening to be taken along Lancaster Street. As such, these are more technical in nature needing only to be legalized. The rear yard and parking reduction variances however are due to the proposed building addition, and these will be

assessed critically for impact and compatibility considerations within the policy and regulatory framework governing the subject lands.



**Figure 3 – Proposed Site Plan (SP22/154/L/BB)**

## 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 existing in-effect and approved Land use designations is to allow for medium density residential development to a maximum of 8 storeys and 2.0 Floor Space Ratio (FSR). This proposal is for 11 residential units in total and 3 storeys in height would therefore meet the intent in terms of use. The rear yard variance of 4.0 metres would have the test of Policy 4.19 of the Official Plan. It is the opinion of staff the addition has kept height and massing of the addition in the rear yard at a minimum to not overshadow and

impact adjacent residential properties. Most of existing perimeter trees and vegetation will be maintained and will be supplemented through additional plantings to promote privacy. Heritage design considerations have been taken into account and the original dwelling will be preserved and upgraded to celebrate the historical significance. Furthermore, a 4.0 metre setback of the addition at a height of 3 storey represents a balanced approach that maintains a positive and sensitive relationship to adjacent residential properties with what could potentially be achieved through existing as-of-right height permissions.

In terms of the parking variance, OP policy 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 (TDM) measures or where sufficient transit exists or is to be provided. The subject property is within walking distance of the ION, the Downtown, open space and is located on a bus route (Frederick). It is also within proximity to the Frederick Street Plaza. Moreover, the applicant is proposing secured and unsecured bike parking to further off set the need for vehicular parking. As such, staff is of the opinion the reduction in parking can be supported as TDM measures are being proposed, there is access to major transit options and is situated near commercial areas to provide for day-to-day requirements without a need for a vehicle.

The minor variance meets the general intent of the Official Plan.

#### General Intent of Zoning By-law 85-1 and 2019-51

Both the 'R-8' and 'RES-6' zones are both medium rise zoning that permit multiple dwellings. The technical variances for front yard setback, interior side yard setback and parking setback reflect either existing conditions or because of a road widening dedication along Lancaster Street. Staff has no concerns with legalizing those technical variances.

The rear yard setback of 4.0 metres is a result of the proposed building addition. The intent is to ensure there is adequate separation to adjacent rear yards and an adequate amenity space is being provided. The rear yard in this instance acts more like a side yard as it faces the side lot line of 54 Ellen Street as evident by Figure 1. This is due to the odd lotting configuration. Under this circumstance, a 4.0 metre setback provides adequate separation and shouldn't create unacceptable adverse impacts on 54 Ellen Street.

All units with access to grade are proposed to be provided with private outdoor amenity space, either at grade, or with balconies at the second floor level. The area of each amenity space varies from 3.0m<sup>2</sup> to 9.0m<sup>2</sup> depending upon the unit, however the lower limit of 3 m<sup>2</sup> applies only to one of the units at grade. These reductions are necessary due to the limitations of the property area and shape, location of existing and new structures to the property line, and efforts to keep private amenity spaces away from each other. Mitigating measures include a shared outdoor amenity space accessible to all residents, located at the south end of the property, away from the private amenities. Extensive landscaping is proposed adjacent and surrounding the shared amenity space, to mitigate its location near the Frederick and Lancaster intersection. For more active and passive space, there is a park and a school nearby.

The minor variances maintain the general intent of the Zoning By-laws.



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

The subject property has an oddly shaped lot which provides design challenges, but the addition is only 3 storeys in height designed to minimize massing and height impacts, is located within the rear yard of the property, and ensures a proper building relationship is maintained to adjacent properties given existing permissions allow up to 8 storeys. The proposal represents modest intensification to increase the housing stock in an area of the city where intensification is wanted and needed to support the ION and to increase the number of units.

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

In the opinion of staff, they are desirable and appropriate for the use of land. The site is located immediately adjacent to a MTSA on an Arterial roadway where intensification with no parking is encouraged to take advantage of higher order public transportation options and to promote alternative modes of transportation such as biking and walking.

**Environmental Planning Comments:**

No natural heritage concerns, Tree Management will be addressed through the Site Plan Application process.

**Heritage Planning Comments:**

The property municipally addressed as 58-60 Ellen Street East and 115 Lancaster Street East is located within the Civic Centre Neighborhood Heritage Conservation District and is designated under Part V of the Ontario Heritage Act. A site plan application for the proposed development at the subject property has been given condition approval subject to fulfilling a number of heritage conditions before final approval is granted. Staff have no concerns or issues with the minor variances, however a Heritage Permit will be required in the future and must be approved prior to any grading, demolition or construction on site for the proposed development.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the addition to the residential buildings is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

The property is subject to site plan application SP22/154/L/BB and Parkland Dedication is required as a condition of final site plan approval; these fees are outstanding.

**Transportation Planning Comments:**

In November 2022 a Site Plan Review Committee meeting was held and a Traffic Brief was submitted (March 17, 2022) by Paradigm Transportation Solutions Limited as part of the site plan application process. Transportation Services reviewed that Traffic Brief at that time and supported the proposed parking supply.

**Region:**

No concerns.

**GRCA:**

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:**

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- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1 and 2019-051*
- *DSD-2024-005 and DSD-2024-128*

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

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PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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Document Number: 4640087

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Joginder Bhatia  
Transportation Planner  
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

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A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
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A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

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

**PREPARED BY:** Tara Zhang, Planner, 519-741-2200 ext. 7760

**WARD(S) INVOLVED:** Ward 3

**DATE OF REPORT:** April 3, 2024

**REPORT NO.:** DSD-2024-164

**SUBJECT:** Minor Variance Application A2024-027 - 610 Wabanaki Drive

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## RECOMMENDATION:

That Minor Variance Application A2024-027 for 610 Wabanaki Drive requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a maximum parking requirement of 67 parking spaces instead of the maximum permitted parking requirement of 26 parking spaces, to facilitate the creation of parking spaces in an existing gravelled area on the property in accordance with Site Plan Application SP23/076/W/TZ, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for minor variance to facilitate the creation of additional parking in an existing gravelled area on the subject property.
- 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 Trillium Industrial Park Neighbourhood, adjacent to the East of Schneider Creek-Manitou Greenway, nearest intersection at Wilson Avenue and Wabanaki Drive.

The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'Heavy Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.



The property is zoned 'Heavy Industrial Employment Zone (EMP-3)' in Zoning By-law 2019-051.

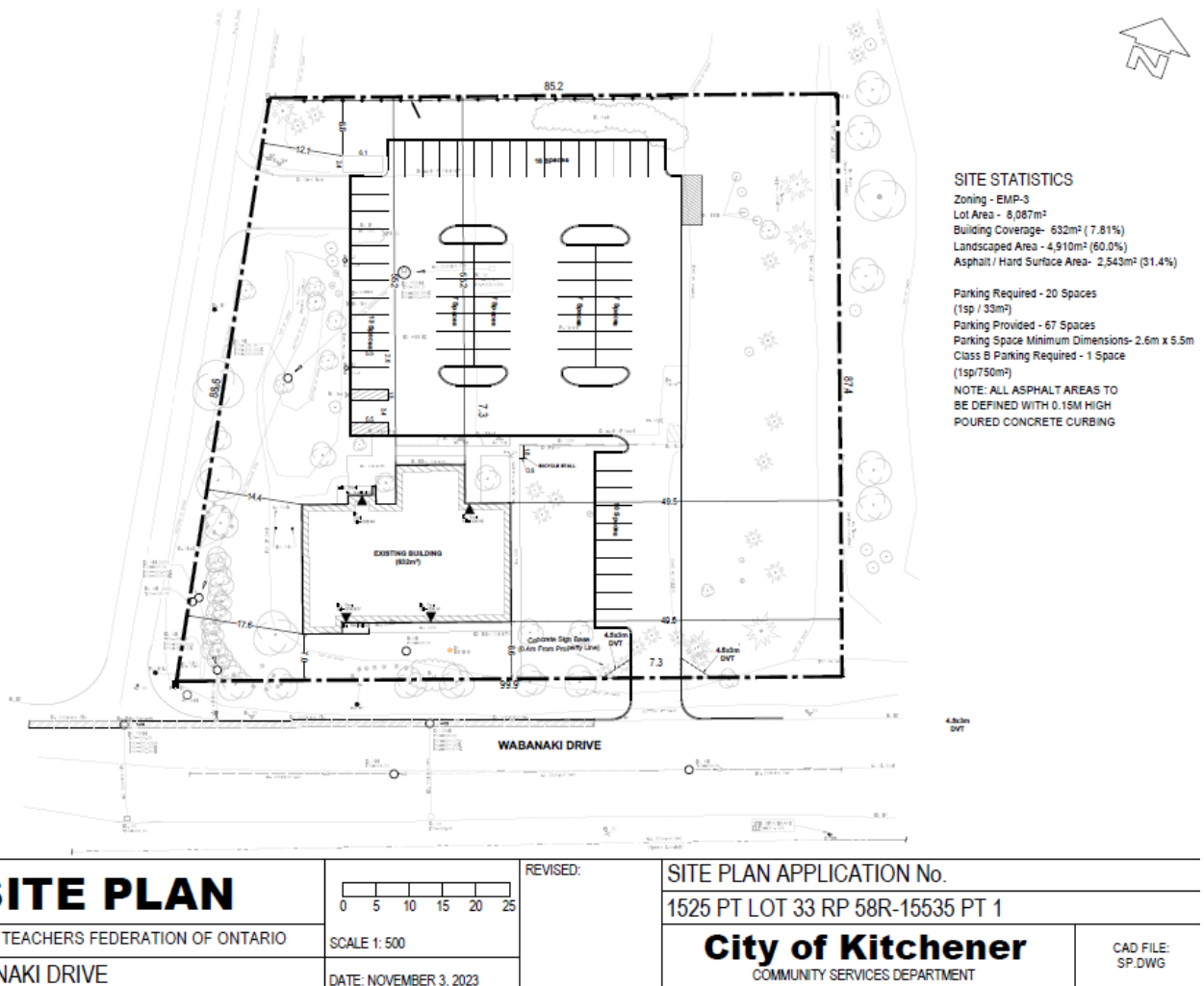
The purpose of the application is to facilitate the creation of formal parking spaces in an existing gravelled area on the subject property, to permit a maximum of 67 parking spaces rather than the maximum requirement of 26 parking spaces, for an existing legal non-conforming office use.

The current use of an office is a legal non-conforming use that was established since at least 2007 and is permitted to continue as an office use. Although the office use can be considered legal non-conforming, the maximum number of parking spaces for an office use cannot. This is due to lack of delineation in the gravelled area on a previously approved site plan and in the field. As the number of parking spaces in the gravelled area was never established, it cannot be considered legal non-conforming and a minor variance is required.

**Figure 1: Aerial view of 610 Wabanaki Drive.**







**Figure 2: Conditionally Approved Site Plan.**



**Figure 3: Front view of the subject property.**



**Figure 4: Gravel parking area for proposed parking spaces.**

## **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 'Industrial Employment areas' on Map 2 – Urban Structure and designated 'Heavy Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan. Policy 3.C.2.53. states that the planned function of Industrial Employment Areas is to support and maintain economic activity in the city by providing an adequate supply of land for a range of industrial-related employment uses and appropriate accessory and ancillary uses. Staff is of the opinion that the variance meets the intent of the Official Plan as it is supporting the existing use in the employment area.

#### General Intent of the Zoning By-law

The subject property is zoned 'Heavy Industrial Employment Zone (EMP-3)' in Zoning By-law 2019-051 which permits a wide range of industrial uses. The intent of limiting the parking for an office use is to encourage use of alternative modes of transportation and ensure sites are not unnecessarily dominated by asphalt parking areas. Given the location of this property and that the gravelled area had previously informally been used as parking, the variance to recognize this parking area will meet the 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 is minor, the existing site has sufficient space to accommodate the additional parking spaces.

#### 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 for the appropriate development as it will not create any adverse impacts to the industrial area and will support the existing development/use of the site.

### **Environmental Planning Comments:**

No natural heritage concerns. Tree management will be addressed through the site plan application.

### **Heritage Planning Comments:**

No heritage 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.

**Transportation Planning Comments:**

GSP Group submitted a Parking Justification (March 1, 2024) for this application and based on their justification; Transportation Services have no concerns with the additional on-site parking being requested.

**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*

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
- 4) A 2024 - 026 – 58 & 60 Ellen St E and 115 Lancaster St E – No concerns.
- 5) A 2024 - 027 – 610 Wabanaki Drive – No concerns.
- 6) A 2024 - 028 – 54 Franklin St S – No concerns.
- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
- 8) A 2024 - 030 – 109 Ingleside Drive – No concerns.
- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087

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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

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

**PREPARED BY:** Sheryl Rice Menezes, Senior Planning Technician  
519-741-2200 ext. 7844

**WARD(S) INVOLVED:** 3

**DATE OF REPORT:** April 8, 2024

**REPORT NO.:** DSD-2024-189

**SUBJECT:** Minor Variance Application A2024-028 - 54 Franklin St. S.

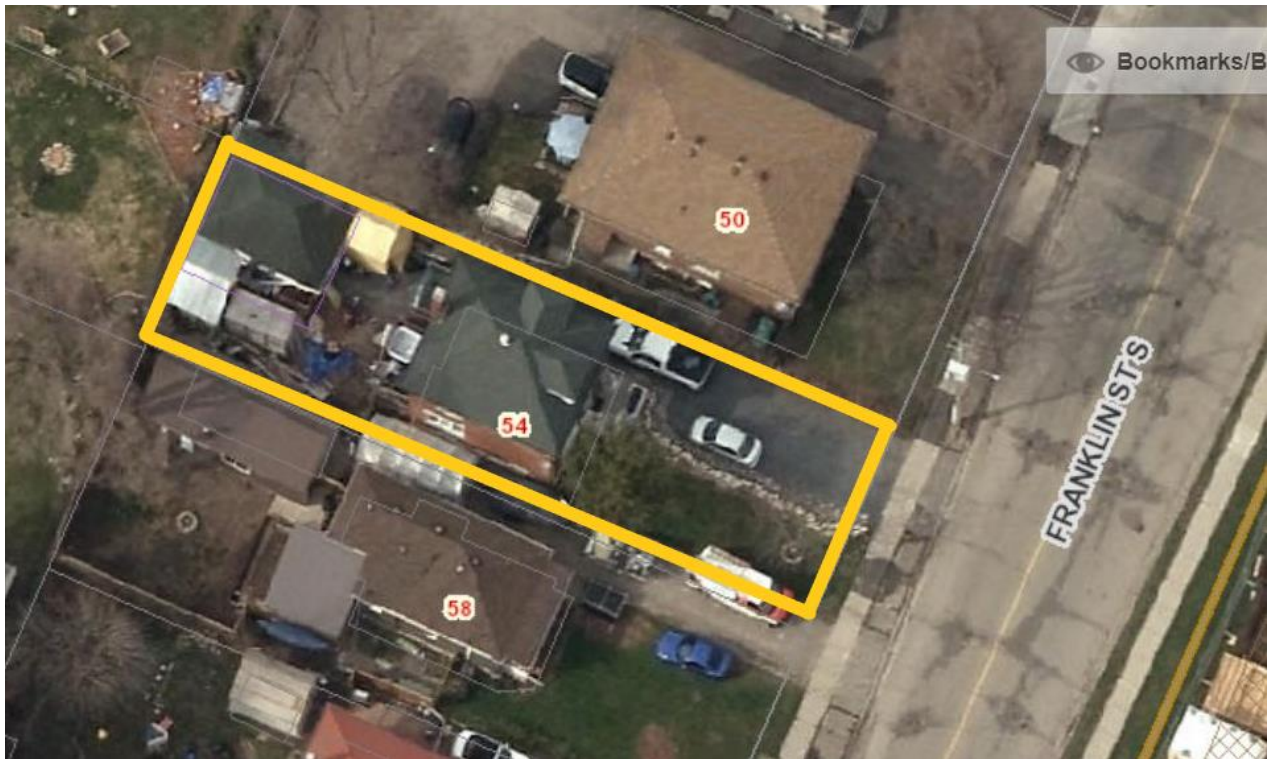
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## RECOMMENDATION:

That Minor Variance Application A2024-028 for 54 Franklin Street South requesting relief from Section 4.12.2 e) of Zoning By-law 2019-051 to permit a minimum lot width of 12.1 metres instead of the minimum required 13.1 metres to permit the conversion within the existing Single Detached Dwelling with one (1) Attached Additional Dwelling Unit (ADU)(Duplex) to a Single Detached Dwelling with two attached Additional Dwelling Units (ADU)(Triplex), generally in accordance with a drawing prepared by King Street Construction, dated as revised to March 12, 2024, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of an existing Single Detached Dwelling with one (1) Attached Additional Dwelling Unit (ADU) (Duplex) to a Single Detached Dwelling with two (2) Attached Additional Dwelling Units (ADU) (Triplex).
- 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.



**Figure 1 - Aerial view of subject property**

**BACKGROUND:**

The subject property is located on the west side of Franklin Street South, between Kingsway Drive and Connaught Street.

The subject property is identified as 'Community 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 Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to permit the conversion of the existing building from a Single Detached Dwelling with one (1) Attached Additional Dwelling Unit (ADU)(Duplex) to a Single Detached Dwelling with two (2) Attached Additional Dwelling Units (ADU) (Triplex).

Council recently considered 'The Enabling Four Units Project' on March 25, 2024, and adopted By-law 2024-074 amending Zoning By-law 2019-051. The amendments to Zoning By-law 2019-051 will become effective March 25, 2024, pending the approval of Official Plan Amendment No. 47 and no appeals of either OPA No. 47 and By-law 2024-074.

With the 'Enabling Four Units' amendments a minor variance would not be required to Zoning By-law 2019-051 to facilitate this conversion. However, the applicant did not want to wait given the uncertainty of the timelines as to when these amendments would come into full force and effect.

Staff conducted a visit on April 2, 2024.

## 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:



**Figure 2 - View of property from street**

#### General Intent of the Official Plan

The intent of the Official Plan designation of Low Rise Residential is to encourage residential intensification and redevelopment which includes additional dwelling units to respond to changing housing needs and as a cost-effective means to reduce infrastructure and services costs by minimizing land consumption and making better use of exiting community infrastructure. The requested lot width variance will facilitate the conversion of the existing duplex to a triplex which maintains the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The intent of the lot width requirement is to ensure that there is sufficient land area to accommodate building(s) and parking for the proposed three units. For the subject property,



there will be no additional building or parking area added and the lot width is adequate to provide a landscaped area and parking for the proposed three dwelling units.

The minimum lot width for a lot within the Central Neighbourhood Area is the minimum requirement in the 'RES-4' zone for a single detached dwelling of 9 metres. The lot width of 12.1 metres would meet the requirements recently approved as part of the 'Enabling Four Units' Project.

It is noted that the existing driveway in front of the building is 5.5 metres and there is also a 0.6 m wide walkway of a different material beside the driveway. The 5.5 metre driveway width was established when the Zoning By-law permitted driveways to be up to 50% of the front lot width (or 8 metres whichever was less). The current driveway width provision for this Central Neighbourhood Area is 40% (4.8 metres). It is therefore noted that the existing driveway width of 5.5 metres is legal non-conforming.

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

The requested 1-metres reduction in lot width is minimal as there continues to be sufficient lot width, front yard landscaped area and parking for the proposed three units. Also, as noted above, this variance will no longer be required when the new By-law amendments receive final approval and are in full force and effect.

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

Staff are of the opinion that the variance is desirable and appropriate as it will facilitate a gentle form of intensification within the existing building which utilizes the existing infrastructure and supports 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 variance provided building permit for the change the use to a triplex is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No concerns.

**Transportation Planning Comments:**

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*

**Attachments:**

Proposed Site Plan





March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
- 4) A 2024 - 026 – 58 & 60 Ellen St E and 115 Lancaster St E – No concerns.
- 5) A 2024 - 027 – 610 Wabanaki Drive – No concerns.
- 6) A 2024 - 028 – 54 Franklin St S – No concerns.
- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
- 8) A 2024 - 030 – 109 Ingleside Drive – No concerns.
- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087

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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

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

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

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** April 5, 2024

**REPORT NO.:** DSD-2024-182

**SUBJECT:** Minor Variance Application A2024-029 – 59 Vancamp Avenue

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## RECOMMENDATION:

That Minor Variance Application A2024-029 for 59 Vancamp Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2 e) to permit a lot width of 12.1 metres instead of the minimum required 13.1 metres;
- ii) Section 5.4 d) to permit a driveway to have a minimum width at one point of 2.2 metres instead of the minimum required 2.6 metres;
- iii) Section 5.4, Table 5-3 to permit a maximum driveway width in the rear yard of 5.4 metres (44%) instead of the maximum permitted 4.8 metres (40%); and
- iv) Section 5.6, Table 5-5 to permit a parking requirement of 2 parking spaces instead of the minimum required 3 parking spaces;

to facilitate the development of two (2) Additional Dwelling Units (ADUs) (Attached) and the conversion of a single detached dwelling into a 3-unit dwelling, generally in accordance with drawings prepared by Fine Line Drafting & Design, dated February 29, 2024, BE APPROVED.

## REPORT HIGHLIGHTS:

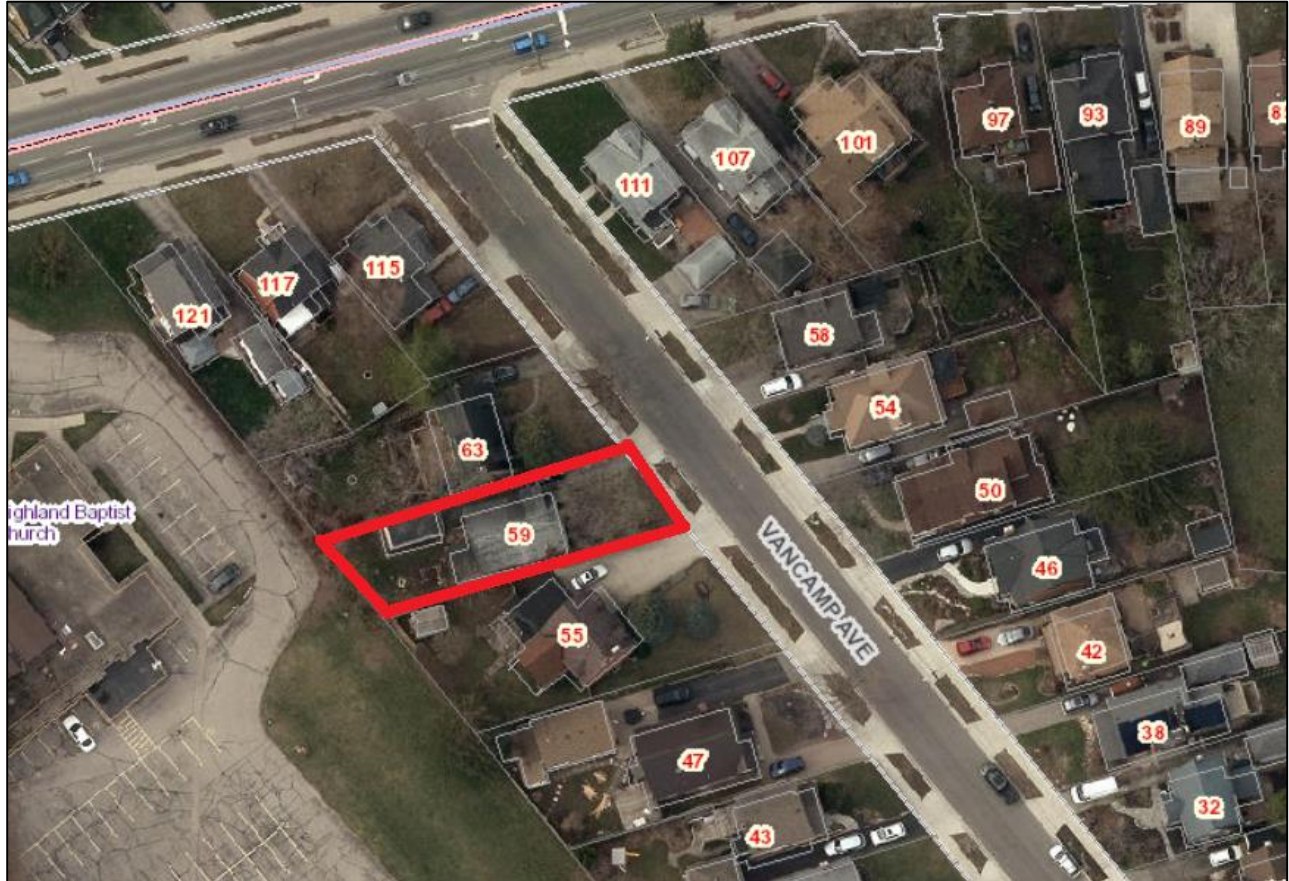
- The purpose of this report is to review a minor variance application to facilitate the conversion of a single detached dwelling to a 3-unit dwelling.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included notice signs 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 West side of Vancamp Avenue between Highland Road West and Spadina Road West.



**Figure 1: Location Map**

The subject property is identified as 'Neighbourhood Node' 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 permit the conversion of an existing single detached dwelling to a 3-unit dwelling. The demolition of an existing detached garage is proposed to create room for two parking spaces in the rear. No new addition of floor area is proposed to the existing dwelling.





**Figure 2: View of Existing Single Detached Dwelling (March 25, 2024).**

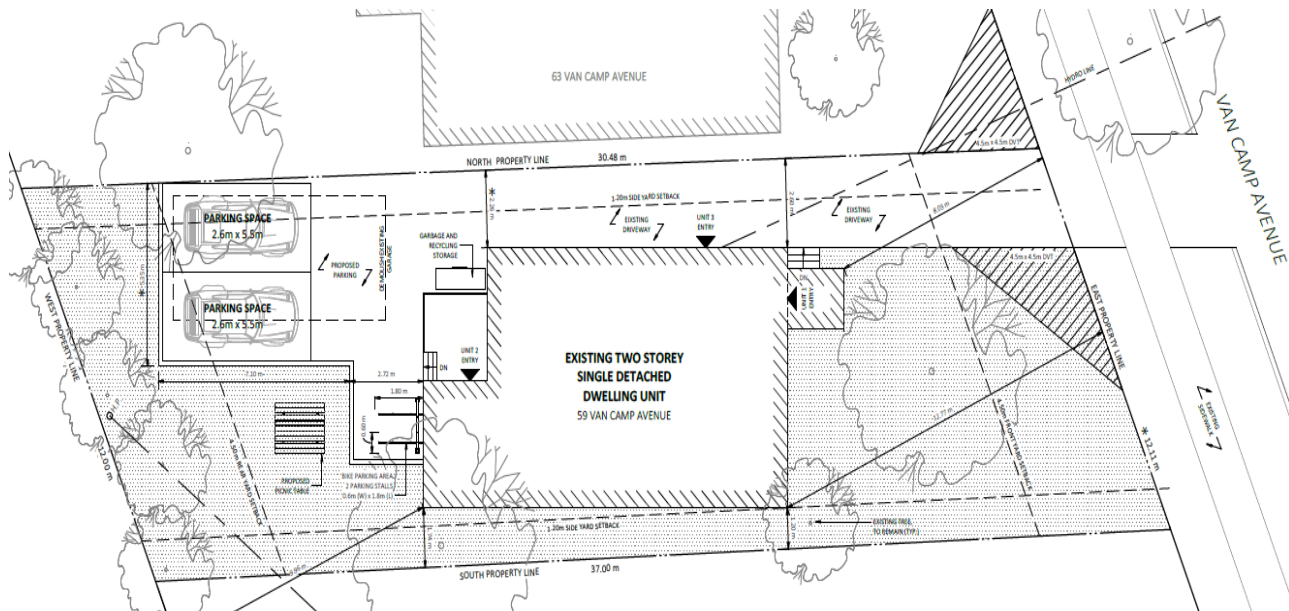
Council recently considered 'The Enabling Four Units Project' on March 25, 2024, and adopted By-law 2024-074 amending Zoning By-law 2019-051. The amendments to Zoning By-law 2019-051 will become effective March 25, 2024, pending the approval of Official Plan Amendment No. 47 and no appeals of either OPA No. 47 and By-law 2024-074.

With the 'Enabling Four Units' amendments minor variances would not be required to Zoning By-law 2019-051 for the minimum lot width or the minimum parking requirement. The minimum lot width for a lot within the Central Neighbourhood Area is the minimum requirement in the 'RES-4' zone for a single detached dwelling of 9 metres. The minimum parking requirement for a lot within the Central Neighbourhood Area would be 0.3 parking spaces per dwelling unit; in this case 0.9 parking spaces rounded up to 1 required parking space.

The 'Enabling Four Units' amendments also introduced new zoning regulations including requirements for a minimum amount of landscaping in both the front and rear yards, and the requirement for a 1.1 wide unobstructed walkway from the street to the principal entrance of each additional dwelling unit.

The applicant may need to give some consideration to the revised zoning regulations and may want/need to revise the proposed site plan accordingly; i.e. Unit Entry 3 will need to be relocated.





**Figure 3: Proposed Site Plan**

**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 Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the proposed 3-unit dwelling. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form. Housing policies in the Official Plan encourage the retention and rehabilitation of older housing to maintain existing housing stock, as well as encouraging small infill opportunities in existing areas with adequate services. Planning Staff are 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

The intent of the regulation that requires a minimum lot width of 13.1 metres is to ensure there is adequate space on site to allow for 3 units to function, including providing space for access, amenity area, waste storage and adequate building separation. The applicant has provided a site drawing that demonstrates that the lot can function for this purpose, with separate outdoor access points, an outdoor seating area, waste storage, and existing building setbacks that meet minimum standards and can provide for access on all sides of the building. This minor variance is not required with the 'Enabling Four Units' amendments.

Minimum Driveway Width

The intent of the regulation that requires a minimum driveway width of 2.6 metres is to ensure there is adequate space to store personal vehicles of all sizes, including the space

for door swing. For this application, the portion of the driveway that is 2.2 metres is a pinch point on the northwest building corner used for access to the parking area but not for parking vehicles in that space. The 2.2 metre width will allow for vehicles to pass through to access and does not need space for door swing as the vehicles will not be parked in the pinch point area.

#### *Maximum Driveway Width*

The intent of the maximum driveway width of 40% of lot width is to preserve the streetscape for soft landscaping and ensure that driveways and paved areas for vehicle storage to not dominate the streetscape. For this application, the portion of the driveway that exceeds the maximum 40% regulation is in the rear of the site located behind the dwelling. The driveway location will be screened by the dwelling and will not have a significant impact on the streetscape.

#### *Minimum Required Parking (3 Spaces)*

The intent of the regulation that requires a minimum of one parking space per unit is to ensure that there is adequate vehicle storage on site. The proposed conversion to a 3-unit dwelling includes a unit that is a one-bedroom unit and is proposed to be rented without a parking space provided. Smaller unit types typically have a lesser parking demand than family sized units of 2 and 3 bedrooms, and it is feasible to rent to a user without a vehicle for this unit type. The applicant is proposing to provide an indoor bicycle parking space for this unit to provide a secure storage location for a bicycle within the building. The site is located within the central neighbourhoods and is well serviced by transit and is walking distance to commercial amenities on Highland Road West. Provision of 2 parking spaces for can be considered adequate for a 3-unit dwelling in this location.

This minor variance is not required with the 'Enabling Four Units' amendments. The minimum parking requirement for a lot within the Central Neighbourhood Area would be 0.3 parking spaces per dwelling unit; in this case 0.9 parking spaces rounded up to 1 required parking space.

Based on the foregoing, Staff are of the opinion that the requested variances meet the general intent of the Zoning By-law.

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

There are no building additions or additional floor space required for this proposed conversion. The additional units are not expected to generate adverse effects for the abutting properties nor the surrounding neighbourhood. Staff are of the opinion that the effects of the variance are minor.

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

The proposed application represents an opportunity to add units to an existing site without demolition of the existing building. Staff are of the opinion that the addition of 2 additional dwelling units to the proposed site in the form shown on the plans provided by the applicant is desirable for the appropriate use of the building and land.

**Environmental Planning Comments:**

Due to the extension of the tree canopy from the adjacent property at 63 Vancamp Avenue, the applicant is advised that site alteration in the rear of the subject property to establish parking spaces in this location could have some impacts.

**Heritage Planning Comments:**

No Heritage concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the change the use to a triplex is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

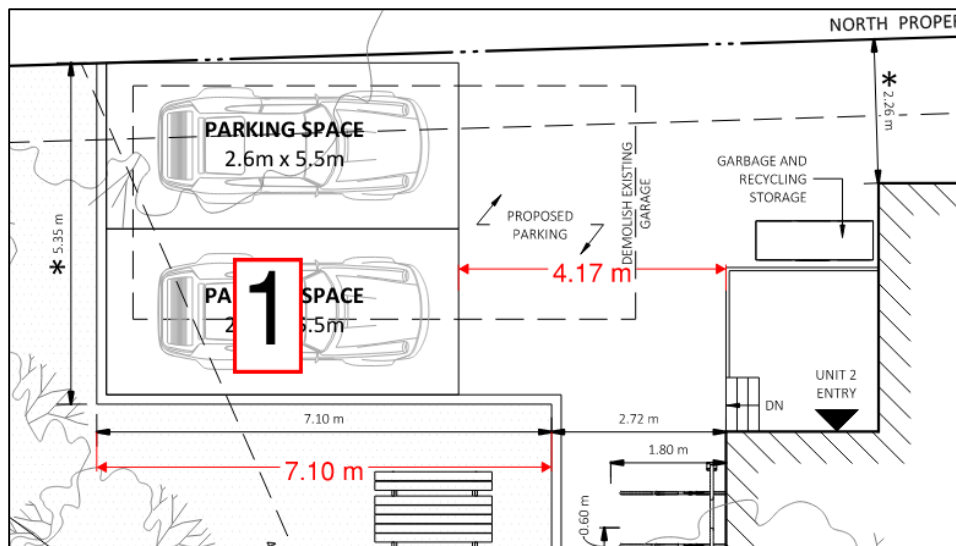
No Engineering concerns.

**Parks/Operations Division Comments:**

No Parks/Operations concerns.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application. However, we do want to show that accessing parking space “1” may be difficult at times due to the substandard drive aisle width of 4.17 metres. See illustration below. Also, potential tenants should be notified that there are only two parking spaces for three 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*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

**ATTACHMENTS:**

No Attachments.

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
- 4) A 2024 - 026 – 58 & 60 Ellen St E and 115 Lancaster St E – No concerns.
- 5) A 2024 - 027 – 610 Wabanaki Drive – No concerns.
- 6) A 2024 - 028 – 54 Franklin St S – No concerns.
- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
- 8) A 2024 - 030 – 109 Ingleside Drive – No concerns.
- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087

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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)





April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherrem@grandriver.ca](mailto:aherrem@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:** April 16, 2024

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

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

**WARD(S) INVOLVED:** Ward 8

**DATE OF REPORT:** April 3, 2024

**REPORT NO.:** DSD-2024-163

**SUBJECT:** Minor Variance Application A2024-030 – 109 Ingleside Drive

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## RECOMMENDATION:

That Minor Variance Application A2024-030 for 109 Ingleside Drive requesting relief from Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit a required parking space to be located 1.9 metres from the street (property) line instead of the minimum required 6 metres, and Section 5.4, Table 5-2 to permit a maximum driveway width of 5.2 metres instead of the maximum permitted 4.5 metres, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for a requested driveway width of 5.2 metres, whereas a maximum of 4.5 metres is permitted, and for a requested reduced parking space setback from the property line of 1.9 metres whereas 6.0 metres is required.
- 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 southernly side of Ingleside Drive, near the intersection of Hazelglen Drive and Fischer Hallman Road. The surrounding context of the subject property is primarily comprised of low-rise residential uses.



**Figure 1 - Subject property – 109 Ingleside Drive**

The subject property is identified as 'Community 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 Four Zone (RES-4)' in Zoning By-law 2019-051.



**Figure 2 - Front view – 109 Ingleside Drive**

The purpose of this report is to review a minor variance application for a requested driveway width of 5.2 metres (57% of the lot width), whereas a maximum of 4.5 metres (50% of the lot width) is permitted, and for a reduced parking setback from the front property line of 1.9 metres whereas 6.0 metres is required.

The owner has requested the variances to permit an additional dwelling unit (attached) within the existing semi-detached dwelling. Prior to the current owner purchasing the property, the garage had been converted to living space without the proper permits. Since that time the current owner is selling the property and wanting to legalize the parking for two units on the property so that the prospective purchaser can have two parking spaces on site, and then the prospective new owner will be applying for a building permit to legalize the second dwelling unit.

Staff acknowledge that the current width of the driveway is approximately 5.2 metres. The driveway width existed prior to Zoning By-law 2019-051 coming into effect and was considered a legal width within the context of Zoning By-law 85-1. Staff have no concerns with the driveway width as the driveway can be considered legal non-conforming, and the driveway will not be expanded further than what has existed.

Council recently considered 'The Enabling Four Units Project' on March 25, 2024, and adopted By-law 2024-074 amending Zoning By-law 2019-051. The amendments to Zoning By-law 2019-051 will become effective March 25, 2024, pending the approval of Official Plan Amendment No. 47 and no appeals of either OPA No. 47 and By-law 2024-074.

With the 'Enabling Four Units' amendments a minor variance would not be required to Zoning By-law 2019-051 to allow the parking to be setback 1.9 metres from the front property line.

Accordingly, Staff are supportive of the reduced parking setback of 1.9 metres for the existing semi-detached dwelling as the garage has been converted to living space and should the property remain as a semi-detached dwelling or be converted to a semi-detached dwelling with an additional dwelling unit (attached) there are no concerns with the location of the required one parking space.

Staff conducted a visit to the subject property on March 28<sup>th</sup>, 2024.

## **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 City's Official Plan. This designation permits low density forms of housing such as semi-detached dwellings with one attached dwelling units. The proposed variances meet the intent of the Official Plan which encourages a range of different forms of housing and encourages a mix of residential uses



in residential areas. The proposed variances conform to the designation, and it is the opinion of staff that the requested variances meet the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The purpose of the maximum driveway width is to ensure that the driveway and the required parking, and presence of vehicles, do not dominate the front yard of the dwelling and the streetscape while allowing for landscaping, green space, and areas for natural water infiltration to occur. It is shown at this time that requested variance for the driveway will remain as existing, with no changes or expansions to the existing width.

The intent of the parking regulation to permit only one parking space with 6.0 metres of the street line, is to ensure that the front yard does not primarily function as a parking area, and that there is adequate separation from the street line to accommodate vehicles without impacting or impeding pedestrian use of the sidewalk right of way. The reduction to a 1.9 metre setback from the property line will still provide adequate separation from the street line and no impacts to the pedestrian use of the sidewalk is expected.

It should be noted that the 1.9 metre setback requested is greater than the recently approved 0.5 metre setback that has been approved by City Council in the update to the 2019-051 By-law, which is currently within the appeal period.

Staff is of the opinion that the variance for parking 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 as the variances will legalize an existing parking condition, with no exterior alterations to the existing building. It will also permit another dwelling unit within an existing structure and neighbourhood. The proposed variances will not present any significant impacts to adjacent properties or the overall neighbourhood, as it represents an existing situation.

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

The proposed variances are desirable and appropriate for the development and use of the land as their approval will legalize an existing parking situation and permit a gentle intensification within an established neighbourhood.

#### **Environmental Planning Comments:**

No natural heritage or tree management concerns.

#### **Heritage Planning Comments:**

No heritage planning concerns.

#### **Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the change the use to a duplex is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No Engineering concerns.

**Parks/Operations Division Comments:**

No Parks/Operations concerns.

**Transportation Planning Comments:**

Transportation Services have no concerns with the reduced parking setback being requested, going from the required 6.0 metres to 1.9 metres.

**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.

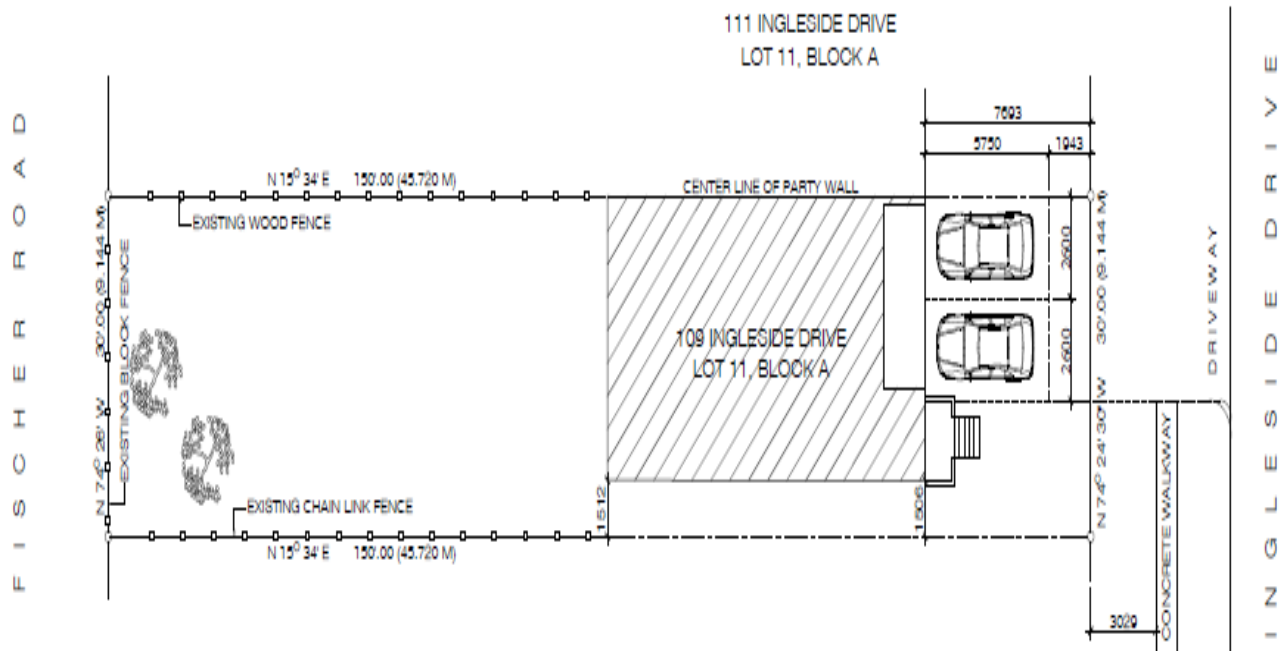
**PREVIOUS REPORTS/AUTHORITIES:**

- *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 (below) – Proposed site plan





**Attachment A - Proposed Site Plan – 109 Ingleside Drive**

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
- 4) A 2024 - 026 – 58 & 60 Ellen St E and 115 Lancaster St E – No concerns.
- 5) A 2024 - 027 – 610 Wabanaki Drive – No concerns.
- 6) A 2024 - 028 – 54 Franklin St S – No concerns.
- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
- 8) A 2024 - 030 – 109 Ingleside Drive – No concerns.
- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

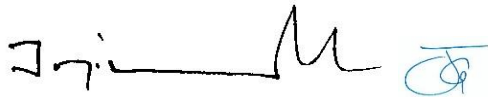
Document Number: 4640087

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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2023

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

**PREPARED BY:** Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

**WARD INVOLVED:** Ward 9

**DATE OF REPORT:** April 4, 2024

**REPORT NO.:** DSD-2024-146

**SUBJECT:** Minor Variance Application A2024-031 - 172 Kehl Street

---

**RECOMMENDATION:**

**A. That Minor Variance Application A2024-031 for 172 Kehl Street requesting relief from the following sections of Zoning By-law 2019-051:**

- i) Relief from Section 5.3 e) i) to permit a parking lot to be set back 0 metres from a side lot line instead of the minimum required 1.5 metres;
- ii) Relief from Section 7.3, Table 7-5 to permit a minimum lot width of 15.2 metres instead of the minimum required 19 metres;
- iii) Relief from Section 7.3, Table 7-5 to permit a minimum interior side yard to the south of 2.6 metres instead of the minimum required 4.5 metres;
- iv) Relief from Section 7.3, Table 7-5 to permit an increase in the maximum permitted Floor Space Ratio from 0.6 to 0.75; and
- v) Relief from Section 7.3, Table 7-5 to permit a building height of 10.1 metres instead of the maximum permitted 9 metres;

to facilitate the development of a block of 5 cluster townhouse dwelling units, generally in accordance with the Site Plan and Elevation Drawings prepared by Masri O Inc. Architects, dated October 30, 2023 and last revised March 11, 2024, attached to Report DSD-2024-146, except for the second storey decks and the visitor designation of the barrier-free parking space, BE APPROVED.

**B. That Minor Variance Application A2024-031 for 172 Kehl Street requesting relief from Section 4.14.4 a) of Zoning By-law 2019-051 to permit decks in the interior side yard to have a setback of 0.95 metres, whereas the By-law requires that all decks meet the setback regulations required for the building in the applicable zone (i.e., 4.5m, in this case), to facilitate the development of a block of 5 cluster townhouse dwelling units, generally in accordance with the drawings prepared**

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to recommend approval of Variances 1 through 5 and to refuse Variance 6.
- 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 east side of Kehl Street, between Hoffman Street and Ottawa Street South, in the Southdale Planning Community. The subject property has an approximate width of 15.3 metres, a depth of 53.9 metres, and an area of 820 square metres.

The property is located directly opposite Queen Elizabeth Public School and is developed with a single detached dwelling that was constructed in approximately 1955. The properties on Kehl Street, to the north and south, are developed with single detached and semi-detached dwellings. The lands to the southeast are zoned for low density residential uses and contain a cluster townhouse complex. The lands to the northeast contain primarily low-rise multiple dwellings.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the 2014 Official Plan and is designated 'Low Rise Residential'. It should be noted that the properties immediately to the east are located within a Major Transit Station Area (Mill Station) as identified within Regional Official Plan Amendment 6. The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

Development & Housing Approvals (DHA) staff visited the subject property on March 20, 2024. At that time, staff noted several recent multiple residential redevelopments in the surrounding neighbourhood.

The applicant is proposing to demolish the single detached dwelling and construct a 3-storey, 5-unit cluster townhouse development. The townhouses would be oriented perpendicular to Kehl Street and each townhouse would have its own garage. A small parking area would be located at the rear of the property.

To facilitate the proposed development, the applicant is requesting six (6) minor variances from Zoning By-law 2019-051, as follows:

1. Relief from Section 5.3 e) i) to permit a parking lot to be set back 0 metres from a side lot line instead of the minimum required 1.5 metres;
2. Relief from Section 7.3, Table 7-5 to permit a minimum lot width of 15.2 metres instead of the minimum required 19 metres;



3. Relief from Section 7.3, Table 7-5 to permit a minimum interior side yard to the south of 2.6 metres instead of the minimum required 4.5 metres;
4. Relief from Section 7.3, Table 7-5 to permit an increase in the maximum permitted Floor Space Ratio (FSR) from 0.6 to 0.75;
5. Relief from Section 7.3, Table 7-5 to permit a building height of 10.1 metres instead of the maximum permitted 9 metres; and
6. Relief from Section 4.14.4a) to permit decks in the interior side yard to have a setback of 0.95m, whereas the By-law requires that all decks meet the setback regulations required for the building in the applicable zone (i.e., 4.5m, in this case).

As a result of changes to provincial legislation, since the proposed development comprises less than 10 dwelling units, a Site Plan Application is not required.



**Figure 1: Photo of existing dwelling (at left), taken from Kehl Street.**

## REPORT:



**Figure 2: Subject Property (outlined in red).**

### 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 Official Plan contains several policies that are relevant to the requested variances, for example:

- 13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...b) for the safe and efficient movement of all users, on the site, and at points of ingress and egress related to the site;...f) to result in aesthetically acceptable parking areas which blend into the general environment of the area.
- 15.D.3.3. To support the successful integration of different housing types, specifically multiple residential developments, through new development / redevelopment and/or residential intensification, within lands designated Low Rise Residential, Medium Rise Residential or High Rise Residential, the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on: a) compatibility of building form with respect to massing, scale, design; b) the relationship of housing to adjacent buildings, streets and exterior areas; c) adequate and appropriate parking areas are provided on site; and, d) adequate and appropriate amenity areas and landscaped areas are provided on site.
- 15.D.3.4. All new residential buildings, additions and/or modifications to existing residential buildings and conversions in predominantly low density neighbourhoods should be compatible with and respect the massing, scale, design and physical

character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site.

- 15.D.3.11. A maximum Floor Space Ratio of 0.6 will apply to all development and redevelopment. Site-specific increases to allow up to a maximum Floor Space Ratio of 0.75 may be considered where it can be demonstrated that the increase in the Floor Space Ratio is compatible and meets the general intent of the policies in this Plan. An Official Plan Amendment will be required to consider an increase in the Floor Space Ratio greater than 0.75.
- 4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:
  - a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard.
  - d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
  - e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.
  - f) The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.
- 4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility

Development & Housing Approvals (DHA) staff is of the opinion that Variance 1, for a parking space setback reduction, meets the general intent of the Official Plan (OP). The view of the parking lot will be mitigated by a 1.8-metre-high visual barrier and the parking spaces themselves will be set back 1.5 metres. The parking area will be aesthetically acceptable. Also, Transportation Services does not have concerns with the requested parking space setback reduction. Safety is not a concern.



DHA staff is of the opinion that Variances 2 through 5 meet the general intent of the OP. The variances lot width, side yard setback, floor space ratio, and building height will result in development that is compatible with the adjacent uses with respect to massing, scale, and design. A common amenity space will help compensate for the reduced area of private amenity space at the rear of the units (within the side yard). An FSR up to the requested 0.75 is justified since the increase is compatible and meets the intent of the OP, noting that the development proposes the facilities necessary to support the proposed use (e.g., parking, landscaped areas, amenity space).

However, DHA staff is of the opinion that Variance 6 does not meet the general intent of the OP. This variance would facilitate the construction of second storey decks attached to the rear of each townhouse unit, within 0.95 metres of the southerly side lot line. Staff is concerned that this would result in an amenity space that is not sensitive to the exterior areas of adjacent properties, particularly the property to the south (176 Kehl Street). Staff is concerned that the requested setback reduction will not provide sufficient buffering to the side and rear yards of the abutting single detached dwelling and will negatively impact upon privacy. It should be noted that there is a slight grade difference (0.6 - 0.7 metres) between the subject property and 176 Kehl Street, as shown in Figure 3, below. This grade difference would result in the second storey decks being slightly higher than if the grading was the same for both properties. This may exacerbate the privacy / buffering issue.



**Figure 3: Photo showing the grade change between the subject property (dwelling is partially shown at left) and the single detached dwelling to the south, addressed as 176 Kehl Street (dwelling is fully shown, at centre).**

#### General Intent of the Zoning By-law

Regarding Variance 1, the purpose of the zoning regulation to require a 1.5 metre parking lot setback is to ensure adequate buffering between parking areas and side/rear yards of adjacent properties, including for urban design purposes. In this case, the parking area in question comprises only two parking spaces and the spaces themselves maintain the 1.5 setback. Only the drive aisle that is part of this parking area does not maintain the setback. Also, a fence will be provided to screen the drive aisle and parking area from the adjacent property. DHA staff is of the opinion that this variance meets the general intent of the Zoning By-law (ZBL).

With respect to Variances 2 through 5, the purpose of the regulations for which relief is sought is to ensure that the facilities necessary to support the proposed use are provided, adequate buffering is provided, and character and compatibility are maintained. In this case, the necessary facilities are adequately provided (e.g., parking, landscaping, amenity space), adequate setbacks are provided considering the low-rise nature of the proposal, and the FSR and building height are appropriate since the variances will not result in compatibility issues. DHA staff is of the opinion that these variances meet the general intent of the ZBL.

Regarding Variance 6, the purpose of the regulation for a deck setback is to ensure that buffering and privacy are maintained between outdoor amenity spaces and adjacent properties. In this case, the requested variance would permit a second storey deck to be constructed less than one metre from the side lot line. Privacy will be adversely impacted. DHA staff is of the opinion that this variance does not meet the general intent of the ZBL.

#### Are the Effects of the Variances Minor?

DHA staff is of the opinion that Variances 1 through 5 are minor, meaning that they will not cause unacceptably adverse impacts on adjacent properties. As aforementioned, the proposed development would provide the facilities necessary to support the proposed use, and character and compatibility would be maintained. However, staff is of the opinion that Variance 6 will result in adverse impacts on the abutting property addressed as 176 Kehl Street, especially the rear yard amenity area. This variance is not minor.

#### Are the Variances Desirable for the Appropriate Development or Use of the Land, Building and/or Structure?

DHA staff is of the opinion that Variances 1 through 5 are desirable for the appropriate development of the land. These variances will permit the land to be redeveloped at a higher density, while remaining compatible with and sensitive to the surrounding land uses. However, staff is of the opinion that Variance 6 is not desirable for the appropriate development of the structure. This variance will permit the construction of two-storey decks that will result in privacy issues with the abutting property to the south.

#### Planning Conclusion:

Variances 1 through 5 meet the four tests for minor variances, under the Planning Act. Accordingly, DHA staff recommends approval.

However, Variance 6 does not meet the four tests and should be refused.

**Environmental Planning Comments:**

The proposed development may negatively impact trees on or near the property line with 164 Kehl Street. Any building and/or structure should be located beyond the dripline of tree(s).

**Heritage Planning Comments:**

No comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the new townhouse is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

As site plan approval is not required for a residential development with 10 units or fewer, Parkland Dedication will be assessed at a future building permit application and required prior to building permit issuance.

There is an existing City-owned street trees located on Kehl St that will be impacted by future demolition, servicing and construction. *If this tree cannot be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law, full compensation and 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](http://www.kitchener.ca/treemanagement) .

**Transportation Planning Comments:**

Transportation Services have no concerns with this application. However, as part of this submission, drawing A1.1 notes the one required barrier free (BF) parking space as visitor. This is not supportable as the one BF space cannot be assigned as visitor parking.

[Development & Housing Approvals staff note: For this proposal, 1 parking space per unit is required for a total of 5 spaces (provided within private garages) plus 1 visitor space and 1 barrier-free space (both of which are provided in the rear parking lot). Transportation Services staff further advises that if the one visitor space is retained as is and the visitor designation is removed from the barrier-free space, the issue is resolved. The applicant is advised that the parking should be revised, accordingly.]

**Region of Waterloo:**

No concerns.

**Grand River Conservation Authority:**

No objections.



## **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 and Elevation Drawings prepared by Masri O Inc. Architects, dated October 30, 2023.

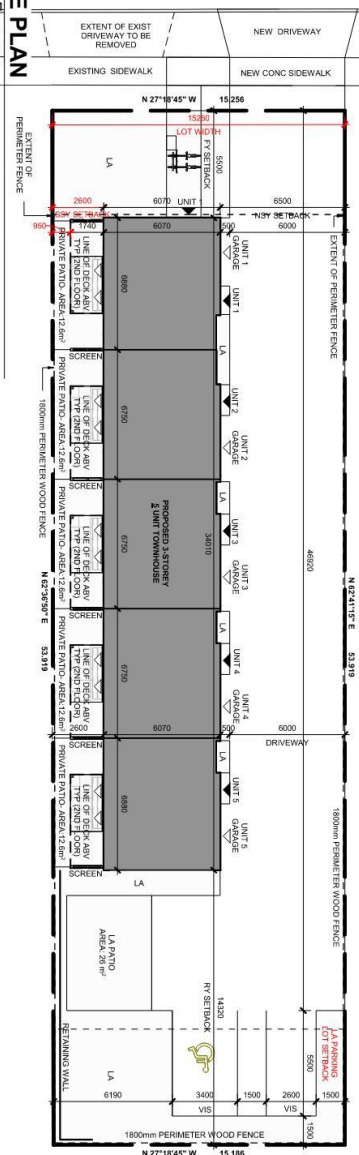
**KEHL STREET**

**SITE PLAN**  
**SCALE: 1 : 200**

1 : 200

## DETAILS OF DEVELOPMENT

DATA		REQUIRED	PROVIDED
ZONING		RES-5	
MIN. LOT AREA (m²)	525	820	
MIN. LOT WIDTH (m)	19.0	15.2	
SETBACKS			
FR (m)	5.4	5.5	
RY (m)	6.0	14.3	
N. SY (m)	4.5	6.5	
S. SY (m)	4.5	2.6	
MIN. LANDSCAPE AREA(%)	20	31	
MIN. LANDSCAPE AREA(m²)	164	255	
BUILDING AREA (m²)		204	
GROSS FLOOR AREA (m²)		613	
MAX. FLOOR SPACE RATIO	0.6	0.75	
MAX. BUILDING HEIGHT(m)	9.0	10.1	
MAX. # OF STOREYS	3	3	
PRIVATE PATIO AREA	11/UNIT	11/UNIT	
NUMBER OF UNITS		5	
MIN. PARKING REQUIRED PER UNIT PLUS 0.5 PER UNIT VISITORS	5 PLUS 1 Y/S	5 PLUS 2 V/S	
MAX. PARKING REQUIRED PER UNIT	5 PLUS 2 Y/S	5 PLUS 2 V/S	
PARKING LOT SETBACK	1.5	0m - 1.5m	
VISUAL BARRIER	YES	YES	
No. OF BARRIER FREE SPACES REQ'D	1	1	
BIKE RACKS REQ'D TYPE B	2	2	
GARAGE		INDOOR	



**NORTH ELEVATION**

SCALE: 1 : 200



**WEST ELEVATION (STREET LINE FACADE)**

SCALE: 1 : 200



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DO NOT SCALE THESE DRAWINGS.

REVISIONS:		
NO.:	DATE:	ISSUED:
1	2024.03.01	ISSUED FOR COFA
2	2024.03.11	RESUED FOR COFA



**PROPOSED  
TOWNHOUSES**  
PROPOSED TOWNHOUSES  
**PRIME SKY INC.**

## SITE PLAN & ELEVATIONS

DRAWING TITLE:

DRAWING NO.: A1.1

DATE: 2023.10.30

SCALE: As indicated

DRAWN: SS

STATUS: COFA

JOB No.: 2321

## A1.1

March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
(5) VAR KIT/ 610 WABANAKI DRIVE ELEMENTARY  
TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

- 1) A 2024 - 023 – 423 Edwin Street – No concerns.
- 2) A 2024 - 024 – 101 Clive Road – No concerns.
- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
- 4) A 2024 - 026 – 58 & 60 Ellen St E and 115 Lancaster St E – No concerns.
- 5) A 2024 - 027 – 610 Wabanaki Drive – No concerns.
- 6) A 2024 - 028 – 54 Franklin St S – No concerns.
- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
- 8) A 2024 - 030 – 109 Ingleside Drive – No concerns.
- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087

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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

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

**PREPARED BY:** Arwa Alzoor, Planner, 519-741-2200 ext. 7847

**WARD(S) INVOLVED:** Ward 5

**DATE OF REPORT:** March 22, 2024

**REPORT NO.:** DSD-2024-167

**SUBJECT:** Minor Variance Application A2024-032  
55 Trillium Park Place

---

## **RECOMMENDATION:**

That Minor Variance Application A2023-032 for 55 Trillium Park Place requesting relief from Section 10.3, Table 10-2, of Zoning By-law 2019-051 to facilitate the construction of a one-storey addition having a rear yard setback of 2.7 metres instead of the minimum required 7.5 metres, in accordance with Site Plan Application SP24/004/T/AA, BE APPROVED.

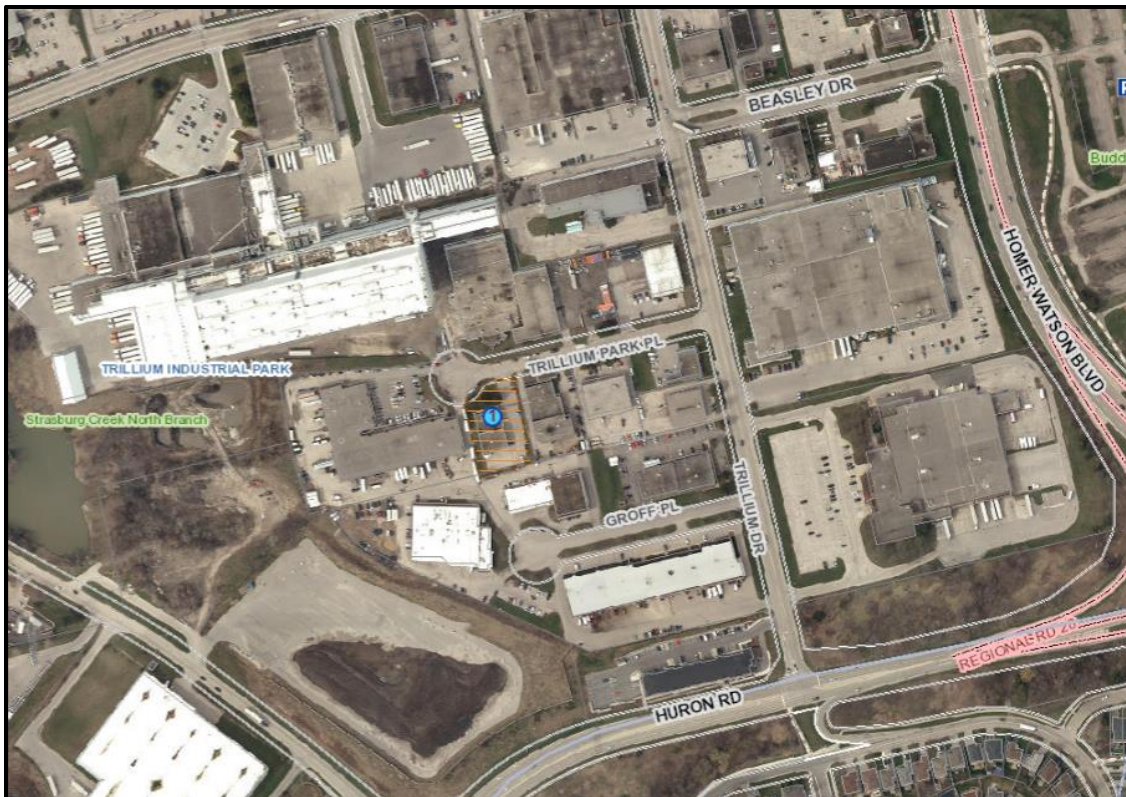
## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review a minor variance application to facilitate the construction of a rear addition to the existing industrial building.
- The key finding of this report is that the requested 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.

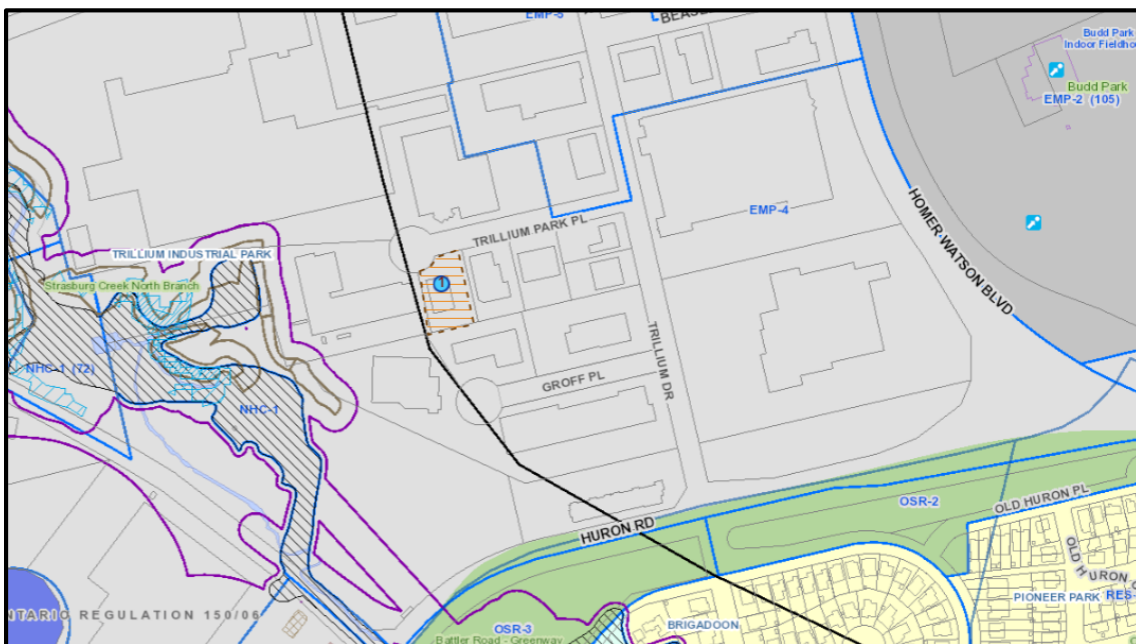
## **BACKGROUND:**

The subject property is located in the Trillium Industrial Park area north of Huron Road and west of Homer Watson Boulevard.





**Figure 1 - The subject property in an aerial view.**



**Figure 2 - The subject property on the zoning map.**

The subject property is identified as an 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'Business Park Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Service Business Park Employment Zone (EMP-4)' in Zoning By-law 2019-051.

The applicant has submitted a Site Plan Application, SP24/004/T/AA, which has been reviewed with all applicable divisions and agencies and received 'conditional approval' subject to receiving approval of the minor variance for the reduced rear yard.



Page 94 of 133





**Figure 4 – Photo of the front of the building.**



**Figure 5 – Photo of the east side of the property and of the parking area.**



**Figure 6 – Photo of the adjacent property showing the rear lot 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 intent of the Business Park Employment designation is to provide opportunities for a diversified economic base by maintaining a range and choice of suitable sites for industrial employment uses, supporting a wide range of economic activities. Redevelopment of existing sites will contribute to a quality image of the Business Park Employment area by incorporating quality building and landscape designs.

Staff are of the opinion that the proposed rear addition and requested variance meets the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The intent of the rear yard setback is to ensure that there is adequate separation between buildings and that the buildings and uses do not negatively impact neighbouring properties. The rear yard can also provide a landscape buffer and amenity space for employees. The proposed rear yard setback of 2.7 meters will still provide a sufficient separation, and be able to provide landscape barrier and appropriate space for building

maintenance. Additionally, the proposed addition will backs onto a property that contains a Bell Canada Easement at the rear, maintaining the separation between the proposed addition and the adjacent building.

Furthermore, the outdoor amenity space for the subject property is proposed to be situated in the front yard. Considering the above considerations, staff are of the opinion that the proposed setback meets the general intent of the Zoning By-law.

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

The effects of the minor variance will be minor given that the subject property abuts another industrial property that has a Bell Canada easement that adds to the building separation. There will still be sufficient separation from the rear lot line and the proposal has been reviewed as part of a site plan application.

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

The minor variance for a reduced rear yard is desirable and appropriate as it will facilitate the construction of a rear addition, maximize the useability of the site and support the continued industrial use of the subject property

**Environmental Planning Comments:**

No natural heritage or tree management concerns

**Heritage Planning Comments:**

No heritage comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance provided building permit for the addition to the industrial building is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

**Engineering Division Comments:**

No concerns

**Parks/Operations Division Comments:**

No concerns

**Transportation Planning Comments:**

Transportation Services has no concerns with this application.

**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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto:aherreman@grandriver.ca) or 519-621-2763 ext. 2228

**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*



March 27, 2024

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

File No.: D20-20/  
VAR KIT GEN

(2) VAR KIT/ 101 CLIVE ROAD 12134225 CANADA INC.  
(3) 58 KIT/ 1187 FISCHER HALLMAN ROAD SCHLEGEL  
URBAN DEVELOPMENT  
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TEACHERS FEDERATION OF ONTARIO  
(10) VAR KIT / 55 TRILLIUM PARK PLACE  
PATTERSON PLANNING CONSULTANTS

**Subject: Committee of Adjustment Meeting April 16, 2024, City of Kitchener**

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

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- 3) A 2024 - 025 – 1187 Fischer Hallman Road – No concerns.
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- 7) A 2024 - 029 – 59 Van Camp Avenue – No concerns.
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- 9) A 2024 - 031 – 172 Kehl Street – No concerns.
- 10) A 2024 - 032 – 55 Trillium Park Place – No concerns.

Document Number: 4640087

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:

Mariah Blake, City of Kitchener

[CofA@Kitchener.ca](mailto:CofA@Kitchener.ca)



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
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**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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:** April 16, 2024

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

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

**WARD(S) INVOLVED:** Ward 8

**DATE OF REPORT:** April 5, 2024

**REPORT NO.:** DSD-2024-187

**SUBJECT:** Consent Application B2024-006 – 103 and 105 Dalegrove Drive

---

## **RECOMMENDATION:**

That Consent Application B2024-006 requesting consent to sever a parcel of land having a lot width of 9.1 metres, a lot depth of 30.9 metres and a lot area of 282 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, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.
5. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
6. That the Owner/Applicant enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and

**Lease/Rental Agreements for all dwellings on both the severed and retained lots, to the satisfaction of the City and the Region:**

***“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The 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 application is to sever a parcel of land to permit each half of an existing semi-detached dwelling to be dealt with independently.
- The key finding of this report is that the requested severance meets the criteria of the Planning Act and Provincial, Regional and City policies.
- 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:**

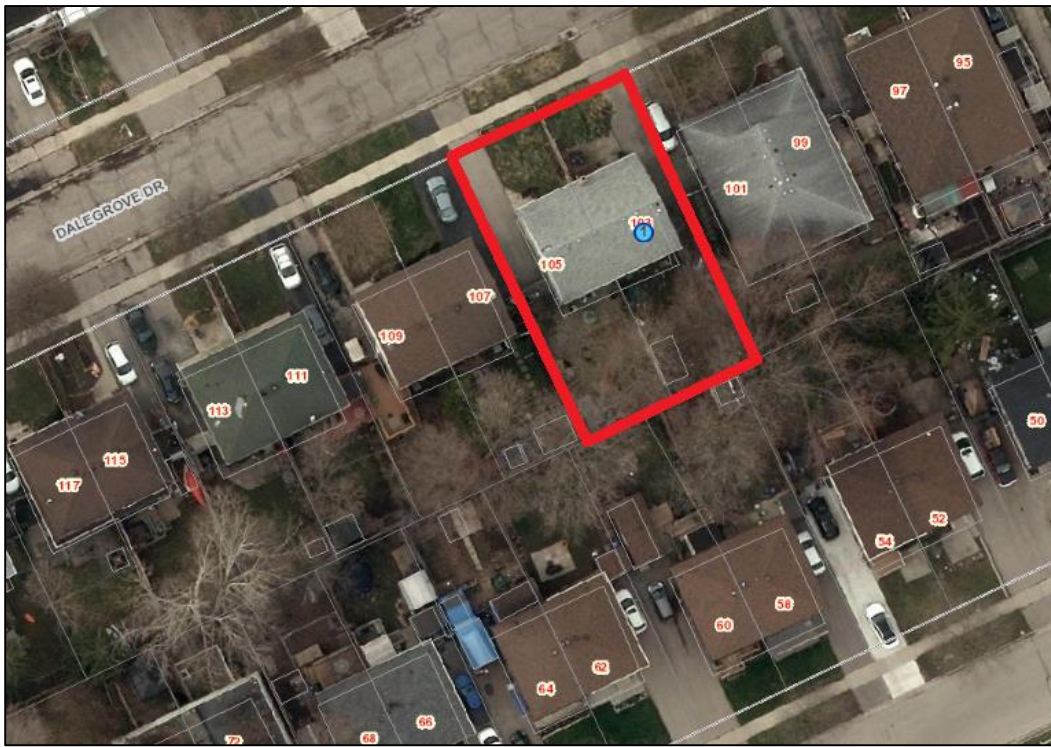
The subject property is located on the south side of Dalegrove Drive in the Victoria Hills neighbourhood.

The subject property is identified as ‘Community 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 Four Zone (RES-4)’ in Zoning By-law 2019-051.

The purpose of the application is to permit each half of an existing semi-detached dwelling to be dealt with independently.



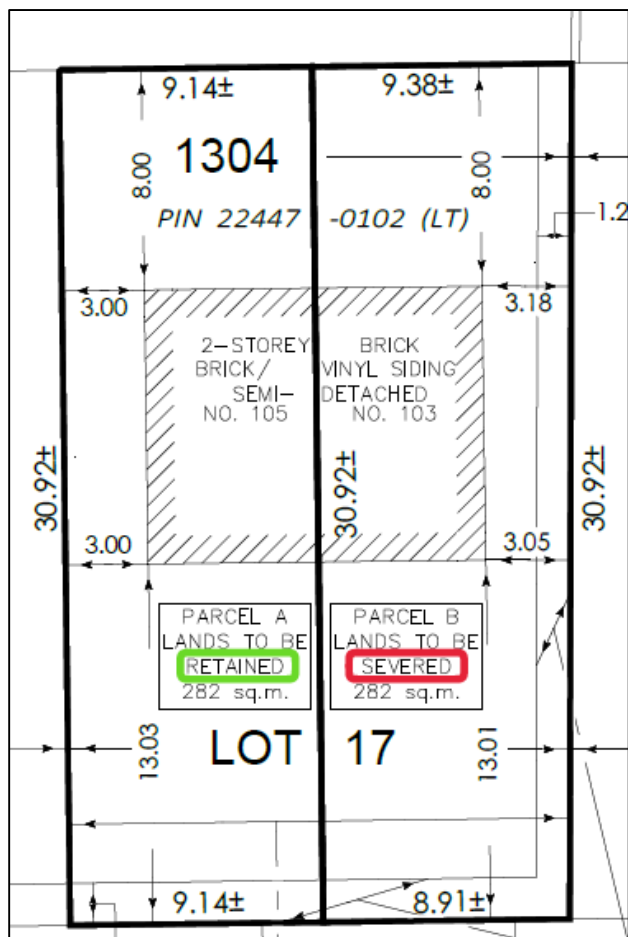


**Figure 1: Location Map**



**Figure 2: View of Existing Semi-Detached Dwelling (March 27, 2024)**





**Figure 3: Proposed Lot Fabric**

## 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 promotes an efficient land use pattern. 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 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 lands are designated 'Low Rise Residential' on Map 3 in the 2014 Official Plan. The Low Rise Residential land use designation permits a full range of low density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-rise multiple dwellings. The Low Rise Residential land use designation encourages mixing and integrating different forms of housing to achieve and maintain a low-rise built form. The maximum net residential density for lands which are designated Low Rise Residential will be 30 units per hectare.

The proposed severance is in accordance with the Official Plan and maintains the residential land use designation.

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:

"Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration;
- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

The proposed lot widths and lot areas of the proposed severed and retained lots meet and exceed the minimum ‘RES-4’ zone lot width and lot area requirements and minor variances are not required. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding neighbourhood which is developed primarily semi-detached dwellings in the surrounding area. The lands front onto a public street and full services are available. There are no natural heritage features that would be impacted by the proposed consent application.

Planning staff is of the opinion that the proposed severance conforms with the City of Kitchener Official Plan.

#### Zoning By-law 2019-051

The subject property is zoned as ‘RES-4’ in Zoning By-law 2019-051. The ‘RES-4’ zone permits a range of low density dwelling types such as semi detached dwellings and requires a minimum lot width of 7.5 metres and minimum lot area of 210 square metres for semi-detached dwellings. The proposed lot widths and lot areas of the proposed severed and retained lots will exceed the minimum zone lot width and minimum lot area requirement.

#### **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. The uses of both the severed and retained parcels are in conformity with the City’s Official Plan and Zoning By-law. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding community. There are existing schools within

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

**Environmental Planning Comments:**

No natural heritage or tree management concerns.

**Heritage Planning Comments:**

No heritage concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed consent.

**Engineering Division Comments:**

Engineering has no concerns as both lots are serviced and have existing driveways.

**Parks/Operations Division Comments:**

Parkland dedication is not required as the use and density is existing.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

Regional Fee:

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPA-8) (ROP Map 6a).

A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act.

Environmental Noise

The subject lands are located within 300 metres of the Region of Waterloo railway mainline. As a condition of approval, the owner/applicant is required to enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots:

“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The

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.”

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
3. That the Owner/Applicant enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots, to the satisfaction of the City and the Region:

*“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The 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.*

#### **Hydro One Comments:**

We are in receipt of your Application for Consent, B2024-006 dated February 23rd, 2024. 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.

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

**ATTACHMENTS:**

Attachment A – Severance Sketch



DALEGROVE DRIVE  
(ESTABLISHED BY REGISTERED PLAN 1304)  
PIN 22447-0003 (LT)

BLOCK "BB"  
(1' RESERVE)

REGISTERED PLAN

1304

PIN 22447-0102 (LT)

REGISTERED PLAN 1286

2-STOREY BRICK  
BRICK/ VINYL SIDING  
SEMI-DETACHED  
NO. 109

2-STOREY BRICK  
BRICK/ VINYL SIDING  
SEMI-DETACHED  
NO. 107

2-STOREY  
BRICK/ VINYL SIDING  
SEMI-DETACHED  
NO. 105

BRICK  
VINYL SIDING  
DETACHED  
NO. 103

1-STOREY BRICK  
BRICK/ VINYL SIDING  
SEMI-DETACHED  
NO. 101

1-STOREY BRICK  
BRICK/ VINYL SIDING  
SEMI-DETACHED  
NO. 99

PARCEL A  
LANDS TO BE  
RETAINED  
282 sq.m.

PARCEL B  
LANDS TO BE  
SEVERED  
282 sq.m.

LOT 17

LOT 187

LOT 15

LOT 16

LOT 3

LOT 4

LOT 5

REGISTERED PLAN

1321

1321

THIS SKETCH WAS PREPARED ON THE 15TH DAY OF JANUARY, 2021.

RONALD MAK  
ONTARIO LAND SURVEYOR

WATERLOO

KEY MAP

SEVERANCE SKETCH

ALL OF LOT 27, REGISTERED PLAN 783  
CITY OF WATERLOO,  
REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1 : 250

0 2.5 5 10 15 meters

VAN HARTEN SURVEYING INC.

ZONING DESIGNATION: RESIDENTIAL FOUR ZONE (R-4)

REGULATION (38.2.1) FOR FREEHOLD SEMI-DETACHED	REQUIRED	SEVERED PARCEL	RETAINED PARCEL
MINIMUM LOT AREA	235M <sup>2</sup>	282M <sup>2</sup>	282M <sup>2</sup>
MINIMUM LOT WIDTH	7.5M	9.14M	9.29M
MINIMUM FRONT YARD	6.0M	8.0M	8.0M
MINIMUM SIDE YARD	3.0M	3.00M	3.05M
LOT COVERAGE	45%	21%	21%

NOTES:

- THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
- DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY. DISTANCES ON THE PROPERTY LIMITS WERE TAKEN FROM PREVIOUS SURVEYS.
- THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL.

THIS SKETCH IS PROTECTED BY COPYRIGHT © 2021.



Van Harten  
SURVEYING INC.  
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo  
Ph: 519-742-8371

Guelph  
Ph: 519-821-2763

Orangeville  
Ph: 519-940-4110

www.vanharten.com

info@vanharten.com

DRAWN BY: CEW

CHECKED BY: MS

PROJECT No. 29041-20

Jan 15, 2021-6:56:42 PM

M:\Geographic(KW)\Kitchener\1304\CAD\SEVER.  
SKTH.LOT 17 (28925-20) UTM 2010.dwg



PLANNING, DEVELOPMENT AND  
LEGISLATIVE SERVICES  
Commissioner's Office  
150 Frederick Street, 8<sup>th</sup> floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

Erica Ali  
W. Phone: 226-751-3388  
File: D20-20/24 KIT  
April 3, 2024

VIA EMAIL

Connie Owen  
Administrative Clerk, Legislative Services  
City of Kitchener  
200 King Street West  
Kitchener, ON N2G 4G7

**Re: Comments on Consent Applications - B 2024-006, B 2024-007  
Committee of Adjustment Hearing April 16<sup>th</sup>, 2024  
City of Kitchener**

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Please accept the following Regional planning comments for the above-noted Consent applications to be considered at the upcoming Committee of Adjustment Hearing.

**B2024-006****103 & 105 Dalegrove Dr****Waltraud Ratte / GSP Group Inc (Michael Serra)**

The applicant proposes to retain parcel A (being 282 sqm in lot area with 9.14m lot frontage) and sever parcel B (being 282 sqm in lot area with 8.91m lot frontage). The severance would facilitate the creation of two separately conveyable lots, each with existing semi-detached unit (presently municipally addressed as 103 Dalegrove Dr and 105 Dalegrove Dr). The proposed consents would comply with development specifications and be a permitted use for the zoning (R-4). Both parcels are subject to easements WR430038 and WR448706.

**Regional Fee:**

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

**Source Water Protection Policy**

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPA-8) (ROP Map 6a).

A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act.

**Environmental Noise**

The subject lands are located within 300m of the Region of Waterloo railway mainline. As a condition of approval, the owner/applicant is required to enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots:

*"Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The 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."*

**Regional Staff has no objection to this application subject to the following condition(s):**

1. That the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
3. That the Owner/Applicant enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots, to the satisfaction of the City and the Region:

*“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The 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.*

**B2024-007**

**137 Queen St S**

**St. Paul's Evangelical Lutheran Church / GSP Group Inc (Charlotte Lewington)**

The applicant proposes width and 36.735m depth; Easement No. 4 being 67.8sqm in lot area, with 3.25m lot width and 20.88m lot depth.

**Regional Fee**

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

**Archaeological Assessment**

The subject properties municipally addressed as 137 St Street S and 149 Queen St S are located within the Victoria Park Area Heritage Conservation District and the building are designated under Part V of the Ontario Heritage Act. The requirement for an archaeological assessment is addressed through consent application, B2023-015, concerning the subject lands municipally addressed as 137 Queen St S, 149 Queen St S, and 15 Church St; i.e. condition of approval no. 11, as outlined in the Committee of Adjustment Notice of Decision on March 21, 2023 (Report DSD-2023-123, City of Kitchener).

**Regional Staff has no objection to this application subject to the following condition(s):**

1. That as a condition of approval the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.

General Comments:

Any submission requirements may be subject to peer review, at the owner/ applicant's expense as per By-law 23-062. If any other applications are required to facilitate the application, note that fees are subject to change and additional requirements may apply.

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances.

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.

Thank you,

*Erica Ali*

Erica Ali  
Planner, Community Planning





April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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: [Planning Applications \(SM\)](#)  
To: [Committee of Adjustment \(SM\)](#)  
Subject: FW: Kitchener - 103 and 105 Dalegrove Drive - B2024-006  
Date: March 25, 2024 1:25:01 PM  
Attachments: [image001.png](#)

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>  
Sent: Monday, March 25, 2024 10:47 AM  
To: Planning Applications (SM) <Planning.Applications@kitchener.ca>  
Subject: Kitchener - 103 and 105 Dalegrove Drive - B2024-006

You don't often get email from [pranav.amin1@hydroone.com](mailto:pranav.amin1@hydroone.com). [Learn why this is important](#)

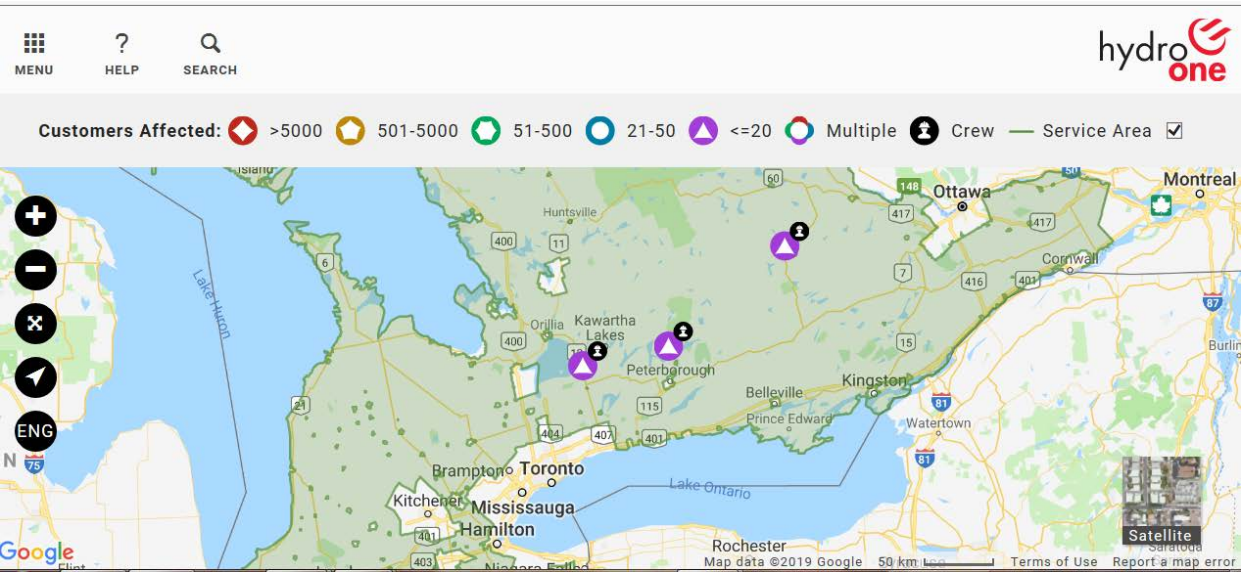
Hello,

We are in receipt of your Application for Consent, B2024-006 dated February 23<sup>rd</sup>, 2024. 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:  
<http://www.hydroone.com/StormCenter3/>

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](mailto: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](mailto:Dennis.DeRango@HydroOne.com)

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** April 16, 2024

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

**PREPARED BY:** Brian Bateman, Senior Planner 519-741-2200 ext. 7869

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** April 3, 2024

**REPORT NO.:** DSD-2024-165

**SUBJECT:** Consent Application B2024-007 – 137 Queen Street South

---

## **RECOMMENDATION:**

That Consent Application B2024-007 requesting consent to amend Consent Application B2023-015 to replace and expand the approved easement to create two (2) new easements, amended Easement #3 having a width of 3.2 metres, a length of 36.7 metres and an area of 126 square metres and new Easement #4 having a width of 3.2 metres, a length of 20.8 metres and an area of 67.8 square metres, over 137 Queen Street South (being the 'Retained Lands' identified in Consent Application B2023-013) in favour of the 'Severed Lands' identified in Consent Application B2023-014, 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 Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following and shall be approved by the City Solicitor:

- a) A clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto).
- b) A clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.
- c) That a satisfactory Solicitor's Undertaking to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor be provided to the City Solicitor.

**5. That the Owner submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.**

**REPORT HIGHLIGHTS:**

- The purpose of this report is to recommend approval of a proposed consent application to create two easements over 137 Queen Street South in favour of 15 Church Street – an affordable housing project.
- 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.

**Report:**

The subject property, municipally known as 137 Queen Street South, is located at the intersection of Queen South and Church Street in downtown Kitchener. The subject properties contain a church, detached dwelling and a vacant proposed re-development site for an affordable housing project. Committee may recall hearing Consent Applications B2023-013, B2023-014 and B2023-015 and Minor Variance Application A2023-039 at the March 21, 2023, meeting setting the framework to divide the church property into 3 separate parcels, together with creation of easements and minor variances, to facilitate the development of an affordable housing project on these lands.





Figure 1 - Location Map for 137 Queen Street South.



Figure 2 - Notice Sign on 137 Queen Street South.



Figure 3 – Plan for Consent Applications B2023-013 to B2023-015.

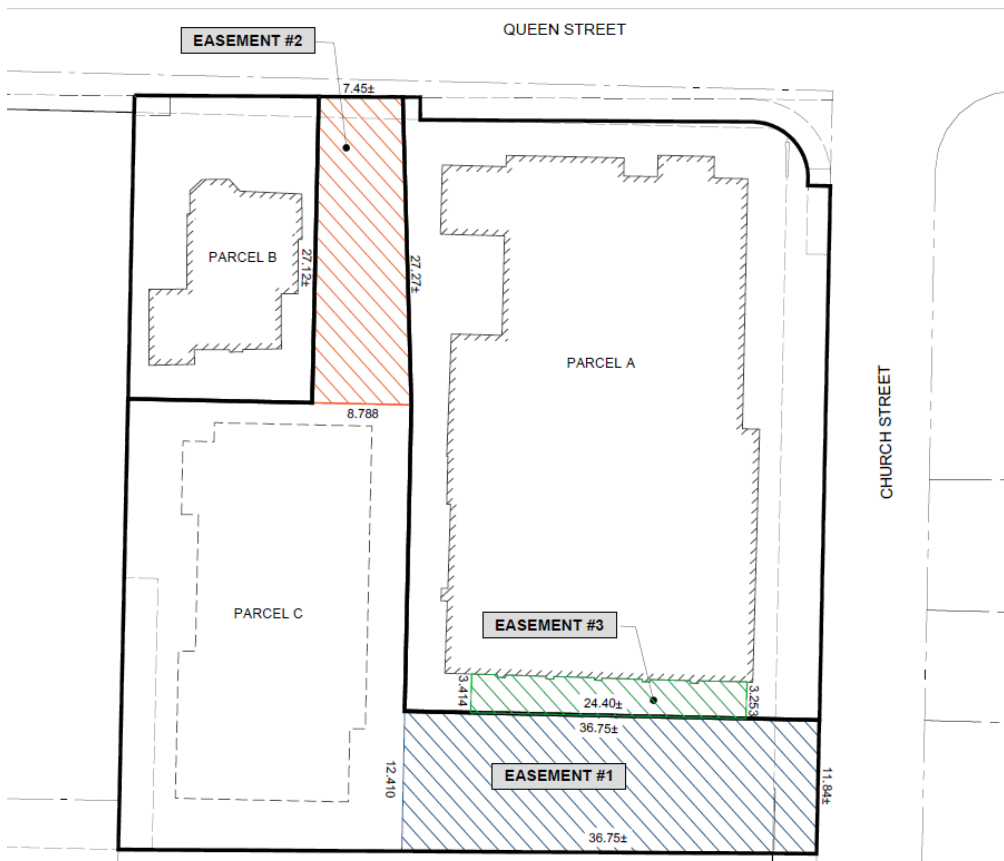
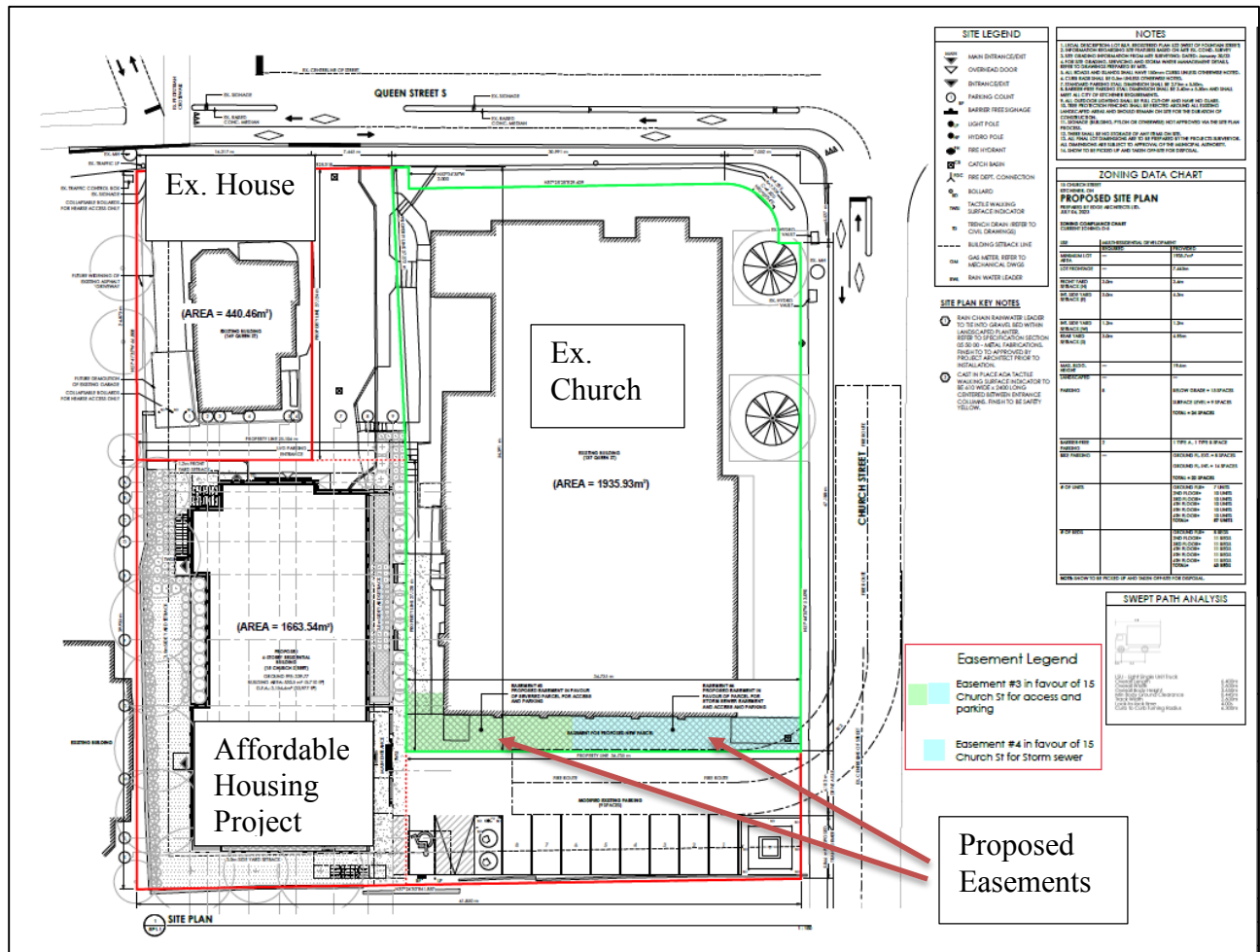


Figure 4 – Plan for Easements Consent Applications B2023-013 to B2023-015



Since that time, the applicant has been working to prepare detailed drawings and finalize the consents so that they can commence with the construction of the affordable housing project. Through the detailed review phase, it was determined that additional expanded easements over 137 Queen Street South are needed to facilitate the re-development scheme. These are shown on Figure 2 below. These are outlined in blue and green and represent expanded easements over what was approved by Committee back in March 2023 for Consent Application B2023-015.

Accordingly, this application for Consent seeks to amend the easement that was requested and approved as part of Consent Application B2023-015.



**Figure 5 – Site Layout and Proposed easements**

The subject properties are identified as 'Urban Growth Centre' on Map 2 – Urban Structure and are designated 'City Center District' on Map 4 – Urban Growth Centre in the City's 2014 Official Plan. These have been updated through the Kitchener Growing Together project that was adopted by Council on March 18, 2024. It is not in force and effect until it is approved by the Region. The new designation is 'Strategic Growth Area B.'

The properties are zoned 'Commercial Residential Zone (D-5)' in Zoning By-law 85-1 (in effect). The new zoning is 'High Rise Growth Zone (Limited) (SGA-3)' in Zoning By-law 2019-051 (approved). The existing uses and proposed use of a multiple dwelling are permitted in both by-laws.

## **Planning Comments:**

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

### Provincial Policy Statement, 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, affordable housing 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 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 located within the City's delineated Urban Growth Centre (UGC), and within a Major Transit Station Area (MTSA) in the 2014 Kitchener Official Plan. Urban Growth Centres plan to accommodate significant population and employment growth. and the severance applications will help make efficient use of existing infrastructure, parks, roads, trails and transit.

Planning staff is of the opinion that the consent application to create the easements 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 'Urban Growth Centre' in the ROP. 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. The easement will facilitate the creation of affordable housing.

Planning staff are of the opinion that the consent application conforms to the Regional Official Plan.

### City's Official Plan (2014)

Servicing objectives of the City's Official Plan are:

- 14.1.1. To provide infrastructure, municipal services and utilities in a coordinated, efficient and cost-effective manner to meet the City's current and projected needs.
- 14.1.2. To maximize the use of existing municipal services and utilities before consideration is given to extending and/or developing new municipal services.
- 14.1.3. To promote cost-effective development patterns and standards to assist in minimizing servicing costs.
- 17.E.20.4. Consents may be permitted for the creation of a new lot, boundary adjustments, rights of-way, easements, long-term leases and to convey additional lands to an abutting lot provided an undersized lot is not created.

**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 easement is desirable and appropriate.

The future servicing and stormwater design for the benefitting lands will be reviewed and approved in accordance with the applicable provincial, regional and municipal policies. The proposed easement provides flexibility for the applicant to develop servicing and access that connect to and utilizes existing infrastructure and parking.

**Heritage Planning Comments:**

The subject property municipally addressed as 137 Queen Street South is designated under Part V of the Ontario Heritage Act and identified as a District A Significance property in the Victoria Park Area Heritage Conservation District. The proposed easement is not anticipated to impact identified heritage attributes. There are no further heritage concerns.

**Building Division Comments:**

No concerns.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

No concerns.

**Transportation Planning Comments:**

No concerns.

**Region of Waterloo Comments:**

Regional Fee

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

Archaeological Assessment

The subject properties municipally addressed as 137 Queen Street South and 149 Queen Street South are located within the Victoria Park Area Heritage Conservation District and

the building are designated under Part V of the Ontario Heritage Act. The requirement for an archaeological assessment is addressed through consent application, B2023-015, concerning the subject lands municipally addressed as 137 Queen Street South, 149 Queen Street South, and 15 Church Street; i.e. condition of approval no. 11, as outlined in the Committee of Adjustment Notice of Decision on March 21, 2023 (Report DSD-2023-123, City of Kitchener).

Regional Staff has no objection to this application subject to the following condition(s):

1. That as a condition of approval the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.

**GRCA comments:**

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 (ROP)*
- *Official Plan (2014)*
- *Kitchener Growing Together DSD-2024-005 and DSD-2024-128*
- *Zoning By-law 85-1 and 2019-051*
- *DSD-2023-123*



PLANNING, DEVELOPMENT AND  
LEGISLATIVE SERVICES  
Commissioner's Office  
150 Frederick Street, 8<sup>th</sup> floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

Erica Ali  
W. Phone: 226-751-3388  
File: D20-20/24 KIT  
April 3, 2024

VIA EMAIL

Connie Owen  
Administrative Clerk, Legislative Services  
City of Kitchener  
200 King Street West  
Kitchener, ON N2G 4G7

**Re: Comments on Consent Applications - B 2024-006, B 2024-007  
Committee of Adjustment Hearing April 16<sup>th</sup>, 2024  
City of Kitchener**

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Please accept the following Regional planning comments for the above-noted Consent applications to be considered at the upcoming Committee of Adjustment Hearing.

**B2024-006****103 & 105 Dalegrove Dr****Waltraud Ratte / GSP Group Inc (Michael Serra)**

The applicant proposes to retain parcel A (being 282 sqm in lot area with 9.14m lot frontage) and sever parcel B (being 282 sqm in lot area with 8.91m lot frontage). The severance would facilitate the creation of two separately conveyable lots, each with existing semi-detached unit (presently municipally addressed as 103 Dalegrove Dr and 105 Dalegrove Dr). The proposed consents would comply with development specifications and be a permitted use for the zoning (R-4). Both parcels are subject to easements WR430038 and WR448706.

**Regional Fee:**

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

**Source Water Protection Policy**

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPA-8) (ROP Map 6a).

A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act.

**Environmental Noise**

The subject lands are located within 300m of the Region of Waterloo railway mainline. As a condition of approval, the owner/applicant is required to enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots:

*"Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The 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."*

**Regional Staff has no objection to this application subject to the following condition(s):**



1. That the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
3. That the Owner/Applicant enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots, to the satisfaction of the City and the Region:

*“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. 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). The 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.*

**B2024-007**

**137 Queen St S**

**St. Paul's Evangelical Lutheran Church / GSP Group Inc (Charlotte Lewington)**

The applicant proposes width and 36.735m depth; Easement No. 4 being 67.8sqm in lot area, with 3.25m lot width and 20.88m lot depth.

**Regional Fee**

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

**Archaeological Assessment**

The subject properties municipally addressed as 137 St Street S and 149 Queen St S are located within the Victoria Park Area Heritage Conservation District and the building are designated under Part V of the Ontario Heritage Act. The requirement for an archaeological assessment is addressed through consent application, B2023-015, concerning the subject lands municipally addressed as 137 Queen St S, 149 Queen St S, and 15 Church St; i.e. condition of approval no. 11, as outlined in the Committee of Adjustment Notice of Decision on March 21, 2023 (Report DSD-2023-123, City of Kitchener).

**Regional Staff has no objection to this application subject to the following condition(s):**

1. That as a condition of approval the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.

General Comments:

Any submission requirements may be subject to peer review, at the owner/ applicant's expense as per By-law 23-062. If any other applications are required to facilitate the application, note that fees are subject to change and additional requirements may apply.

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances.

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.

Thank you,

*Erica Ali*

Erica Ali  
Planner, Community Planning



April 2, 2024

via email

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

Dear Ms. Blake,

**Re: Committee of Adjustment Meeting – April 16, 2024**

**Applications for Minor Variance**

A 2024-023 423 Edwin Street  
A 2024-024 101 Clive Road  
A 2024-025 1187 Fischer Hallman Road  
A 2024-026 58 & 60 Ellen Street East, 115 Lancaster Street East  
A 2024-027 610 Wabanaki Drive  
A 2024-028 54 Franklin Street South  
A 2024-029 59 Van Camp Avenue  
A 2024-030 109 Ingleside Drive  
A 2024-031 172 Kehl Street  
A 2024-032 55 Trillium Park Place

**Applications for Consent**

B 2024-006 103 & 105 Dalegrove Drive  
B 2024-007 137 Queen Street South

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 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at [aherreman@grandriver.ca](mailto: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: Planning Applications (SM)  
To: Committee of Adjustment (SM)  
Subject: FW: Kitchener - 137 Queen St S - B2024-007  
Date: March 25, 2024 1:24:55 PM  
Attachments: image001.png

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>  
Sent: Monday, March 25, 2024 10:49 AM  
To: Planning Applications (SM) <Planning.Applications@kitchener.ca>  
Subject: Kitchener - 137 Queen St S - B2024-007

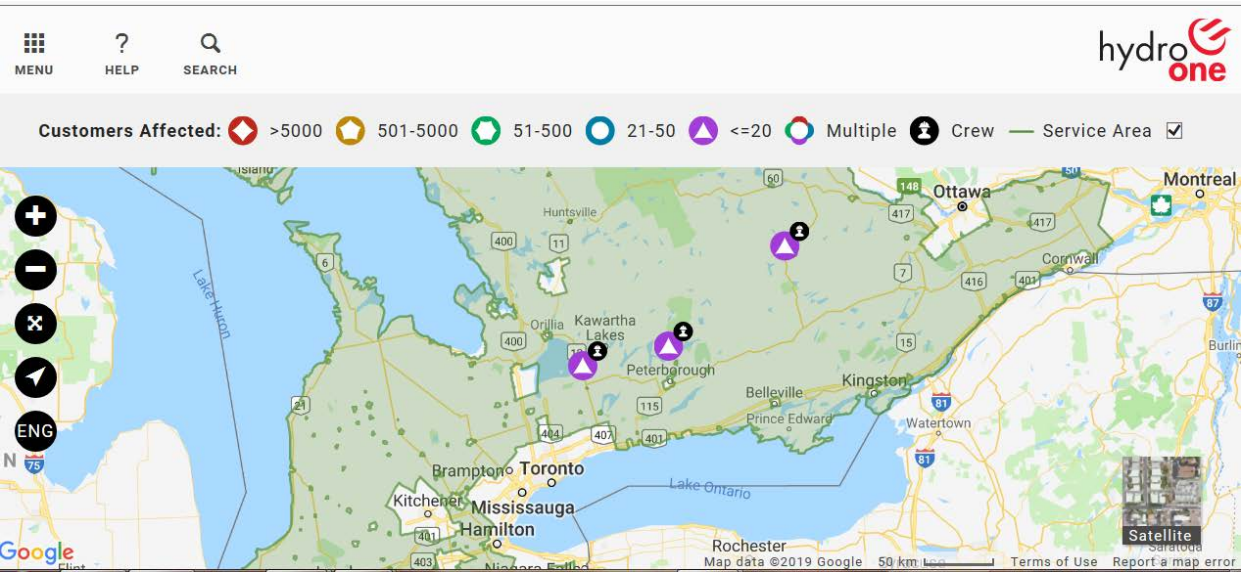
You don't often get email from [pranav.amin1@hydroone.com](mailto:pranav.amin1@hydroone.com). [Learn why this is important](#)  
Hello,

We are in receipt of your Application for Consent, B2024-007 dated February 23<sup>rd</sup>, 2024. 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:  
<http://www.hydroone.com/StormCenter3/>

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](mailto: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](mailto:Dennis.DeRango@HydroOne.com)