



Committee of Adjustment Agenda

Tuesday, July 16, 2024, 10:00 a.m. - 12:00 p.m.

Conestoga Room

City of Kitchener

200 King Street W, Kitchener, ON N2G 407

(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 the Conestoga Room, Main Floor, Kitchener City Hall, 200 King Street West, on Tuesday, JULY 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.

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

Pages

1. COMMENCEMENT

2. MINUTES

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

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

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

5. NEW BUSINESS

- 5.1 A 2024-052 - 250 Frederick Street, DSD-2024-322** 5
- Requesting a minor variance to permit a parking requirement of 117 parking spaces rather than the minimum required 140 parking spaces, and 8 visitor parking spaces rather than the required 28 spaces; to facilitate the development of 4 additional dwelling units to an existing multiple dwelling having 108 units in accordance with Site Plan Application SP24/032/F/SRM.
- 5.2 A 2024-053 - 224 Countrystone Crescent, DSD-2024-313** 31
- Requesting a minor variance to permit a lot width of 8.1m rather than the minimum required 10.5m; a northerly side yard setback of 2.2m rather than the minimum required 2.5m; and, 2 parking spaces rather than the minimum required 3 parking spaces to recognize the location of a rear yard addition and to permit the development of an additional dwelling unit to an existing duplex townhouse dwelling.
- 5.3 A 2024-054 - 124 Woolwich Street, DSD-2024-319** 45
- Requesting a minor variance to permit parking spaces to be located within the front yard, whereas the Zoning By-law does not permit parking spaces in the front yard; to permit a northerly side yard setback of 2.5m rather than the minimum required 3m; a rear yard setback of 5.5m rather than the minimum required 7.5m; and, a Floor Space Ratio of 0.75 rather than the maximum permitted 0.6 to facilitate the development of two stacked townhouse buildings, consisting of 44 dwelling units in total (22 units per building), in accordance with Conditionally Approved Site Plan Application SP23/085/W/AP.
- 5.4 A 2024-055 - 71 Kingsbury Drive, DSD-2024-320** 56
- Requesting minor variances to permit a minimum parking requirement of 46 parking spaces (1 parking space per 59 sq. m Gross Floor Area (GFA)) rather than the minimum required 68 parking spaces (1 space for 40 sq. m GFA); and, to permit a minimum landscaped area of 17% rather than the minimum required 20%, to facilitate the redevelopment of the site with a 'Commercial School' providing on-site hockey instruction in accordance with Conditionally Approved Site Plan Application SP24/016K/CD.
- 5.5 A 2024-056 - 359 Highland Road West, DSD-2024-310** 65
- Requesting a minor variance to permit a parking requirement of 6 parking spaces (0.6 parking spaces per dwelling unit) rather than the minimum required 10 parking spaces (0.9 parking spaces per dwelling unit) to facilitate the redevelopment of a 3-storey multiple dwelling having 10 dwelling units.

- 5.6 B 2024-013 - 1188 Fischer Hallman Road, DSD-2024-315** 78
Requesting permission to sever a parcel of land having a width of approximately 40m on Westmount Road, a depth of approximately 4.2m, and an area of approximately 60 sq.m. to convey as a lot addition to 525 Erinbrook Drive subject to Site Plan Application SP23/019/E/TS.
- 5.7 B 2024-014 - 267 Dumfries Avenue, DSD-2024-317** 94
Requesting permission to sever a parcel of land into 2 lots of equal size, having a width of 9.7m on the easterly side, a lot depth of 40.5m and a lot area of 395.3 sq. m, to facilitate the demolition of the existing detached dwelling and the construction of 2 new duplex dwellings on each of the severed and retained lots.
- 5.8 B 2024-015 - 82 York Street, DSD-2024-321** 118
Requesting permission to sever a parcel of land having a width of 11m, a depth of 19.3m and an area of 210 sq. m. to convey as a lot addition to the rear yard of 509 Park Street.
- 5.9 B 2024-016 & A 2024-057 - 176 Woolwich Street, DSD-2024-316** 142
Requesting permission to sever a parcel of land in the westerly side yard of the subject property having a width of 32.6m, a depth of 60.9m and an area of 1,988 sq.m. The lands to be retained will have a width of 23.1m, a depth of 114.6m and an area of 2,655 sq.m and will contain the existing single detached dwelling. Minor variances are also being requested for the retained land to legalize the existing driveway having width of 16m rather than the maximum permitted width of 11.6m (width of the attached garage) and, to permit the driveway to be setback 0m from the southerly property line rather than the minimum required 1.9m. A single detached dwelling is proposed for the severed land.

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.
- 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 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 Marilyn Mills at marilyn.mills@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 June, 2024.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 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: 10

DATE OF REPORT: July 9, 2024

REPORT NO.: DSD-24-322

SUBJECT: Minor Variance Application A2024-052 – 250 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2024-052 for 250 Frederick Street requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.2 a) to permit a parking requirement of 117 parking spaces instead of the minimum required 140 parking spaces; and
- ii) Section 6.1.2 b) vi) to permit 8 visitor parking spaces instead of the minimum required 28 parking spaces;

to facilitate the development of four (4) additional dwelling units in an existing multiple dwelling having 108 units, for a total of 112 units, generally in accordance with Site Plan Application SP24/032/F/SRM, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of common amenity space on the top floor of a high-rise apartment building to be converted into four residential dwelling units with reduced parking requirements for overall parking and visitor parking spaces.
- The key finding of this report is that the requested minor variances meet 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.

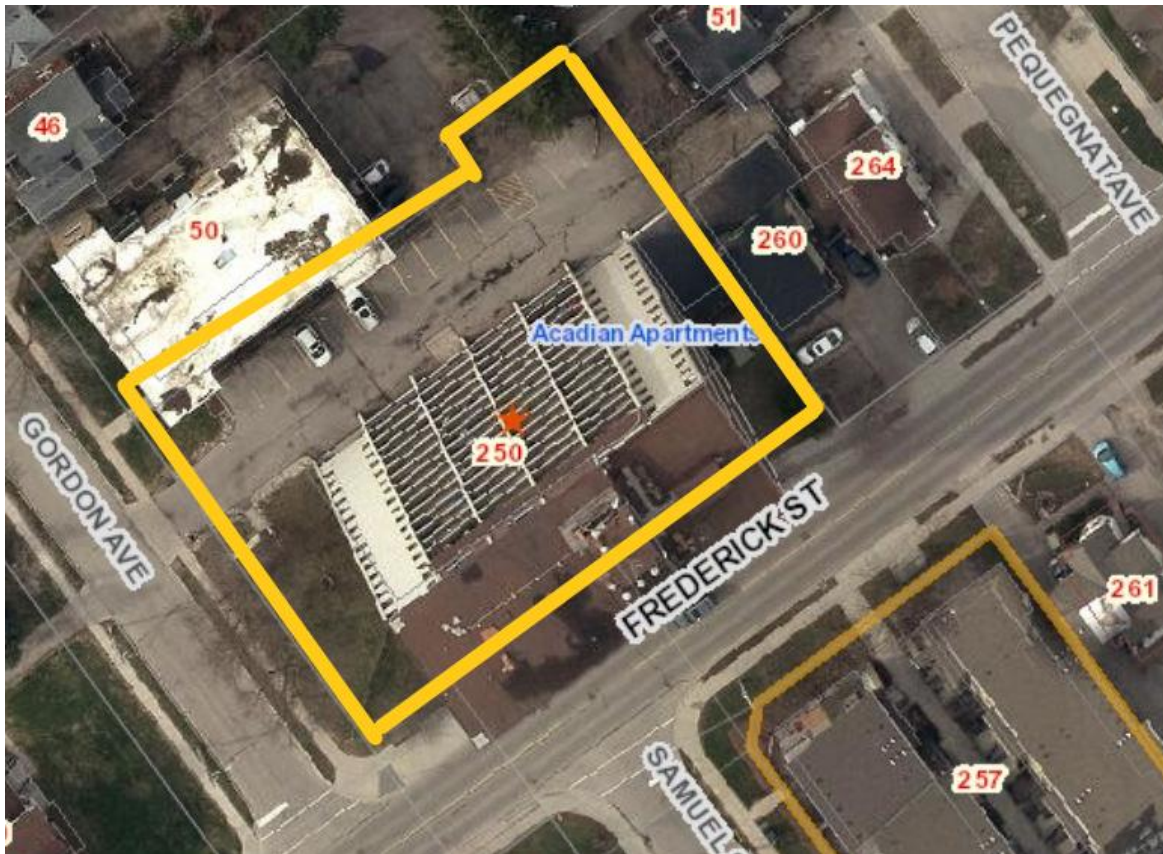


Figure 1: Aerial photo

BACKGROUND:

The subject property is located on the intersection of Frederick and Gordon Streets.

It is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'High Rise Multiple Residential' in the Central Frederick Neighbourhood Plan in the City's 1994 Official Plan.

The property is zoned 'Residential Nine Zone (R-9)' in Zoning By-law 85-1.

The purpose of the application is to permit parking variances for the conversion of existing common space on the top floor (17th floor) to four dwelling units.

The applicant has indicated that the basement and parking levels in the building have storage lockers and laundry facilities. The top floor area on the 17th floor was originally designed as recreation area with a sauna room and a hobby room. During a site visit of the building, it was observed that these were unutilized vacant rooms and the owner felt this was a good opportunity to provide additional rental dwelling units.

Site Plan Application SP24/032/F/SRM has received 'Conditional Approval' for the 4 new dwelling units. It was primarily prepared to identify the required Visitor and Barrier Free parking spaces.

Drawings for the two levels of underground parking have been received and are attached to this staff report.

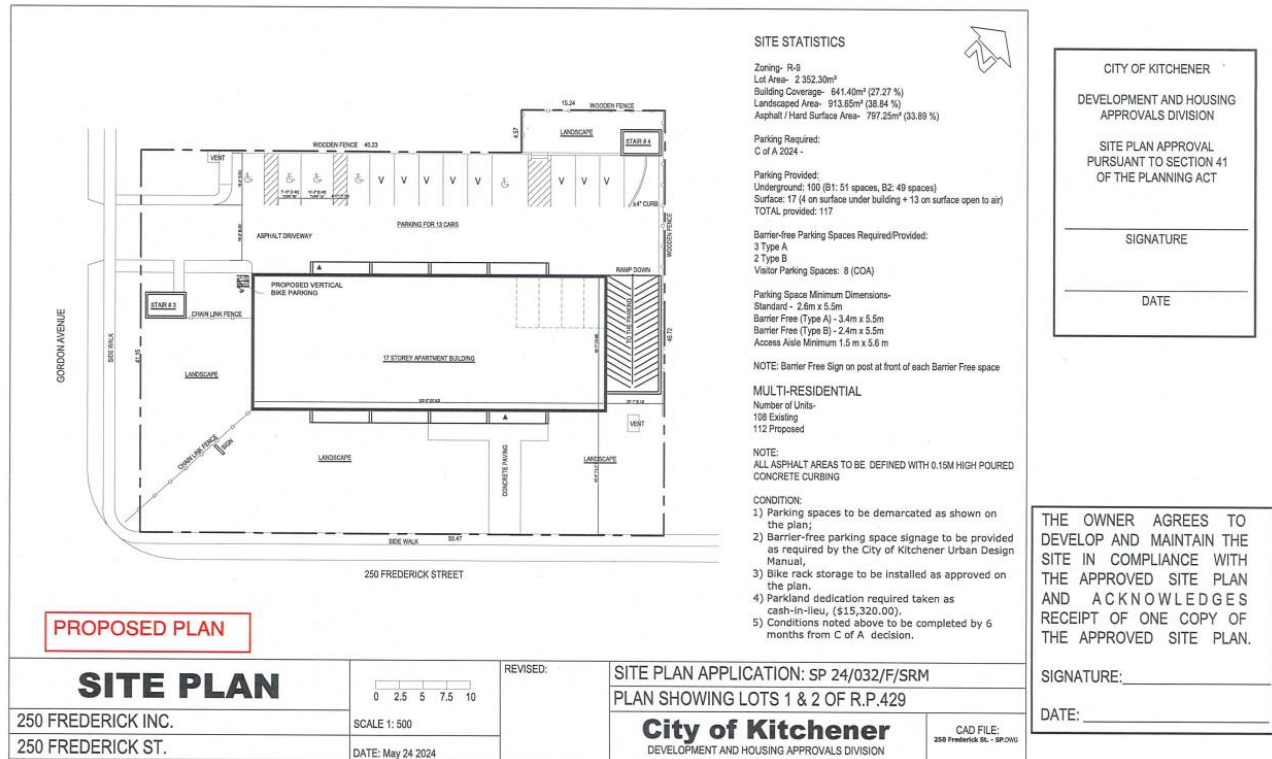


Figure 2: Proposed Site Plan

Staff visited the site June 28, 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 intent of the High Rise Multiple Residential designation in the Central Frederick Neighbourhood Plan is to acknowledge and permit the Acadian Apartment on the subject land. Multiple dwellings more than 200 units per hectare are permitted. The maximum floor space ratio is 4, with the above grade gross floor area not exceeding 4 times the lot area. As the building area is existing floor area, the residential conversion of space is permitted and will meet the general intent of the Official Plan.



Figure 3: View of property from street.

General Intent of the Zoning By-law

The intent of the parking requirement is to ensure sufficient parking spaces are available for residents and visitors of the building. The current zoning, 'R-9', is within By-law 85-1 which has existed since 1994 on this property. This zoning requires the proposed total of 112 dwelling units to have 140 parking spaces (1.25 parking spaces per dwelling unit) and 28 visitor parking spaces (20% of the required parking). It is noted that the property will be rezoned in the future into the newest City Zoning By-law 2019-051. In the new by-law, the parking requirement for 112 units would be 112 (1 parking space per dwelling unit) with an additional 12 visitor parking spaces. This is substantially less parking than currently required and is closer to the 117 spaces proposed in the Site Plan.

Currently, there are no visitor parking spaces on site as this was not a requirement when the building was originally constructed in 1968 and therefore, they have not been shown previous plans. Providing 8 visitor spaces on the surface outside the building ensures demarcated and dedicated parking spaces for visitors.

Staff note that the property is one block from the Strategic Growth Area which has no minimum parking requirement. The property is on a bus route and just outside the 800 metres to an LRT station. Transportation Planning staff support the proposed parking variance.

It is noted that 5 barrier-free parking spaces are required (under both by-laws) and that 5 barrier-free spaces are proposed. There is no variance required for these spaces.

Accordingly, the variances will meet the general intent of the Zoning By-law.

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

As noted above, the parking reduction is closer to what will be required when the property is rezoned under By-law 2019-051 and close to public transportation. The owner has also noted on the Site Plan that vertical bicycle parking will be provided on the ground floor adjacent to the building. Staff are of the opinion that the parking variances are minor.

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

The applicant has advised that the common amenity space on the top floor was a recreation area with a sauna and hobby room and on a visit by the new owner, was an unutilized vacant area. There does exist a landscaped area with a picnic table in the north-east corner of the property as shown on the ground level of the Site Plan.

The parking reductions, as noted above, can be considered minor and meeting the intent of both Official Plan and Zoning By-law. The addition of dwelling units is a gentle intensification of the residential building on the subject property and supports the City Housing Pledge in the supply more residential rental units.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 250 Fredrick Street is located within the Central Fredrick Neighbourhood CHL. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

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

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

All Parks requirements will be addressed through Site Plan Application SP24/031/F/SRM.

Transportation Planning Comments:

Transportation Services can support the proposed parking reduction as the existing parking supply will remain as is.

Region of Waterloo Comments:

No comments.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

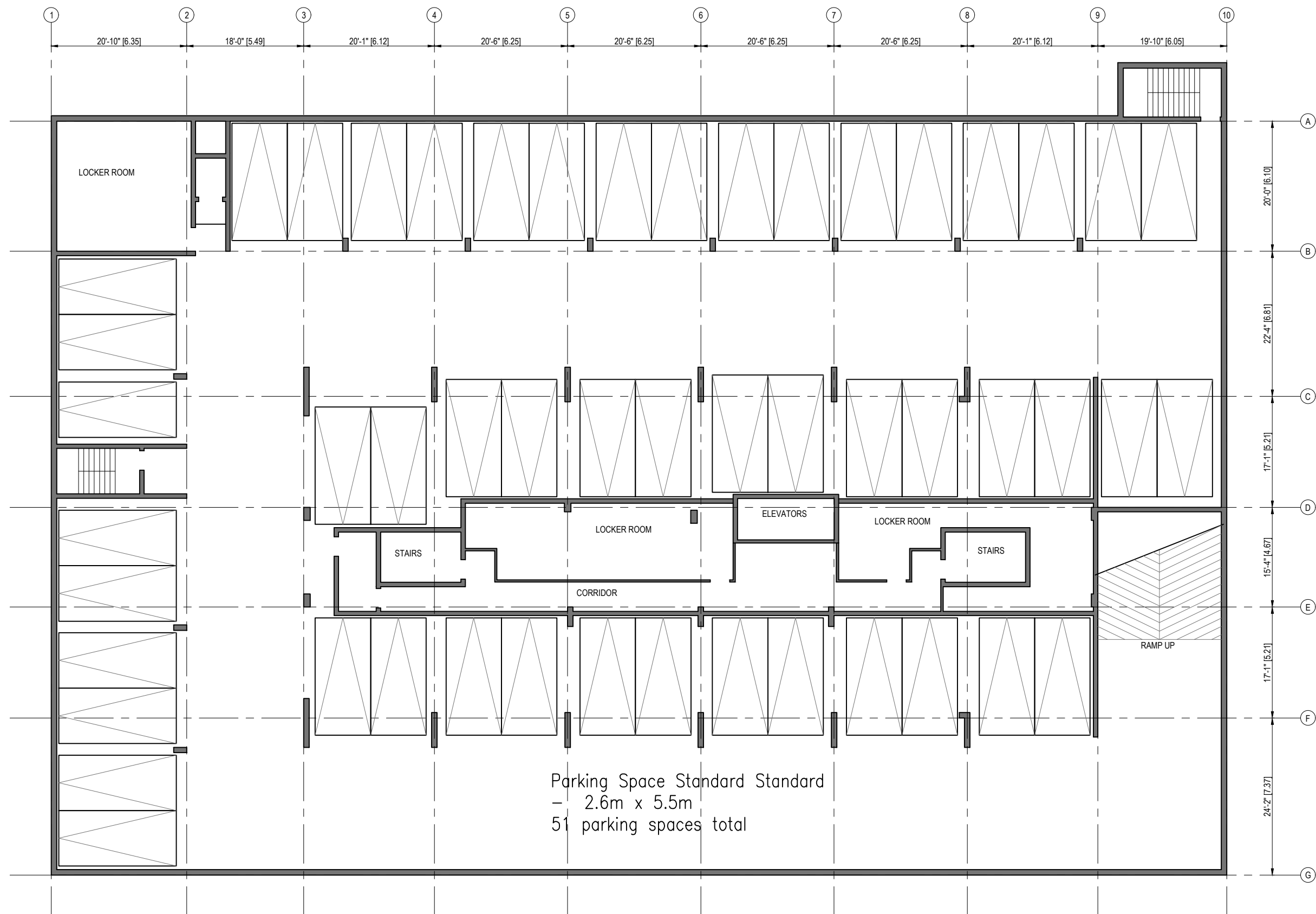
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information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

PREVIOUS REPORTS/AUTHORITIES:

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

ATTACHMENTS:

Attachment A – Underground garage parking plan (2 levels)



REVISIONS			
8.			
7.			
6.			
5.			
4.			
3.			
2.			
1.	Issued For Permit	2023.12.12	I.F.
No.	Description	Date	By

STAMP:



GPF Design Service Inc.

2572 Eglinton Ave. W.
Toronto, Ontario
M6M 1T4
Tel. 416-656-0134
Fax 416-656-5343

PROJECT:

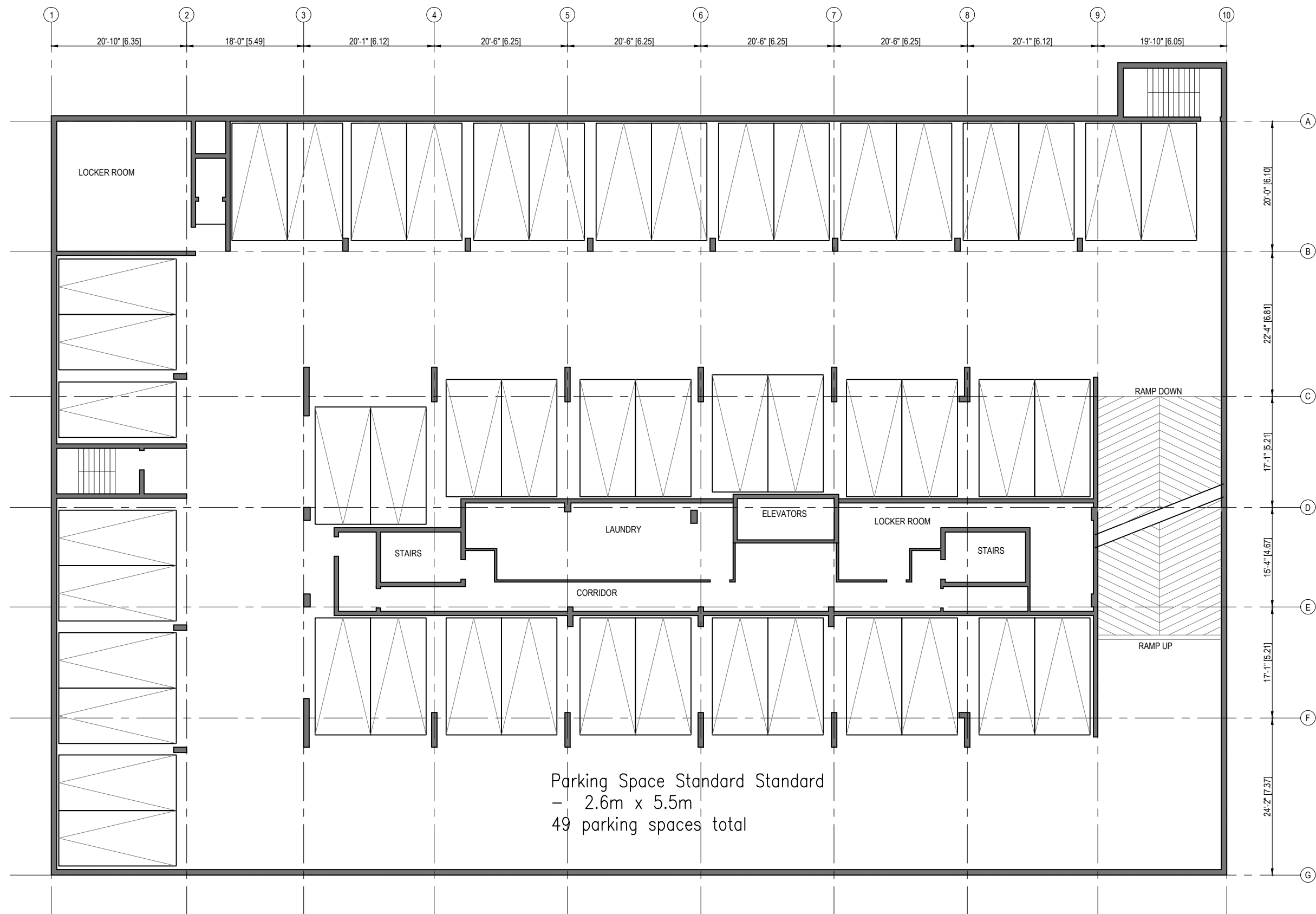
250 Frederick St,
Kitchener, ON

SHEET TITLE:

Parking Level - B1

SCALE:

1/16"=1'-0"



REVISIONS			
8.			
7.			
6.			
5.			
4.			
3.			
2.			
1.	Issued For Permit	2023.12.12	I.F.
No.	Description	Date	By

STAMP:

GPF Design Service Inc.

 2572 Eglinton Ave. W.
Toronto, Ontario
M6M 1T4
Tel. 416-656-0134
Fax 416-656-5343

PROJECT: 250 Frederick St,
Kitchener, ON

SHEET TITLE: Parking Level - B2

SCALE: 1/16" = 1'-0"

A1.05

June 25, 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

- (1) 06 FREDERICK 250 FREDERICK STREET
250 FREDERICK INC
- (3) VAR KIT/ 124 WOOLWICH STREET
ZHENGYU CUI
- (4) VAR KIT/ 71 KINGSBURY 71 KINGSBURY
INC
- (5) 06 HIGHLAND / 359 HIGHLAND ROAD
W 2689943 ONTARIO INCORPORATED
- (6) VAR KIT / 176 WOOLWICH STREET
HECTOR LOPEZ

Subject: Committee of Adjustment Meeting July 16, 2024, City of Kitchener

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

- 1) A 2024 - 052 – 250 Frederick Street – No concerns.
- 2) A 2024 - 053 – 224 Contrystone Crescent (Unit C) – There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.
- 3) A 2024 - 054 – 124 Woolwich Street – No concerns.
- 4) A 2024 - 055 – 71 Kingsbury Drive – No concerns.
- 5) A 2024 - 056 – 359 Highland Road West – No concerns.
- 6) A 2024 - 057 – 176 Woolwich Street – No concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor

thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by the initials 'CM'.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

CofA@Kitchener.ca

Katrina Fluit, Region of Waterloo – FYI only.



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment application A2024-052
Date: Tuesday, July 2, 2024 6:30:36 AM

You don't often get email from [REDACTED] . [Learn why this is important](#)

Hi there,

I would like to formally voice my objection to the application that has been submitted to change the parking lot at 250 Frederick St.

I am a tenant of this property and my fellow tenants and I are currently in a legal dispute with the building management ("250 Frederick Inc") regarding the use and access of the parking garage and the visitor parking. Our building management has denied paying tenants access to the garage, imposed extra fees to access the garage that are illegal under the current LTB rules and have repeatedly targeted certain tenants who have chosen to exert their rights under the tenant protection act. This application to change the number of parking spots is nothing but a devious back-door way to make our lives here more difficult so that we will vacate our rent-controlled units.

Thank you for taking the time to read this

Kathleen Flohr

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Submission
Date: Tuesday, July 2, 2024 1:58:57 PM

You don't often get email from [redacted] . [Learn why this is important](#)

I've been living at the address below for 17y.I've been deprived of my underground parking space even though my parking fee is included in my rent(unless I pay \$250 per month).On 28 of June I received N13 notice!

Maciej Deoniziak

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Re: Parking issue at 250 Frederick Street
Date: Thursday, July 11, 2024 12:46:21 PM

You don't often get email from [redacted] . [Learn why this is important](#)

I should have added, and it is well known, that our new landlord offered to provide parking for \$250 per month, which is not acceptable nor affordable by me and most tenants. My previous parking fee was about \$38 per month.

Peter

-----Original Message-----

From:
Sent: Thursday, July 11, 2024 12:19 AM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: Parking issue at 250 Frederick Street

[You don't often get email from [e](#) . [Learn why this is important at https://aka.ms/LearnAboutSenderIdentification](#)]

This is my submission for the meeting related to the parking issue at 250 Frederick Street, to be held in the Conestoga Room at 10am on July 16, 2024.

From: Peter Sawatzky

Subject: Parking issues at 250 Frederick Street since change of building ownership from Grand River Property Management to 250 Frederick Inc.

My new landlord '250 Frederick Inc.' (associated with serial renovictor Michael Klein) revoked my on-site parking privileges that I have had and have paid for since I moved here on August 1 2007. Apparently their vague rationale was based on minor ambiguous differences in the wording of leases over the years. I have lived here and parked underground here for 17 years!! And my annual N1 forms (until this year's from the new owner) clearly identified the amount that I paid for rent and the amount that I paid for parking. When my new rental amount (per the N1 form) comes into effect on August 1 2024, I am asked to pay the CPI percentage increase on both, but am still not permitted to park in the spot that I had for 17 years. This makes no sense!!! The current owner/landlord simply wants to make huge profits by any means, legal or not, on the backs of tenants who have faithfully paid their rents and parking fees over many years. There is no conceivable way that this is legal. In fairness, the new landlord should not only refund us the difference for lost parking privileges but also compensate us for the great inconvenience and stress he has caused us!

I (and all affected tenants) would like to see this matter fairly resolved ASAP, by whatever means necessary!

Thank you for your time and effort on this important matter.

Sincerely,
Peter Sawatzky

[Sorry, due to time conflict, I am not able to be in attendance at the meeting of July 16.]

From:
To: [Committee of Adjustment \(SM\);](#)
Subject: Application 250 Frederick Street (A2024-052)
Date: Thursday, July 11, 2024 11:36:06 AM

You don't often get email from [redacted] . [Learn why this is important](#)

Hello there,

I currently live at 250 Frederick Street, with my husband and we have called this our home for 17 years.

We oppose this application (A2024-052) because there is a pending dispute with the LTB regarding the current parking issue at 250 Frederick. The owner of the building is extorting the residents for money to park their vehicles underground when it is in their lease that parking is included. We are currently paying \$250 per month to be able to park our car where it has been parked for the past 17 years - underground as it states in our lease that was signed over 17 years ago.

I have a physical disability that does not allow me to roam all around the side streets just to drag my groceries for miles after finding a parking spot on the street (currently the City is allowing us to park on the side streets).

Please stay this request until the LTB case has been resolved.

Thank you for your time,
Lisa Pietschinski

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Petition in preparation for hearing of A2204-052 50 Frederick st.
Date: Thursday, July 11, 2024 3:41:56 PM
Attachments:

You don't often get email from [redacted] . [Learn why this is important](#)

Committee of Adjustment Hearing July 16,2024

Please accept for consideration , this petition on behalf of the interested parties and residents of 250 Frederick st. Kitchener

Thank you
Submitted by

Christopher Wilson

My non- petitioned submission will be forthcoming in another email.

"see attached PDF"

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment.

Issue Parking;

The current 250 Frederick street multi residential site plan (SP 12/068/F/SR) dated June 27/2013 describes 117 of the 140 required parking spaces in the application A2024-052. Of these 117 there are 13 of the 28 minimum spaces required with open to air parking spaces in the back of the building, 9 of which are for Visitor parking. These are all accounted for in the total of 117 spaces of the 107 required as permission granted by the 2012 Committee of Adjustment. The 117 parking spaces fall short of the 140 total required. The 9 visitor parking spaces of the minimum required 28 are not, and have not been utilized as resident visitor parking as per the current site plan intent when permission for the last adjustment in 2012 was granted. The current plan clearly states that the Owner agrees to "develop and maintain the site in compliance with the approved site plan" (see plan application 12/068/F/S/R).

The applicants for this current adjustment review have presented to the Committee of Adjustment an application when they have permanently used the resident visitors parking space for use other than Resident parking and thus, arbitrarily removed more than half of these spaces (two space no parking and a 3 space dumpster for trash removal) from the plan of 9 available as was intended for the residential parking plan.

Residents are currently and have been receiving Bylaw parking citations (penalty) for parking in Visitor parking spaces as this applicant makes use of bylaw enforcement to limit resident access to the current plan of 9 permitted of the 28 required resident visitor parking spaces alone.

This applicant has also increased the cost of parking inside the building for many existing residents and some by as much as 300%, thus pricing them out of parking within the intended plan and onto the street parking which there is none for overnight. This creates an affordable housing shortage circumstance for the current residents. Our current Kitchener parking Bylaw enforcement resources are being used to cover the city parking overflow of this parking shortage that has been created by the applicant. Through citation and permits, this expense of using city resources is unfair to both the city administration and the taxpayer who is paying for it. We challenge the committee to obtain parking bylaw enforcement history records of the resource utilization not only of the residents of the 250 Frederick address but to include the others in the immediate surrounding area.

Of the parking spaces available in this plan there is no room or consideration inside or outside for resident or visitors that are disabled and in need of parking space or accessibility to their residence in this application. *The Accessibility for Ontarians with Disabilities Act (AODA)* is a law that sets out a process for developing and enforcing accessibility standards. The standards for this location have been framed by the framers with a grandfather clause protecting the property owner from extensive compliance and renovation costs with property built before the implementation of the Act. This grandfather clause should be sufficient to protect the applicant and their financial interest but it falls short of protecting the aged and disabled population residing at 250 Frederick Street. Accessible parking spaces that should be allocated but is not yet, would further reduce the number of parking spaces available to the residents.

The reasons for rejecting this application are clear. Adding more required parking space to an existing overly parking congested situation would be detrimental to the city resources and residents residing at this 250 Frederick location and their ability to park their vehicles.

Name; Unit# Telephone: Email: Date;

NAME

UNIT
#

TELEPHONE

EMAIL

DATE

Tracey Caplin

July 8th 2024

Tessa D'Achille

July 8th/24

Robert Elder

July 8

KOU BREKE

July 8/24

JUNE TATTALIE

July 8/24

Winne Hahel

July 8/24

Denise

Josh Bravin

July 8th/24

Lily Glover & Darcy
Glover

July 8/24

Aislinn Clancey -

July 8/24

Gregor Sim

July 8/24

Linda Vos

July 8/2024

Raz Ali + LINDA DUNN

July 8/2024

Name;	Unit#	Telephone:	Email:	Date;
BRENDA Zmija				July 8/24
Lisa Pietschinsk				July 8/24
Maurice Sachs				
Linda Sachs				
Les Hwiler				
Matt Larrisa				Jul 8 2024
Maciej Deonizick				
Peter Sawatzky				July 8, 2024
LINDSAY LISE				7/08/2024
Marym + Erica Pfeife				July 8/24
Robert Brown				July 8, 24
Doris Kruger 917th				
NORM PETTIFER				

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment. (Cont'd)

Name;

Unit#

Telephone:

Email:

Date;

NICK ZEIS

Barb Hynnissett

James Ahadie

Chris Wilson

July 9/24

Candice Leyland

LINDA ALLEN

July 9/24

Giordana Vidovic

July 9/24

Vanessa John

Francine Laforge

Ashley Weiler

Graeme Johnstone

F Cechagias

July 9/24

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment. (Cont'd)

Name;	Unit#	Telephone:	Email:	Date;
Steven Mai				July 9/24
Mamad				July 9/24
Mamad (1104)				July 9/24
Bridget WUESS				0-11/24
Steven KIEFFER				
Kathleen FLDHR				July 9/24
Alexander				
Heather Berry				July 10/24
Janice Chivers-Wilson				July 10/24

Name;	Unit#	Telephone:	Email:	Date;
<u>Jennifer Llew</u>				<u>July 10/24</u>
<u>Melissa Segin</u>				<u>July 18. am</u>
<u>Laurie Scott</u>				
<u>Brandon Byon</u>				<u>July 10, 24</u>
<u>LANA JENKS</u>				
<u>Reta Franci</u>				<u>July 10, 2024</u>
<u>Vern HUSTON</u>				<u>11</u>
<u>J. M.</u>				<u>11</u>
<u>PETTERINI</u>				

Name;

Unit#

Telephone

Email

Date;

MARC & Kim Boivin

July 9, 2024

JANET BECKER

Sanja Sekulic

Sam Hain

KAREN LORENTZ

Amanda Hernandez

RECEIVED FROM

SHERRYL RICE MENEZES
SENIOR PLANNING TECHNICIAN
PLANNING & HOUSING POLICY DIV
CITY OF KITCHENER

WED - APRIL 24
2024

		SITE PLAN		REVISID:		SITE PLAN APPLICATION: SP 12/068/F/SR	
		Grand River Property Management		SCALE 1:400		PLAN SHOWING LOTS 1 & 2 OF R.P.429	
250 FREDERICK ST.		DATE: JUNE 27, 2013		City of Kitchener		CAD FILE: SP12068F/SR.DWG	
				COMMUNITY SERVICES DEPARTMENT			

SITE STATISTICS

Zoning- R8

Lot Area- 2,352.30m²

Building Coverage- 641.40m² (27.27 %)

Landscaped Area- 913.65m² (38.84 %)

Asphalt / Hard Surface Area- 797.25m² (33.89 %)

Parking Required:

1) COA A 309 / 86 (1986) granted permission for 107 unit apt bldg. to have 106 parking spaces

2) 2012 - addition of one unit requires 1.25 sp / unit = 1 space

TOTAL required = 107

Parking Provided:

Underground: 100 (B1: 51 spaces, B2: 49 spaces)

Surface: 17 (+ on surface under building + 13 on surface open to air)

TOTAL provided: 117

Parking Space Minimum Dimensions- 2.8m x 5.5m

Number of Visitor Spaces - 9

MULTI-RESIDENTIAL

Number of Units- 108

(two bedroom 61, one bedroom 31, 1 one bedroom 16)

NOTE:

ALL ASPHALT AREAS TO BE DEFINED WITH 0.15M HIGH POURED CONCRETE CURBING

CONDITION:

VISITOR PARKING SIGNS TO BE INSTALLED AND SURFACE PAVEMENT MARKINGS TO BE COMPLETED

CITY OF KITCHENER

COMMUNITY SERVICES DEPARTMENT

SITE PLAN APPROVAL PURSUANT TO SECTION 41 OF THE PLANNING ACT

SIGNATURE _____

DATE _____

THE OWNER AGREES TO DEVELOP AND MAINTAIN THE SITE IN COMPLIANCE WITH THE APPROVED SITE PLAN AND ACKNOWLEDGES RECEIPT OF ONE COPY OF THE APPROVED SITE PLAN.

SIGNATURE: _____

DATE: _____

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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

PREPARED BY: Kirsten Hoekstra, Student Planner 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: July 3, 2024

REPORT NO.: DSD-2024-313

SUBJECT: Minor Variance Application A2024-053
224 Countrystone Crescent

RECOMMENDATION:

That Minor Variance Application A2024-053 for 224 Countrystone Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2, g) to permit a lot width of 7.7 metres instead of the minimum required 10.5 metres;
- ii) Section 7.3, Table 7-4, to legalize an interior side yard setback of 2.2 metres instead of the minimum required 2.5 metres; and
- iii) Section 5.6, Table 5-5-1, to permit a minimum parking requirement of 2 parking spaces instead of the minimum required 3 parking spaces;

to recognize the location of an existing rear yard addition and to permit the development of an Additional Dwelling Unit (ADU) (Attached) in an existing duplex street townhouse dwelling, generally in accordance with drawings submitted by with Minor Variance Application A2024-053, dated April 28, 2024, BE APPROVED, subject to the following condition:

1. That the property owner shall install a distinguishable driveway and required walkway(s) and landscaped areas, in accordance with the regulations of Zoning By-law 2019-051, by October 18, 2024. Any request for a time extension must be approved in writing by the Manager of Development Approvals prior to completion date set out in this decision. Failure to complete this condition will result in this approval becoming null and void.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to recognize the location of an existing rear yard addition and to permit the development of an additional dwelling unit in an existing duplex street townhouse dwelling (for a total of 3 dwelling units on the property), with a reduced lot width, a reduced interior side yard setback, and a reduced minimum parking requirement.
- The key finding of this report is that the requested minor variances meet all four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the west side of Countrystone Crescent between Countrystone Drive and Sassafra Street. It is located in the Highland West neighbourhood which is primarily comprised of low-rise residential uses.



Figure 1: Location of the subject property.

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

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

The purpose of this report is to review a minor variance application to allow the development of an Additional Dwelling Unit (ADU) (Attached) in an existing duplex street townhouse dwelling on a lot with insufficient lot width and the minimum parking requirement and to legalize the location of an existing rear yard addition, having a deficient interior side yard setback.

At the time of submission of the Minor Variance Application a reduced lot width of 8.1 metres was requested and advertised. Upon further staff investigation it was determined that the lot width is 7.7 metres instead of 8.1 metres. A difference of 0.4 metres. As the purpose of the lot width variance is to recognize the lot width of the existing lot and will not be changing as a result of approving the variance, no additional notice or readvertisement is deemed to be required to consider the lot width variance at the July 16th meeting.

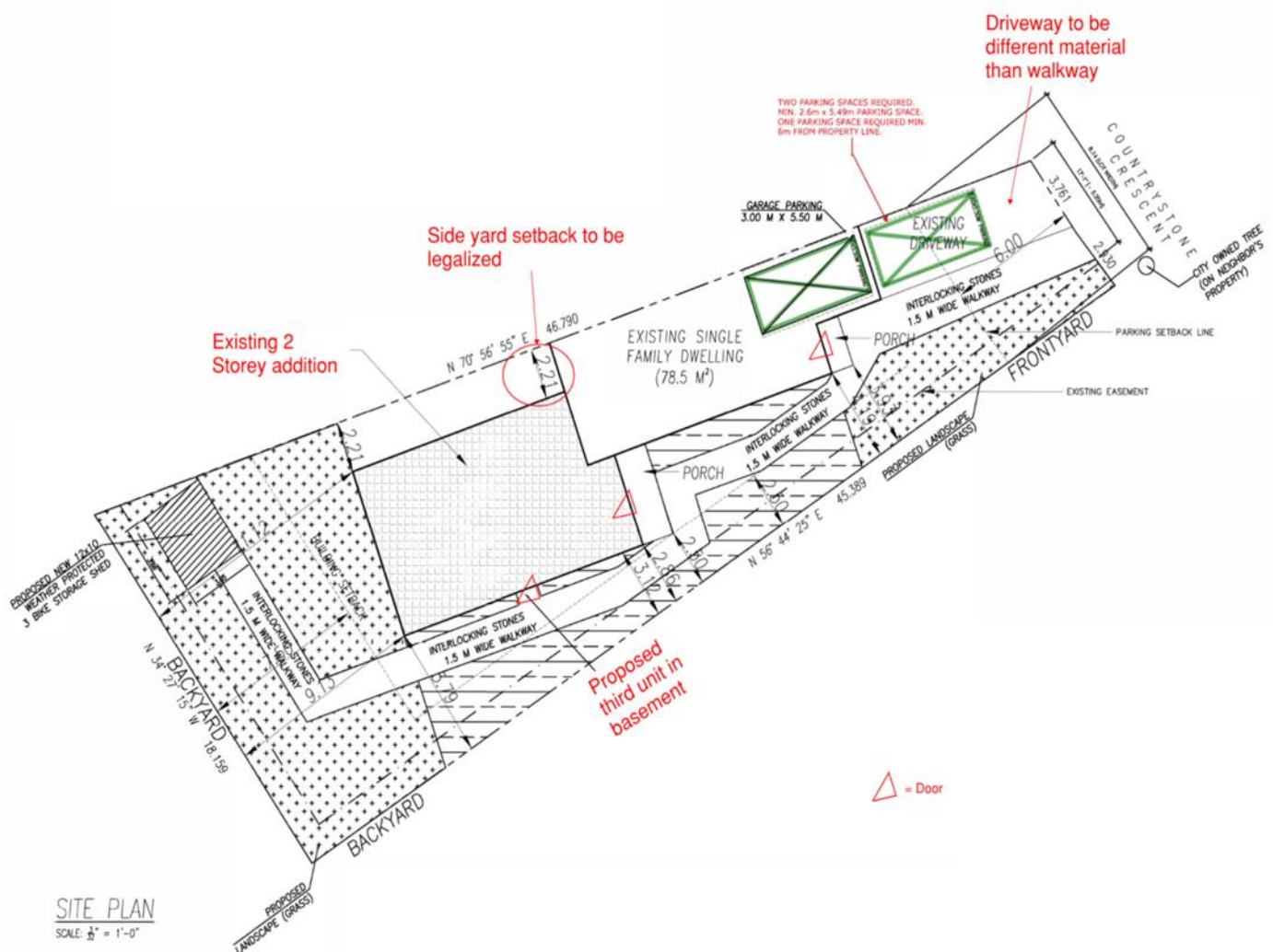


Figure 2: Site plan.

Planning Staff conducted a site visit on June 27, 2024.



Figure 3: View of 224 Countrystone Crescent from the sidewalk.



Figure 4: Existing interior side yard setback with door leading to proposed third unit in basement.

Staff also note that the floor plans that were provided for the second unit in the 2-storey addition suggest the possible intent of a 'Lodging House' use. The variances being recommended for approval are for the legalization of the location of the existing 2-storey addition and to permit the development of a third Additional Dwelling Unit (ADU) (Attached) within the duplex townhouse dwelling. Not a Lodging House. Although, the 'RES-5' zone does permit Lodging Houses, the applicant would require an additional parking minor variance if proposing a lodging house. The parking calculation for a lodging house is based on the Gross Floor Area (GFA) of the use and would require more parking than the section of the by-law that the applicant has requested relief from.

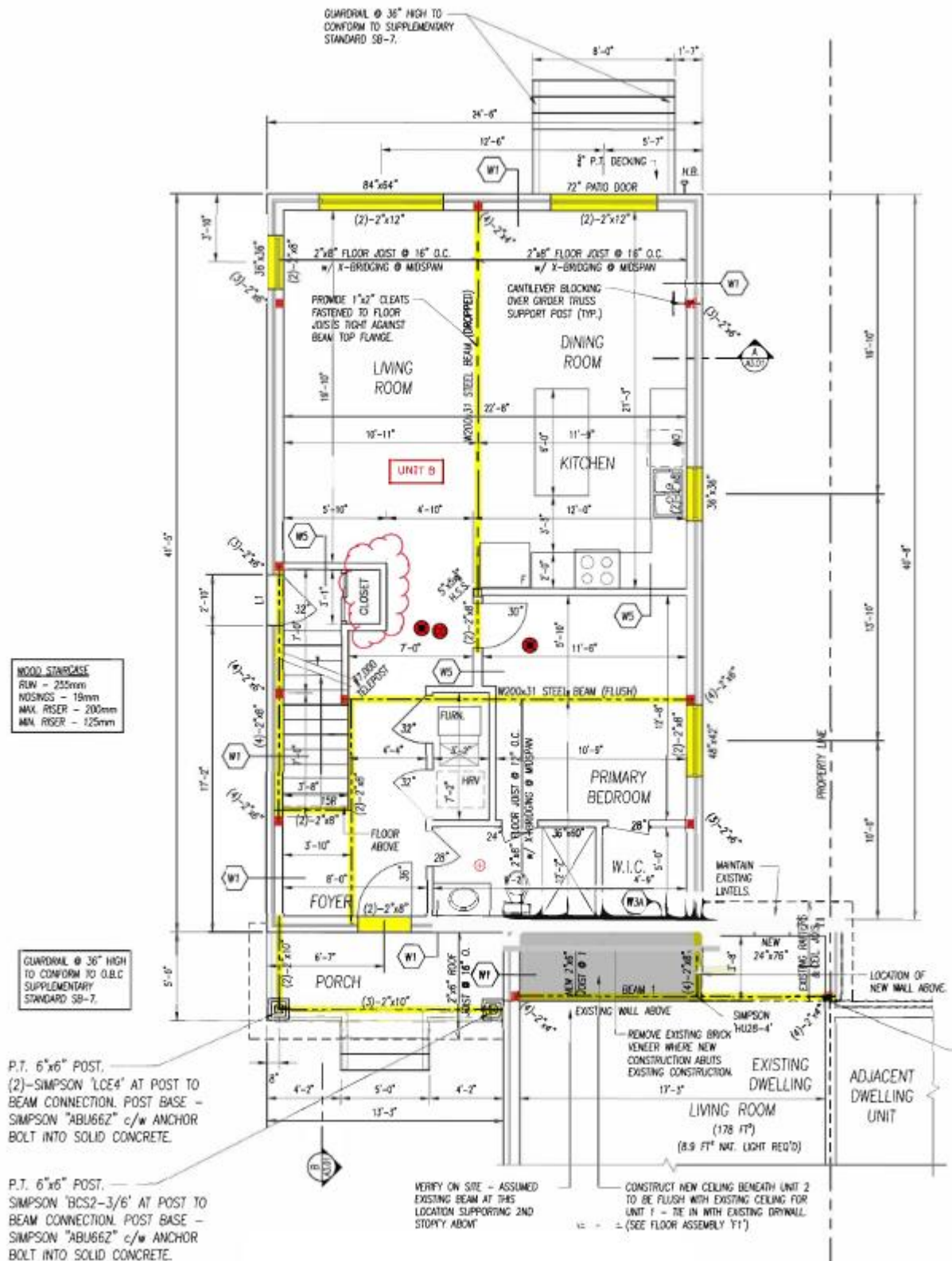


Figure 6: Existing main floor plan for second unit in 2 storey addition.

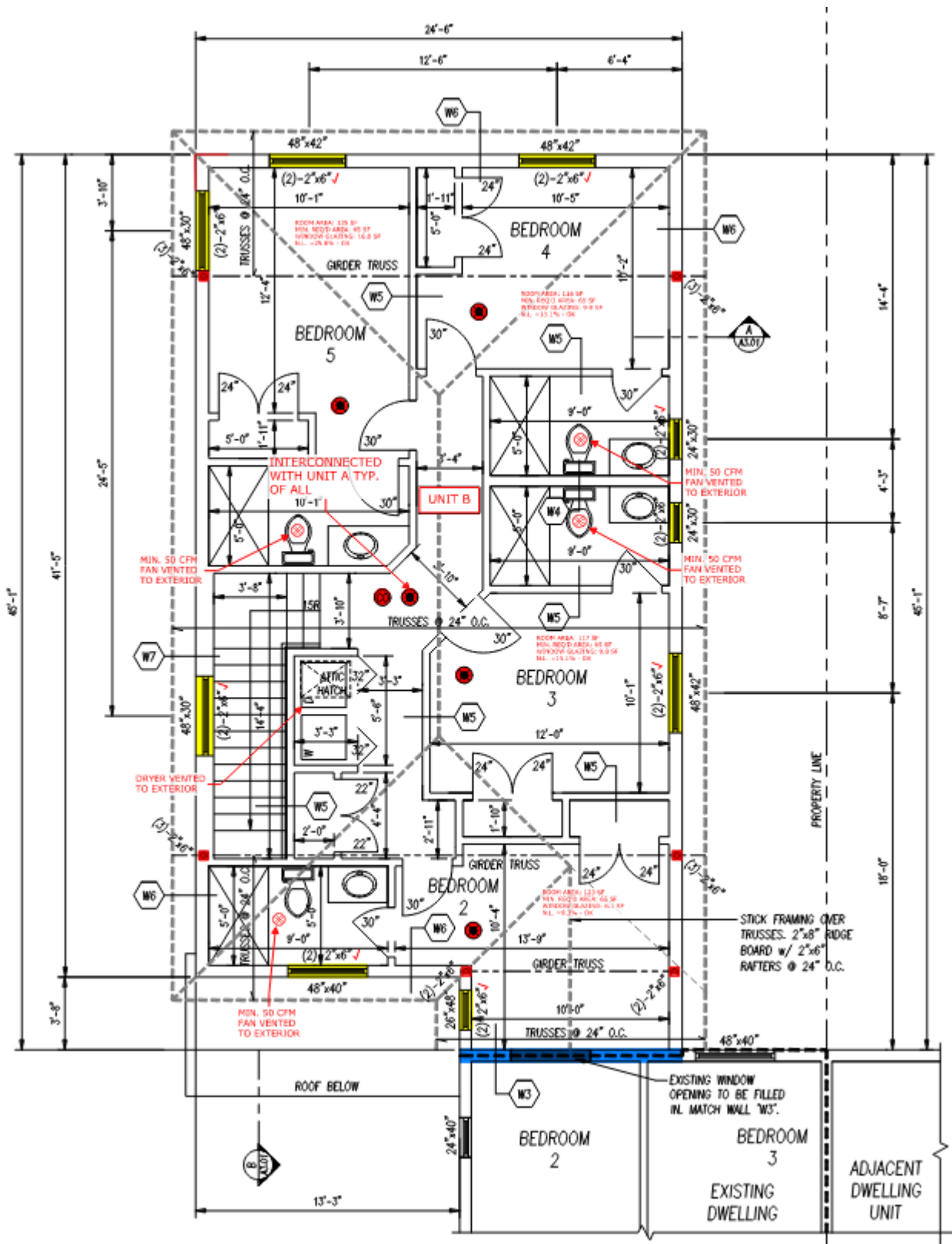


Figure 7: Existing second floor plan for second unit in 2 storey addition.

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' designation is to accommodate a diverse range of low-rise housing types while maintaining the low-density character of the neighbourhood. This designation encourages residential intensification and redevelopment including additional dwelling units to respond to changing housing needs and as a cost-effective means to reduce infrastructure and service costs. The requested reduced lot width, interior side yard setback and parking minimum will recognize the location of a rear yard addition and facilitate the development of an additional dwelling unit to an existing duplex street townhouse dwelling, which maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

Lot width: The intent of the lot width regulation is to ensure that a property has sufficient amenity space, landscaped area, fire emergency access, and parking when there are two or three additional dwelling units. Staff also note that due to the subject properties' irregular lot shape, the rear of the property does extend to a width of approximately 18 metres. Thus, planning Staff are of the opinion that the requested reduced lot width of 7.7 metres would adequately accommodate these purposes and meets the general intent of the Zoning By-law.

Interior side yard setback: The intent of the minimum 2.5 metre interior side yard setback is to ensure there is adequate setback from adjacent lots, as well as to provide sufficient access for maintenance. The proposed 2.2 metre setback provides adequate separation from the adjacent property line. Staff also note that the subject property is fenced on the side the variance is considered which will provide screening, creating minimal impact to the adjacent properties. Therefore, Planning Staff is of the opinion that the proposed interior side yard setback of 2.2 metres is keeping within the general intent of the Zoning By-law.

Parking reduction: The intent of the minimum parking regulation is to ensure that adequate vehicle storage can be provided on site where multiple units are provided. The subject property is located within walking distance of a Grand River Transit bus stop for Routes 4 and 5. Additionally the site is located in close proximity to The Boardwalk station with bus stops for connecting routes 202, 204, 1, 4, 5, 13, 20, 29, and 77. The applicant also proposes to provide bicycle storage for each unit to encourage the use of active transportation. Therefore, Planning Staff is of the opinion that the requested variance for a reduced minimum parking requirement meets the general intent of the Zoning By-law.

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

The requested reduction of the lot width is minor in nature as it is pre-existing and there are no proposed changes to this width. Additionally, the requested interior side yard setback of 2.2 metres provides sufficient access for maintenance. Further, the requested

reduced minimum parking requirement is appropriate for the area as the property is in close proximity to public transit. Thus, it is Planning Staff's opinion that the effects of the proposed variances are 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 requested variances are desirable and appropriate as they will facilitate a gentle form of intensification within the existing residential building and utilize existing infrastructure. The additional third dwelling unit will also support the City's Housing Pledge.

Environmental Planning Comments:

No environmental comments or concerns with the proposal.

Heritage Planning Comments:

No heritage planning comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

There is an existing City-owned street tree adjacent to the driveway that should be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of this application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Region of Waterloo Comments:

There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.

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*

June 25, 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

- (1) 06 FREDERICK 250 FREDERICK STREET
250 FREDERICK INC
- (3) VAR KIT/ 124 WOOLWICH STREET
ZHENGYU CUI
- (4) VAR KIT/ 71 KINGSBURY 71 KINGSBURY
INC
- (5) 06 HIGHLAND / 359 HIGHLAND ROAD
W 2689943 ONTARIO INCORPORATED
- (6) VAR KIT / 176 WOOLWICH STREET
HECTOR LOPEZ

Subject: Committee of Adjustment Meeting July 16, 2024, City of Kitchener

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

- 1) A 2024 - 052 – 250 Frederick Street – No concerns.
- 2) A 2024 - 053 – 224 Contrystone Crescent (Unit C) – There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.
- 3) A 2024 - 054 – 124 Woolwich Street – No concerns.
- 4) A 2024 - 055 – 71 Kingsbury Drive – No concerns.
- 5) A 2024 - 056 – 359 Highland Road West – No concerns.
- 6) A 2024 - 057 – 176 Woolwich Street – No concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor

thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by the initials 'CM'.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

CofA@Kitchener.ca

Katrina Fluit, Region of Waterloo – FYI only.



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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 1

DATE OF REPORT: July 2, 2024

REPORT NO.: DSD-2024-319

SUBJECT: Minor Variance Application A2024-054 - 124 Woolwich Street

RECOMMENDATION:

That Minor Variance Application A2024-054 for 124 Woolwich Street requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.3.3 b) i) to permit parking spaces to be located within the front yard, whereas the Zoning By-law does not permit parking spaces in the front yard;
- ii) Section 7.3, Table 7-6 to permit an interior side yard setback of 2.5 metres instead of the minimum required 3 metres;
- iii) Section 7.3, Table 7-6 to permit a rear yard setback of 5.5 metres instead of the minimum required 7.5 metres; and
- iv) Section 7.3, Table 7-6 to permit a Floor Space Ratio (FSR) of 0.75 instead of the maximum permitted 0.6;

to facilitate the development of two stacked townhouse buildings, consisting of 44 dwelling units in total (22 units per building), in accordance with conditionally approved Site Plan Application SP23/085/W/AP, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of all requested variances.
- 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:

It should be noted that the subject property fronts onto Woolwich Street, which is within the boundary of the City of Waterloo. However, the subject property itself is located within the City of Kitchener.

The subject property is located on the southeast side of Woolwich Street, between Bridle Trail and Exmoor Street (both on the City of Waterloo side of Woolwich Street), in the Bridgeport North Planning Community. The subject property is irregular in shape and has an approximate width of 20.8 metres, a depth of 137 metres, and an area of 5,826 square metres. The property contains a single detached dwelling that was constructed in approximately 1925. Development and Housing Approvals staff visited the site on June 28, 2024.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the 2014 Official Plan and is designated 'Low Rise Residential'. The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

The property immediately to the northeast is currently under construction with a 3-storey, 31 dwelling unit stacked townhouse development, comprising one multiple dwelling (132 Woolwich Street). The property immediately to the southwest (104 Woolwich Street) is the subject of Site Plan Application SP24/042/W/AP, which proposes a low rise, 50-unit stacked townhouse development, comprising three multiple dwellings. The surrounding neighbourhood, both on the Waterloo and Kitchener sides of Woolwich Street, is comprised low density residential land uses.

The subject property is the subject of Site Plan Application SP23/085/W/AP, which proposes a stacked townhouse (multiple dwelling) development with 44 dwelling units (two buildings comprising 22 units each). The existing single detached dwelling is proposed to be demolished to facilitate the proposed redevelopment. The Site Plan Application received conditional approval (with a red-lined drawing) on May 3, 2024 (see Attachment 'A'), subject to several conditions, including the following:

Prior to Site Plan Approval, the Owner shall apply for and obtain approval of a Minor Variance Application for all zoning deficiencies, and the variances shall be in full force and effect, to the satisfaction of the City's Director of Development and Housing Approvals.

The purpose of the subject application is to fulfill this condition. In this regard, the applicant is requesting the following relief from Zoning By-law 2019-051, to facilitate conditionally approved Site Plan Application SP23/085/W/AP:

- i) Section 5.3.3 b) i) to permit parking spaces to be located within the front yard, whereas the Zoning By-law does not permit parking spaces in the front yard;
- ii) Section 7.3, Table 7-6 to permit an interior side yard setback of 2.5 metres instead of the minimum required 3 metres;
- iii) Section 7.3, Table 7-6 to permit a rear yard setback of 5.5 metres instead of the minimum required 7.5 metres; and
- iv) Section 7.3, Table 7-6 to permit a Floor Space Ratio of 0.75 instead of the maximum permitted 0.6.



Figure 1: Photo of existing single detached dwelling (at center) on the subject property, taken from the opposite side of Woolwich Street. The stacked townhouses under construction (at left) are located immediately northeast of the subject lands (132 Woolwich Street).



Figure 2: Subject Property (outlined in red).

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

- Variance i): 13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...f) to result in aesthetically acceptable parking areas which blend into the general environment of the area.
- Variances ii) through iv):
 - 4.C.1.7. The City may require a site plan, elevation drawings, cross-sections, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built form, landscaping, screening and/or buffering, conforms to zoning, and provides for a healthy, safe, accessible and sustainable building and site design. These requirements are intended to address the relationship to adjacent residential development, to ensure

compatibility with the existing built form and the community character of the established neighbourhood and to minimize adverse impacts.

- 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...
- Variance iv): 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.

Development & Housing Approvals (DHA) staff is of the opinion that Variance i), to permit parking spaces to be located within the front yard, meets the general intent of the Official Plan (OP). The lot is irregularly shaped, with a narrow (20.8 metre) lot width at Woolwich Street, which widens to approximately 68 metres, 46 metres away from Woolwich Street. At this point, the property begins to taper towards the rear lot line. DHA staff understands that it is not possible for the owner to acquire additional frontage from adjacent properties to make the property more rectangular, since the property from which this frontage would need to come (i.e., 132 Woolwich Street) is subject to a separate site plan application that is further along in the development process. In this regard, to redevelop the property in an efficient manner, the owner is proposing to locate parking at the front of the property, where the lot width is narrowest, and to locate the dwellings farther from Woolwich Street, where the lot width is greatest. To mitigate the visual impacts of parking located close to the street, the owner is proposing two small, landscaped areas between the parking and the street. These landscaped areas would comprise plantings / sod and would contain mailboxes. In this context, the parking area will be aesthetically acceptable. Also, Transportation Services does not have concerns with the requested parking space location. Safety is not a concern.

DHA staff is of the opinion that Variances ii) through iv) meet the general intent of the OP. The variances for side yard setback, rear yard setback, and floor space ratio will result in development that is compatible with the adjacent uses with respect to massing, scale, and design. 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 proposal for low rise development includes the

facilities necessary to support the proposed use (e.g., parking, landscaped areas, amenity space).

General Intent of the Zoning By-law

Regarding Variance i), the purpose of the zoning regulation to prohibit parking between the street and the building is to ensure an aesthetically pleasing streetscape by encouraging street-oriented buildings. In this case, due to the irregular lot shape and narrow lot width, it would be difficult to maximize the development potential of the property if a building was placed close to the street. The proposal seeks to maximize the use of the front portion of the property by incorporating the drive aisle and parking spaces in this area. As mentioned above, two small, landscaped areas at the front of the property will assist in mitigating visual impacts. DHA staff is of the opinion that this variance meets the general intent of the Zoning By-law (ZBL).

With respect to Variances ii) through iv), 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 is 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.

Are the Effects of the Variances Minor?

DHA staff is of the opinion that Variances i) through iv) are minor, meaning that they will not cause unacceptably adverse impacts on adjacent properties. As aforementioned, the proposed development will provide the facilities necessary to support the proposed use, and character and compatibility would be maintained.

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 i) through iv) 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.

Planning Conclusion:

Variances i) through iv) meet the four tests for minor variances, under the Planning Act. Accordingly, DHA staff recommends approval.

Environmental Planning Comments:

Environmental concerns and Tree Management requirements have been addressed through the Site Plan Application process.

Heritage Planning Comments:

124 Woolwich St was reviewed for the Kitchener Inventory and determined to have no cultural heritage value or status under the Ontario Heritage Act in 2013.

Building Division Comments:

The Building Division has no objections to the proposed variances provided building permits for the stacked townhouse are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

All Parks requirements will be addressed through Site Plan Application SP23/085/W/AP.

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:

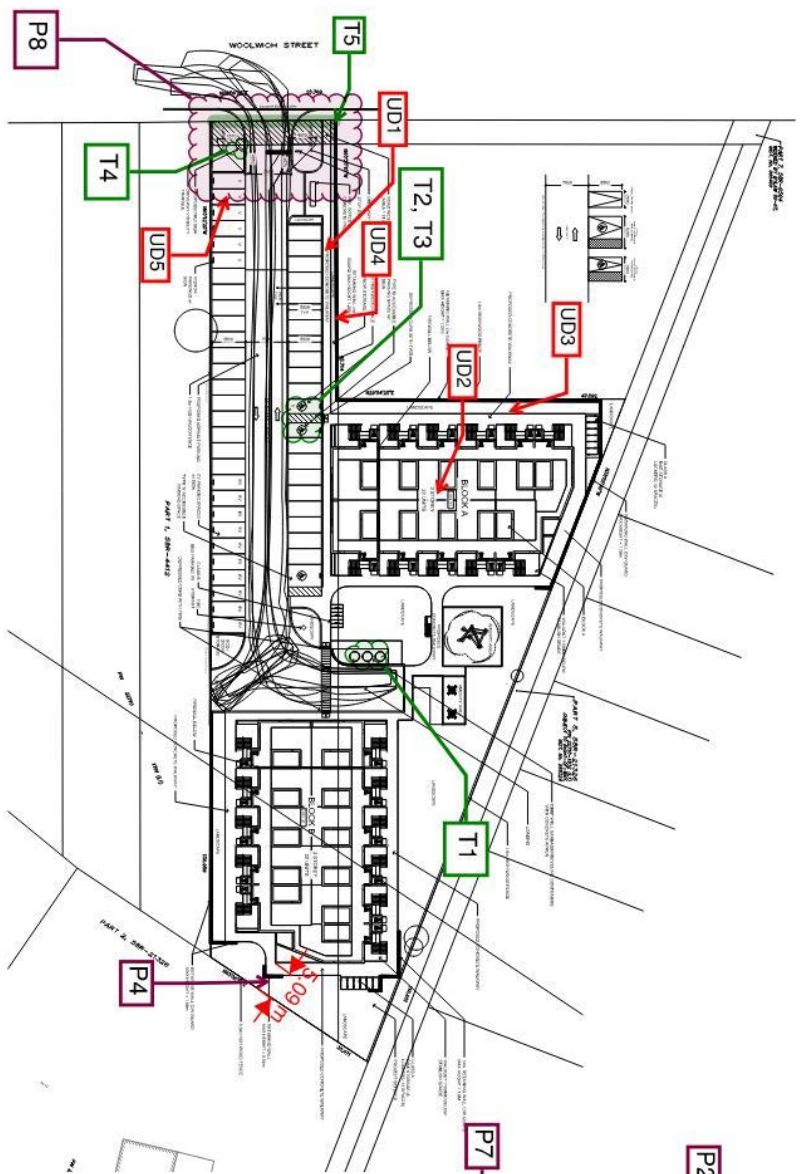
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PREVIOUS REPORTS/AUTHORITIES:

- *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*
- *Site Plan Application SP23/085/W/AP (Conditional Approval Issued)*
- *KDA Report 24-03 (Removal of Holding Provision)*

ATTACHMENTS:

Attachment A – Conditionally-Approved, Red-Lined Site Plan Drawing



SITE STATISTICS

P2 Zoning- RES-5, 25H **P3**

Lot Area- 5826m²
Net Lot Area- 5745m²
Road Widening Area- 81m²
Building Coverage- 1500.4 m² (26.1%)
Landscaped Area- 1302.6m² (22.7%)
Asphalt / Hard Surface Area- 2057 m² (35.8%)

P7 Parking Required- Owner Parking : 1 per unit
Visitor Parking : 0.15 per unit
EV Ready Spaces: 20%

Parking Provided- Owner Parking : 44
Visitor Parking : 7
EV Ready Spaces: 10
Barrier Free Type A Parking : 1
Barrier Free Type B Parking : 2

MULTI-RESIDENTIAL

Total Number of Units- 44
Two Bedroom Units- 28
Three Bedroom Units- 16
Floor Space Ratio- 0.75 (calculated based on lot area)

P1 NOTE: ALL ASPHALT AREAS TO BE DEFINED WITH 0.15M HIGH POURED CONCRETE CURBING

SITE PLAN		REVISD:	SITE PLAN APPLICATION NO.	
13281612 CANADA INC.		0 5 10 15 20 25	LEGAL DESCRIPTION : PART 1 & 6, 58R-21326	
124 Woolwich Street, Kitchener, ON		SCALE 1: 1,000	City of Kitchener	
		DATE: FEBRUARY 08, 2024	DEVELOPMENT SERVICES DEPARTMENT	
			CAD FILE: SP.DWG	

June 25, 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

- (1) 06 FREDERICK 250 FREDERICK STREET
250 FREDERICK INC
- (3) VAR KIT/ 124 WOOLWICH STREET
ZHENGYU CUI
- (4) VAR KIT/ 71 KINGSBURY 71 KINGSBURY
INC
- (5) 06 HIGHLAND / 359 HIGHLAND ROAD
W 2689943 ONTARIO INCORPORATED
- (6) VAR KIT / 176 WOOLWICH STREET
HECTOR LOPEZ

Subject: Committee of Adjustment Meeting July 16, 2024, City of Kitchener

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

- 1) A 2024 - 052 – 250 Frederick Street – No concerns.
- 2) A 2024 - 053 – 224 Contrystone Crescent (Unit C) – There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.
- 3) A 2024 - 054 – 124 Woolwich Street – No concerns.
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- 5) A 2024 - 056 – 359 Highland Road West – No concerns.
- 6) A 2024 - 057 – 176 Woolwich Street – No concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor

thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by the initials 'CM'.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

CofA@Kitchener.ca

Katrina Fluit, Region of Waterloo – FYI only.



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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

PREPARED BY: Craig Dumart, Senior Planner 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: June 27, 2024

REPORT NO.: DSD-2024-320

SUBJECT: Minor Variance Application A2024-055 – 71 Kingsbury Drive

RECOMMENDATION:

That Minor Variance Application A2024-055 for 71 Kingsbury Drive requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6, Table 5-5, to permit a minimum parking requirement of 46 parking spaces (1 parking space per 59 square metres of Gross Floor Area (GFA)) instead of the minimum required 68 parking spaces (1 space for 40 square metres of Gross Floor Area (GFA)); and
- ii) Section 9.3, Table 9-2, to permit a minimum Landscaped Area of 17% instead of the minimum required 20%.

to facilitate the redevelopment of the site with a 'Commercial School' providing on-site hockey instruction, in accordance with Conditionally Approved Site Plan Application SP24/016/K/CD, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the redevelopment of the property with a 'Commercial School' providing on-site hockey instruction.
- 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 southeast side of Kingsbury Drive near the intersection of Kingsbury Drive and Weber Street East.

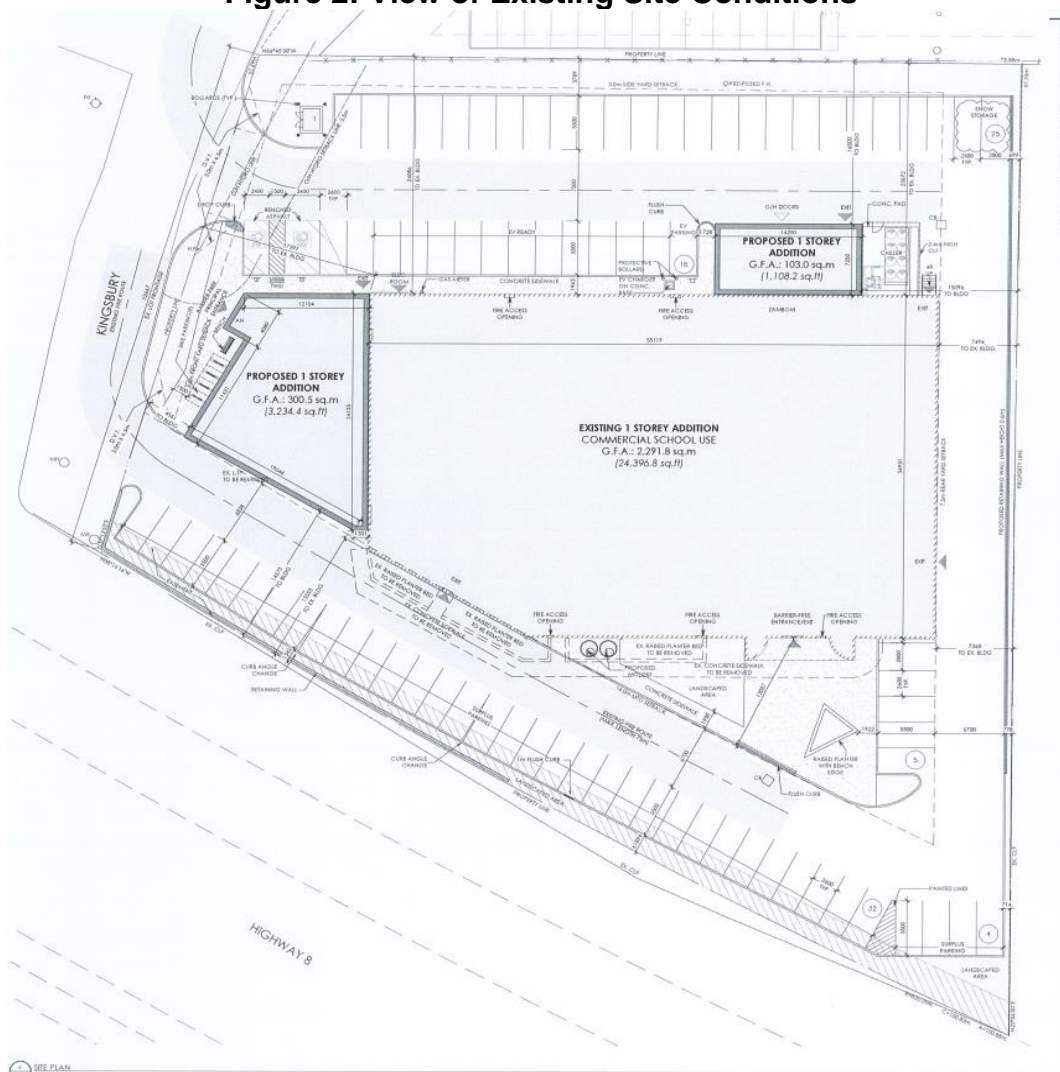


Figure 1: Location Map

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

The property is zoned 'General Commercial Zone (COM-2)' in Zoning By-law 2019-051.

The purpose of the application is to permit the redevelopment of the property with a 'Commercial School' providing on-site hockey instruction. The applicant is proposing additions and interior alterations to the existing commercial building and have received conditional site plan approval.



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 'Commercial' land use designation is to provide for a wide range of commercial activities and use intended to ensure that commercial activities are well distributed, accessible and able to respond to the needs of the city's residents, employees, businesses and visitors. The proposed commercial school is a permitted use in the 'Commercial' land use designation and an appropriate use for subject building and lands. Planning Staff are of the opinion that the requested variances will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 1 parking space per 40 square metres of Gross Floor Area (GFA) is to provide adequate parking for users of the proposed development. The applicant provided a cover letter with a detailed explanation of the requested parking reduction which was reviewed by Transportation Services who have no concerns with the proposed parking rate of 1 parking space per 59 square metres of Gross Floor Area (GFA).

The proposed redevelopment of the site will include 92 surface parking spaces of which only 46 can be included towards the required Zoning By-law parking requirement as 36 existing surface parking spaces are located in the MTO setback within the subject lands. The MTO has no concerns with the spaces continuing to be used however they cannot be counted towards the required parking. In addition to adequate on-site parking, on-street parking is available on Kingsbury Drive and bicycle parking spaces will also be provided for users of the development. Staff are of the opinion that the proposed parking provision will provide for adequate parking for users of the proposed commercial school.

The intent of the required 20% landscaping regulation is to ensure developments are not dominated by parking and buildings. The applicant is proposing additions and interior alterations to the existing commercial building which results in existing landscaping being removed and replaced by surface parking and additional building area. Adequate landscaping is proposed, and a landscape buffer will screen the new surface parking from the street and adjacent properties.

In the opinion of Staff, the requested variances meet the general intent of the Zoning By-law.

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

The requested variance to reduce the required parking to 1 parking spaces per 59 square metres of GFA rather 1 parking space per 40 square metres of GFA and the requested variance to reduce the required landscaping from 20% to 17% are minor in nature. Staff is of the opinion that the requested variances will not inhibit the appropriate functioning of a commercial school on the property and will not negatively impact any of the adjacent

properties or surrounding neighbourhoods. The 3% landscaping reduction is minor and adequate on-site parking is being provided.

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

The variances are desirable and appropriate for the development and use of the land as they will facilitate the adaptive reuse of the existing building and the commercial property in an Urban Corridor for a commercial school that will provide on-site hockey instruction.

Environmental Planning Comments:

No Environmental Planning concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. Applications have been made for the renovations to the existing building for the change of use.

Engineering Division Comments:

No Engineering comments.

Parks/Operations Division Comments:

No Parks/Operations comments.

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*

June 25, 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

- (1) 06 FREDERICK 250 FREDERICK STREET
250 FREDERICK INC
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W 2689943 ONTARIO INCORPORATED
- (6) VAR KIT / 176 WOOLWICH STREET
HECTOR LOPEZ

Subject: Committee of Adjustment Meeting July 16, 2024, City of Kitchener

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

- 1) A 2024 - 052 – 250 Frederick Street – No concerns.
- 2) A 2024 - 053 – 224 Contrystone Crescent (Unit C) – There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.
- 3) A 2024 - 054 – 124 Woolwich Street – No concerns.
- 4) A 2024 - 055 – 71 Kingsbury Drive – No concerns.
- 5) A 2024 - 056 – 359 Highland Road West – No concerns.
- 6) A 2024 - 057 – 176 Woolwich Street – No concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor

thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by the initials 'CM'.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

CofA@Kitchener.ca

Katrina Fluit, Region of Waterloo – FYI only.



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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

PREPARED BY: Ben, Suchomel, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: July 3, 2024

REPORT NO.: DSD-2024-310

SUBJECT: Minor Variance Application A2024-056 – 359 Highland Road West

RECOMMENDATION:

That Minor Variance Application A2024-056 for 359 Highland Road West requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a minimum parking requirement of 5 parking spaces (0.5 parking spaces per dwelling unit) instead of the minimum required 9 parking spaces (0.9 parking spaces per dwelling unit) to facilitate the redevelopment of a 3-storey multiple dwelling, having 10 dwelling units, generally in accordance with drawings prepared by Onespace Architecture+interiordesign, dated June 20, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend the approval of the minor variance to facilitate the development of a 3-storey multiple dwelling having 10 dwelling units on the subject property.
- The key finding of this report is that the minor variance meets the four tests set out within the *Planning Act*.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the south side of Highland Road West near the intersection of Lawrence Avenue and Highland Road West. It is located within the St.

Mary's neighbourhood which is primarily comprised of commercial uses and residential uses of varying dwelling types.



Figure 1: Location Map- 359 Highland Road West (Outlined in Red)

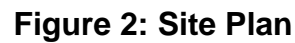
The subject property is identified as 'Urban Corridor' on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Mixed Use Two Zone (MIX-2) with Site-Specific Provision (62)' in Zoning By-law 2019-051.

The purpose of the minor variance application is to facilitate the construction of a 3-storey multiple dwelling having 10 dwelling units as 'rental units', with a reduced minimum parking requirement.

Staff note that 359 Highland Road West was previously subject to Site Plan and Minor Variance Applications. Minor Variance A2021-007, was previously approved subject to Site Plan Application SP20/063/H/RK, to facilitate the construction of a 5-storey, 31-unit multi-residential development having a ground floor street line façade width to be 28.6% whereas the By-law requires a minimum façade width of 50%; a maximum Floor Space Ratio (FSR) of 2.25 rather than the maximum permitted FSR of 2.0; to permit a minimum

Figures 3-10 below illustrate the proposed 10-unit multiple dwelling development.



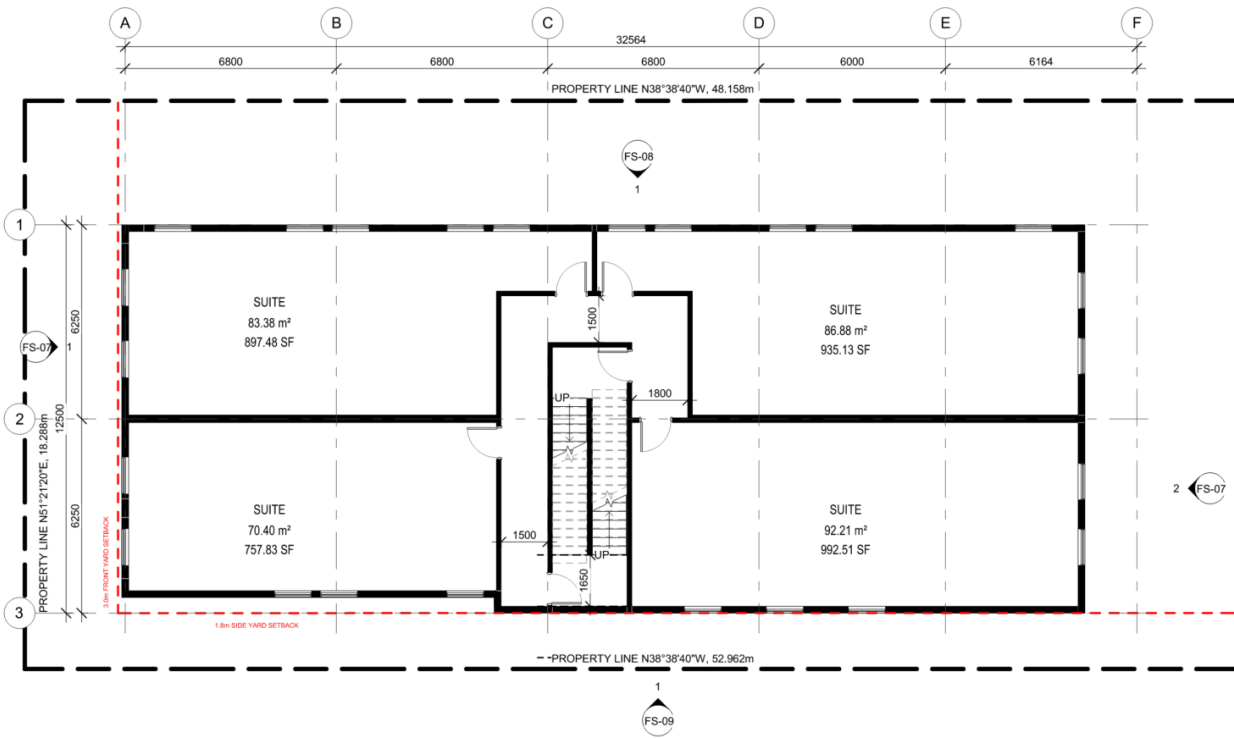


Figure 4: 2nd Floor, Floor Plan

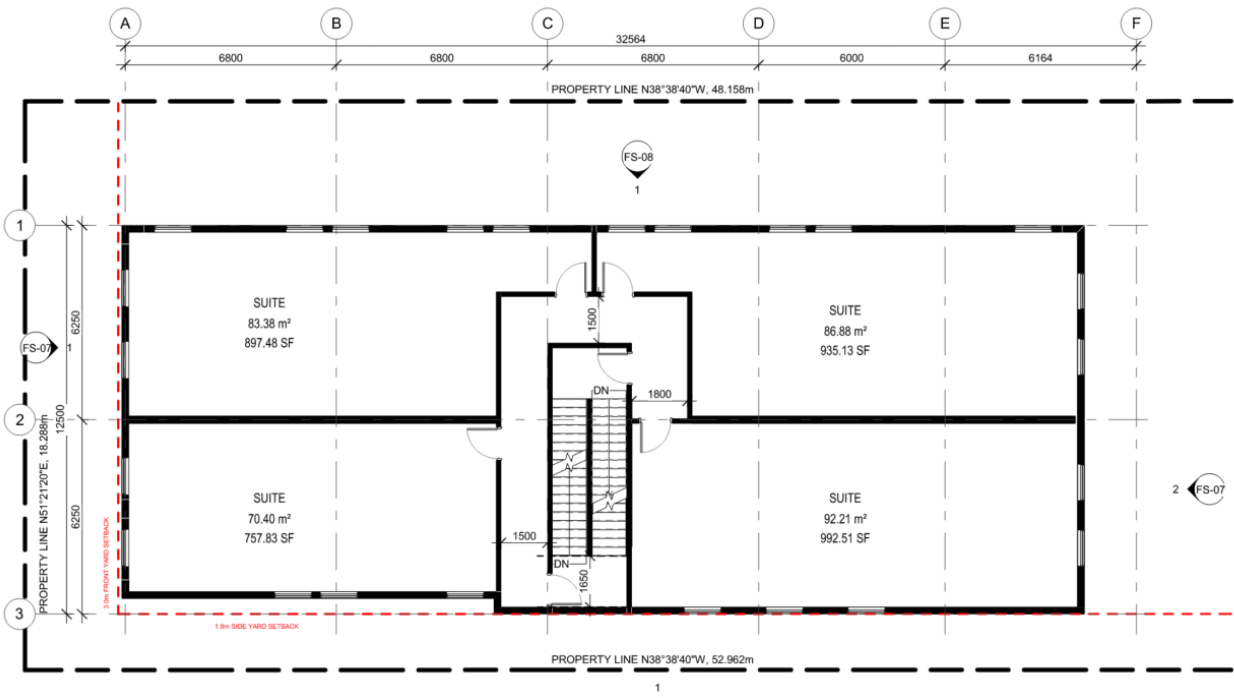


Figure 5: 3rd Floor, Floor Plan

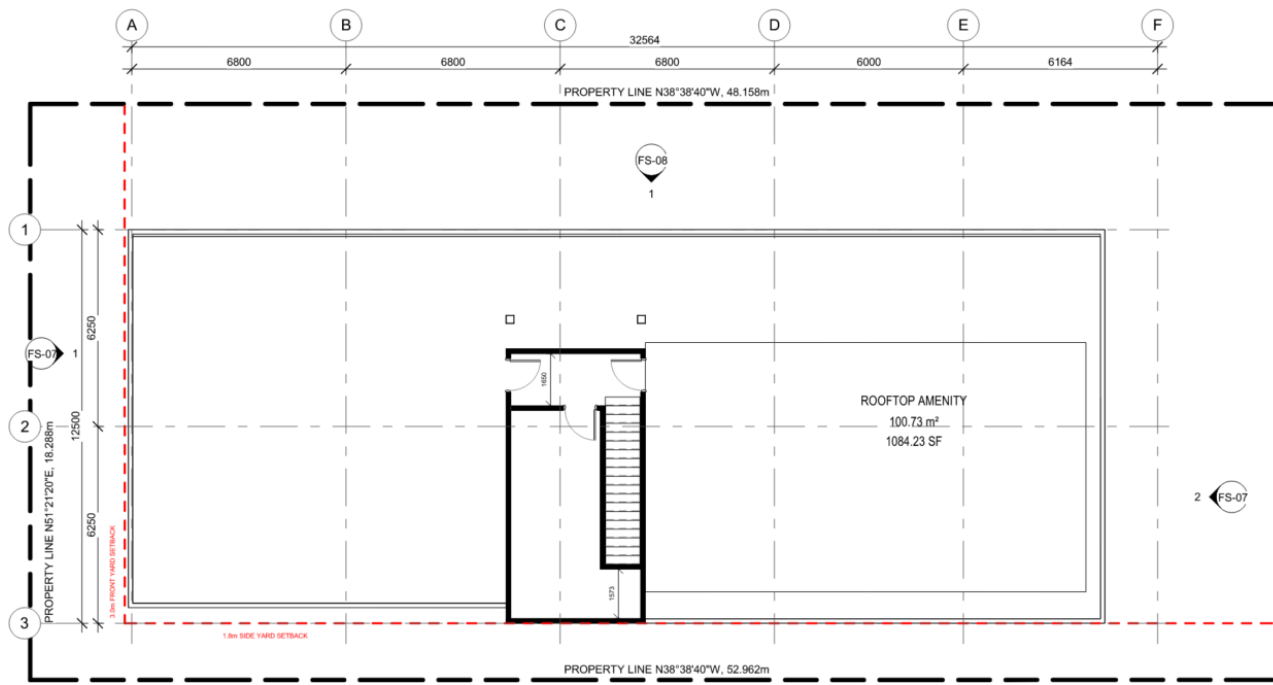


Figure 6: Rooftop Amenity Space



Figure 7: East Elevation



Figure 8: West Elevation



Figure 9: North Elevation



Figure 10: South Elevation

Planning Staff conducted a site visit on June 27, 2024.



Figure 11: Existing site conditions at 359 Highland Road West



Figure 12: Existing view from the intersection of Highland Road West and Lawrence Avenue

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 property is designated 'Mixed Use' in the Official Plan. The purpose of the Mixed Use land use designation is to achieve an appropriate mix of commercial, residential, and institutional uses. This allows for the change and intensification of lands over time, as well as a broad range of uses. This proposal aligns with these objectives. A 3-storey multiple dwelling having 10 dwelling units' is permitted within Mixed Use land use designation, and the residential use complements the range of non-residential uses on lands located along this stretch of Highland Road West.

The property is situated in an Urban Corridor and is meant to have strong pedestrian connections while being connected to nearby residential and commercial areas. These corridors are intended to offer a variety of retail, employment, and transit options and are designed for transit-related development. This proposal aligns with the goals of the Urban Corridor by intensifying the site with 10 dwelling units, replacing a now demolished single detached dwelling. Although the proposal is for solely residential use, it fits the

surrounding neighbourhood's existing character and supports the Urban Corridor's objectives. There are various commercial establishments on the opposite side of Highland Road West that future residents can easily walk to, reducing their reliance on private vehicles. The property is well-served by existing transit services.

Therefore, planning staff is of the opinion that the requested variances meet the general intent of the City's Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that requires a minimum 0.9 parking spaces per dwelling unit is to ensure that adequate vehicle storage can be provided on-site. The site is approximately 20 metres from the Grand River Transit bus stop, Route 204. To justify the reduction, the applicant also proposes to provide 8 Class A bicycle parking spaces and 2 Class B bicycle parking spaces to encourage the use of active transportation options. Additionally, the subject property is located within walking/cycling distance to the Henry Sturt Trail which further promotes active transportation. Thus, Planning Staff is of the opinion that the proposed parking reduction is in keeping with the intent of the Zoning By-law.

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

With respect to the requested variance to allow for a reduction in parking, staff are of the opinion that the requested variance is minor in nature. The applicant is proposing to include 10 bicycle parking spaces. The site is well serviced by frequent transit and is in close proximity to existing commercial uses. As per the reasons previously noted, staff are of the opinion that the requested variance satisfies the 'minor' test to facilitate the proposed parking reduction.

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

The requested variance will facilitate a desirable form of gentle intensification/ redevelopment on the existing site. The proposed scale, massing, and setbacks of the proposed building will be compatible and will support the planned vision of the corridor and surrounding area assisting in the provision of a variety of dwelling types. The proposed increased density along Highland Road West will support the City's Housing Pledge. Planning Staff is of the opinion that the requested variances are appropriate and desirable for the use of the lands.

Environmental Planning Comments:

There are no natural heritage concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permits for the 10-unit residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

Parkland Dedication was paid February 2022 in the amount of \$81,540 through the previous site plan application. The City will issue a full refund and the applicant would be required to pay the new parkland dedication fee of \$34,470.00 for the 10 unit development at the building permit stage. For additional information regarding issuing the refund, please contact Lenore Ross (Parks Planning and Development Project Manager Development and Housing Approvals | Development Services | City of Kitchener 519-741-2200 ext. 7427).

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The Region of Waterloo has no comments or concerns with regard to the proposed application.

GRCA Comments:

GRCA has no objection to the approval of the above 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:

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

June 25, 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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W 2689943 ONTARIO INCORPORATED
- (6) VAR KIT / 176 WOOLWICH STREET
HECTOR LOPEZ

Subject: Committee of Adjustment Meeting July 16, 2024, City of Kitchener

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

- 1) A 2024 - 052 – 250 Frederick Street – No concerns.
- 2) A 2024 - 053 – 224 Contrystone Crescent (Unit C) – There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.
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- 4) A 2024 - 055 – 71 Kingsbury Drive – No concerns.
- 5) A 2024 - 056 – 359 Highland Road West – No concerns.
- 6) A 2024 - 057 – 176 Woolwich Street – No concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor

thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by the initials 'CM'.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

CofA@Kitchener.ca

Katrina Fluit, Region of Waterloo – FYI only.



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
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Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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

PREPARED BY: Ben Suchomel, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: July 3, 2024

REPORT NO.: DSD-2024-315

SUBJECT: Consent Application B2024-013 – 1188 Fischer Hallman Road

RECOMMENDATION:

That Consent Application B2024-013 requesting consent to sever a parcel of land having a lot width of 40 metres, a lot depth of 4.2 metres, and a lot area of 60 square metres from the property municipally addressed as 1188 Fischer Hallman Road, to convey as a lot addition to 525 Erinbrook Drive, in accordance with Site Plan Application SP23/019/E/TS, 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 Site Plan Application SP23/019/E/TS for 525 Erinbrook Drive, be amended to incorporate the proposed lot addition to 525 Erinbrook Drive, to the satisfaction of the Director of Development and Housing Approvals.
5. That prior to final approval, confirm the existence and transfer of the Registered Easement agreement in favour of the City for the existing water infrastructure

currently located within the parcel to be severed.

- 6. That prior to final approval, the owner/applicant submits a valid Section 59 Notice.**
- 7. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefitting lands, to the satisfaction of the Regional Municipality of Waterloo.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to facilitate a transfer of land from a commercial lot to the adjacent vacant lot to permit the development contemplated by Site Plan Application (SP23/019/E/TS) of a three-block, 72-unit multiple dwelling development at the benefitting lands of 525 Erinbrook Drive.
- 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 Fischer Hallman Road near the intersection of Westmount Road East and Fischer Hallman Road. It is located within the Country Hills West neighbourhood which is comprised of a mix of low-rise residential dwelling types and commercial services.

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

The property is zoned 'Neighbourhood Shopping Centre Zone (C-2, 480R, 377U)' in Zoning By-law 85-1 and 'Neighbourhood Institutional Zone (INS-1)' in Zoning By-law 2019-051.

The purpose of this application is to adjust the lot lines between the property municipally known as 1188 Fischer Hallman Road, and the adjacent property, municipally known as 525 Erinbrook Drive. The property fronting Erinbrook Drive is limited by hydro connection on Erinbrook Drive, which is at servicing capacity. The proposed lot addition will allow 525 Erinbrook Drive to connect to hydro infrastructure on Westmount Drive which will facilitate the development of the lands with three buildings, a 72-unit multiple dwelling development.

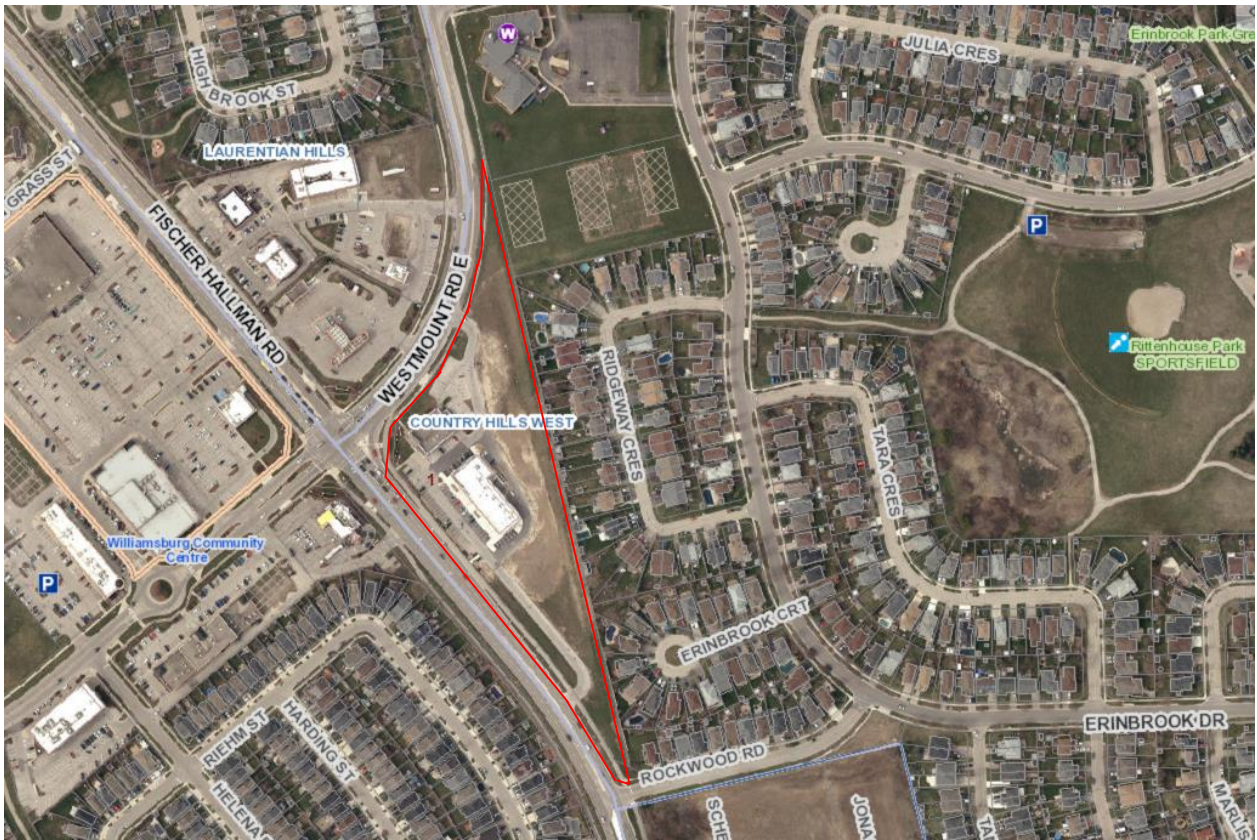


Figure 1: Location Map- 1188 Fischer Hallman Road (Outlined in Red)

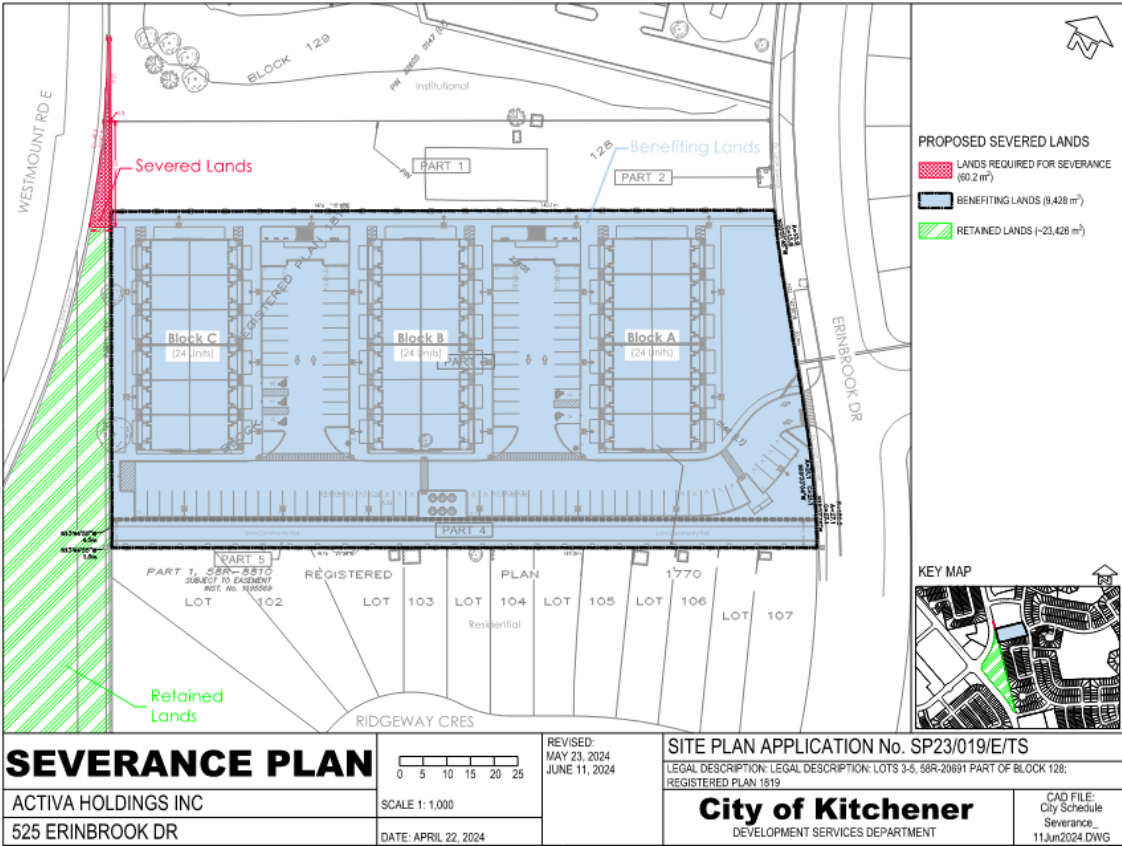


Figure 2: Severance Plan



Figure 3: Existing Site Conditions at 1188 Fischer Hallman Road



Figure 4: Existing Plaza Located on the Subject Property

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. The subject application does not propose any development, rather it is an adjustment of lot lines. Planning Staff is of the opinion that the application 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 and make efficient use of land and infrastructure, at densities and in locations which supports transit viability and active transportation. The proposed lot addition will facilitate a 72-unit multiple dwelling development in close proximity to Bus Route 22. Thus, Planning Staff is of the opinion that the application conforms to the Growth Plan.

Regional Official Plan (ROP):

Regional policies in the ROP 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 proposed lot addition will facilitate a 72-unit multiple dwelling development in close proximity to Bus Route 22. Thus, Planning Staff is of the opinion that the application, conforms to the Regional Official Plan.

City's Official Plan (2014)

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Commercial' and 'Institutional' on Map 3 – Land use in the City's 2014 Official Plan. Staff are of the opinion that the size, dimensions, and shape of the resultant lots are suitable for the use of the lands and will continue to be compatible with the surrounding neighbourhood. The lands front onto a public street and the lot addition will facilitate the provision of hydro services. There are no natural heritage features that would be impacted by the proposed consent application. Staff are of the opinion that the proposed consent application conforms with the City's Official Plan

Zoning By-law 85-1 or 2019-051

The subject property is zoned 'Neighbourhood Shopping Centre Zone (C-2, 480R, 377U)' in Zoning By-law 85-1 and 'Neighbourhood Institutional Zone (INS-1)' in Zoning By-law 2019-051. The proposed boundary adjustment maintains compliance of the minimum lot width and lot area requirements in effect for the subject lands. Staff are of the opinion that the proposed lot addition conforms to the City's Zoning By-laws.

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 proposed boundary adjustment is desirable and appropriate.

Environmental Planning Comments:

There are no natural heritage concerns. A Tree Management Plan was a requirement of Site Plan Application SP23/019/E/TS.

Heritage Planning Comments:

No heritage planning comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Please confirm the existence and transfer of the Registered Easement agreement in favour of the City for the existing water infrastructure currently located within the parcel to be severed. An easement will be required for the previously mentioned water infrastructure, if not currently in existence.

Parks/Operations Division Comments:

Parkland dedication is not required for this application as it will be considered as a minor lot addition to the 525 Erinbrook Dr lands and the required parkland dedication requirements for that property/application have been satisfied.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Road, to add to commercial parcel, 525 Erinbrook Road, being: Severed lands - irregular parcel of 6.2 sq.m.; Retained lands – 23,426 sq.m. and Benefitting lands – 9,428 sq.m. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Road, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

Regional Official Plan

There is a one-foot reserve between retained and benefiting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Road, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefitting lands, to the satisfaction of the Regional Municipality of Waterloo.

Hydro One Comment:

We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.

GRCA Comments:

GRCA has no objection to the approval of the above application.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

The recommendation has no impact on the Capital 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-laws 85-1 and 2019-051*
- *Site Plan Application SP23/019/E/TS*



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
Commissioner's Office
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali
W. Phone: 226-751-3388
File: D20-20/24 KIT
July 2, 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 2024-013 to B 2024-016
Committee of Adjustment Hearing July 16, 2024
City of Kitchener

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

B2024-013**1188 Fischer-Hallman Rd & 525 Erinbrook, Kitchener**

Owner: Schlegel Urban Developments & Activa Holdings Inc

Applicant: MHBC c/o Pierre Chauvin/Robyn McIntyre

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Rd, to add to commercial parcel, 525 Erinbrook Rd, being: Severed lands - irregular parcel of 6.2 sqm; Retained lands – 23,426 sqm, and Benefitting lands – 9,428 sqm. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Rd, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

Regional Official Plan

There is a one-foot reserve between retained and benefiting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Rd, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefiting lands, to the satisfaction of the Regional Municipality of Waterloo.

B2024-014**267 Dumfries Ave, Kitchener**

Owner: Dario Kokorovic & Tanja Cyijetic

Applicant: Patterson Planning Consultants Inc

The owner/applicant is proposing to sever a residential parcel of land into two lots for development of a duplex dwelling on each lot, being: both severed and retained lands - lot area of 395.3sqm, depth of 40.5m, and frontage of 9.75m. The existing single detached dwelling is proposed to be demolished.

Environmental Noise

The residential dwellings on the severed and the retained lots will be located in close proximity to Conestoga Parkway/Highway 7, as well as commercial land uses. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
- B) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - 1) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - 2) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

B2024-015**82 York St, 509 Park St, 54 Hope St, Kitchener**

Owner: Woodhouse Investments Inc. and William Hunter

Applicant: Up Consulting Ltd c/o David Galbraith

The Owner/Applicant is seeking consent to sever a part of residential parcel (82 York St) as a lot addition to institutional parcel (509 Park St/54 Hope St), being: conveyed lands – 210sqm area with approx. 11m width and 19.3m depth; retained lands – 320sqm area with approx. 11m width and 29.5m depth; and the benefitting lands – 1824 sqm area with irregular boundary.

Archaeological Assessment (Advisory)

Based on a review of the Region's archaeological potential model, the subject lands of 82 York St, 509 Park St and 54 Hope St possess some potential for the recovery of archaeological resources due to proximity to historic landform and building.

The Region does not require the submission of an archaeological assessment due to the extensive disturbance on the properties, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

B2024-016**176 Woolwich St, Kitchener**

Owner/Applicant: Hector Lopez

The owner/applicant is seeking consent to sever residential parcel into two lots, being: severed – 21,400 sq ft, 107ft width, 200ft depth; retained – 28,576 sq ft, 76ft width, 376 ft depth. The consent to sever will facilitate the creation of a new lot with single detached dwelling. The existing single detached dwelling will remain on retained lot.

Environmental Noise

The residential dwellings on the severed and the retained lots will be impacted by transportation noise from Woolwich Street. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, in lieu of a noise study, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. That the dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
2. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - a. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - b. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/applicant agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic on Woolwich St, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

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



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 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; and Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: July 3, 2024

REPORT NO.: DSD-24-317

SUBJECT: Consent Application B2024-014 - 267 Dumfries Avenue

RECOMMENDATION:

That Consent Application B2024-014 requesting consent to sever a parcel of land having a lot width of 9.7 metres on Dumfries Avenue, a lot depth of 40.5 metres and a lot area of 395.3 square metres, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.
5. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building

Official, and removes the existing dwelling prior to deed endorsement.

- 6. That the owner shall pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.**
- 7. The owner shall make financial arrangements to the satisfaction of the City's Engineering Services, for the installation of new service connections to the severed and retained lands.**
- 8. The owner shall prepare a servicing plan showing outlets to the municipal servicing system, to the satisfaction of Engineering Services.**
- 9. The owner shall prepare and submit a Development Asset Drawing (AutoCAD format) for the site with corresponding layer names and asset information, to the satisfaction of the City's Engineering Services.**
- 10. The owner shall make financial arrangements to the satisfaction of the City's Engineering Services for the installation, to City standards, of boulevard landscaping including street trees, and a paved driveway ramp, on the severed and retained lands, or otherwise receive relief from Engineering Services for this requirement.**
- 11. That at the sole option of the City's Director of Development and Housing Approvals, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Development and Housing Approvals, which shall include the following:**
 - a) That the owner shall prepare a Tree Preservation Plan for the Severed Lot and Retained Lot, in accordance with the City's Tree Management Policy, to be approved by the City's Director of Development and Housing Approvals, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.**
 - b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Director of Development and Housing Approvals.**
- 12. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.**
- 13. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:**

- a) That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
- b) That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i) "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend conditional approval of a consent application to create a new lot to allow the redevelopment of the lands with two Single Detached Dwellings, each with an Additional Dwelling Unit (Attached) – one on each resultant lot.
- 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:

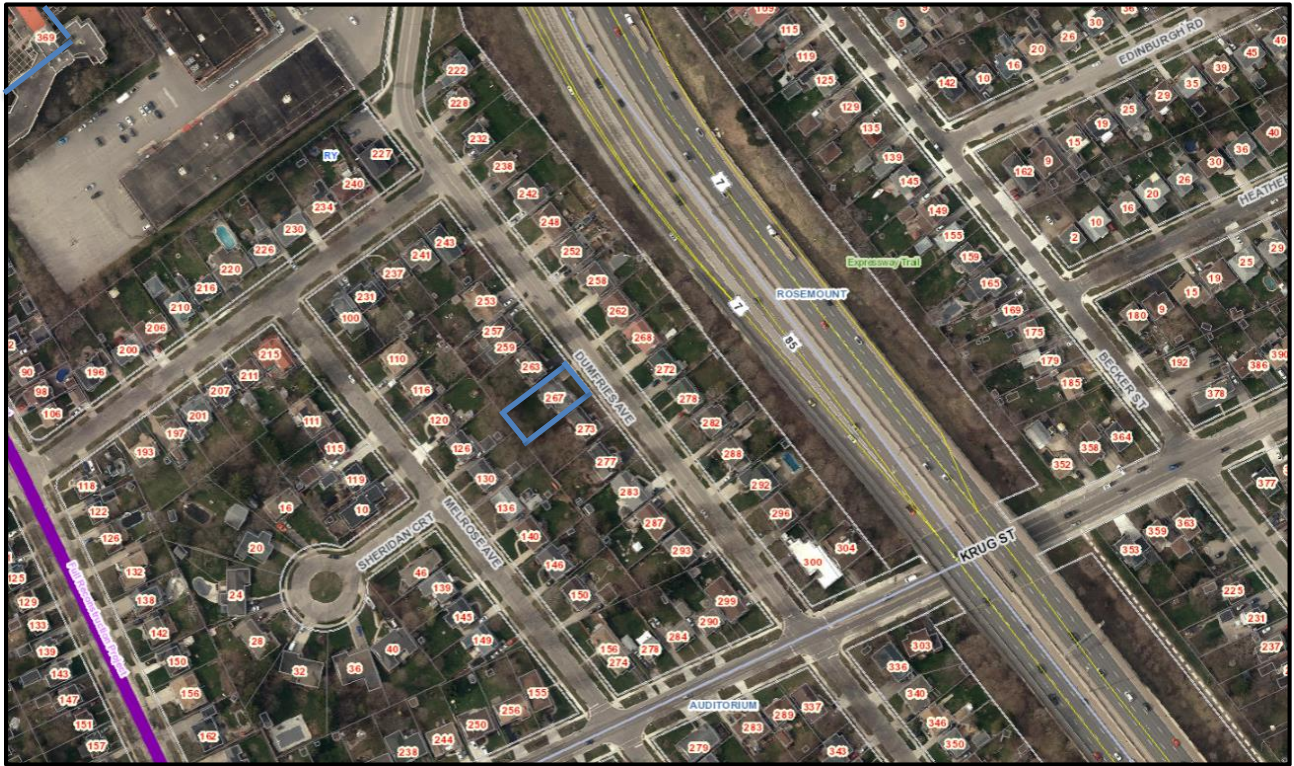


Figure 1: Location Map- 267 Dumfries Avenue

The subject property is located on the west side of Dumfries Avenue, between Chapel Street and Krug Street (south of Frederick Street and the west of the Conestoga Parkway), in the Central Frederick Planning Community. The surrounding lands are composed of low-density residential land uses, primarily single detached dwellings.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure (2014 Official Plan) and is designated 'Low Rise Conservation A' in the Central Frederick Secondary Plan (1994 Official Plan).

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

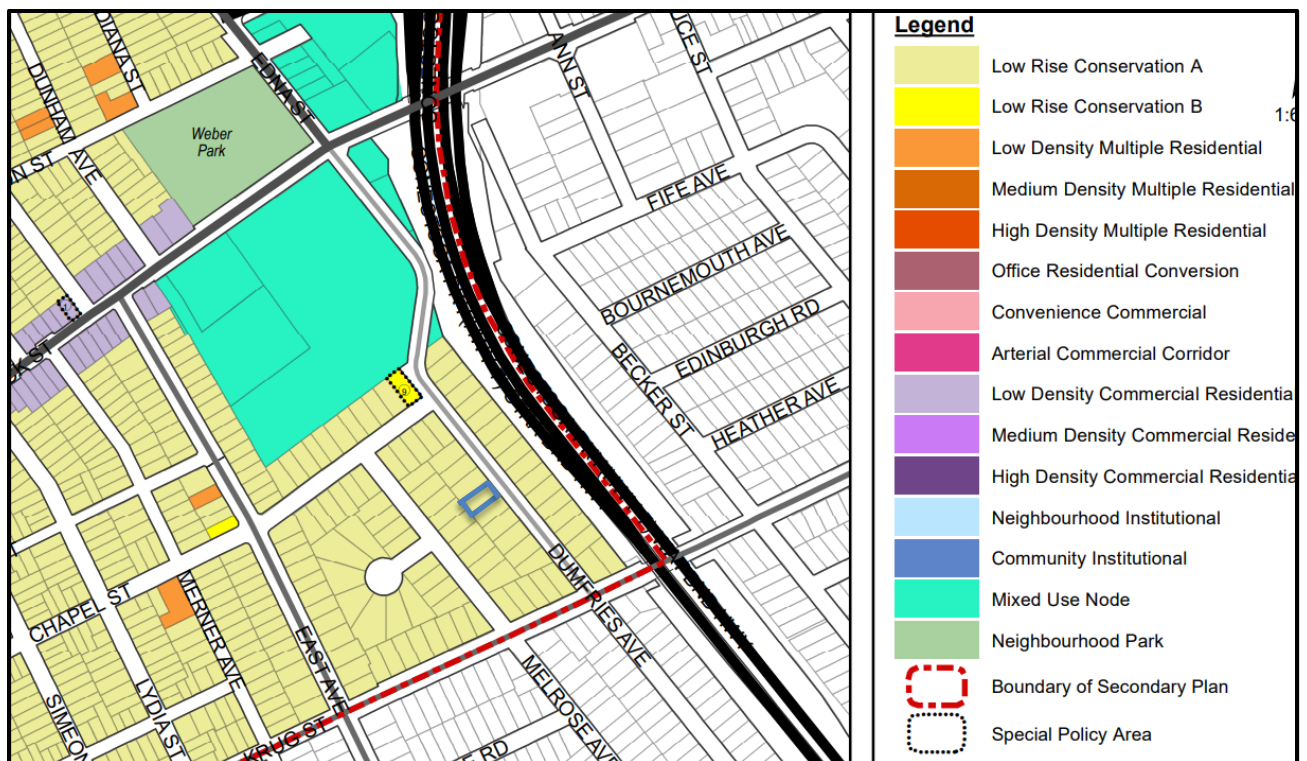


Figure 2: Central Frederick Secondary Plan Map (subject property outlined in blue)

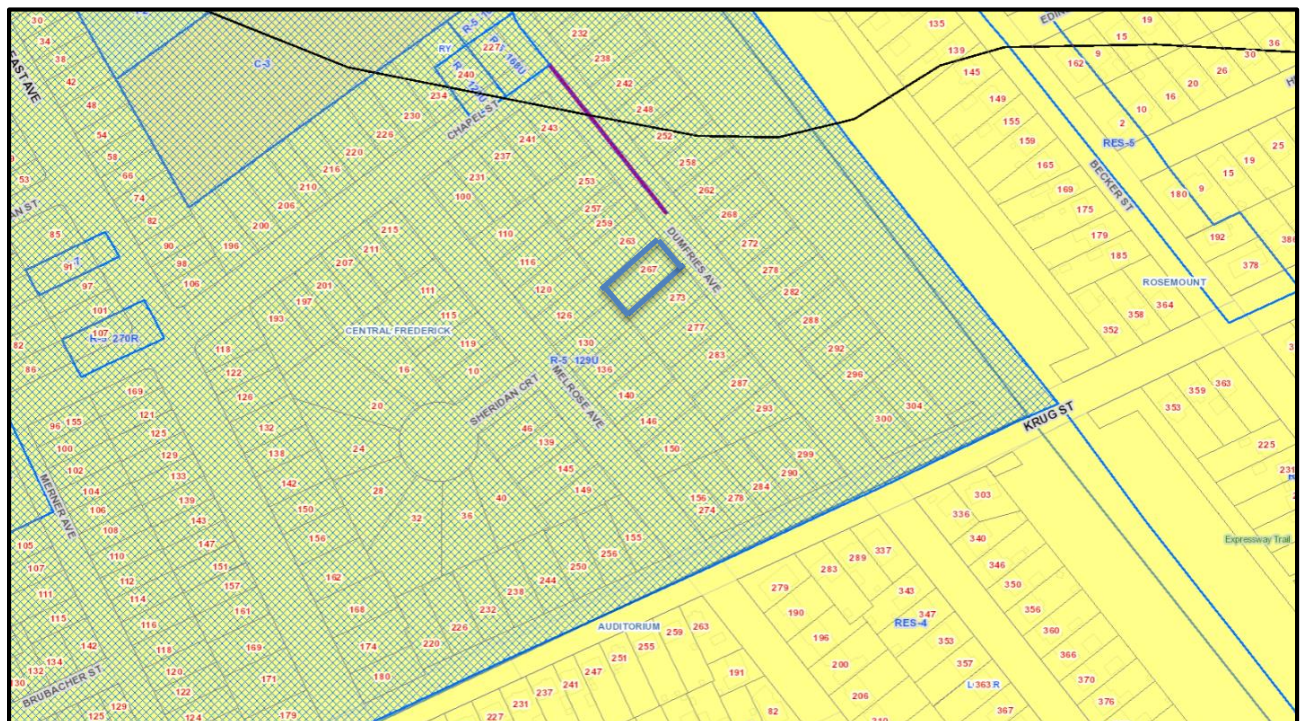


Figure 3 : Surrounding zoning (subject area outlined in blue).

The property contains a single detached dwelling that was constructed in approximately 1954. The applicant is requesting consent to create a new lot with frontage on Dumfries Avenue to facilitate the redevelopment of the lands with two Single Detached Dwellings, each with an Additional Dwelling Unit (Attached) – one on each resultant lot (see Figures 5 through 8 for potential building designs).

The severed lot would have an approximate lot width of 9.7 metres, a depth of 40.5 metres, and an area of 395.3 square metres, as shown in Figure 4. The retained lot would have identical dimensions. No minor variances are required to facilitate the consent application.

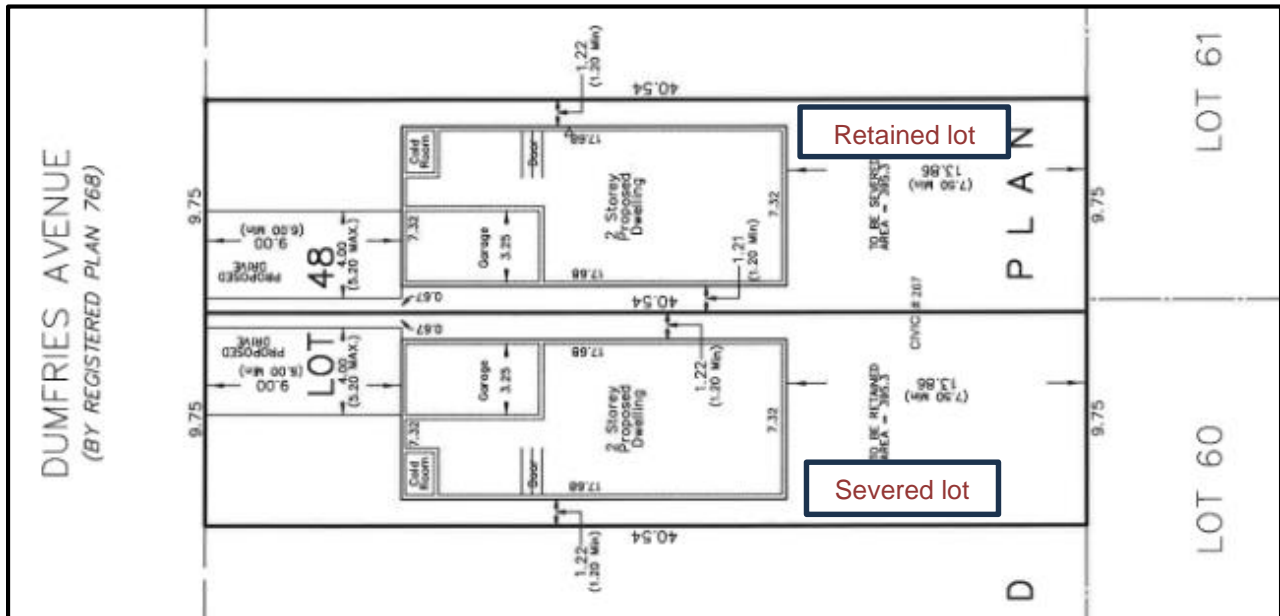


Figure 4: Proposed Lot Fabric

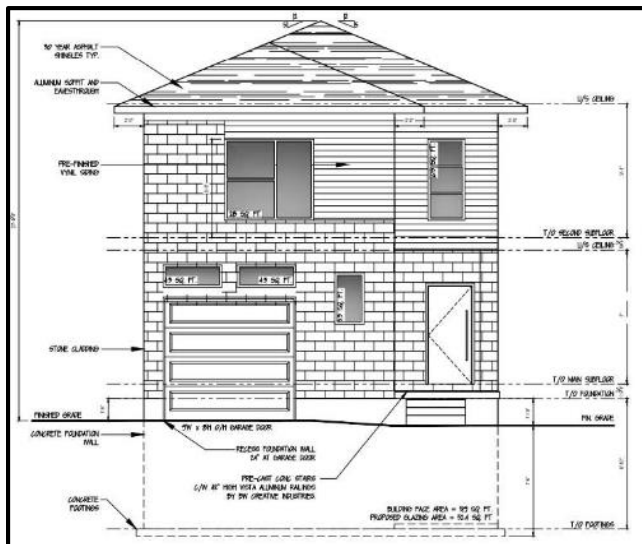


Figure 5: Front Elevation

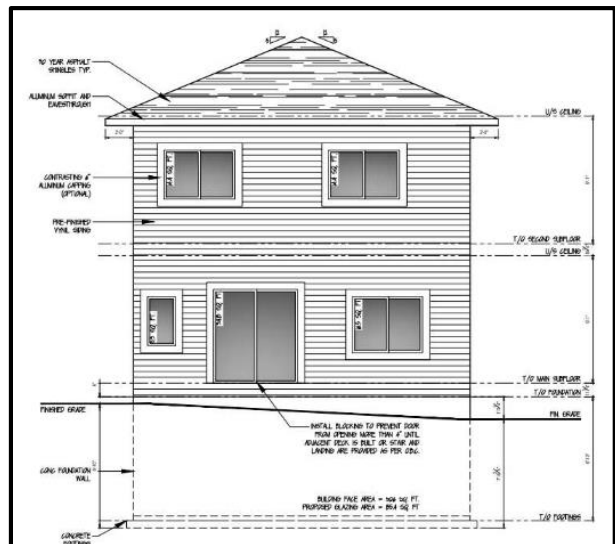


Figure 6: South Elevation

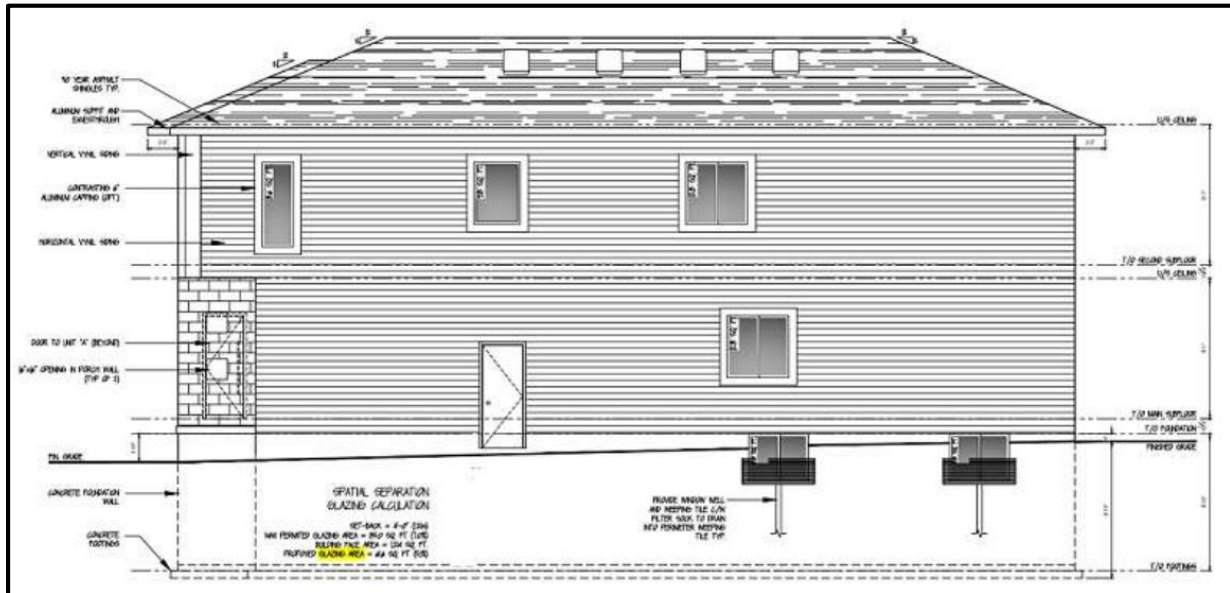


Figure 7: Right Elevation

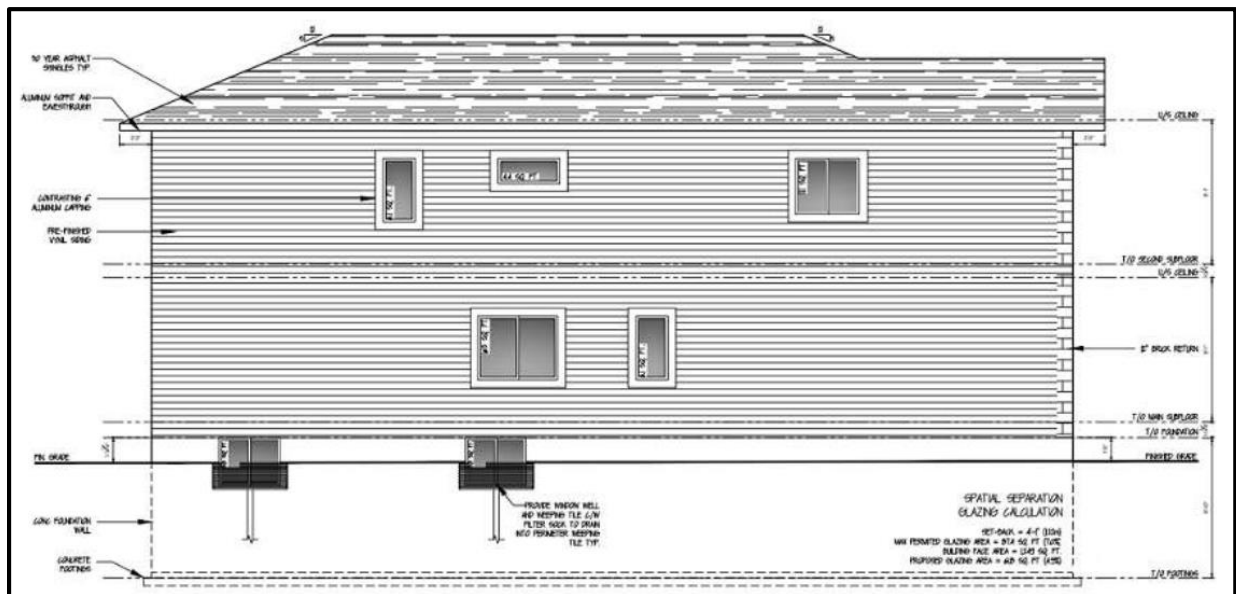


Figure 8: Left Elevation

Planning staff conducted a site visit on June 27th, 2024.



Figure 9: Existing Single Dwelling at 267 Dumfries Avenue

REPORT:

Planning Comments:

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

Provincial Policy Statement (PPS 2020)

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

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of a new lot. The proposed Single Detached Dwellings with Additional Dwelling Units (ADUs) (Attached) are compatible with

the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. Therefore, staff are 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, trails and parks.

Policy 2.2.6.1(a) states that Municipalities will support housing choice through the achievement of the minimum intensification 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 proposed development represents intensification and will contribute towards achieving the City's intensification density targets. The severance application will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the development proposal conforms to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. Planning staff are of the opinion that the severance application conforms to the Regional Official Plan.

City's Official Plan (2014)

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Conservation A' in the Central Frederick Secondary Plan.

As per 19.9.3 1, of the Central Frederick Secondary Plan:

"The intent of the Low Rise Conservation A designation is to preserve the scale, use and intensity of existing development. This designation is applied to those portions of the community where the vast majority of land use is single detached dwellings. The dwellings are in good structural condition, and they are exhibits of the characteristics of a stable family-oriented area.

Permitted uses are restricted to single detached dwellings, semi-detached dwellings, duplex dwellings, small lodging houses, small residential care facilities, private home day care and home businesses, and those triplexes which were in compliance with the

Zoning By-law as of the date of the approval of the original Central Frederick Secondary Plan (June 12, 1989)."

The Central Frederick Secondary Plan is still within the 1994 Official Plan and is dated with respect to most recent Provincial Policy and direction. It is proposed to be updated and consolidated as part of a new Official Plan during the next Official Plan Review. Three and four dwelling units are permitted on every lot in the City subject to meeting all zoning regulations.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

"17.E.20.5 Applications for consent to create new lots will only be granted where:

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

The proposed lot widths and lot areas of the proposed severed and retained lots comply with the minimum 'R-5' zone lot width and lot area requirements and minor variances are not required. The intention of the above noted Official Plan policies is to allow moderate intensification, even if it produces lot sizes which are markedly different than surrounding lot sizes, provided that it does not result in unacceptable adverse impacts / effects on the surrounding lands.

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 with low rise residential uses with lot sizes that vary in width, depth, and

area. The subject 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 to the City of Kitchener Official Plan.

Zoning By-law 85-1

The property is zoned 'Residential Five Zone (R-5)'. The 'R-5' Zone permits a range of low-rise residential dwelling types, including single detached, semi-detached, duplex dwelling and Additional Dwelling (attached and detached). The 'R-5' zone requires a minimum lot width of 9.0 metres and a minimum lot area of 235 square metres for detached dwellings.

It should be noted that the front yard setback from Residential Intensification in Established Neighbourhoods Study (RIENS) Area will apply, requiring the setback for the new dwellings to be based on the average setback of the dwellings on either side of the subject property (rather than a fixed setback).

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:

Environmental Planning has provided the following comments:

1. No natural heritage issues.
2. Standard tree management condition requiring applicant to enter into an agreement to complete a Tree Preservation/Enhancement Plan prior to demolition, building permit etc.

Heritage Planning Comments:

No heritage planning comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent. Region of Waterloo and Area Municipalities' Design Guidelines and Supplemental Specifications for Municipal Services (DGSSMS) allows only one service per lot. Separate building permit(s) will be required for the demolition of the existing building, as well as construction of the new residential buildings.

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.

- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to Nolan Beatty - nolan.beatty@kitchener.ca
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.

Parks/Operations Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862.00. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 9.7 metres at a land value of \$36,080.00 per frontage meter with a per unit cap of \$11,862.00.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The owner/applicant is proposing to sever a residential parcel of land into two lots for development of a duplex dwelling on each lot, being: both severed and retained lands - lot area of 395.3sqm, depth of 40.5m, and frontage of 9.75m. The existing single detached dwelling is proposed to be demolished.

Environmental Noise

The residential dwellings on the severed and the retained lots will be located in close proximity to Conestoga Parkway/Highway 7, as well as commercial land uses. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. The dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
2. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a) That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.

- b) That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
- i) “The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)”.
 - ii) “This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)”.

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)*
- *Central Frederick Secondary Plan (1994 Official Plan)*
- *Zoning By-law 85-1*



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
Commissioner's Office
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali
W. Phone: 226-751-3388
File: D20-20/24 KIT
July 2, 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 2024-013 to B 2024-016
Committee of Adjustment Hearing July 16, 2024
City of Kitchener

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

B2024-013**1188 Fischer-Hallman Rd & 525 Erinbrook, Kitchener**

Owner: Schlegel Urban Developments & Activa Holdings Inc

Applicant: MHBC c/o Pierre Chauvin/Robyn McIntyre

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Rd, to add to commercial parcel, 525 Erinbrook Rd, being: Severed lands - irregular parcel of 6.2 sqm; Retained lands – 23,426 sqm, and Benefitting lands – 9,428 sqm. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Rd, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

Regional Official Plan

There is a one-foot reserve between retained and benefiting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Rd, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefiting lands, to the satisfaction of the Regional Municipality of Waterloo.

B2024-014**267 Dumfries Ave, Kitchener**

Owner: Dario Kokorovic & Tanja Cyijetic

Applicant: Patterson Planning Consultants Inc

The owner/applicant is proposing to sever a residential parcel of land into two lots for development of a duplex dwelling on each lot, being: both severed and retained lands - lot area of 395.3sqm, depth of 40.5m, and frontage of 9.75m. The existing single detached dwelling is proposed to be demolished.

Environmental Noise

The residential dwellings on the severed and the retained lots will be located in close proximity to Conestoga Parkway/Highway 7, as well as commercial land uses. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
- B) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - 1) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - 2) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

B2024-015**82 York St, 509 Park St, 54 Hope St, Kitchener**

Owner: Woodhouse Investments Inc. and William Hunter

Applicant: Up Consulting Ltd c/o David Galbraith

The Owner/Applicant is seeking consent to sever a part of residential parcel (82 York St) as a lot addition to institutional parcel (509 Park St/54 Hope St), being: conveyed lands – 210sqm area with approx. 11m width and 19.3m depth; retained lands – 320sqm area with approx. 11m width and 29.5m depth; and the benefitting lands – 1824 sqm area with irregular boundary.

Archaeological Assessment (Advisory)

Based on a review of the Region's archaeological potential model, the subject lands of 82 York St, 509 Park St and 54 Hope St possess some potential for the recovery of archaeological resources due to proximity to historic landform and building.

The Region does not require the submission of an archaeological assessment due to the extensive disturbance on the properties, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

B2024-016**176 Woolwich St, Kitchener**

Owner/Applicant: Hector Lopez

The owner/applicant is seeking consent to sever residential parcel into two lots, being: severed – 21,400 sq ft, 107ft width, 200ft depth; retained – 28,576 sq ft, 76ft width, 376 ft depth. The consent to sever will facilitate the creation of a new lot with single detached dwelling. The existing single detached dwelling will remain on retained lot.

Environmental Noise

The residential dwellings on the severed and the retained lots will be impacted by transportation noise from Woolwich Street. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, in lieu of a noise study, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. That the dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
2. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - a. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - b. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/applicant agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic on Woolwich St, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

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



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

I love my neighbourhood of Central Frederick! My family and I chose to live here because of the wide private lots, mature trees, brick bungalows and the accessibility to the core and transportation. The distinctive 'look' of this area with its 1950's homes make the neighbourhood vibrant and attractive.

My request for this current project would be that the proposed duplexes blend in more to our neighbourhood's architectural style. *A balance that needs to be maintained between needed housing and maintaining the style and attractiveness of established neighbourhoods.* Could the duplexes have brick, pitched roofs or some other traditional aspects so they blend into the streetscape more? Please see Photo 1 of recent duplexes (on the same block as the proposed severance) that previously replaced a single family home. It would be nice if this project could reflect more of the street's traditional look.



Recent lot (on the same block as new proposal) that was severed and two duplexes built. In my opinion, these buildings, while helping to provide more housing, do not reflect the "style" of the neighbourhood's architecture.



Current house that is requested to be demolished and its neighbour. This proposal leaves a 1 ½ storey house situated between two two storey duplex builds.

Sincerely,
Alison Sutton

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 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: June 28, 2024

REPORT NO.: DSD-2024-321

SUBJECT: Consent Application B2024-015 - 82 York Street

RECOMMENDATION:

That Consent Application B2024-015 for 82 York Street requesting consent to sever a parcel of land having a width of 11 metres, a depth of 19.3 metres and an area of 210 square metres to convey as a lot addition to 509 Park Street, 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 lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
5. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the

Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

6. That the owner shall:

- a) Complete a Building Code Assessment for the existing dwelling proposed to be retained on the retained parcel of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing buildings' wall face, and shall include recommendations such as closing in of openings pending spatial separation calculation results.**
- b) Obtain a Building Permit for any remedial work/ upgrades required by the Building Code Assessment.**

7. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to facilitate a lot addition to 509 Park Street.
- 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 northeasterly side of York Street and currently contains a detached dwelling which is proposed to remain. The property proposed to receive the lot addition, 509 Park Street, currently contains a health care service building (i.e. an addiction treatment center and a local pharmacy).

The location of the subject property that is subject to this consent application is shown on Figure 1 below.

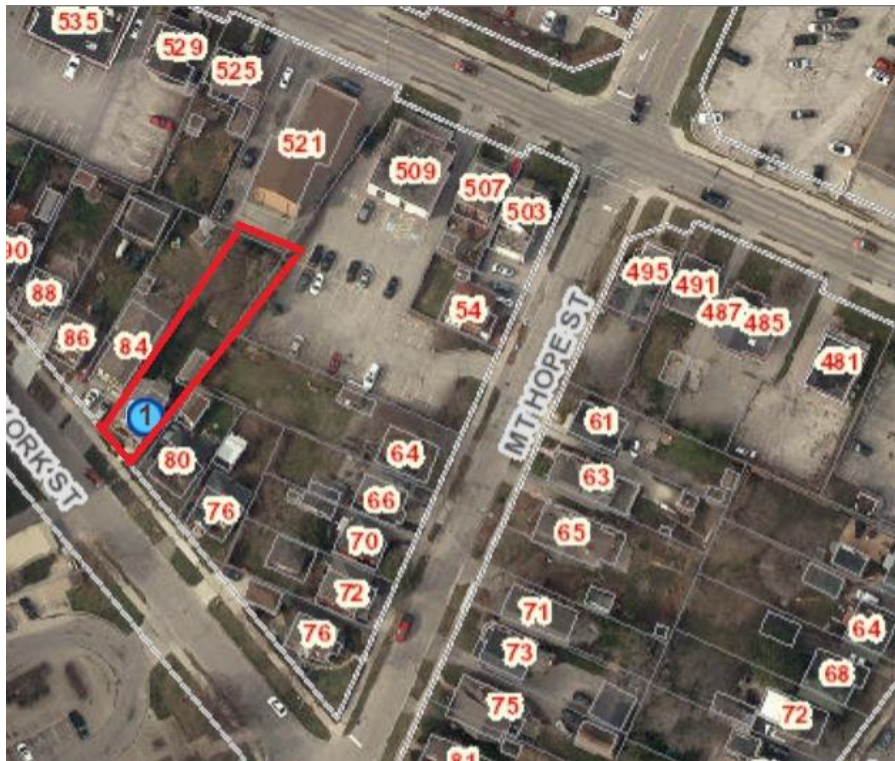


Figure 1: Location of Subject Property

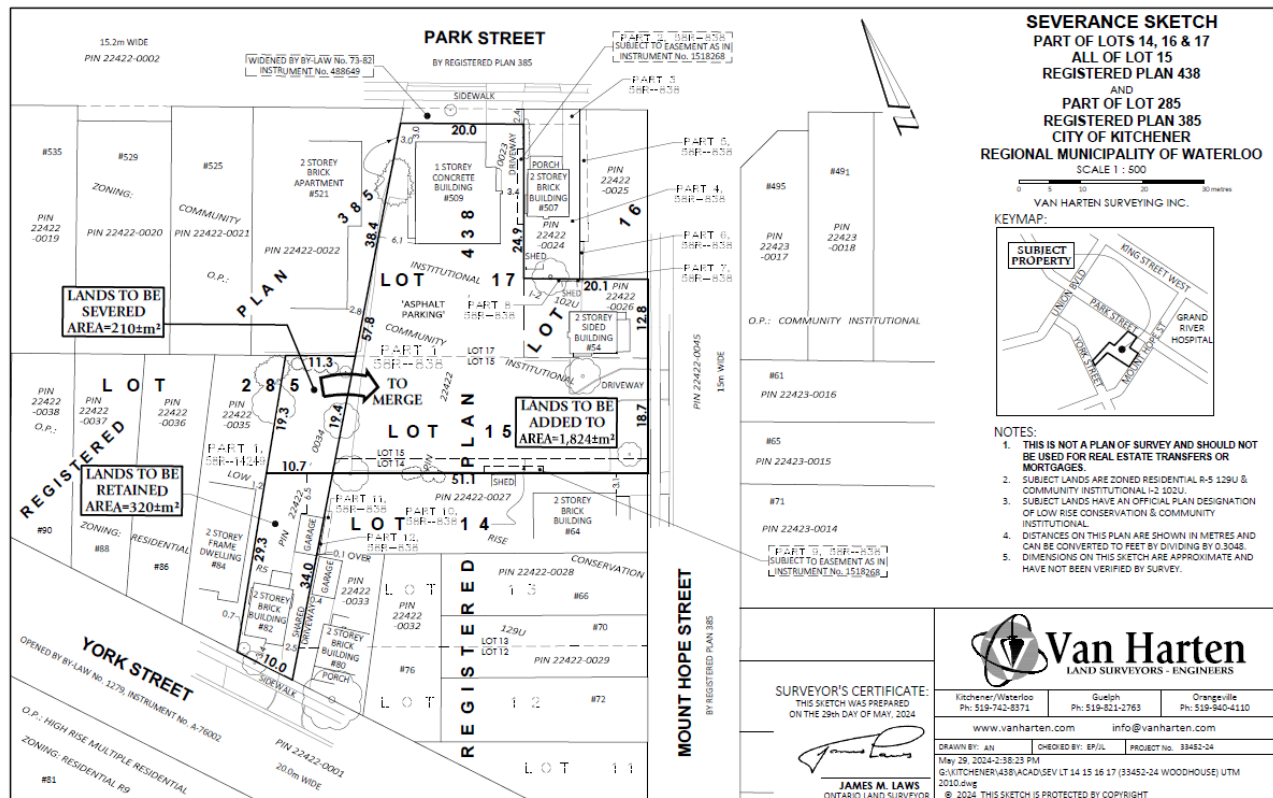


Figure 2: Severance Sketch



Figure 3 – Site Visit Photo

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on the KW Hospital Secondary Plan in the City's 1994 Official Plan. It is proposed to be designated 'Strategic Growth Area A' by OPA 49 to the 2014 Official Plan as part of Growing Together Planning framework.

The property is zoned 'Residential Five Zone (R-5) with Special Use Provision 129U' in Zoning By-law 85-1 and proposed to be zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051, as amended by By-law 2024-065.

The purpose of the application is to sever the rear portion of 82 York Street, illustrated in Figure 2, and add this parcel to the landholdings of 509 Park Street.

No new development or redevelopment is proposed at this time.

A site visit occurred on June 27, 2024, and photo taken (Figure 3).

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 2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject application does not propose any development, rather it is an adjustment of lot lines. Planning Staff is of the opinion that the application 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 and make efficient use of land and infrastructure, at densities and in locations which supports transit viability and active transportation. The proposed lot addition will ultimately facilitate a future multiple residential development in close proximity to the ION.

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 in-effect Official Plan(s) are both the 1994 and 2014 Official Plans.

The lands are subject to the general policies of the 2014 Official Plan but are still part of the KW Secondary Plan in the 1994 Official Plan.

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure in the 2014 Official Plan and is designated 'Low Rise Conservation' in the KW Hospital Secondary Plan.

The property is proposed to be identified as 'Protected Major Transit Station Area' (Urban Structure) and 'Strategic Growth Area A' (Land Use) by OPA 49.

Section 17.E.20.4 of the Official Plan discusses consent applications for lot additions. It notes,

“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.

At this time, no new development is proposed for this lot addition, and it won't create an undersized lot. Moreover, staff are satisfied this lot addition will not frustrate any potential for future re-development nor does it create a retained lot that is undersized or irregular

shaped relative to surrounding lotting fabric. Staff are therefore of the opinion that the proposed consent conforms to the City's 2014 Official Plan.

OPA 49 – Growing Together Planning Framework

In March of 2024, Council endorsed the Growing Together framework. According to OPA 49, the subject lands are located within a Protected Major Transit Station Area (Urban Structure) and designated 'Strategic Growth Area A' (Land Use). This designation is intended to accommodate intensification within a low-rise residential context. OPA 49 has been approved by the Region of Waterloo but is not in effect at the time of writing this report.

Zoning By-law 85-1

The subject property is zoned as 'Residential Five Zone (R-5) with Special Use Provision 129U' in Zoning By-law 85-1. The proposed lot addition will not result in a non-compliance of the minimum lot width or lot area requirements in effect on the subject lands. Staff are of the opinion that the proposed retained lot conforms to the City's Zoning By-law.

Zoning By-law 2019-051, as amended by By-law 2024-065

Implementing zoning of OPA 49 for 82 York Street is 'Low Rise Growth Zone (SGA-1)'. The retained lands will comply with the proposed zoning once it is in-effect.

The proposed lot addition is proposed to be conveyed to 509 Park Street which is proposed to be zoned 'Mid Rise Growth Zone (SGA-2)'.

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 proposed lot addition is appropriate in that it is in compliance with all policies, and it will facilitate future redevelopment opportunities in a Major Transit Station Area.

Environmental Planning Comments:

No concerns or comments with this application as no development is proposed. However, should re-development be considered; the City's Tree Management policies would apply given there are trees/vegetation on-site.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent subject to the following condition for the building existing on the retained parcel of land:

1. A qualified designer is retained to complete a building code assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall addresses such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.

2. A building permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment

Engineering Division Comments:

Advisory Comment: Severance Sketch, Part Of Lots 14, 16 & 17, All Of Lot 15, Registered Plan 438 And Part Of Lot 285, Registered Plan 385, City Of Kitchener, Regional Municipality Of Waterloo prepared by Van Harten indicates the inclusion of the 54 Mt. Hope Street parcel.

City of Kitchener policy is to have only 1 set of municipal service connections (sanitary, storm, and water) per property. Any redundant service connections as a result of the amalgamation/consolidation of separate properties, will require abandonment and/or removal of redundant service connections to City/Regional standard.

The owner will be required to make satisfactory financial arrangements with the Engineering Division for the installation or removal of service connections required to the property; this would be a condition of any future development application for the property. Our records indicate sanitary, storm and water municipal services are currently available to service this property; with the exception of storm infrastructure on Park Street. Any further enquiries in this regard should be directed to Nolan Beatty - nolan.beatty@kitchener.ca.

Parks/Operations Division Comments:

Parkland dedication is not required for this application as it is considered lot addition and no development is currently anticipated. Parkland Dedication requirements will be assessed as part of a future comprehensive redevelopment application for the properties benefiting from the lot addition.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

GRCA Comments:

No concerns.

Region of Waterloo Comments:

The Owner/Applicant is seeking consent to sever a part of residential parcel (82 York Street) as a lot addition to an institutional parcel (509 Park Street/54 Mt. Hope Street), being: conveyed lands – 210 square metres area with approx. 11 metres width and 19.3 metres depth; retained lands – 320 square metres area with approx. 11 metres width and 29.5 metres depth; and the benefitting lands – 1,824 square metres area with irregular boundary.

Archaeological Assessment (Advisory)

Based on a review of the Region's archaeological potential model, the subject lands of 82 York Street, 509 Park Street and 54 Mt. Hope Street possess some potential for the recovery of archaeological resources due to proximity to historic landform and building. The Region does not require the submission of an archaeological assessment due to the extensive disturbance on the properties, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

Hydro One

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)*
- *Zoning By-laws 85-1 and 2019-051, as amended by By-law 2024-065*
- *DSD-2024-005 – Growing Together*



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
Commissioner's Office
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali
W. Phone: 226-751-3388
File: D20-20/24 KIT
July 2, 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 2024-013 to B 2024-016
Committee of Adjustment Hearing July 16, 2024
City of Kitchener

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

B2024-013**1188 Fischer-Hallman Rd & 525 Erinbrook, Kitchener**

Owner: Schlegel Urban Developments & Activa Holdings Inc

Applicant: MHBC c/o Pierre Chauvin/Robyn McIntyre

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Rd, to add to commercial parcel, 525 Erinbrook Rd, being: Severed lands - irregular parcel of 6.2 sqm; Retained lands – 23,426 sqm, and Benefitting lands – 9,428 sqm. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Rd, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

Regional Official Plan

There is a one-foot reserve between retained and benefiting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Rd, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefiting lands, to the satisfaction of the Regional Municipality of Waterloo.

B2024-014**267 Dumfries Ave, Kitchener**

Owner: Dario Kokorovic & Tanja Cyijetic

Applicant: Patterson Planning Consultants Inc

The owner/applicant is proposing to sever a residential parcel of land into two lots for development of a duplex dwelling on each lot, being: both severed and retained lands - lot area of 395.3sqm, depth of 40.5m, and frontage of 9.75m. The existing single detached dwelling is proposed to be demolished.

Environmental Noise

The residential dwellings on the severed and the retained lots will be located in close proximity to Conestoga Parkway/Highway 7, as well as commercial land uses. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
- B) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - 1) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - 2) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

B2024-015**82 York St, 509 Park St, 54 Hope St, Kitchener**

Owner: Woodhouse Investments Inc. and William Hunter

Applicant: Up Consulting Ltd c/o David Galbraith

The Owner/Applicant is seeking consent to sever a part of residential parcel (82 York St) as a lot addition to institutional parcel (509 Park St/54 Hope St), being: conveyed lands – 210sqm area with approx. 11m width and 19.3m depth; retained lands – 320sqm area with approx. 11m width and 29.5m depth; and the benefitting lands – 1824 sqm area with irregular boundary.

Archaeological Assessment (Advisory)

Based on a review of the Region's archaeological potential model, the subject lands of 82 York St, 509 Park St and 54 Hope St possess some potential for the recovery of archaeological resources due to proximity to historic landform and building.

The Region does not require the submission of an archaeological assessment due to the extensive disturbance on the properties, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

B2024-016**176 Woolwich St, Kitchener**

Owner/Applicant: Hector Lopez

The owner/applicant is seeking consent to sever residential parcel into two lots, being: severed – 21,400 sq ft, 107ft width, 200ft depth; retained – 28,576 sq ft, 76ft width, 376 ft depth. The consent to sever will facilitate the creation of a new lot with single detached dwelling. The existing single detached dwelling will remain on retained lot.

Environmental Noise

The residential dwellings on the severed and the retained lots will be impacted by transportation noise from Woolwich Street. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, in lieu of a noise study, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. That the dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
2. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - a. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - b. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/applicant agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic on Woolwich St, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

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



June 28, 2024

via email

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

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – July 16, 2024

Applications for Minor Variance

A 2024-052 250 Frederick Street
A 2024-053 224 Countrystone Crescent
A 2024-054 124 Woolwich Street
A 2024-055 71 Kingsbury Drive
A 2024-056 359 Highland Road West

Applications for Consent

B 2024-013 1188 Fischer Hallman Road
B 2024-014 267 Dumfries Avenue
B 2024-015 82 York Street

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

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Danielle Ingram](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: B2024-015 - 82 York St
Date: Thursday, July 11, 2024 1:56:16 PM

Good Afternoon,

The City of Waterloo has no comment on the above noted application. The City of Waterloo will rely on the City of Kitchener planning staff to undertake a fulsome review and evaluate the merits of the application, determine if the application represents good planning, and is in the public interest.

Thank you,

Danielle Ingram (she/her)

Development Planning | Integrated Planning & Public Works | City of Waterloo

100 REGINA ST. S. | PO Box 337, STN WATERLOO

WATERLOO, ON, N2J 4A8

P: 519.747.8773 | F: 519.747.8523 | TTY: 1.886.786.3941

E: danielle.ingram@waterloo.ca

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www.youtube.com/citywaterloo | www.facebook.com/citywaterloo

 **Please consider your environmental responsibility before printing this e-mail.**

For Committee of Adjustment submissions, please refer to

<https://www.waterloo.ca/en/government/committee-of-adjustment.aspx>

For General Inquiries, please email devservices@waterloo.ca or call (519)747-8752.

For Zoning matters, please email zoning@waterloo.ca.

For Site Plan matters, please email siteplan@waterloo.ca.

From:
To: [Committee of Adjustment \(SM\)](#)
Cc:
Subject: B 2024-015 – 82 York Street – My Submission to Committee of Adjustment Meeting on Tuesday, July 16, 2024
Date: Friday, July 12, 2024 3:13:41 AM

You don't often get email from [Learn why this is important](#)

Re; B 2024-015 – 82 York Street Severance – Objection of Zone Change to Rear Yard
Implicit in Severance Request

Norman T. Emptage

June 12, 2024

I strongly object to the rear yard severance of 82 York Street which is zoned Residential and its conveyance to 509 Park Street which is zoned Mixed Use. This is not an application for a Minor Variance as an implicit Zone Change would take place upon conveyance of the subject property. Through this application 509 Park Street would inappropriately get the 82 York rear yard zoning changed without pre-submission consultation and duly required Zone Change Application notification. If 509 Park Street is permitted to encroach on 82 York zoning other encroachments may be enabled to take place in neighbourhoods throughout the City of Kitchener through zone changing severance actions.

Also, this application if approved makes a mockery of all the Mid-Town Planning meetings that I have attended, meetings where I was assured that my property, and nearby York Street neighbours' properties, would retain their Residential Zoning. My neighbours and I can find no information about the intended usage of the 82 York rear yard. One neighbour inquired and the responding planner's answer to their specific usage inquiry was to the effect that they, the Planning Department, have no information on intended usage. What will nearby neighbours, my wife and I see or hear from our rear yards? Could it be an extended parking lot? A large snow dump? Or perhaps a noisy dog park?

What we currently have in our mature residential neighbourhood is a real gem with rear yard visual and sound barriers from Park Street through an abundance of trees and shrubs which also encompasses the rear and side of the subject property. The nature of our very green back yards supports a stable population rabbits, skunks, chipmunks, possums, and of course, free ranging squirrels. Birds on our section of York Street are very numerous. This week, the week before the Committee of Adjustment meeting that this response is about, I have seen sparrows, starlings, chickadees, robins, cardinals, blue jays, swallows, and purple and gold finches in my back yard while hearing our nesting York Street merlin falcons overhead and witnessing a crow pestered by a cacophony of noisy jays. The insect life is amazing in our back yards including the bellweather fireflies which I have seen at the rear of 82, 84 and 86 York Street. What future impacts will my wife and I, our neighbours, and local wildlife experience if this

application is passed?

I remind the Committee of Adjustment, “Decisions around the permitted uses of land and how a property is configured are not made lightly. For this reason, property owners and developers who want to make such changes must apply for a zoning bylaw amendment.” Should not this severance request be made through a Zone Change?

Respectfully,

Norman Emptage

From:
To: [Committee of Adjustment \(SM\)](#)
Cc:
Subject: B 2024-015 – 82 York Street – My Submission to Committee of Adjustment Meeting on Tuesday, July 16, 2024
Date: Friday, July 12, 2024 7:43:06 AM

You don't often get email from [Learn why this is important](#)

Re; B 2024-015 – 82 York Street Severance – Objection to Severance Request

Marie Morrison and Christina Kardol

We agree with the points below made by Norm Emptage with particular concern that:

- No use has been identified - why is the severance needed and what will it be used for? The intended use will determine neighbourhood impact and not knowing it limits our ability to identify and raise concerns beyond those that follow below.
- Impact in eroding the residential nature and zoning of York Street (effectively expanding the Zoning and footprint of Park Street)
- Setting precedent - we have already had the Park Street business behind us request to purchase a portion of our backyard in order to expand their parking lot - which we declined.
- Impact to local wildlife (as identified by Norm below)
- Potential impact to the reasonable enjoyment of our backyard including sightlines
- Potential impact to property values (we purchased this house with the understanding that existing neighbourhood properties would remain in-tact and not include expanded properties of Park Street or Park Street adjacent businesses).

We are within the 300 meter zone that qualifies us as a "specified person" under Section 1 of the Planning Act.

We may be unable to make the Committee of Adjustment Meeting on Tuesday, July 16th as we both work during this time but trust our written submission will be shared with and given due consideration by the Committee.

Thank you,

Marie Morrison and Christina Kardol

If need to contact us, can also do so through phone or text at

From:
Sent: Friday, July 12, 2024 3:14 AM
To: cofa@kitchener.ca
Cc:

Subject: B 2024-015 – 82 York Street – My Submission to Committee of Adjustment Meeting on Tuesday, July 16, 2024

Re; B 2024-015 – 82 York Street Severance – Objection of Zone Change to Rear Yard Implicit in Severance Request

Norman T. Emptage

June 12, 2024

I strongly object to the rear yard severance of 82 York Street which is zoned Residential and its conveyance to 509 Park Street which is zoned Mixed Use. This is not an application for a Minor Variance as an implicit Zone Change would take place upon conveyance of the subject property. Through this application 509 Park Street would inappropriately get the 82 York rear yard zoning changed without pre-submission consultation and duly required Zone Change Application notification. If 509 Park Street is permitted to encroach on 82 York zoning other encroachments may be enabled to take place in neighbourhoods throughout the City of Kitchener through zone changing severance actions.

Also, this application if approved makes a mockery of all the Mid-Town Planning meetings that I have attended, meetings where I was assured that my property, and nearby York Street neighbours' properties, would retain their Residential Zoning. My neighbours and I can find no information about the intended usage of the 82 York rear yard. One neighbour inquired and the responding planner's answer to their specific usage inquiry was to the effect that they, the Planning Department, have no information on intended usage. What will nearby neighbours, my wife and I see or hear from our rear yards? Could it be an extended parking lot? A large snow dump? Or perhaps a noisy dog park?

What we currently have in our mature residential neighbourhood is a real gem with rear yard visual and sound barriers from Park Street through an abundance of trees and shrubs which also encompasses the rear and side of the subject property. The nature of our very green back yards supports a stable population rabbits, skunks, chipmunks, possums, and of course, free ranging squirrels. Birds on our section of York Street are very numerous. This week, the week before the Committee of Adjustment meeting that this response is about, I have seen sparrows, starlings, chickadees, robins, cardinals, blue jays, swallows, and purple and gold finches in my back yard while hearing our nesting York Street merlin falcons overhead and witnessing a crow pestered by a cacophony of noisy jays. The insect life is amazing in our back yards including the bellweather fireflies which I have seen at the rear of 82, 84 and 86 York Street. What future impacts will my wife and I, our neighbours, and local wildlife experience if this application is passed?

I remind the Committee of Adjustment, “Decisions around the permitted uses of land and how a property is configured are not made lightly. For this reason, property owners and developers who want to make such changes must apply for a zoning bylaw amendment.” Should not this severance request be made through a Zone Change?

Respectfully,

Norman Emptage

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 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 1

DATE OF REPORT: July 3, 2024

REPORT NO.: DSD-2024-316

SUBJECT: Minor Variance Application A2024-057
Consent Application B2024-016
176 Woolwich Street

RECOMMENDATION:

Minor Variance Application A2024-057

- A. That Minor Variance Application A2024-057 for 176 Woolwich Street requesting relief from Section 5.4 Table 5-2 of Zoning By-law 2019-051, to permit a driveway width of 16 metres instead of the maximum permitted width of 11.6 metres and to permit a driveway to be setback 0 metres from the side property line instead of the minimum required 1.9 metres, generally in accordance with the drawing submitted with Minor Variance Application A2024-057, BE APPROVED.

Consent Application B2024-016

- B. That Consent Application B2024-016 requesting consent to sever a parcel of land having a lot width on Woolwich Street of 32.6 metres, a lot depth of 60.9, metres and a lot area of 1,988 square metres, BE APPROVED subject to the following conditions:
1. That Minor Variance Application A2024-057 receive final approval.
 2. 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.
 3. 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.

4. 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.
5. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
6. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
7. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.
8. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services, and the City of Waterloo.
9. That any new driveways are to be built to City of Waterloo standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
10. That the Owner, if required, enter into a servicing agreement, and design to current City of Waterloo standards and make satisfactory financial arrangements for the installation of an extension to the municipal sanitary sewer, including obtaining the necessary Environmental Compliance Approval, to the satisfaction of the City of Waterloo's Director of Engineering services.
11. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
12. Prior to approval, the Owner shall convey to City of Kitchener and/or City of Waterloo, without cost and free of encumbrance, the road widening, required by the City's Official Plan, as indicated on a Reference Plan.
13. That the Owner be required to submit a Phase 1 and if required, Phase 2 Environmental Site Assessment (ESA) to the satisfaction of the City's Director of Engineering Services for the required road widening.

14. That the property owner shall receive final approval of the Environmental Impact Study - 176 Woolwich Street Lot Severance, prepared by Natural Resource Solutions Inc. (April 20, 2024) and the Tree Preservation and Enhancement Plan - 176 Woolwich Street Lot Severance, prepared by Natural Resource Solutions Inc. (March 20, 2024), from the City's Director of Housing and Development Approvals, and the Grand River Conservation Authority.
15. That the property owner enter into a Conservation Easement Agreement together with a Management Plan, with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Planning and registered on title of the lands to be severed. The Management Plan shall include, but is not limited to, the Mitigation Measures recommended in the approved Environmental Impact Study and the Tree Preservation and Enhancement Plan, to the satisfaction of the City's Director of Housing and Development Approvals and the City Solicitor.
16. That at the sole option of the City's Director of Housing and Development Approvals, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Housing and Development Approvals, and registered on title of the severed lands, which shall include the following:
- a) That prior to any grading, servicing, or the application for or issuance of a building permit, the owner shall submit a plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Director of Housing and Development Approvals showing:
 - (i) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - (ii) the proposed grades and drainage;
 - (iii) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition;
 - (iv) justification for any trees to be removed; and
 - (v) outline tree protection measures for trees to be preserved; and
 - (vi) building elevation drawings.
 - (vii) stormwater management strategy including all proposed infiltration galleries.
 - (viii) If necessary, the plan shall include required mitigation and or compensation measures.
 - (ix) That the approved elevation drawings shall be implemented as approved or be substantively similar to the approved elevations as part of issuance of the building permit.
 - b) Any alteration or improvement to the lands including grading, servicing, tree removal and the application or issuance of any building permits shall be in compliance with the approved plan. Any changes or revisions to the plan require the approval of the City's Director of Housing and Development Approvals.

- c) That prior to application for or issuance of a building permit, the owner shall submit an Edge Management Plan for the naturalization of the wetland and dripline buffers, to the satisfaction and approval of the City's Director of Housing and Development Approvals.
- d) The owner agrees to implement the approved Edge Management Plan to the satisfaction of the City's Director of Housing and Development Approvals, within 6 months of occupancy, or as soon as weather conditions permit.

17. That the owner shall:

- a) Complete a Building Code Assessment for the existing dwelling proposed to be retained on the retained parcel of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing buildings' wall face, and shall include recommendations such as closing in of openings pending spatial separation calculation results.
- b) Obtain a Building Permit for any remedial work/ upgrades required by the Building Code Assessment.

18. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

19. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:

- a) That the owner/applicant agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
- b) That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Woolwich St, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density

developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)”.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application for a driveway widening, and to permit a severance to create one new parcel of land.
- 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 Woolwich Street, in proximity to the intersection of Bridge Street and Woolwich Street. The existing property contains a single detached dwelling. The applicant proposes to retain the single detached dwelling and sever off a portion of the property for an additional single detached dwelling. The retained single detached dwelling property also requires Minor Variances to allow a wider driveway than what is permitted by the By-law and to legalize its location relative to the side lot.



Figure 1: Location Map: 176 Woolwich Street.

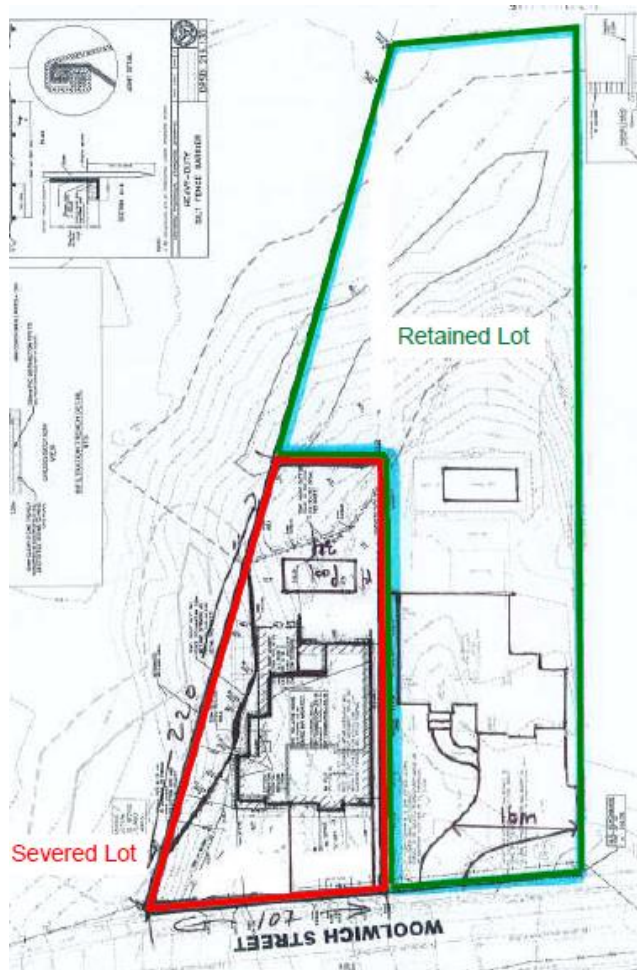


Figure 2: Proposed lot fabrics.

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

The purpose of the application is to sever an existing lot to create an additional lot. The retained lands will contain an existing single detached dwelling. The severed lands will also contain a new single detached dwelling. A minor variance application is also required to legalize the existing driveway that is located on the retained lands.



Figure 3: Existing single detached dwelling at 176 Woolwich Street and area adjacent to be severed.



Figure 4: Side yard setback for existing driveway at 176 Woolwich Street.



Figure 5: Driveway width for existing driveway at 176 Woolwich Street.

REPORT:

Planning Comments Minor Variance Application A2024-057:

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 single detached dwellings. 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 support a permitted use, 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. The driveway configuration that is shown on the property only

has a small portion of the driveway at the maximum width of 16 metres. The driveway closest to the dwelling is the required width, as well the entrance to the driveway at the curb is not at the maximum width and is significantly smaller. The owner has also included a large berm with significant landscaping to buffer the driveway from the road.

The intent of the driveway setback to not permit the driveway no closer than the required side yard setback of 1.9 metres is to ensure adequate separation from neighboring properties and appropriate landscaping. Only a small portion of the driveway is 0 metres from the property line as this was intended to ensure an area to turn around within the driveway to be able to exit the property in a forward motion. There is also a small fence that is on the property line that separates the property from the adjacent lands. The reduction to a 0 metre setback from the side lot line will not impact the neighbouring property.

Staff is of the opinion that the variances meet 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 the existing driveway and its location, and the owner has already added enhanced landscaping to mitigate the visual impact of the driveway. The proposed variances will not present any significant impacts to adjacent properties or the overall streetscape and neighbourhood.

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 the existing driveway and its location within an established neighbourhood.

Planning Comments Consent Application B2024-016:

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

Provincial Policy Statement (PPS 2014)

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

Planning staff is of the opinion that the proposed application will facilitate a form of intensification of the subject property with the creation of a lot that is compatible with the surrounding community and will make use of the existing infrastructure. No new public

roads would be required for the proposed development. Planning staff is of the opinion that this proposal is consistent with the PPS.

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

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

The subject lands are located within the City's delineated built-up area. The proposed development represents intensification and will contribute towards achieving the City's intensification density targets. The severance applications will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the development proposal conforms to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. Planning staff are of the opinion that the severance application conforms to the Regional Official Plan.

City's Official Plan (2014)

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

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

“17.E.20.5 Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;

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

Zoning By-law 2019-051

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

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.

Environmental Planning Comments:

The subject property is treed and does contain two unevaluated wetlands within proximity of the proposed development that are regulated by the Grand River Conservation Authority. These wetlands are not contiguous in biological and hydrological function with the nearby Provincially Significant Wetland (PSW) features. I can advise that an Environmental Impact Study has been prepared (176 Woolwich Street Lot Severance, prepared by Natural Resource Solutions Inc., dated April 2024) and that tree removal and a reduced wetland buffer strategy will be required to facilitate the development. A Stormwater Management Strategy has been designed to match post-development runoff to the surrounding wetlands, while groundwater recharge is enhanced. Mitigation measures will be implemented via conditions of consent.

Heritage Planning Comments:

There are no heritage concerns with the proposed variances. It should be noted the subject land is adjacent to 168 Woolwich Street, which is under heritage review.

Building Division Comments:

The Building Division has no objections to the proposed variance.

The Building Division has no objections to the proposed consent provided for the retained land:

- 1) A qualified designer is retained to complete a building code assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall address such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.
- 2) A building permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment.

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate municipal water, sanitary, and storm service connections, in accordance with Region of Waterloo, City of Waterloo, and City of Kitchener approved policies. Our records indicate City of Waterloo storm and water municipal services are currently available to service the severed parcel. The installation of an extension to the City of Waterloo gravity sanitary sewer may be required to provide a positive outlet for the severed parcel, at the property owner's sole expense. Coordination with the City of Waterloo will be required for all servicing (water, sanitary, storm) in the right-of-way.
- As municipal sanitary (gravity drainage) sewer infrastructure is not currently available fronting the severed property, the owner would be required to design to current City of Waterloo standards, and make satisfactory financial arrangements for, the installation of an extension to the municipal sanitary sewer, including obtaining the necessary Municipal system alterations Approval with the City of Waterloo, all prior to severance approval. For further information on the application please visit the City's website at Municipal system alterations - City of Waterloo. Any further enquiries in this regard should be directed to Ronda Werner - ronda.werner@waterloo.ca.
- A Servicing Agreement will be required for a private contractor to complete the construction on extending the sanitary sewer. The agreement should be prepared and signed in agreement with the City of Waterloo prior to severance approval. Should the applicant wish for the City of Waterloo's construction division to complete the work, a request to the City of Waterloo Stormwater Operations and Construction Division will be required and approved by the Manager of Stormwater Operations and Construction prior to severance approval.
- Any new driveways are to be built to City of Waterloo standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- A Phase 1 and if required, Phase 2 Environmental Site Assessment (ESA) will be required to the satisfaction of Engineering Services for the road widening requested by Transportation.

Parks/Operations Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862.00. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 32.6 metres (107 feet) at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

No concerns with the proposed minor variance application.

Transportation Planning Comments:

Transportation Services have no concerns with this minor variance application.

The City of Kitchener's Official Plan notes Woolwich Street is designated for a road widening with an ultimate road width of 20 metres between Shirk Place and the city limits. Therefore, a conveyance of approximately 4 metres along the entire Woolwich Street frontage is required.

Prior to approval, the Owner shall convey to City of Kitchener and/or City of Waterloo, without cost and free of encumbrance, the road widening indicated on a reference plan.

Region of Waterloo Comments:**Environmental Noise**

The residential dwellings on the severed and the retained lots will be impacted by transportation noise from Woolwich Street. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, in lieu of a noise study, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. That the dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
2. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i) "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the

occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
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 - ii) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to

remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)”.

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.

GRCA Comments:

The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a public body under the Planning Act, as well as in accordance with Ontario Regulation 41/24 and GRCA's Board approved policies. Information currently available at our office indicates that the subject lands contain or are adjacent to wetlands. The applicant has submitted an environmental impact study (EIS) which demonstrates that the wetland unit closest to the proposed dwelling qualifies for removal under GRCA policy. In lieu of removal, the EIS has proposed maintaining a small buffer and completing edge plantings and infiltration measures that will maintain and enhance the wetland.

The lot severance creates lot lines outside of the wetland and a recommended buffer. As such, the GRCA has no objections to the applications. A GRCA permit is required prior to construction.

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*
- *DSD-2021-086*
- *DSD-19-081*

Attachments

- Attachment A – Draft Reference Plan

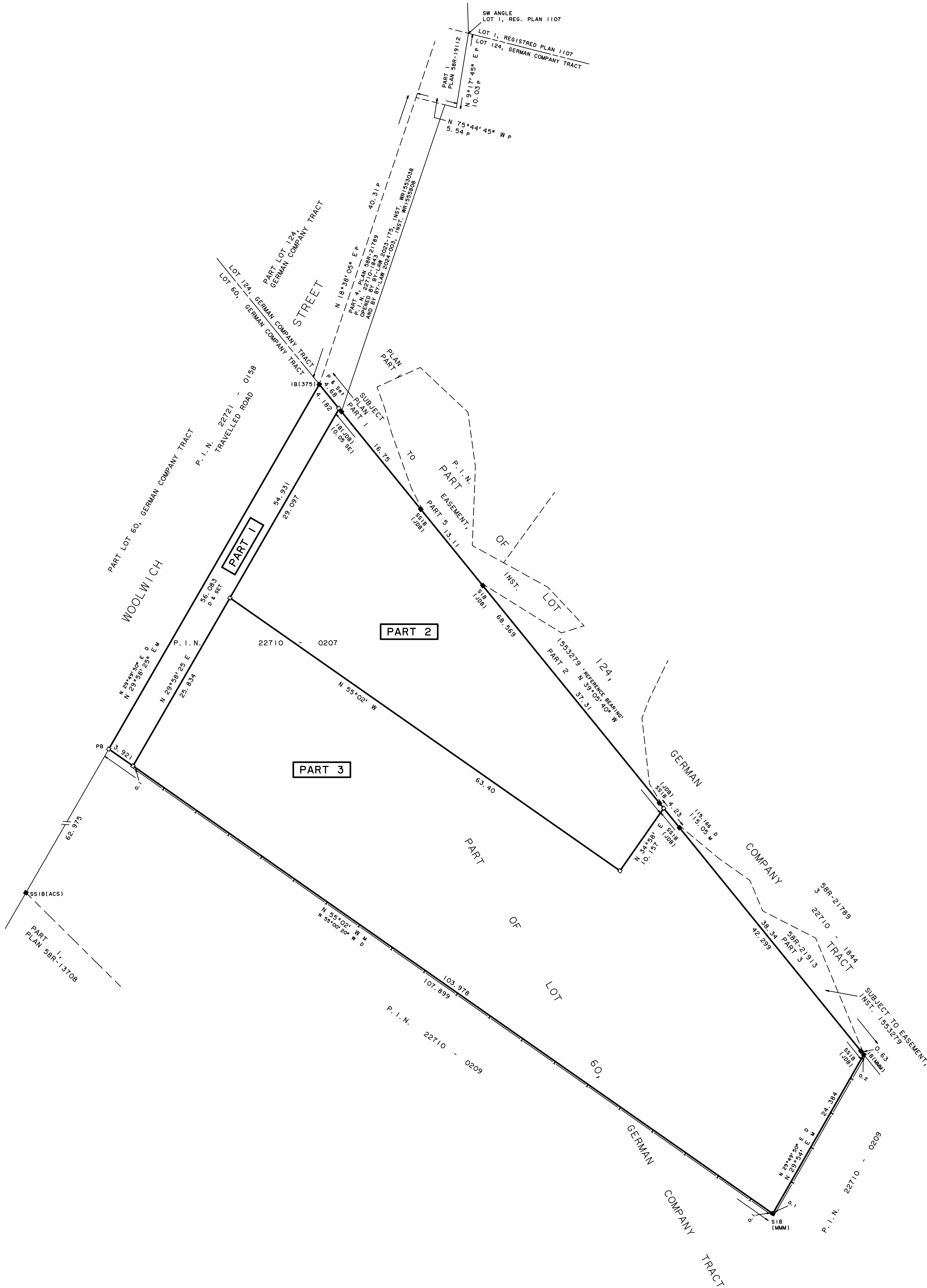
PLAN OF SURVEY
OF PART OF LOT 60, GERMAN COMPANY TRACT
CITY OF KITCHENER
REGIONAL MUNICIPALITY OF WATERLOO
GEOGRAPHIC TOWNSHIP OF WATERLOO

SCALE = 1 : 300

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

GUENTHER RUEB SURVEYING LIMITED

NOTE: BEARINGS ARE UTM GRID AND ARE REFERRED TO THE SW'LY LIMIT
OF PARTS 1, 2, 3 AND 5, AS SHOWN ON PLAN 58R-21913, HAVING A
BEARING OF N 39°05'40" W.



NOTE: FOR PURPOSES OF COMPARISON, BEARINGS SHOWN ON
INST. 1007437 HAVE BEEN ROTATED 0°35'40" COUNTER-CLOCKWISE

PLAN 58R-

RECEIVED AND DEPOSITED

REPRESENTATIVE FOR
THE LAND REGISTRAR FOR
THE LAND TITLES DIVISION
OF WATERLOO (No. 58)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND TITLES
ACT.

2024

ERICH R. RUEB

SCHEDULE OF PARTS

PART	LOT	CONCESSION	P. I. N.
1	PART OF LOT 60	GERMAN COMPANY TRACT	22710-0207
2			
3			

NOTE: PARTS 1, 2 AND 3 COMPRISE ALL OF P. I. N. 22710-0207.

LEGEND

CC	=	CUT CROSS
CM	=	CONCRETE MONUMENT
SIB	=	STANDARD IRON BAR
SSIB	=	SHORT STANDARD IRON BAR
IB	=	IRON BAR
IT	=	IRON TUBE
PB	=	PLASTIC BAR
RIB	=	ROUND IRON BAR
-x-	=	CHAIN LINK FENCE
■	=	FOUND
□	=	PLANTED
M	=	MEASURED
WIT	=	WITNESS
U	=	UNIDENTIFIED
INST.	=	INSTRUMENT
REG.	=	REGISTERED
P	=	PLAN 58R-21789
D	=	INST. 1007437
MMM	=	MARSHALL MACKLIN MONOGHAN LIMITED
375	=	BLACK SHOEMAKER ROBINSON AND DONALDSON LTD.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE DAY OF , 2024.

DATED AT KITCHENER

2024

ERICH R. RUEB
ONTARIO LAND SURVEYOR

GUENTHER RUEB SURVEYING LIMITED
KITCHENER, ONTARIO



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
Commissioner's Office
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali
W. Phone: 226-751-3388
File: D20-20/24 KIT
July 2, 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 2024-013 to B 2024-016
Committee of Adjustment Hearing July 16, 2024
City of Kitchener

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

B2024-013**1188 Fischer-Hallman Rd & 525 Erinbrook, Kitchener**

Owner: Schlegel Urban Developments & Activa Holdings Inc

Applicant: MHBC c/o Pierre Chauvin/Robyn McIntyre

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Rd, to add to commercial parcel, 525 Erinbrook Rd, being: Severed lands - irregular parcel of 6.2 sqm; Retained lands – 23,426 sqm, and Benefitting lands – 9,428 sqm. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Rd, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

Regional Official Plan

There is a one-foot reserve between retained and benefiting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Rd, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefiting lands, to the satisfaction of the Regional Municipality of Waterloo.

B2024-014**267 Dumfries Ave, Kitchener**

Owner: Dario Kokorovic & Tanja Cyijetic

Applicant: Patterson Planning Consultants Inc

The owner/applicant is proposing to sever a residential parcel of land into two lots for development of a duplex dwelling on each lot, being: both severed and retained lands - lot area of 395.3sqm, depth of 40.5m, and frontage of 9.75m. The existing single detached dwelling is proposed to be demolished.

Environmental Noise

The residential dwellings on the severed and the retained lots will be located in close proximity to Conestoga Parkway/Highway 7, as well as commercial land uses. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
- B) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - 1) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - 2) "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

B2024-015**82 York St, 509 Park St, 54 Hope St, Kitchener**

Owner: Woodhouse Investments Inc. and William Hunter

Applicant: Up Consulting Ltd c/o David Galbraith

The Owner/Applicant is seeking consent to sever a part of residential parcel (82 York St) as a lot addition to institutional parcel (509 Park St/54 Hope St), being: conveyed lands – 210sqm area with approx. 11m width and 19.3m depth; retained lands – 320sqm area with approx. 11m width and 29.5m depth; and the benefitting lands – 1824 sqm area with irregular boundary.

Archaeological Assessment (Advisory)

Based on a review of the Region's archaeological potential model, the subject lands of 82 York St, 509 Park St and 54 Hope St possess some potential for the recovery of archaeological resources due to proximity to historic landform and building.

The Region does not require the submission of an archaeological assessment due to the extensive disturbance on the properties, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

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

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

B2024-016**176 Woolwich St, Kitchener**

Owner/Applicant: Hector Lopez

The owner/applicant is seeking consent to sever residential parcel into two lots, being: severed – 21,400 sq ft, 107ft width, 200ft depth; retained – 28,576 sq ft, 76ft width, 376 ft depth. The consent to sever will facilitate the creation of a new lot with single detached dwelling. The existing single detached dwelling will remain on retained lot.

Environmental Noise

The residential dwellings on the severed and the retained lots will be impacted by transportation noise from Woolwich Street. The owner/applicant is required undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Alternatively, in lieu of a noise study, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. That the dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
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- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

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

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
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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

June 25, 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

- (1) 06 FREDERICK 250 FREDERICK STREET
250 FREDERICK INC
- (3) VAR KIT/ 124 WOOLWICH STREET
ZHENGYU CUI
- (4) VAR KIT/ 71 KINGSBURY 71 KINGSBURY
INC
- (5) 06 HIGHLAND / 359 HIGHLAND ROAD
W 2689943 ONTARIO INCORPORATED
- (6) VAR KIT / 176 WOOLWICH STREET
HECTOR LOPEZ

Subject: Committee of Adjustment Meeting July 16, 2024, City of Kitchener

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

- 1) A 2024 - 052 – 250 Frederick Street – No concerns.
- 2) A 2024 - 053 – 224 Contrystone Crescent (Unit C) – There are no conditions for the above application. However, the applicants are advised that there would be impacts from road noise to the existing and the proposed dwellings. The applicants are responsible for ensuring no environmental noise impacts from/to the proposed development.
- 3) A 2024 - 054 – 124 Woolwich Street – No concerns.
- 4) A 2024 - 055 – 71 Kingsbury Drive – No concerns.
- 5) A 2024 - 056 – 359 Highland Road West – No concerns.
- 6) A 2024 - 057 – 176 Woolwich Street – No concerns.

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor

thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'Joginder Bhatia', followed by the initials 'CM'.

Joginder Bhatia
Transportation Planner
C (226) 753-0368

CC:

Mariah Blake, City of Kitchener

CofA@Kitchener.ca

Katrina Fluit, Region of Waterloo – FYI only.



June 25, 2024

Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener ON N2G 4V6
CofA@kitchener.ca

Re: Minor Variance Application A2024-057
Consent Application B2024-016
176 Woolwich St, Kitchener
Hector Lopez

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications to sever the lot and construct a new dwelling.

Recommendation

The GRCA has no objection to the applications. A GRCA permit is required prior to construction.

Documents Reviewed by Staff

Staff have reviewed the grading plan (JPE Engineering, revised February 23, 2023) submitted with this application. Staff have also reviewed an environmental impact study (NRSI, April 2024) submitted as part of the related pre-consultation application.

GRCA Comments

The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a public body under the Planning Act, as well as in accordance with Ontario Regulation 41/24 and GRCA's Board approved policies.

Information currently available at our office indicates that the subject lands contain or are adjacent to wetlands. The applicant has submitted an environmental impact study (EIS) which demonstrates that the wetland unit closest to the proposed dwelling qualifies for removal under GRCA policy. In lieu of removal, the EIS has proposed maintaining a small buffer and completing edge plantings and infiltration measures that will maintain and enhance the wetland.

The lot severance creates lot lines outside of the wetland and a recommended buffer.

As such, the GRCA has no objections to the applications. A GRCA permit is required prior to construction.

This is considered a minor consent application. Consistent with GRCA's 2024 approved fee schedule, we will invoice the applicant \$465 for our review. A separate standard development category fee (\$675) will be required for a GRCA permit.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2761 ext. 2292 or theywood@grandriver.ca.

Sincerely,



Trevor Heywood
Resource Planner
Grand River Conservation Authority

Encl. Resource Mapping



Legend

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

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. See [Sources and Citations](#) for details.

Scale 1:982

NAD83 UTM Zone 18N (4791)

