



## **Committee of Adjustment Agenda**

**Tuesday, October 15, 2024, 10:00 a.m. - 12:00 p.m.**

**Council Chambers**

**City of Kitchener**

**200 King Street W, Kitchener, ON N2G 4G7**

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

TAKE NOTICE THAT the Committee of Adjustment for the City of Kitchener **will meet in Council Chambers, 2nd Floor, Kitchener City Hall, 200 King Street West, on Tuesday, OCTOBER 15, 2024, commencing at 10:00 a.m.** for the purpose of hearing the following applications for Minor Variance and/or Consent.

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

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

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### **Pages**

**1. COMMENCEMENT**

**2. MINUTES**

**3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

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

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

**5. NEW BUSINESS**

- 5.1 A 2024-080 - 92 River Road East, DSD-2024-455** 5
- Requesting minor variances to permit no pedestrian entrance on the front façade of the principal building whereas the Zoning By-law requires 1 pedestrian entrance for a building having 5 to 10 dwelling units; the parking lot to be setback 0.15m from the rear lot line and 0.5m from the southerly side lot line rather than the minimum required 1.5m; a lot width of 19.47m rather than the required 30.0m; and, an easterly side yard setback of 3.0m rather than the minimum required 4.5m to facilitate the development of a 3-storey multiple dwelling having 10 dwelling units.
- 5.2 A 2024-081 - 236 Margaret Avenue, DSD-2024-437** 17
- Requesting a minor variance to permit 7 parking spaces including 2 visitor parking spaces (0.43 parking spaces per dwelling unit) rather than the required 17 parking spaces including 3 visitor parking spaces (1.15 parking spaces per dwelling unit) to facilitate the renovation of the existing 2-storey building with 14 dwelling units.
- 5.3 A 2024-082 - 685 Frederick Street, DSD-2024-446** 27
- Requesting minor variances to permit an unobstructed walkway to have a width of 1.0m rather than the required 1.1m; and a westerly side yard setback of 1.0m rather than the required 1.2m to recognize the location of the existing building and to facilitate the development of an Additional Dwelling Unit (ADU)(Attached).
- 5.4 A 2024-083 - 361 Westmeadow Drive, DSD-2024-462** 46
- Requesting a minor variance to permit a pool in the front yard, whereas the Zoning By-law only permits a pool in the interior, exterior or rear yards, to facilitate the installation of a pool on an irregularly shaped property.
- 5.5 A 2024-084 - 18 Pine Street, DSD-2024-451** 69
- Requesting minor variances to permit a canopy to project 3.3m into the front yard rather than the maximum permitted 1.8m and for the canopy to be supported by the ground whereas the Zoning By-law requires a canopy in the front yard not to be supported by the ground; and having steps and access ramps that exceed 0.6m in height to be located 1.2m from the street line rather than the required 3.0m; having a minimum landscaped area of 23% rather than the required 30%; and, a rear landscaped area of 23% rather than the required 40% to facilitate an internal renovation for health clinic and pharmacy uses.
- 5.6 A 2024-085 - 62 Gage Avenue, DSD-2024-454** 83
- Requesting minor variances to permit a front yard setback of 2.89m rather than the required 9.0m; and, to permit an unenclosed front porch to be located 1.8m from a street line rather than the minimum required 3.0m to facilitate the construction of a semi-detached dwelling.

- 5.7 A 2024-086 - 1295 Bleams Road, DSD-2024-438** 96  
 Requesting a minor variance to Zoning By-law 85-1 to permit a front yard setback of 11.8m rather than the maximum permitted 7.5m, to facilitate the development of a 13-storey apartment building having 202 dwelling units in accordance with Site Plan Application SP23/015/F/AP.
- 5.8 B 2024-026 & A 2024-087 - 211 Lancaster Street West, DSD-2024-436** 107  
 Requesting consent to sever a parcel of land having a width of 7.9m, a depth of 36.5m and an area of 292 sq.m. The retained land will have a width of 10.9m, a depth of 36.5m and an area of 399 sq.m. Minor variances are also being requested for the retained land to permit a lot width of 7.9m rather than the required 9.0m; and a parking space within the existing garage to have a width of 2.78m rather than the required 3.0m. The existing dwelling is proposed to be retained and a new dwelling is proposed to be constructed on the severed land.
- 5.9 B 2024-027, B 2024-028, A 2024-088 & A 2024-089 - 130 & 132 Edmund Road, DSD-2024-439** 131  
 Requesting consent to sever a parcel of land having a width of 7.9m, a depth of 40.3m and an area of 318.6 sq.m. The retained land will have a width of 7.9m, a depth of 40.3m and an area of 318.8 sq.m. Consent is also being requested to grant easements having a width of 1.5m at the front and rear of the building where the common wall is not shared for the purposes of access and maintenance. The consent will allow each half of two proposed semi-detached dwellings to be on a separate lot and to be dealt with independently. Minor variances are also being requested for the severed and retained lands to permit interior yard setbacks of 0m where there is not a shared common wall rather than the required 1.2m to facilitate the severance of the existing semi-detached dwelling into 2 separate lots; and, to permit decks greater than 0.6m in height to be located 0m from the interior side lot line (common lot line) rather than the required 1.2m.

## **6. ADJOURNMENT**

## 7. PLANNING ACT INFORMATION

- Additional information is available at the Legislated Services Department, 2nd Floor, Kitchener City Hall, 200 King Street West, Kitchener 519-741-2203 or by emailing [CofA@kitchener.ca](mailto:CofA@kitchener.ca).
- Copies of written submissions/public agencies' comments are available the Friday afternoon prior to the meeting on the City of Kitchener website [www.kitchener.ca/meetings](http://www.kitchener.ca/meetings) in the online Council and Committee calendar; see the meeting date for more details.
- Anyone having an interest in any of these applications may attend this meeting.
- Only the Applicant, Minister, **specified person (as defined in Section 1 of the Planning Act)** or public body that has an interest in the matter has the right to appeal 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](mailto: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 27th day of September, 2024.

Marilyn Mills  
Secretary-Treasurer  
Committee of Adjustment



**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 2024

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

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

**WARD(S) INVOLVED:** Ward 1

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

**REPORT NO.:** DSD-2024-455

**SUBJECT:** Minor Variance Application A2024-080 – 92 River Road East

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## RECOMMENDATION:

That Minor Variance Application A2024-080 for 92 River Road East requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.12.4 a) to not require 1 pedestrian entrance on the front face of the principal building whereas the Zoning By-law requires a pedestrian entrance on the front face of the principal building;
- ii) Section 5.3 e) i) to permit the parking lot to be set back 0.15 metres from the rear lot line and 0.5 metres from the southerly side lot line instead of the minimum required 1.5 metres;
- iii) Section 7.3, Table 7-6, to permit a lot width of 19.4 metres instead of the minimum required 30 metres; and
- iv) Section 7.3, Table 7-6, to permit an interior side yard setback of 3 metres instead of the minimum required 4.5 metres;

to facilitate the redevelopment of the lands with a new multiple dwelling building having 10 dwelling units, generally in accordance with drawings prepared by Dryden, Smith and Head, dated August 30, 2024, BE APPROVED.

## REPORT HIGHLIGHTS:

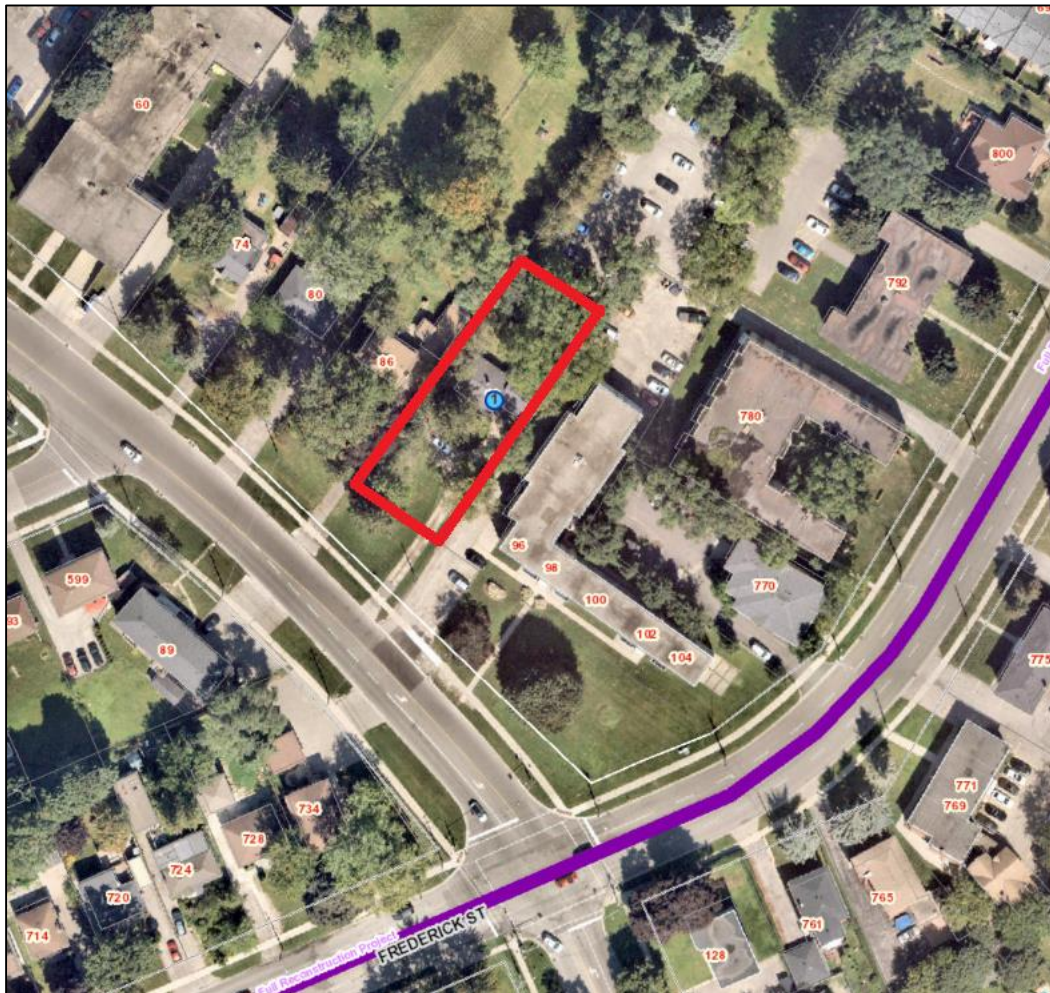
- The purpose of this report is to review a minor variance application to facilitate the redevelopment of the subject lands by demolishing the existing detached dwelling and replacing it with a multiple dwelling building with 10 dwelling units.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the

application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.

- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located on the North side of River Road East between Victoria Avenue North and Frederick Street.



**Figure 1: Location Map**

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

The property is zoned 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051.

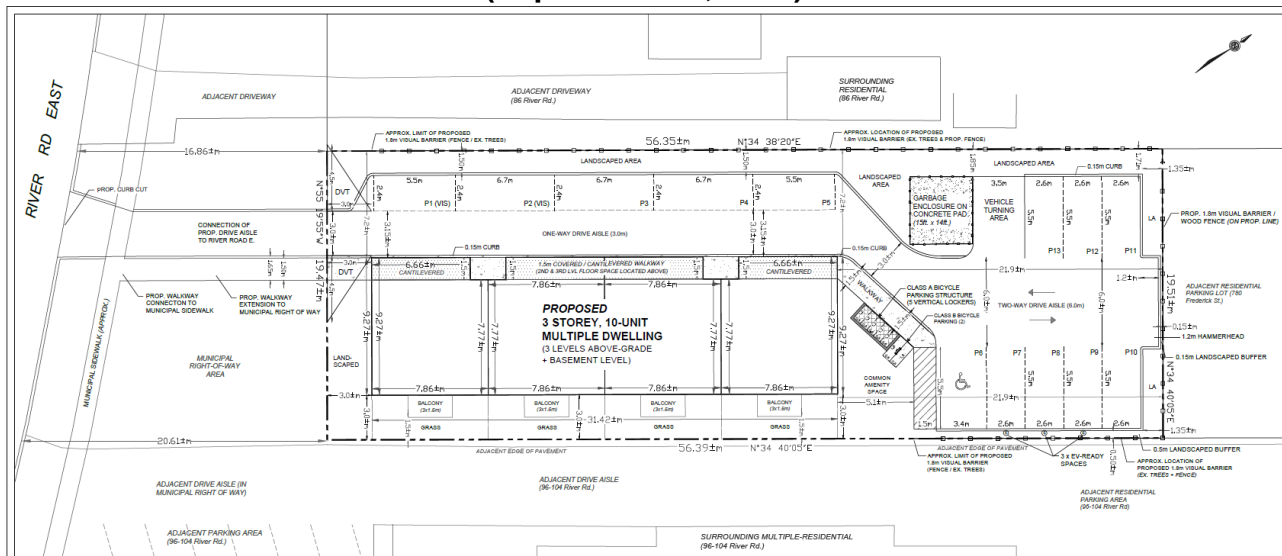
The purpose of the application is to facilitate the redevelopment of the lands by demolishing the existing detached dwelling and replacing it with a new multiple dwelling building containing 10 dwelling units.



A Site Plan application is not required for developments with 10 dwelling units or less. A Zoning Occupancy Certificate (ZOC) has been submitted and is under review.



**Figure 2: View of Existing Detached Dwelling  
(September 27, 2024)**



**Figure 3: Concept Plan (Dryden, Smith, and Head)**

## 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 Medium Rise Residential land use designation is to accommodate a range of medium density housing types, including multiple dwellings and townhouse dwellings. It is also to encourage and support the mixing and integrating of innovative and different forms of housing. The applicant is proposing to provide a Low Rise form of development, due to the lot size being inadequate for a Medium Rise form. The use of multiple dwelling is permitted in the land use designation, and it will help to achieve a mix and integration of housing types in the neighbourhood. Planning Staff is of the opinion that the requested variances will meet the general intent of the Official Plan.

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

##### *Pedestrian Entrance*

The intent of the regulation that requires the building to contain at least one pedestrian entrance on the front façade of the principal dwelling is to address the street, avoid blank walls, and animate the streetscape with building articulation. The subject lands have an atypically large distance between the front lot line and the sidewalk River Road East (approximately 15 metres); thus, any new building will be set back a great distance from the public realm and would not impact the streetscape as much as lots that have a typical distance (1-2 metres) between the front lot line and the sidewalk. To address architectural articulation and avoiding blank walls, the applicant has provided elevation drawings that include windows on all three levels and a Juliet balcony on the second level (see Figure 4). Planning Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

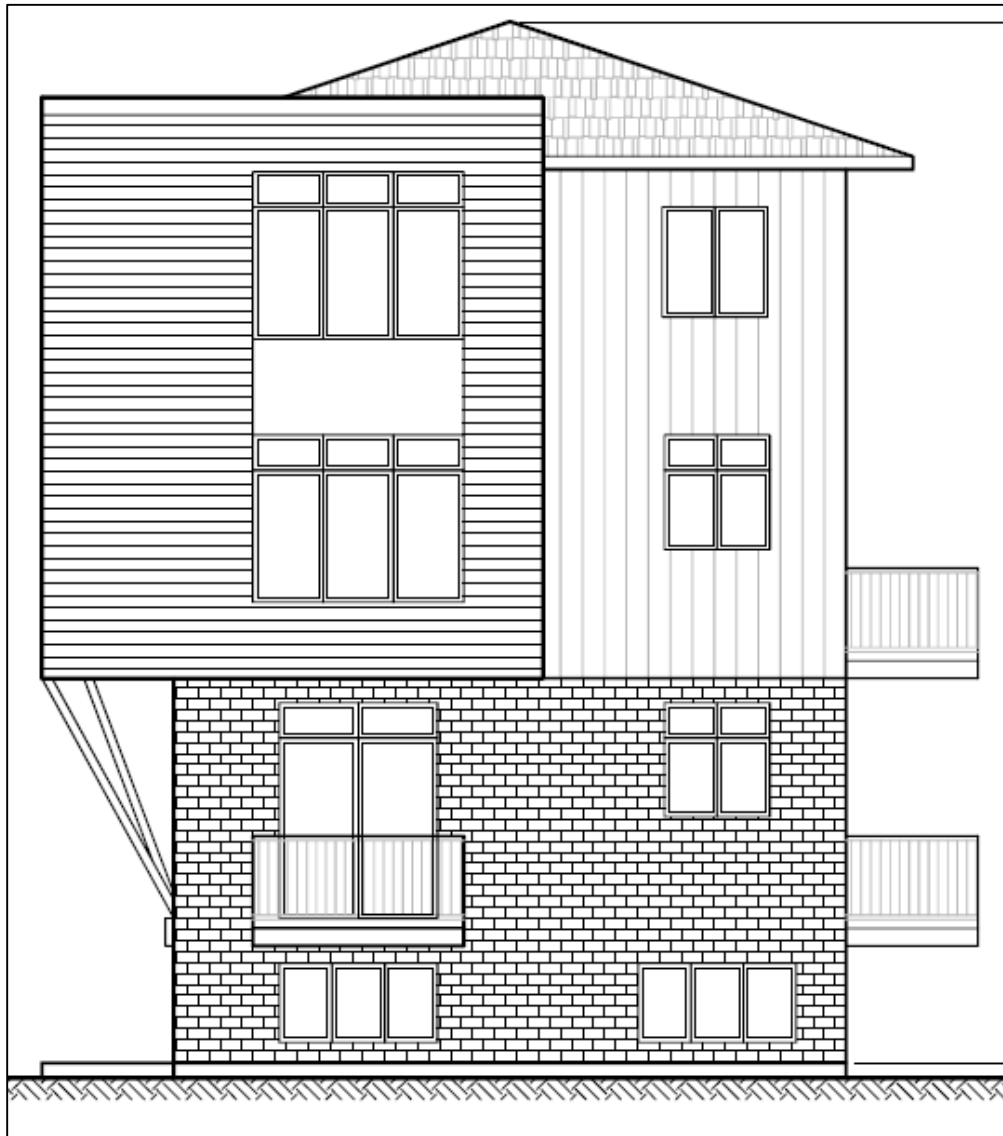
##### *Parking Lot Setback*

The intent of the regulation that requires a 1.5 metre setback for a parking lot is to provide an adequate space for landscape plantings and to provide a buffer for the parking area to adjacent properties. The subject lands are abutting a parking area for the adjacent apartment buildings on the rear lot line and southerly side lot line. Therefore, there is not as great of a need to provide a buffer on those lot lines as the condition would be surface parking abutting surface parking. In turn, this request would enable a greater landscape buffer and setback (1.85 metres) to the northerly side property line, providing a buffer to the existing residential lands currently used for a detached dwelling. In the opinion of Planning Staff, the requested variance meets the general intent of the Zoning By-law.

##### *Lot Width*

The intent of the regulation that requires a 30 metre lot width is to provide adequate functionality for a midrise building, as a building of 25 metres in height (approximately 8 storeys) is permitted in the RES-6 zone as-of-right. However, the applicant is seeking to develop the lands with a 3 storey building, typical of the building type that is permitted in the Low Rise Residential Five Zone (RES-5). The minimum lot width in RES-5 zone is 19

metres, demonstrating that the subject lands, without lot consolidation are better suited towards a low rise residential development with the provided lot width of 19.8 metres. Staff are of the opinion that the type of development proposed will be functional on a lot size of 19.8 metres and therefore are of the opinion that the requested variance for reduction in lot width meets the general intent of the Zoning By-law.



**Figure 4: Proposed Elevation facing River Road East**

#### *Side Yard Setback*

The intent of the regulation that requires a 4.5 metre setback is to provide for adequate building separation for a midrise building of up to 8 storeys. The proposed development is to be 3 storeys in height, which would have significantly lesser impacts on abutting lands than an 8 storey midrise building in regards to total massing, shadows, views, etc. Staff acknowledge that a 3 metre setback is the standard for a 3 storey building in the Low Rise Residential Five Zone (RES-5) and are of the opinion that a 3 metre setback meets the general intent of the Zoning By-law by providing adequate building separation for a building 3 storeys in height.

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

Staff do not anticipate adverse impacts caused by the requested variances as the proposed development offers similar standards for low-rise residential development in the RES-5 Zone. The applicant has worked with staff to mitigate potential adverse impacts and ensure if there are impacts, they will be minor. Therefore, Staff are of the opinion that the effects of the requested variances are minor.

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

The lands are inadequately sized for a midrise development, as they do not possess the lot width that would allow for a functional development at greater building heights. The requested variances are desirable and appropriate as they will enable the applicant to develop a low-rise form of development, which in the opinion of staff is more appropriate for the development of the lands.

**Environmental Planning Comments:**

No comments.

**Heritage Planning Comments:**

No heritage comments or concerns.

**Building Division Comments:**

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

**Engineering Division Comments:**

No Engineering concerns.

**Parks/Operations Division Comments:**

Parkland Dedication will be required for the net new residential units to be paid prior to the issuance of the Building Permit.

**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.

CONSULT –Planning staff had one-on-one conversations with a resident in person and on the telephone in regards to the proposed application.

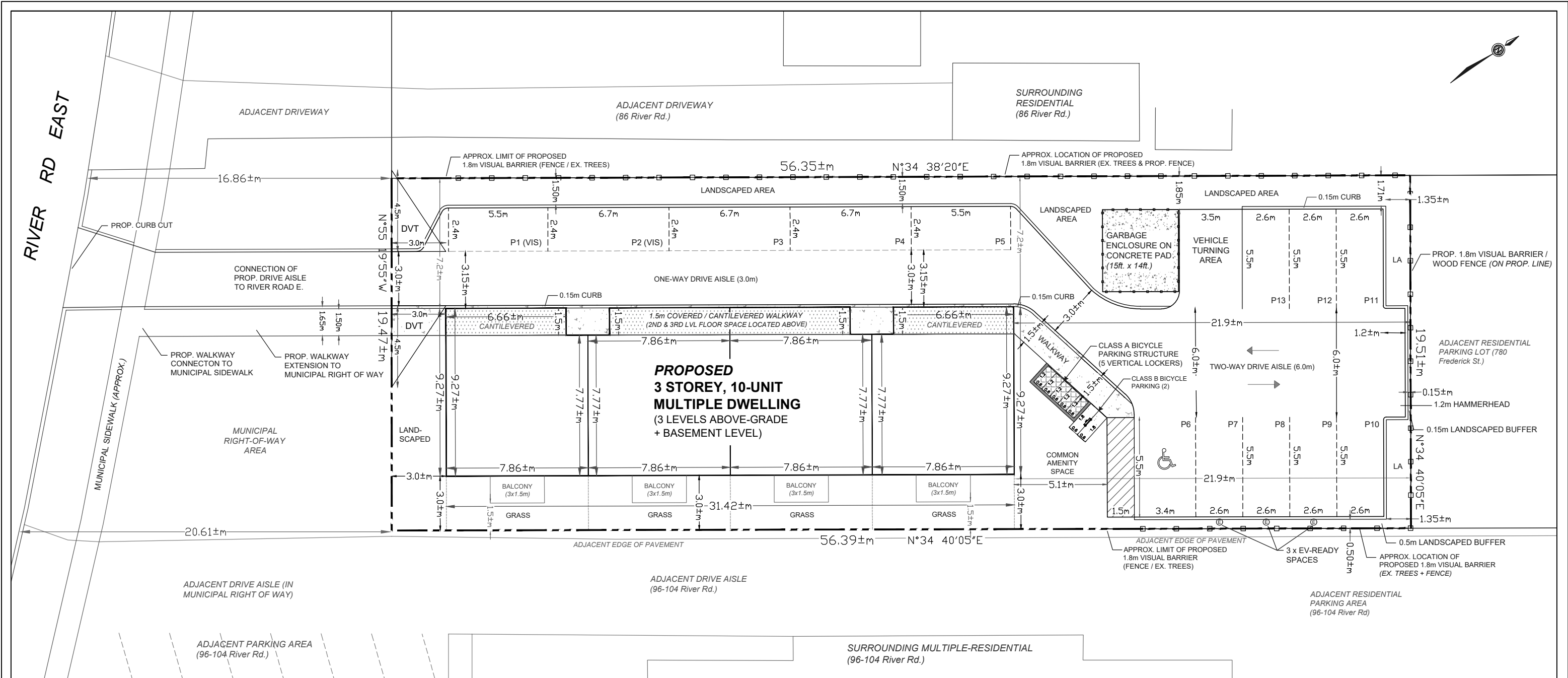
## **PREVIOUS REPORTS/AUTHORITIES:**

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

## **ATTACHMENTS:**

Attachment A – Concept Plan





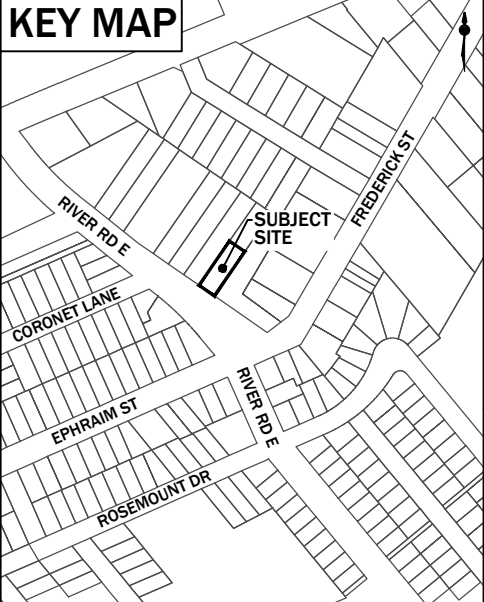
MINOR VARIANCE  
SKETCH PLAN

92 RIVER ROAD E.  
PLAN 764, PT LOT 42  
CITY OF KITCHENER  
REGION OF WATERLOO  
ROLL# 301202000812100

ZONING REQUIREMENTS: RES-6 (Residential)			
	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA (MIN.)	N/A	1,098.6 ±m <sup>2</sup>	YES
LOT WIDTH (MIN.)	30.0 m	19.47 m	NO (EXISTING)
FRONT YARD SETBACK	3.0 m	3.0 ±m	YES
SIDE YARD SETBACK	4.5 m	3.0 ±m	NO (MV REQ.)
REAR YARD SETBACK	7.5 m	21.9 ±m	YES
MAX. HEIGHT/STOREYS	25m / 8 storeys	3 storeys (12.19m)	YES
LANDSCAPED AREA	20 %	29.3 %	YES
FRONT YARD LANDSCAPING	20 %	72.0 %	YES
MAX. FLOOR SPACE RATIO	2.0 FSR.	0.74 FSR.	YES
PARKING			
	REQUIRED	PROVIDED	COMPLIANCE
MIN. PARKING (resident)	10 spaces (1.0/unit)	11 spaces (1.1/unit)	YES
MIN. PARKING (visitor)	2 spaces (0.15/unit)	2 spaces (0.15/unit)	YES
BARRIER FREE	1 (3% of req. spaces)	1 space	YES
EV-READY SPACES	3 (20% of req. spaces)	3 EV-Ready spaces	YES
CLASS-A BICYCLE STALLS	0.5/unit (5 stalls)	0.5/unit (5 stalls)	YES
CLASS-B BICYCLE STALLS	2 stalls	2 stalls	YES

- DEVELOPMENT DETAILS**
- Proposing redevelopment to construct a 10-unit multiple dwelling, with 13 parking spaces (11 Resident, and 2 Visitor). The building will be 3-storeys (above-grade), with basement level units.
  - The building will feature a cantilever design, with Floors 2 & 3 being located above the 1.5m walkway. This creates a shaded walkway area for residents, and allows for greater floor areas on Floors 2 and 3.
  - To permit this proposal the following variances are requested from By-Law 2019-051:
    - Requesting relief from Section 7 (Table 7-6) to recognize the existing lot frontage of 19.47m;
    - Relief from Section 7 (Table 7-6) to permit a side yard setback of 3.0±m, whereas the By-law requires 4.5m;
      - The side yard reduction is justified due to the lot having similar size/scale to properties with RES-5 zoning designation, where the side yard requirement would be 3.0m for a 3-storey building
    - Relief from Section 4.12.4.a) to permit for no provided pedestrian entrance (0) facing the street facade, instead of the required one (1) pedestrian entrance.
      - This is justified due to the intention of this regulation being to ensure that the design of the building addresses the street. In this case, the building will be located approx. 20m from the street line, and therefore not having a formal entrance will not directly affect the streetscape. The requirement to provide 20% of street line facade has been met, with juliet balconies, windows, and other design elements provided along this side of the facade.
      - This variance is necessary to provide sufficient size/height to the basement units.
    - Relief from Section 5.3.e) to allow for the parking area to be setback 0.15m from the rear lot line, and 0.50m from the south facing side lot line, instead of the required 1.5m setback parking area setback.
      - This is justified in this infill scenario, as the lot does not have the lot width available to accommodate this setback on all sides of the parking area due to required size of the parking spaces and drive aisle.

- NOTES**
- Five (5) Class A Bicycle Parking lockers will be provided within a secure, weather protected structure.
  - The lockers within this structure will allow bicycles to be stored vertically, with locker dimensions of 1.2m (length) x 0.6m (width).
  - The Class A Bicycle parking structure can be accessed via the 1.5m access aisle/pedestrian walkway.



DATE: JUNE 27, 2024 (original sub.)  
SCALE:  
FILE NAME: 92RIVERRD\_MVPLAN  
FILE NO.: 17040  
DRAWN BY: B.L.

REVISION: **AUGUST 30, 2024**

**DRYDEN SMITH HEAD**  
Planning Consultants Ltd.





PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
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Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

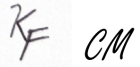
- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – 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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

October 3, 2024

Re; Committee of adjustment meeting on October 15, 2024 Item A2024-080 - 92 River Rd East

The property in this application presently has a bungalow rented by a family and is apparently in good condition.

We are not opposed to apartments on this portion of River Rd however a 3 story building in this location on a small lot seems excessive. We now have 1, 2, 3 and 6 story houses and apartments on this portion of River Road. All have nice landscaping, green space and adequate parking.

The proposed new apartment building will require as requested a number of zoning bylaws to be adjusted in order to fit the structure on the small lot.

The proposal will require the removal of probably all of the approximately 70 trees, many over 50 feet tall with no room for any to be replaced.

The present property produces almost no stormwater runoff. The proposal will result in a lot of stormwater runoff. There does not seem to be any consideration for snow storage on site.

\* The position of the building results in a huge loss of privacy for us with many of the apartments front windows facing directly towards our home.

We are disappointed that the suggestion of this committee made during the previous submission for this lot was not acted upon by the present applicants. We were unaware that the property changed ownership and were not informed of this application until seeing the agenda published in the newspaper. We have had no contact with the submitters of this proposal.

We own the adjoining half acre property and have indicated in the past a willingness to sell at market price to previous owners of subject property. This would allow for a bigger, more attractive and much less crowded layout similar to the other apartments on the block.

We are an interested party and are not in favour of this application.

Mr & Mrs Ron Heimbel

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 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 10

**DATE OF REPORT:** October 2, 2024

**REPORT NO.:** DSD-2024-437

**SUBJECT:** Minor Variance Application A2024-081 – 236 Margaret Avenue

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## RECOMMENDATION:

That Minor Variance Application A2024-081 for 236 Margaret Avenue requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a reduction in the number of required parking spaces from 17 parking spaces including 3 visitor spaces, to 7 parking spaces including 2 visitor spaces (from 1.15 parking spaces per dwelling unit to 0.43 parking spaces per dwelling unit), to facilitate the redevelopment of the existing building with 14 dwelling units, generally in accordance with drawings prepared by Margaret-Benton Properties (Kitchener) Ltd., submitted with Minor Variance Application A2024-081, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to allow for the redevelopment of an existing building to a 14-unit multiple residential building with reduced parking requirements for overall parking and visitor parking.
- The key finding of this report is that the requested minor variance meets 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 east side of Margaret Avenue, near the intersection of Blucher Street and Margaret Avenue in the Mt. Hope Huron Park neighbourhood. This



neighbourhood primarily consists of low to medium rise residential dwellings and a small collection of commercial uses.

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 'Local Commercial (COM-1)' in Zoning By-law 2019-051.



**Figure 1 – Location of subject property (outlined in Red)**

The purpose of the application is to facilitate the redevelopment of the existing building with 14 dwelling units, having 7 total parking spaces of which 2 are visitor spaces on site, rather than the required 17 total parking spaces of which 3 are visitor spaces.

Staff note that this site previously received site plan approval (SP21/002/M/LT) in January of 2022, and a corresponding minor variance application (A2020-107) was approved in December of 2020. The previously approved minor variance was to recognize reductions of side yards, legalize ground floor residences and reduce the required parking/visitor parking ratio to allow for the conversion of the existing two-story mixed-use building to a 14-unit multiple dwelling.

Minor Variance A2020-107 sought relief from Zoning By-law 85-1 for a reduced parking requirement of 9 total parking spaces, 2 of which are visitor (0.6 parking spaces per dwelling unit), rather than the required 18 total parking spaces, 3 of which are visitor (1.25 parking spaces per dwelling unit). The applicant has informed staff that through the detailed design of the site plan, it was concluded that two of the proposed parallel parking stalls within the laneway would be too difficult to build as it would require the relocation of a hydro pole and the construction of a retaining wall. As a result, this minor variance

seeking greater relief from Zoning By-law 2019-051 than previously considered with respect to Zoning By-law 85-1.

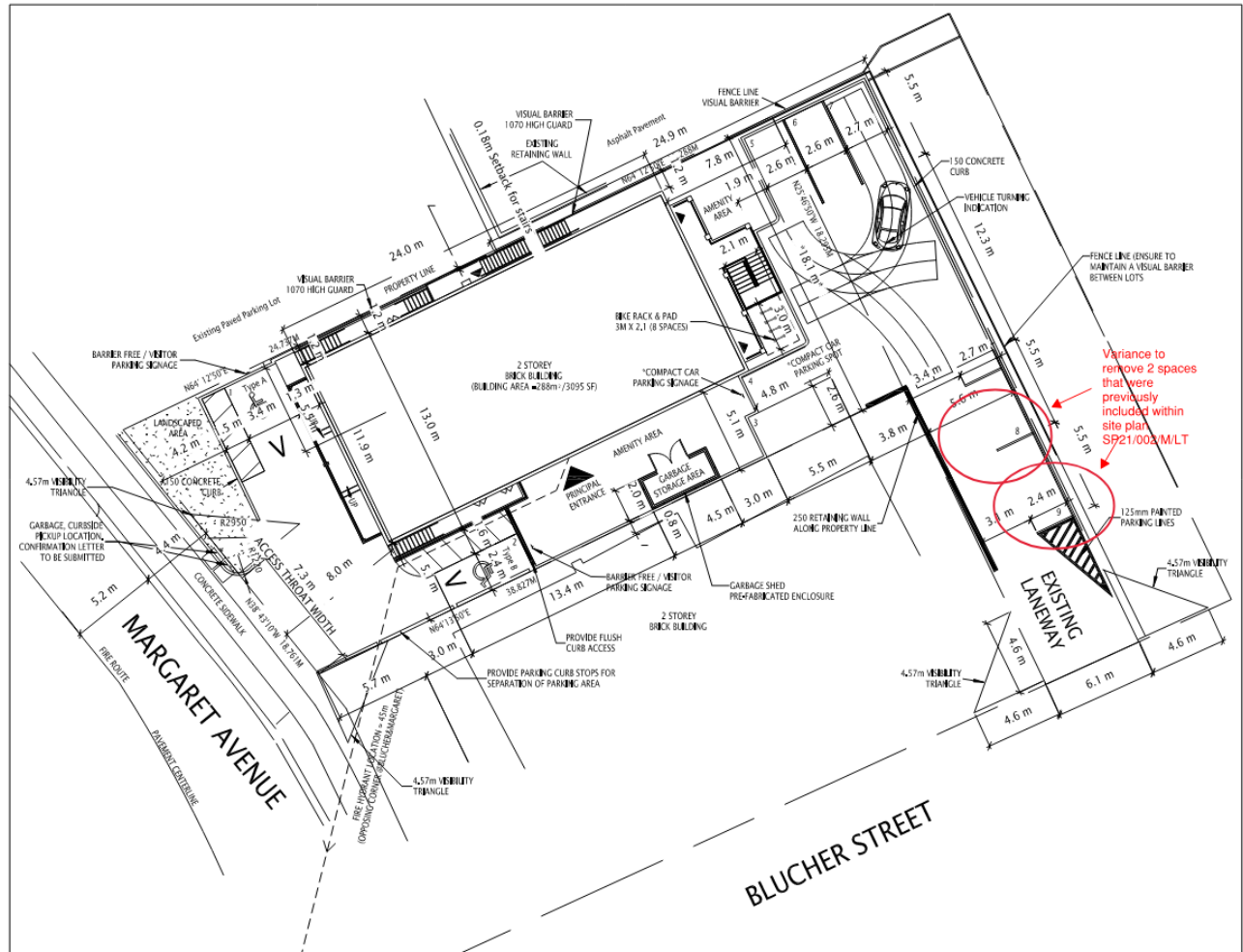


Figure 2: Site Plan





**Figure 4: Existing view of 236 Margret Avenue from the sidewalk.**



**Figure 5: Existing Laneway where parallel parking spaces were previously included in site plan SP21/002/M/LT.**

Planning Staff conducted a site visit on September 26, 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 general intent of the 'Low Rise Residential' Official Plan designation is to encourage the highest range of low-density dwelling types on the widest range of lot sizes in low rise areas. This designation encourages residential intensification and redevelopment as a cost-effective means to reduce infrastructure and service costs. As all 14-units are already counted within the existing floor area, the proposed redevelopment will not see a change in the massing, scale, or design of the building. The requested relief from parking requirements will facilitate the redevelopment of the existing building with 14 dwelling units. Thus, staff are of the opinion that the proposed minor variance will maintain the general intent of the Official Plan.

#### 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 requires the 14 dwelling units to have 14 parking spaces (1.0 parking spaces per dwelling unit) and 3 visitor parking spaces (0.15 parking spaces per dwelling unit), 17 parking spaces in total. The applicant is proposing to provide 5 parking spaces, with 2 visitor parking spaces, 7 parking spaces in total (1.15 to 0.43 parking spaces per dwelling unit).

Staff note that the subject property is located adjacent to a Grand River Transit bus stop for Route 4. Additionally, Route 4 connects to the Light Rail Transit line and The Boardwalk station with bus stops for connecting routes 202, 204, 1, 4, 5, 13, 20, 29, and 77. The applicant is also proposing to include 8 Class A bicycle parking stalls to encourage the use of active transportation.

Further, Staff note that the previous minor variance decision of A2020-107 included a condition that all Transportation Demand Management (TDM) measures are to be implemented through the site plan approval process. The applicant has informed staff that they are committed to the continued implementation of TDM measures.

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

With respect to the proposed 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 a minimum of 8 Class A bicycle parking spaces, implement Transportation Demand Management measures, and is close to transit connections. 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 redevelopment within the existing building and utilize existing infrastructure. The scale, massing, and setbacks of the existing building will not change as a result of this variance. Thus, Planning Staff are of the opinion that the requested variance is appropriate and desirable for the use of these lands.

**Environmental Planning Comments:**

Tree management was addressed through Site Plan Application SP21/002/M/LT.

**Heritage Planning Comments:**

The property is located adjacent to the Mount Hope/Breithaupt Neighbourhood CHL. 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. Staff have no comments or concerns regarding this application.

**Building Division Comments:**

The Building Division has no objections to the proposed variance.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

Park planning concerns have been addressed through SP21/002/M/LT

**Transportation Planning Comments:**

Transportation Services have reviewed this application and offer the following comments. The submitted plan notes two visitor parking spaces allocated to barrier free parking, where one barrier free space can be allocated to visitor but not both. Based on the rational within the application for a reduced parking rate, the proposed ratio of 0.43 parking spaces/unit is acceptable.

**Grand River Conservation Authority (GRCA) Comments:**

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

**Region of Waterloo Comments:**

No Concerns.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

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

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

## **COMMUNITY ENGAGEMENT:**

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

## **PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *Minor Variance A2020-107- DSD-20-209*
- *Site Plan Application SP21/002/M/LT*



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
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TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

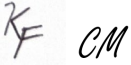
- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – 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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 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 1

**DATE OF REPORT:** October 2, 2024

**REPORT NO.:** DSD-2024-446

**SUBJECT:** Minor Variance Application A2024-082 – 685 Frederick Street

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## RECOMMENDATION:

That Minor Variance Application A2024-082 for 685 Frederick Street requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2 e) to permit an unobstructed walkway to have a width of 1 metre instead of the minimum required 1.1 metres; and
- ii) Section 7.3, Table 7-2, to permit an interior side yard of 1 metre instead of the minimum 1.2 metres;

to recognize the location of the existing building and permit the development of an Additional Dwelling Unit (ADU) (Detached and Attached), generally in accordance with drawings prepared by Mechways Inc., submitted with Minor Variance Application A2024-082, BE REFUSED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to recognize the location of the existing primary dwelling and proposed Additional Dwelling Unit (ADU) (Attached) and a reduced unobstructed walkway to permit the use of detached structure for an Additional Dwelling Unit (ADU) (Detached) (for a total of 3 dwelling units on the property).
- The key finding of this report is that the variances do not align with applicable policies and that the variances do not meet all four tests of a minor variance. Staff is recommending the refusal of the subject application.
- 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 Frederick Street near the intersection of Lois Street and Frederick Street in the Rosemount neighbourhood. This neighbourhood is primarily comprised of low-rise residential dwellings and natural area. The site currently contains a single detached dwelling with a detached structure proposed to be used as an Additional Dwelling Unit (ADU) (Detached).

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

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



**Figure 1 – Location of subject property (outlined in Red)**

The purpose of the application is to recognize the location of the existing primary building to permit the development of an Additional Dwelling Unit (Attached) and to legalize the existing unobstructed walkway to the proposed Additional Dwelling Unit (ADU) (Detached).

685 Frederick Street was previously subject to Minor Variance Application A2023-082. The requested and approved variance was for a reduced easterly side yard setback to legalize the existing single detached dwelling. This was to allow for the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property. It was noted in the Zoning Occupancy Certificate needed for the Building Permit and in Report DSD-2023-31, discussing the minor variance, that the attached garage would be demolished and rebuilt to meet the required side yard setback and to allow for the



unobstructed 1.1 metre walkway to be placed on the west side of the property. As such a variance to permit a reduced side yard setback on the east side was only requested at this time.

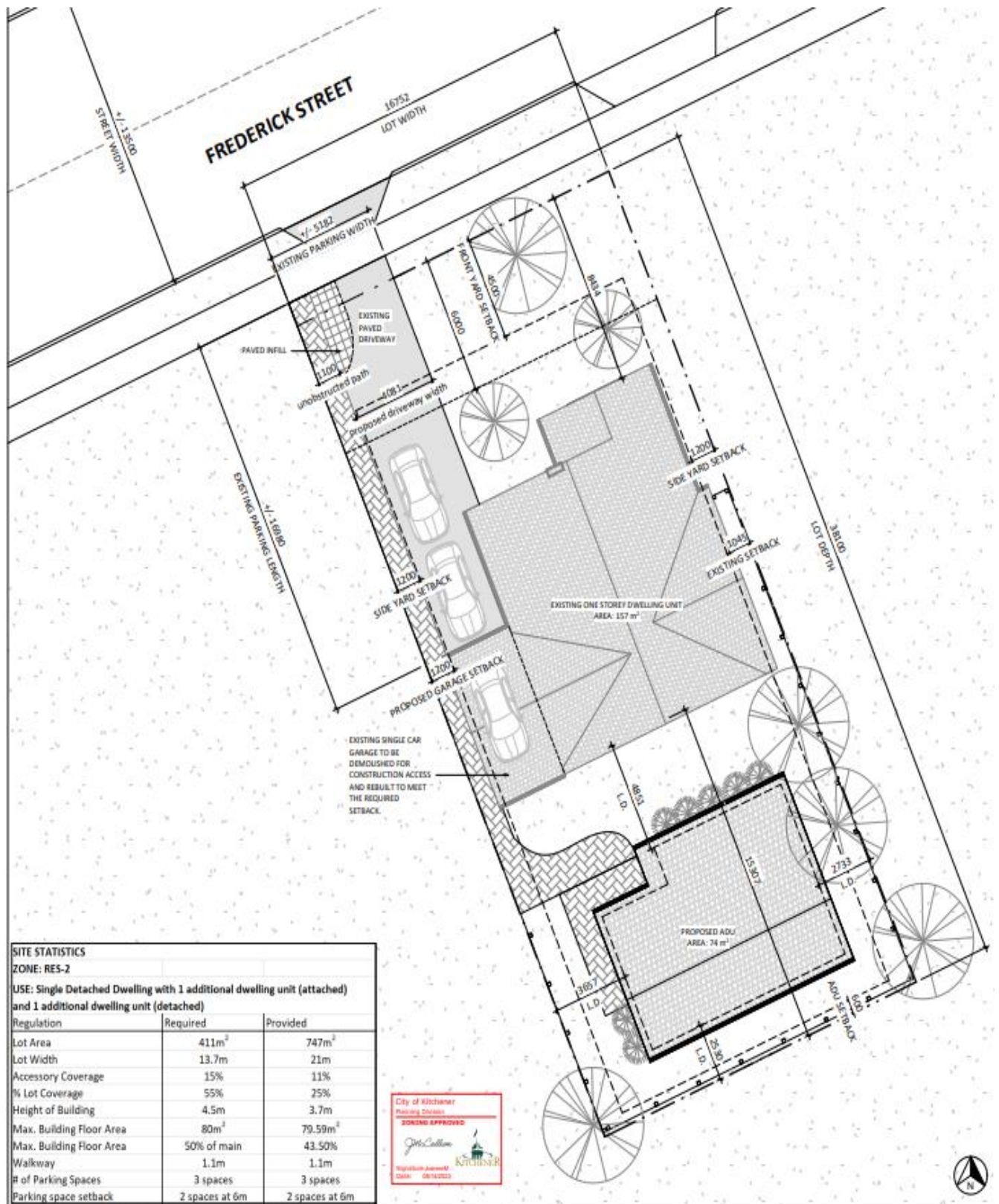
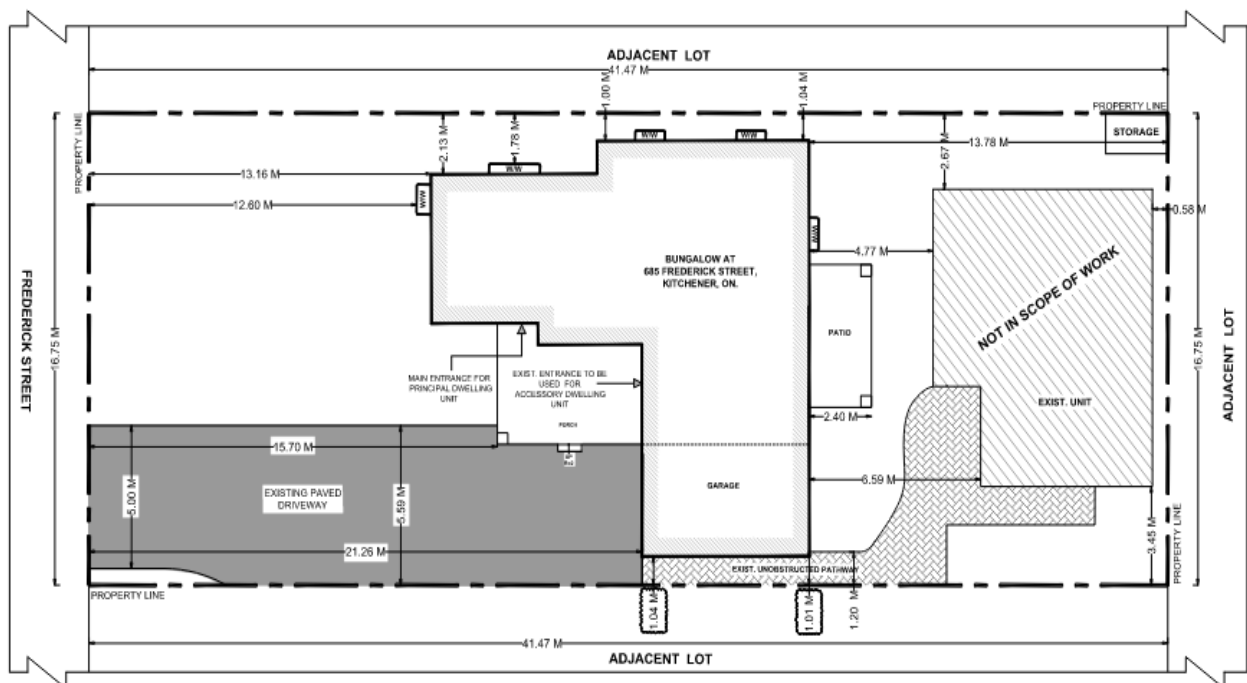


Figure 2: Zoning Approved Site Plan from Minor Variance Application A2023-082

During the zoning review of Building Permit Application # 24 118305, which was submitted to permit the conversion of the Single Detached Dwelling into a Duplex, Planning Staff noted that the attached garage had not been demolished and the existing side yard setback and walkway do not meet zoning regulations. The applicant is now requesting minor variances in lieu of demolishing the attached garage, to permit the detached structure in the rear yard to be used as a dwelling and to facilitate the conversion of the single detached dwelling to a duplex.

Additionally of note, during a site visit conducted by staff on September 26, 2024, it was identified that an existing utility meter encroaches into the proposed unobstructed walkway which was not identified on the submitted site plan. Potential further obstruction by an existing fence and tree were also identified by Planning Staff. Fire Prevention has advised that they are not supportive of the proposed reduction in the obstructed walkway width to a width of 1 metre.

Staff also note that the existing pad of pavers adjacent to the driveway shown in Figure 4 is not to be used as a parking spot. Driveways must be composed of a consistent material that is distinguishable from other ground cover or surfacing. The existing pad would not meet zoning regulations for a parking space.



**Figure 3: New Proposed Site Plan.**



Planning Staff Conducted a site visit on September 26, 2024.



**Figure 4: Existing view of 685 Frederick Street from the sidewalk.**





**Figure 5: Existing side yard setback and unobstructed walkway to additional dwelling unit (detached).**

**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. As, the requested reduced interior side yard setback and walkway width would facilitate the development of an additional dwelling unit (Detached and Attached), the general intent of the Official Plan is maintained.

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

The intent of the interior side yard setback and the unobstructed walkway width regulation is to ensure that a property has sufficient setback from adjacent properties and a functional point of access to the rear yard. The unobstructed walkway width requirement of 1.1 metres is to allow for fire and emergency access, as well, is to ensure residents and visitors can easily find and access a dwelling unit, when there are two or three additional dwelling units, on site. The intent of both regulations is to ensure the functionality of the site and to maintain a clear path of travel to the rear yard. Staff note that the proposed location for the unobstructed walkway to the Additional Dwelling Unit (Detached) appears to be encumbered by a utility meter and possibly, an encroaching fence.

Staff are of the opinion that the proposed side yard setback and unobstructed walkway of 1 metre, or less, would not adequately accommodate these purposes, and as a result, the proposed variances do not meet the general intent of the Zoning By-law.

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

The location of the unobstructed path of travel with a reduced interior side yard setback are considered not sufficient to ensure adequate access to the rear yard is available in case of an emergency. Staff have determined that as both variances do not meet the intent of the zoning By-law and do not ensure sufficient rear yard access. The variances are not considered to be minor in nature.

#### 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 variances to permit a reduced side yard setback and unobstructed walkway are not desirable and appropriate for the site as it would limit the functionality and ability of emergency services, residents, and visitors to access the existing Additional Dwelling Unit (ADU) (Detached) in the rear of the property.

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

No concerns.

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

No Heritage comments or concerns

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

The Building Division has no objections to the proposed variance. An application has been made to convert the existing single detached dwelling into a duplex.

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

No concerns.

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

No concerns, no requirements.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Grand River Conservation Authority (GRCA) Comments:**

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

**Region of Waterloo Comments:**

No concerns.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

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

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

**COMMUNITY ENGAGEMENT:**

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

**PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2023-311*

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** July 18, 2023

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

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

**WARD(S) INVOLVED:** Ward 1

**DATE OF REPORT:** July 5, 2023

**REPORT NO.:** DSD-2023-311

**SUBJECT:** Minor Variance Application A2023-082 – 685 Frederick Street

---

## RECOMMENDATION:

That Minor Variance Application A2023-082 for 685 Frederick Street requesting relief from Section 4.12.3.1 a) a. of Zoning By-law 2019-051, to permit the principal dwelling to have a side yard setback of 1 metre instead of the minimum required side yard setback of 1.2 metres to facilitate the development of an Additional Dwelling Unit (ADU) (Detached) in the rear yard, **BE APPROVED.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance to permit the construction of an Additional Dwelling Unit (Detached) in the rear yard.
- 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 in the Rosemount neighbourhood with the closest intersection at Frederick Street and River Road East. The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

City staff has conducted a site visit on June 30<sup>th</sup>, 2023.







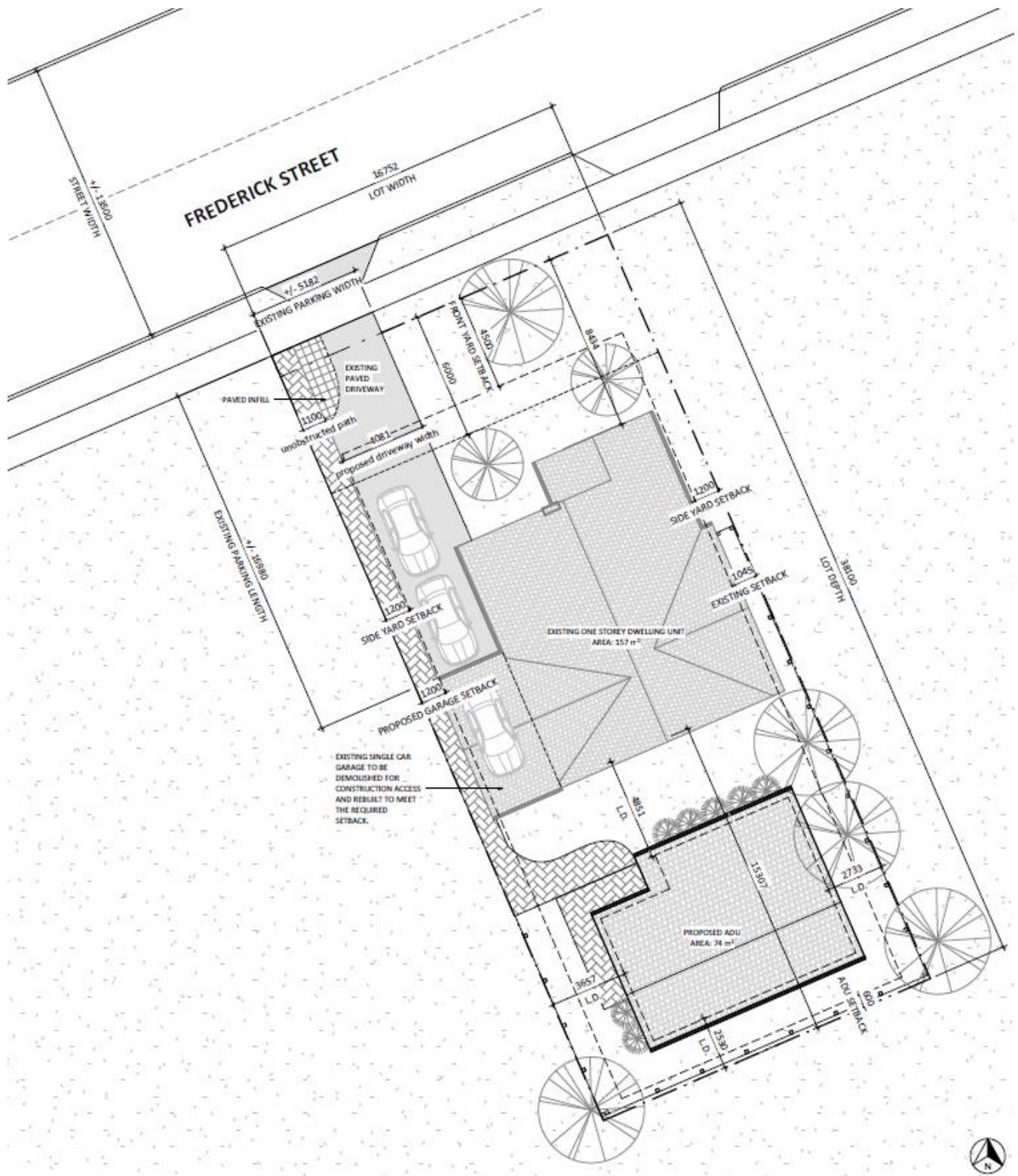


Figure 3: Proposed site plan

## **REPORT:**

### **Planning Comments:**

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

#### General Intent of the Official Plan

Staff is of the opinion that the requested variance to recognize the principal dwelling's existing side yard setback meets general intent of the Official Plan. The subject property is designated 'Low Rise Residential' in the City's Official Plan. The intent of this designation is to emphasize the compatibility of building form with respect to massing, scale and design in order to support the successful integration of different building types. It also places emphasis on the relationship of buildings to adjacent properties, streets, and exterior areas.

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

The general intent of the principal dwelling's 1.2 metre side yard setback is to provide adequate space for emergency access to the rear yard. The proposed site plan demonstrates that the 1.1 metre minimum walkway will be located on the West side of the property, providing an unobstructed walkway leading to the entrance of the Additional Dwelling Unit. Staff is of the opinion that the proposed Additional Dwelling Unit (Detached) meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the requested variance is minor as the principal dwelling is already existing, no changes will be conducted on the East side of the building.

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

Staff is of the opinion that the requested variance is appropriate for the development of the land as it is an existing dwelling unit with no exterior changes. The proposed Additional Dwelling Unit (Detached) meets all zoning regulations and promotes a gentle intensification in the neighbourhood without any impacts to neighbouring properties.

### **Environmental Planning Comments:**

No concerns.

### **Heritage Planning Comments:**

No concerns.

### **Building Division Comments:**

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

### **Engineering Division Comments:**

No comment.

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

No concerns, no comments.

### **Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application. As a cautionary note, while tandem parking is permitted, triple tandem parking may become problematic at times for residents.

**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.

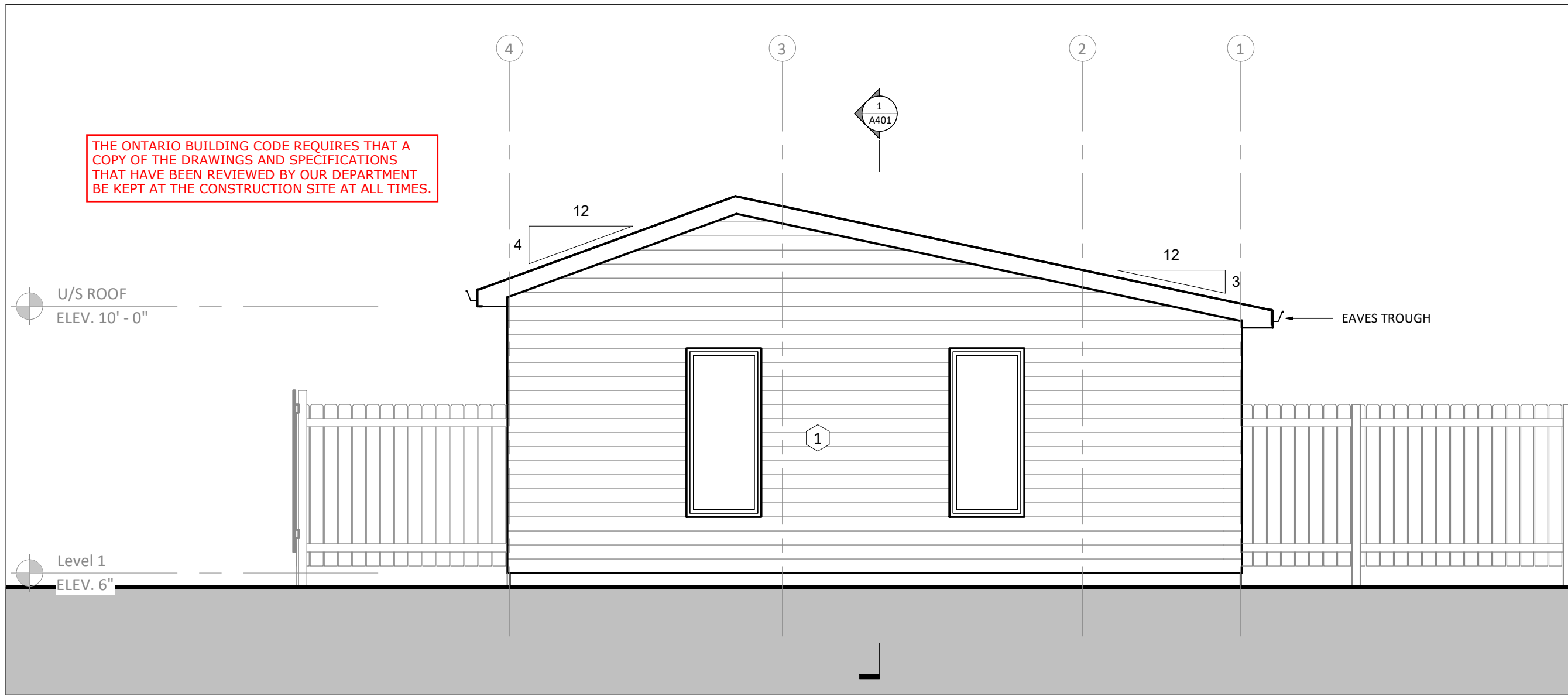
**PREVIOUS REPORTS/AUTHORITIES:**

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- *Provincial Policy Statement (PPS 2020)*
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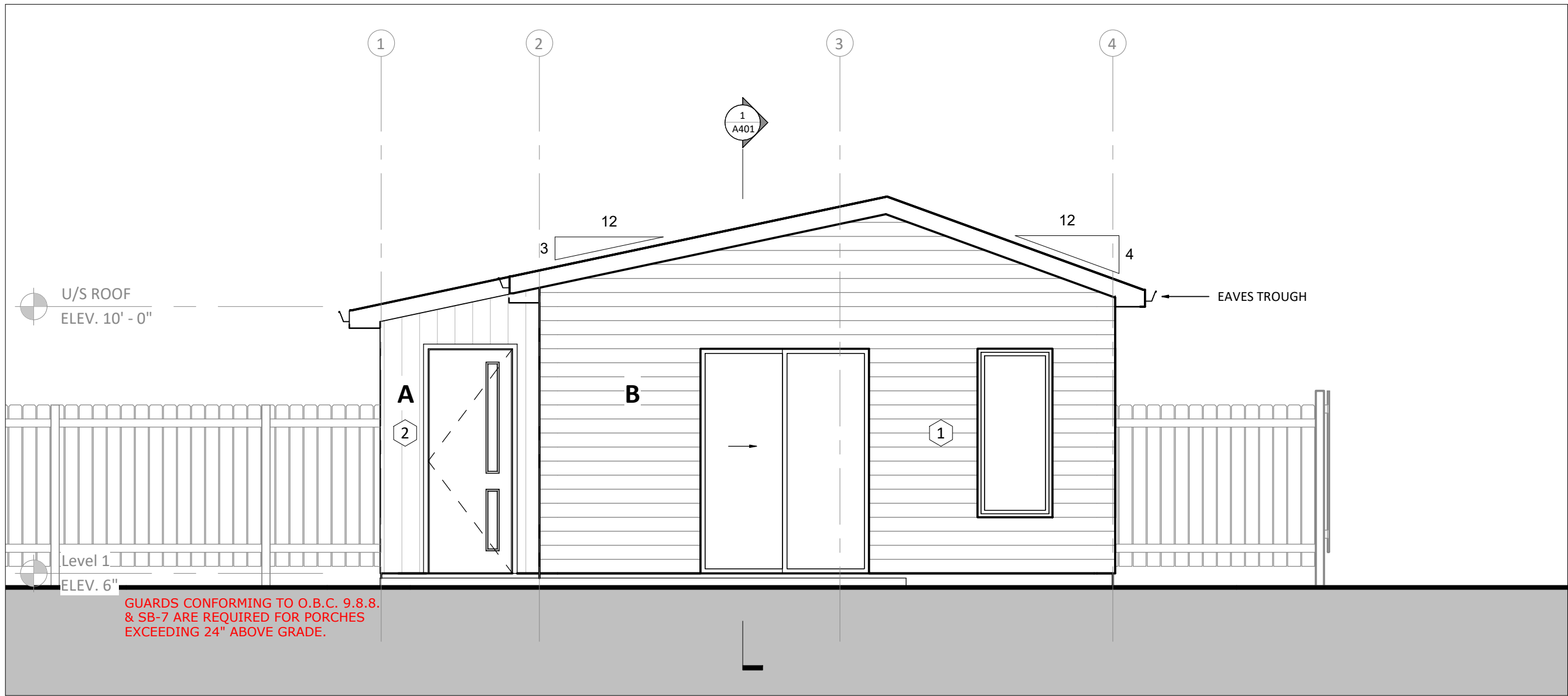




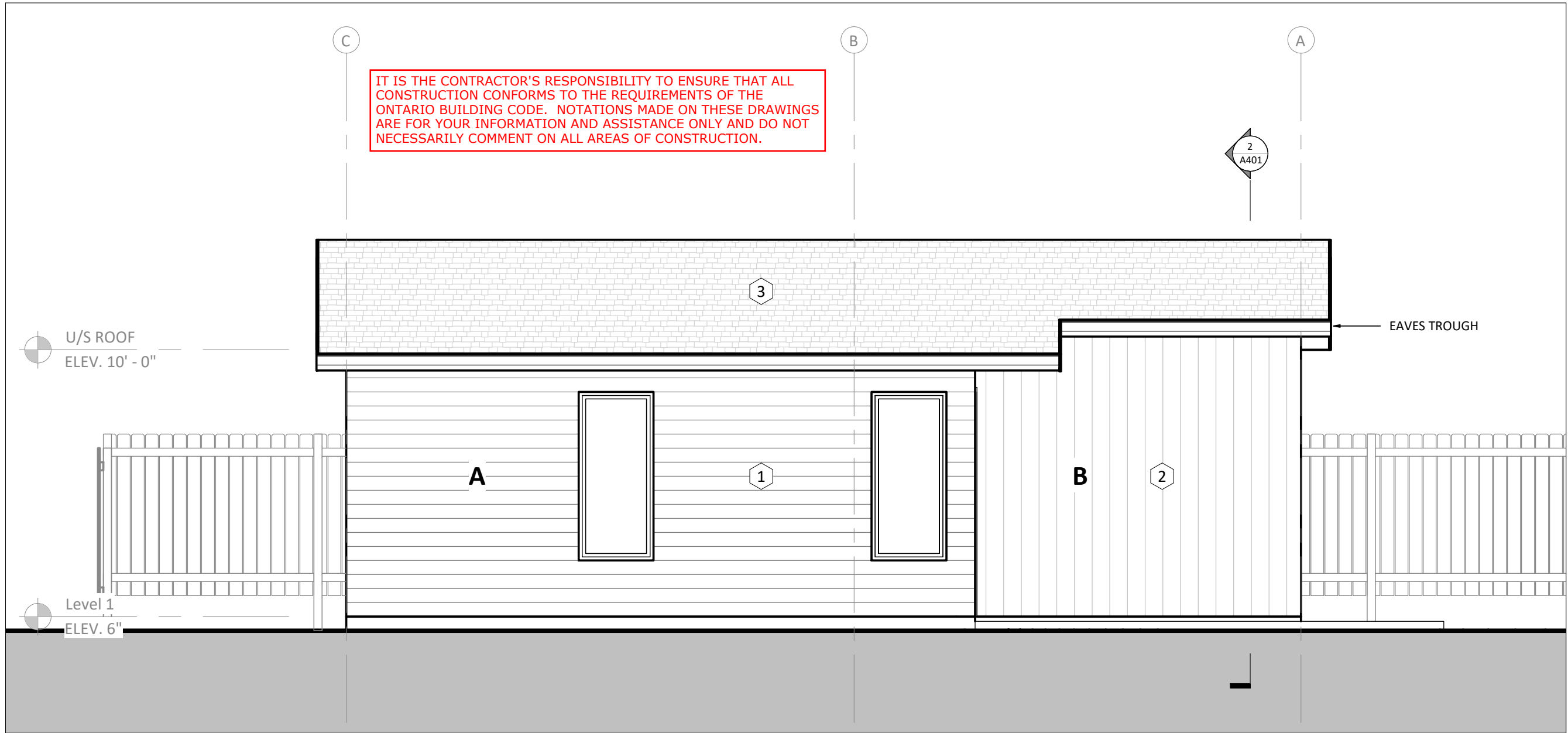




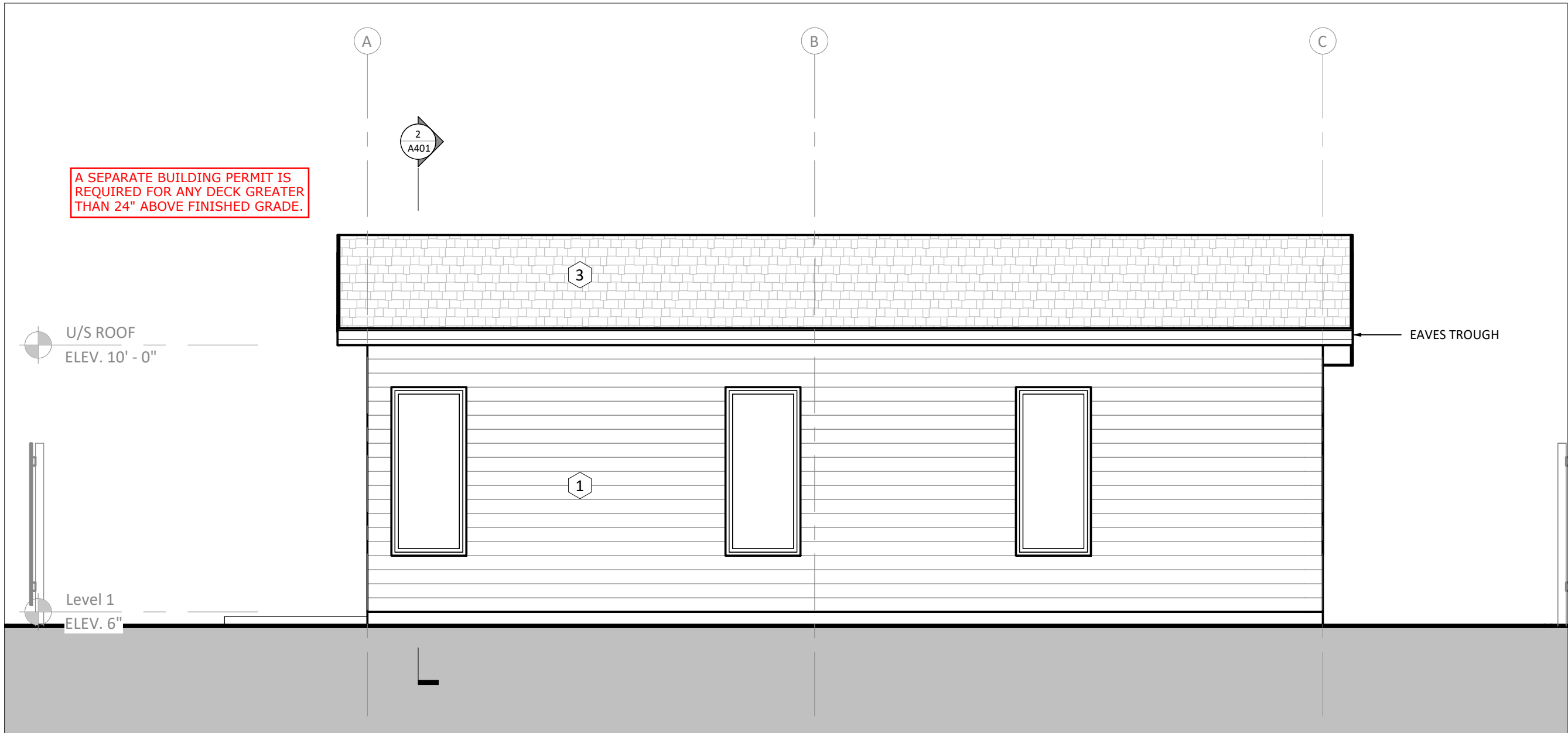
**1** A301 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



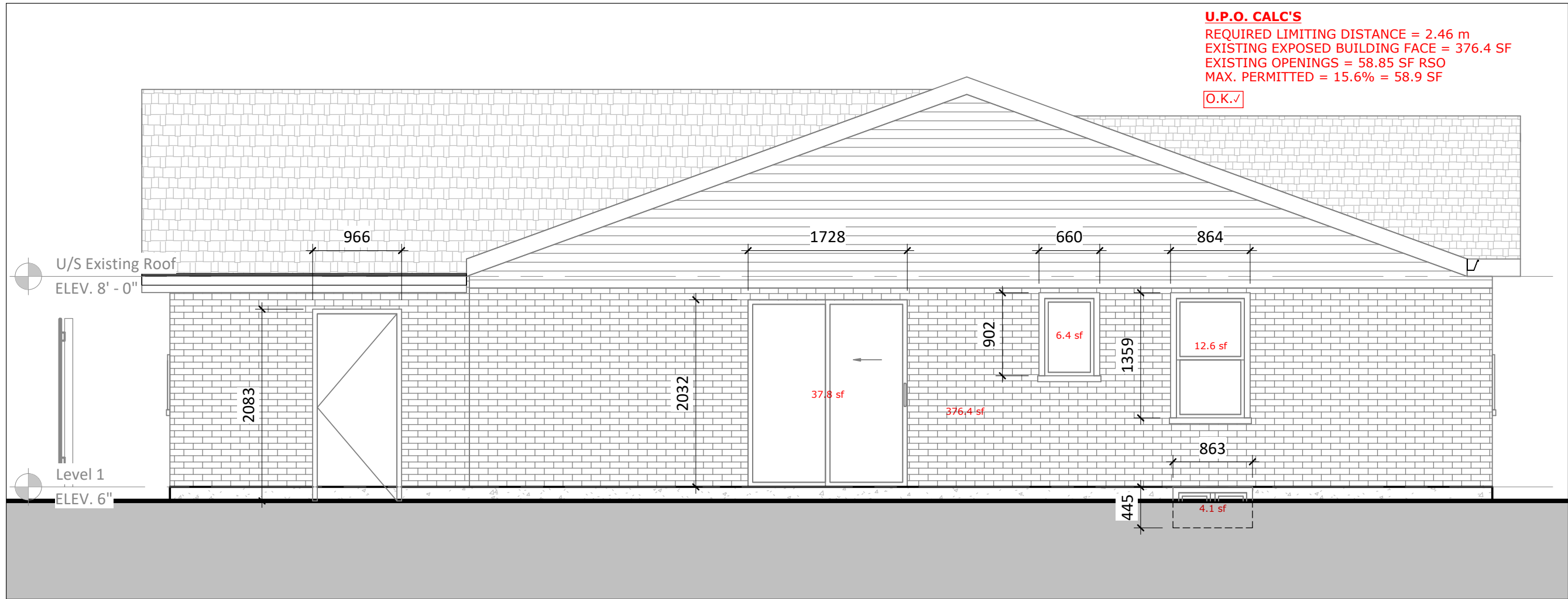
**2** A301 WEST ELEVATION  
SCALE: 1/4" = 1'-0"  
PROVIDE AN EXTERIOR LIGHT CONTROLLED BY A WALL SWITCH LOCATED IN THE BUILDING



**3** A301 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



**4** A301 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



**5** A301 REAR ELEVATION - EXISTING HOUSE  
SCALE: 1/4" = 1'-0"

#### WINDOW NOTES

- THE WINDOW SIZES INDICATED ON THE FLOOR PLANS AND SCHEDULES ARE THE ACTUAL SIZE OF THE OPENING, CONTRACTOR TO ALLOW FOR ROUGH OPENING SIZES ON SITE.
- WINDOWS TO BE THERMALLY BROKEN VINYL CONSTRUCTION, DOUBLE GLAZED LOW E, ARGON GAS FILLED SEALED GLASS UNITS TO MEET ENERGY SAVING REQUIREMENTS AS PER SB-12, MAX U-VALE OF 1.6 REQUIRED.  
  
A) WINDOWS LOCATED MORE THAN 2.0m ABOVE GRADE AND HAVING OPERABLE PORTIONS WITHIN 1500mm (5'-0") OF THE FLOOR, ILLUSTRATING THE 100mm (4") OPENING STOPS AS PER CAN/CSA - A440 S-2 CLASSIFICATION  
  
B) FOR ALL FIXED WINDOWS WITHIN DWELLING UNITS THAT EXTEND TO LESS THAN 1000mm (40") FROM THE FLOOR, WINDOWS ARE DESIGNED TO WITHSTAND THE LATERAL DESIGN LOADS FOR BALCONY GUARDS AS REQUIRED BY OBC, SB-13.

#### GENERAL ELEVATION NOTES

- CONTRACTOR TO PROVIDE ALL EAVES AND DOWNSPOUTS TO FACILITATE THE FLOW OF WATER OFF THE ROOF. COORDINATE LOCATION OF DOWNSPOUTS (RAIN WATER LEADERS (RWL)) WITH OWNER.

R1

MAX AREA OF UNPROTECTED OPENINGS AS PER OBC TABLE 9.10.15.4					
EBF ID	EBF AREA m²	LIMITING DISTANCE (m)	PERMITTED U.O m²	PROPOSED U.O AREA m²	PROPOSED U.O %
NORTH (A)	19.6 m²	4.85m- 2.39m	(67% of EBF) = 13.13 m² (15.7% OF EBF) = 3.08m²	2.96 m²	15.10 %
NORTH (B)	11.5 m²	6.77m- 4.31m	(45.6% OF EBF) = 5.24m²	0 m²	-
SOUTH	31.38 m²	2.5 m	(17% of EBF) = 5.33 m²	4.44 m²	14.15 %
EAST	28.14 m²	2.73 m	(19% of EBF) = 5.35 m²	2.96 m²	10.50 %
WEST (A)	5.33 m²	6.55 m	(100% of EBF) = 5.33 m²	2.5 m²	46.90%
WEST (B)	23.00 m²	3.65 m	(30% of EBF) = 6.9 m²	5.79 m²	25.17%

#### MATERIAL LEGEND

- HORIZONTAL SIDING - COORDINATE WITH OWNER
- VERTICAL WOOD SIDING - COORDINATE WITH OWNER
- ASPHALT SHINGLES

#### KEY PLAN

10	
9	
8	
7	
6	
5	
4	
3	
2023.04.05	2 ISSUED FOR PERMIT R1
2023.03.17	1 ISSUED FOR PERMIT
DATE	ISSUED

#### PROJECT NAME

FREDERICK ADU

#### CLIENT

Michael Ye

#### ARCHITECT

www.fabrikarchitects.ca  
135 George Street North, Suite 200, Cambridge ON, N1S 5C3  
T. 519-743-0608 | info@fabrikarchitects.ca

**fabrik**  
ARCHITECTS

The contractor shall check and verify all dimensions and report any errors or omissions to the consultant before commencing or proceeding with any work. Drawings prepared and issued by consultant are the property of the consultant. These documents are not to be duplicated or copied without the consent of the Consultant. Do not scale this drawing.

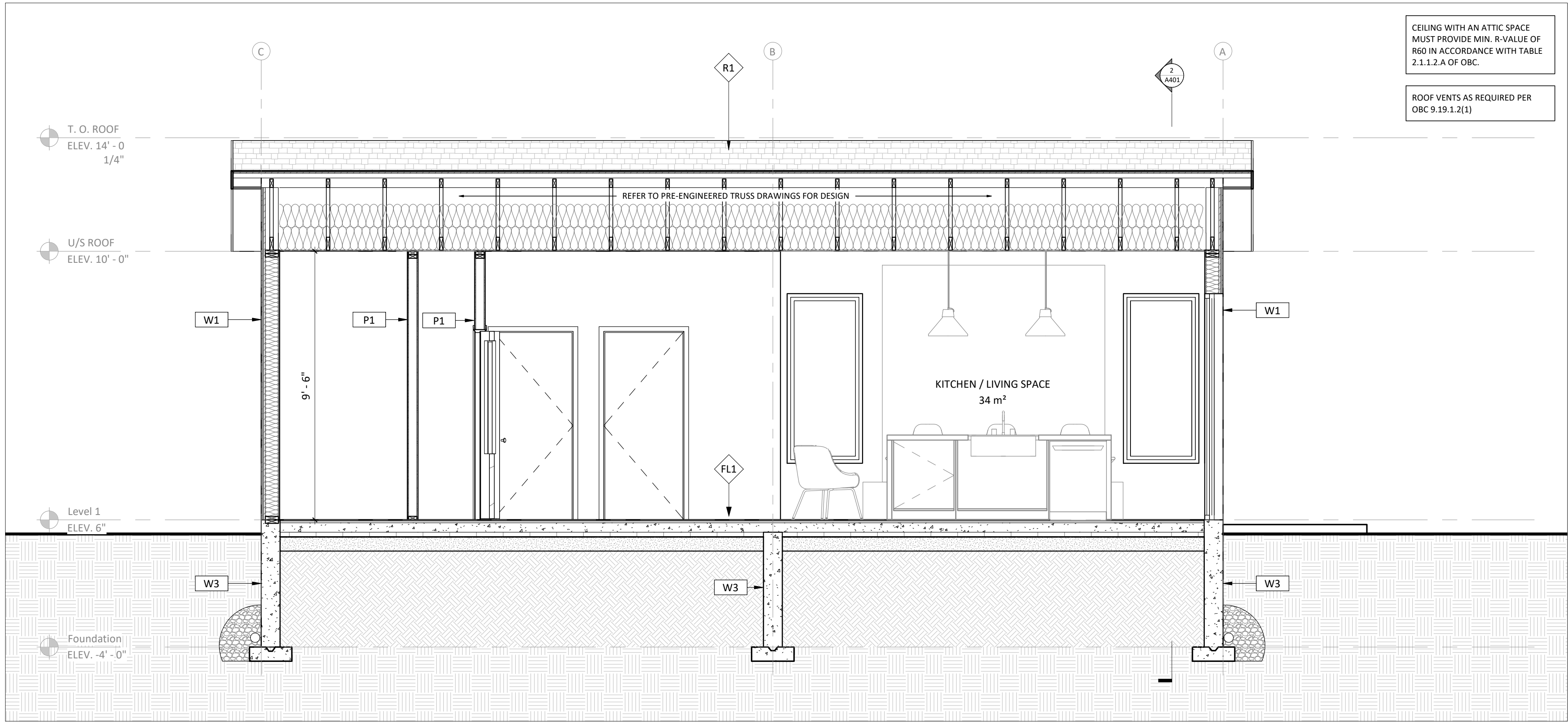
copyright © 2020 FABRIK Architects Inc.

#### SHEET TITLE

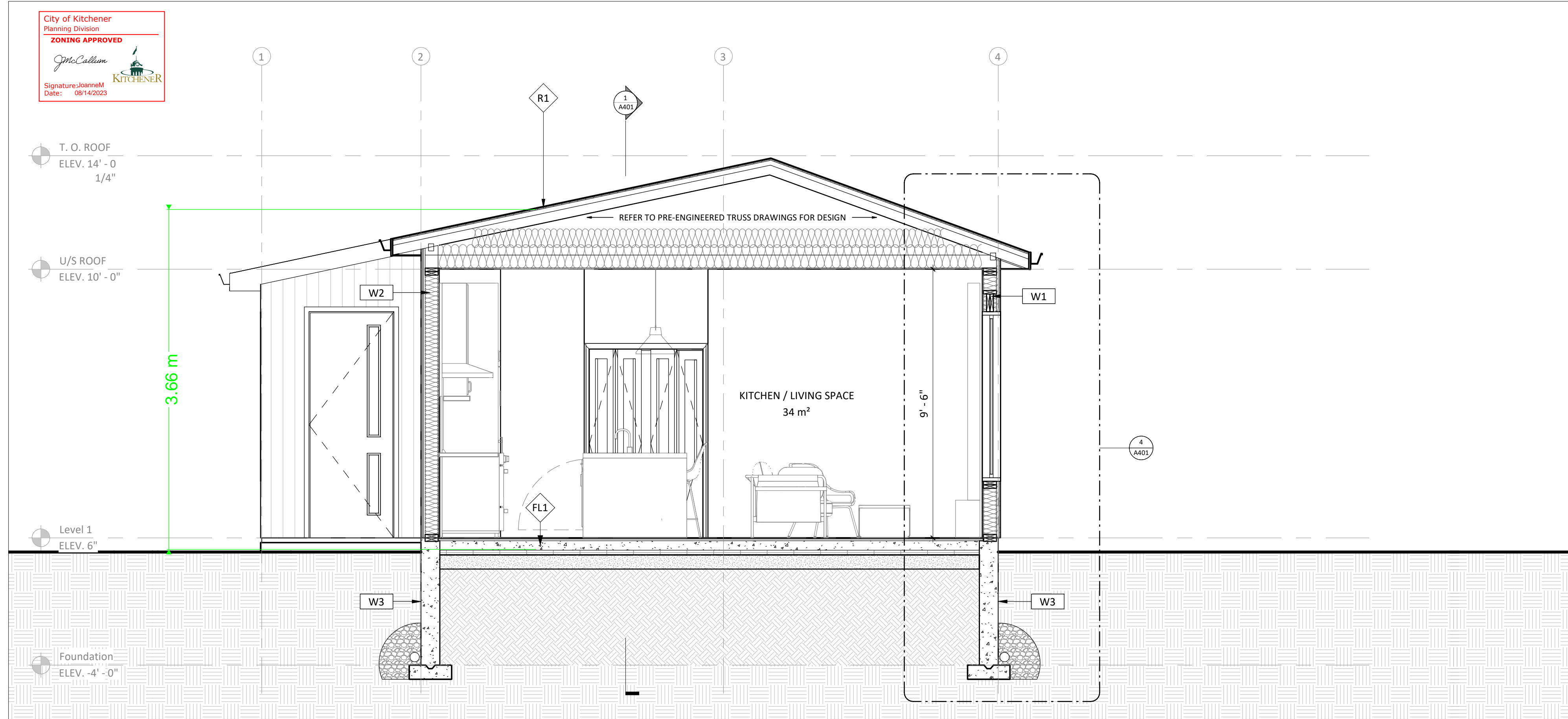
EXTERIOR ELEVATIONS

PROJECT No.	23001	SCALE	As indicated
DRAWN	NA	CHECKED	EN
SHEET No.		A301	
2023-04-05 10:41:50 AM		Page 41 of 157	

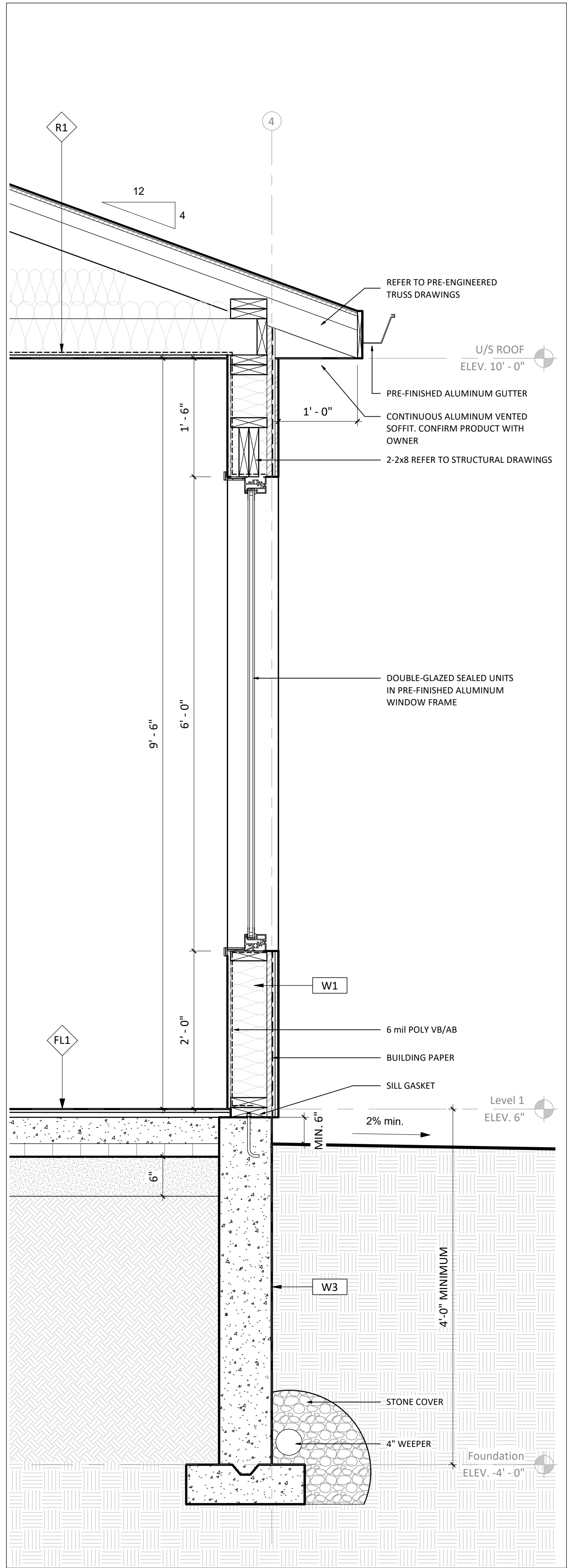




**1 A401 BUILDING SECTION A**  
SCALE: 3/8" = 1'-0"



**2 A401 BUILDING SECTION B**  
SCALE: 3/8" = 1'-0"



**4 A401 BUILDING SECTION B - Callout 1**  
SCALE: 1" = 1'-0"

KEY PLAN

10

9

8

7

6

5

4

3

2

1

2023.03.17  
DATE

ISSUED FOR PERMIT  
ISSUED

PROJECT NAME

FREDERICK ADU

CLIENT

Michael Ye

ARCHITECT

www.fabrikarchitects.ca  
135 George Street North, Suite 200, Cambridge ON, N1S 5C3  
T. 519-743-0608 | info@fabrikarchitects.ca

fabrik

ARCHITECTS

The contractor shall check and verify all dimensions and report any errors or omissions to the consultant before commencing or proceeding with any work. Drawings prepared and issued by consultant are the property of the consultant. These documents are not to be duplicated or copied without the consent of the Consultant. Do not scale this drawing.

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SHEET TITLE

BUILDING SECTIONS + DETAILS

PROJECT No.

23001

SCALE

As indicated

DRAWN

NA

CHECKED

EN

ONTARIO ASSOCIATION  
OF  
ARCHITECTS  
Elisla M. G. NEVES  
LICENCE  
6599

SHEET No.

A401

2023-03-17 12:32:05 PM

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PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

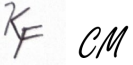
- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – 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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 2024

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

**PREPARED BY:** Sean Harrigan, Senior Planning Technician, 519-741-2200 ext. 7292

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

**DATE OF REPORT:** October 9, 2024

**REPORT NO.:** DSD-2024-462

**SUBJECT:** Minor Variance Application A2024-083 – 361 Westmeadow Dr.

---

## RECOMMENDATION:

That Minor Variance Application A2024-083 for 361 Westmeadow Drive requesting relief from Section 4.14.6 of Zoning By-law 2019-051, to permit a pool to be located in the front yard, generally in accordance with drawings prepared by Jeff Hawkins, dated September 17, 2024, BE APPROVED.

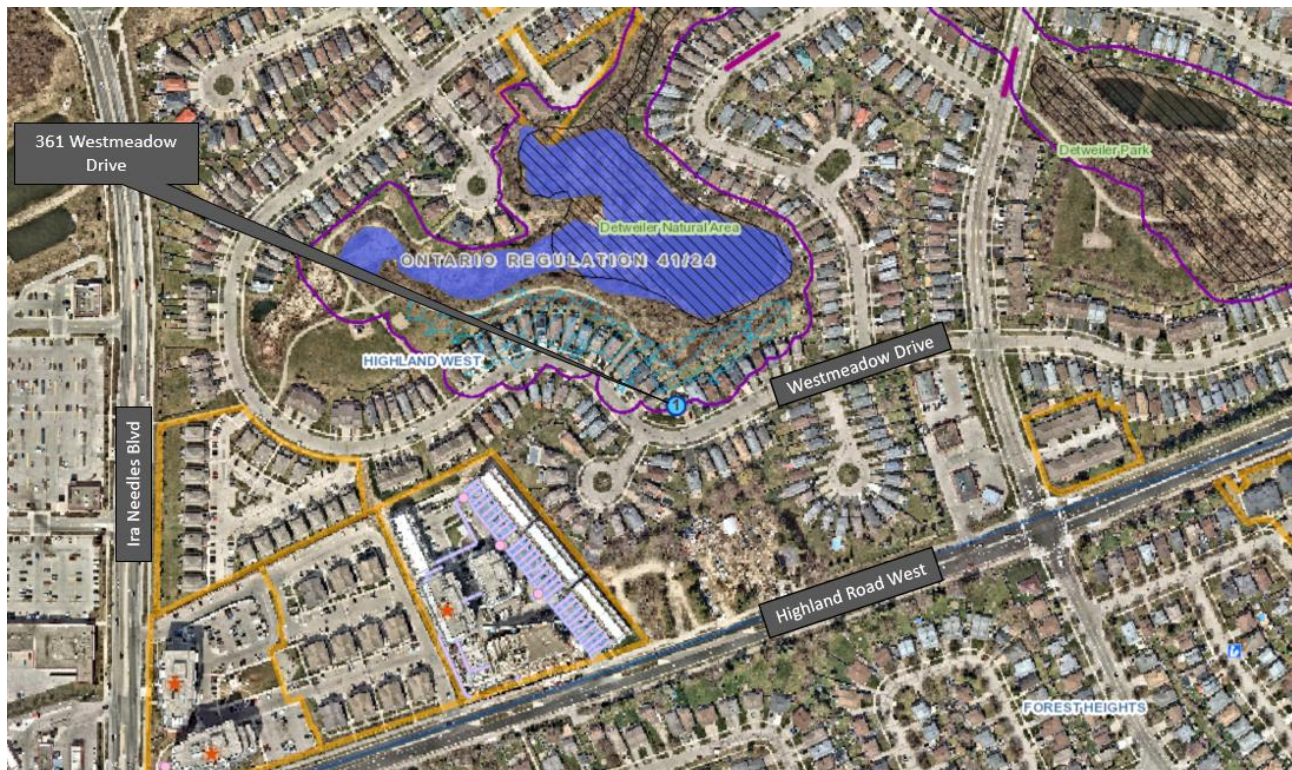
## REPORT HIGHLIGHTS:

- The purpose of this report is to review the requested minor variance to allow for an inground pool to be located within the front yard at 361 Westmeadow Drive.
- The key finding of this report is that staff are satisfied that the proposed variance meets the 4 tests in the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

## BACKGROUND:

The subject property is located in the Highland West neighbourhood and is situated north of the intersection of Westmeadow Drive and Sunny Meadow Court. The property has approximately 42 metres of frontage on Westmeadow Drive and contains a single detached dwelling.



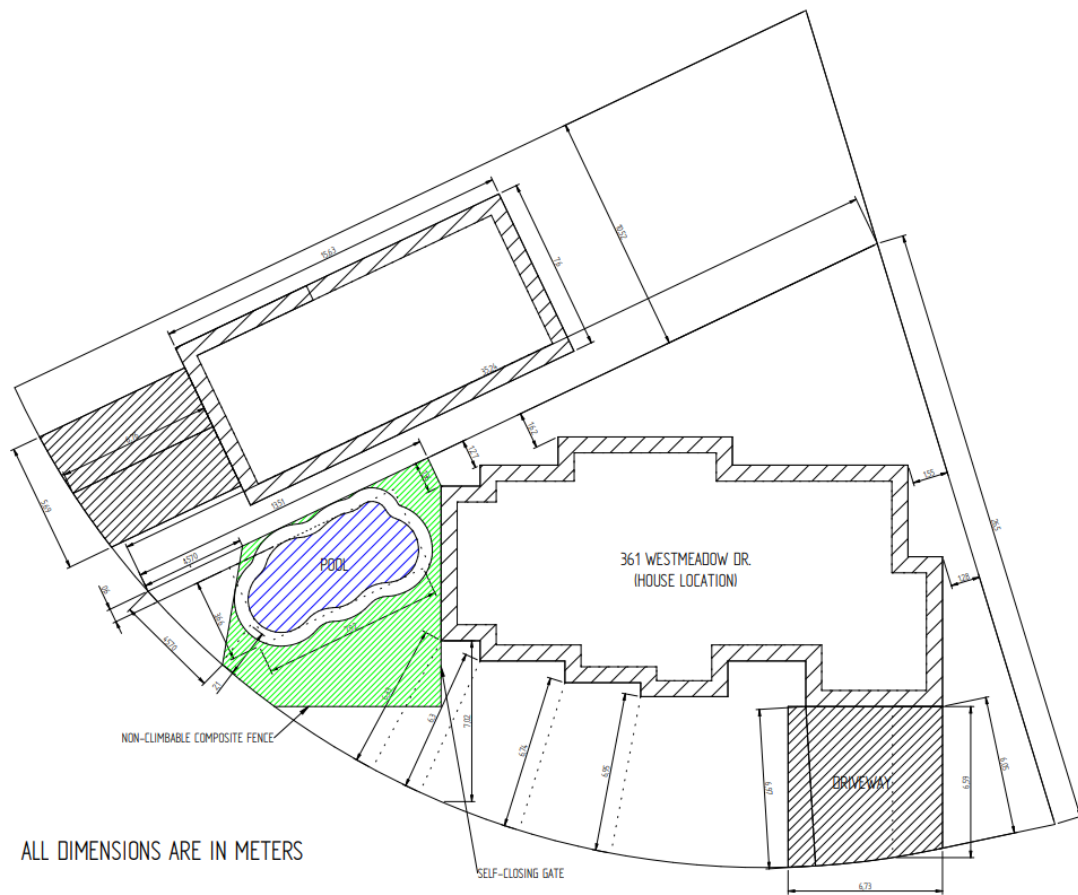


**Figure 1: Location Map**

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

The property is currently zoned 'Low Rise Residential Four Zone' (RES-4) in Zoning By-law 2019-051. The property also falls within Zoning Appendix D – Established Neighbourhood Area.

The purpose of this application is to review the requested minor variance to permit a pool within the front yard. Due to the unique pie shape of the lot, it is impossible to locate the pool within the rear or interior yards.



### Figure 2: Site Plan



### Figure 3: Proposed Pool Location





**Figure 4: Streetscape Directly Opposite Proposed Pool Location**



**Figure 5: Streetscape West of Proposed Pool Location**





**Figure 6: Streetscape East of Proposed Pool Location**

## **REPORT:**

### **Planning Comments:**

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

#### General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' by Official Plan Map 3 – Land Use. The Official Plan objective for this designation is to support a high quality of life and ensure that existing and new residential areas are walkable and supported by all modes of transportation, amongst other provisions. The proposed pool will support a high quality of life for existing and future residents on the property. The proposed fence location which does not project past the front façade of the building and only abuts the front lot line for a short distance should not impede the walkability of this street. As such, staff are satisfied that the proposed variance meets the general intent of the Official Plan.

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

The general intent of Zoning By-law Section 4.14.6 in prohibiting pools within the front yard is to help ensure an appropriate and consistent streetscape and that front yards are not enclosed and isolated from the public realm. To this regard, the proposed pool and fence location do not project past or in front of the front façade of the dwelling as shown in Figure 2. As such, staff are satisfied that the proposed pool maintains the general intent of



the Zoning By-law. Furthermore, the subject property is considered a corner lot by the Zoning By-law. The front lot line is considered the shortest lot line abutting a street which happens to be the lot line directly beside the proposed pool. When this lot was created under Zoning By-law 85-1, either lot line abutting a street may be considered the front lot line for determining required zoning setbacks, which means the proposed pool would have been permitted under Zoning By-law 85-1.

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

Staff are satisfied that the proposed variance to permit a pool within the front yard is considered minor in nature due to the fact that the pool and fence location do not project past the front façade of the dwelling thereby maintaining a consistent streetscape. Staff also note that the proposed fence mirrors the fence on the property directly opposite 361 Westmeadow Drive as shown on Figure 4.

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

Staff are satisfied that the proposed pool is desirable development for the subject property. As noted above, a pool helps contribute to the high quality of life for the residents and the proposed fence location does not negatively impact the streetscape. Furthermore, staff note that the existing Fence By-law allows either lot line abutting a street on a corner lot to be considered the front lot line for the purpose of determining the maximum permitted fence height. This means that the applicant could construct the required 1.5 metre (5 foot) fence in the proposed location without applying for a variance.

**Environmental Planning Comments:**

There are no environmental concerns.

**Grand River Conservation Authority Comments:**

The GRCA has no objection to the proposed minor variance application.

**Region of Waterloo Comments:**

No concerns.

**Enova Power Comments:**

Please note Enova Power Corp. has no objection for the application. The homeowner will be required to maintain 1.5 metres from the inside edge of the pool to the underground electrical service for the property. If this clearance cannot be maintained, they will need to contact our services department to relocate the existing electrical service to the house.

**Heritage Planning Comments:**

Heritage Planning has no comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. An application has been made for the in-ground pool.

**Engineering Division Comments:**

No concerns.

**Parks/Operations Division Comments:**

There are three City-owned street trees along the Westmeadow Drive frontage that **must be protected in place according to City standards throughout all construction.**

Please illustrate required tree protection fencing on all pool/building permit drawings.

Tree protection is required on all trees during construction work as indicated in Municipal Code section 690.4.2 Protection - Trees on City Property. It shall be the responsibility of the person or persons in charge of any lot on which the construction, alteration or demolition of any building is taking place, to take adequate steps for the protection of any trees on City property within 6.09 metres (20 feet) of any such lot and no such work shall be commenced until such protection has been provided.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

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

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

**COMMUNITY ENGAGEMENT:**

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

**PREVIOUS REPORTS/AUTHORITIES:**

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

**ATTACHMENTS:**

Attachment A – GRCA Permit #415-24



July 24, 2024

Sam Samimi  
361 Westmeadow Drive  
Kitchener, ON N2N 3R3

by email

**Re: Application for Permission No. 415/24, Pursuant to Ontario Regulation 41/24.**

The Grand River Conservation Authority approved your application on July 24, 2024. The permit and attached schedules are enclosed. The schedules form part of the permit and describe the work as approved by the Grand River Conservation Authority. Any changes to these plans must be reviewed and approved by Grand River Conservation Authority staff.

Please note that this permission is based on existing information, policies, and practices, and does not bind nor imply that any other permission will be forthcoming. Please review when the permit expires as per the attached permit and keep a copy of the permit on-site.

If you have questions regarding this letter or the conditions described on the permit, please contact Nicholas Stasiak, Regulations Officer, at (519) 621-2763 Extension 2323.

Encl.

c.c. Clerk, City of Kitchener  
Building Inspector, City of Kitchener  
Jeff Hawkins, KW Fiberglass Pools



## Grand River Conservation Authority

Under Ontario Regulation 41/24 made under the Conservation Authorities Act, R.S.O. 1990, c. C.27, permission is granted to:

**Sam Samimi**

Whose address for purposes pertaining to this project is:

361 Westmeadow Drive  
Kitchener, ON N2N 3R3

To execute proposed works in accordance with the following particulars and conditions:

**Location of Work:** 361 Westmeadow Drive, Kitchener  
City of Kitchener

**Purpose of Work:** To construct a pool.

**This permit is valid from:** July 24, 2024

**and expires on:** July 24, 2026

The attached Schedules form parts of this permit describing the approved work and must be implemented in order so that the true intent of the permit can be achieved.

The Permittee, by acceptance and in consideration of the issuance of this permit, agrees to the conditions listed on the reverse side of Schedule "A".

Dated at Cambridge, Ontario, this 24th day of July, 2024

**GRAND RIVER CONSERVATION AUTHORITY**

A handwritten signature in black ink, appearing to read "Lawson", is written over a horizontal line.

Samantha Lawson,  
Chief Administrative Officer





## Schedule "A" - Application for Permit Pursuant to Ontario Regulation 41/24

### (Prohibited Activities, Exemptions and Permits Regulation)

Please read, complete each section as required, attach fee payment and sign and date this application. Payment must be addressed to the Grand River Conservation Authority. Applications can be mailed to:

**Grand River Conservation Authority Administration Office**  
400 Clyde Road, P.O. Box 729, Cambridge, Ontario N1R 5W6  
Telephone: 519-621-2761 Fax: (519) 621-4945

<b>Owner's Contact Information:</b>	
Name: Sam Samimi	E-mail: autoexpo_inc@yahoo.ca
Mailing Address: 361 Westmeadow Dr	City/Town: Kitchener
Postal Code: N2N 3R3	Business Telephone:
Residential Telephone: (519) 590-9722	Fax:

<b>Agent/Consultant/Contractor's Contact Information</b>	
Name: KW Fiberglass Pools (Jeff Hawkins)	E-mail: jeff.kwfiberglass@gmail.com
Mailing Address: 34 Manley St	City/Town: Ayr
Postal Code: N0B1E0	Business Telephone: 2262206190
Residential Telephone:	Fax:

<b>Location of Proposed Work:</b>	
Municipal Address: 361 Westmeadow Drive, Kitchener	
City/Town/Village: CITY OF KITCHENER	County/Region: REGIONAL MUNICIPALITY OF
Lot and Concession:	Township:

**Application Type (check which applies). Refer to Fee Schedule on Pages 3 and 4.**

- ☒ Minor Development
  - ☐ Minor Interference with Wetlands, Alteration to Shorelines & Watercourses
  - ☐ Standard Development
  - ☐ Standard Interference with Wetlands, Alteration to Shorelines & Watercourses
  - ☐ Major Development
  - ☐ Major Interference with Wetlands, Alteration to Shorelines & Watercourses
- Page 55 of 157

<p>Pools</p>	<p>Installation of a 12' x 24' inground pool and perimeter fence</p>
--------------	--

Current Land Use: Residential
Proposed Change in Use (if any):

Signature of Owner:	Date:
Signature of Agent:	Date:

## GENERAL CONDITIONS OF PERMIT

---

1. This permit does not absolve the permittee of the responsibility of obtaining necessary permission from applicable federal and provincial agencies or local municipalities.
2. The permittee agrees by acceptance of the permit:
  - (a) to indemnify and save harmless, the Grand River Conservation Authority and its officers, employees, or agents, from and against all damage, injury, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the permittee or of any of his agents, employees or contractors relating to any of the particular terms or conditions of this permit.
  - (b) that this permit shall not release the permittee from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law.
  - (c) that all complaints arising from the proposed works authorized under this permit shall be reported immediately by the permittee to the Grand River Conservation Authority. The permittee shall indicate any action which has been taken, or is planned to be taken, with regard to each complaint.
  - (d) to provide certification of conformance to ensure compliance with the intent of the permit. This certification must be provided by an accredited professional and is to be submitted as may be specified in the permit.
3. Authorized representatives of the Grand River Conservation Authority will be granted entry at any time into lands which are the subject of this permit application in order to make such surveys, examinations, investigations, inspections or other arrangements which such representatives deem necessary.
4. The Grand River Conservation Authority may add conditions of approval or cancel this permit in accordance with the *Conservation Authorities Act* and/or Ontario Regulation 41/24.
5. This permit shall not be reassigned (non-transferable).
6. Permits are valid for up to two years unless otherwise noted on the permit. The maximum period of validity of a permit, including extensions, is 60 months. No notice will be issued on expiration of the permit, and it is the responsibility of the permittee to ensure a valid permit is in effect at the time work is occurring.
7. Requests to consider a permit extension must be received 60 calendar days before the expiry date on the permit.
8. The Grand River Conservation Authority may make copies of Schedule A and materials submitted in conjunction with Schedule A, as required, for the purposes of assessing the proposal and, where approved, to form part of the permit issued.
9. The Grand River Conservation Authority may request that GIS data files be submitted as part of Schedule A, to be used for business purposes pursuant to Regulation 41/24.

### **NOTICE OF COLLECTION**

Pursuant to section 29(2) of the Municipal Freedom of Information and Protection of Individual Privacy Act R.S.O 1990, C.M.56 the personal information contained on this form is collected under the legal authority of the Conservation Authorities Act, R.S.O. 1990, c.27, as amended. This information is used to assess applications for and, where approved, issue the Permit. Information on this form may be disclosed to Government and Municipal Agencies for review and comment. The name of the applicant, location of the work and a description of the project may be published in GRCA documents including agendas, reports and meeting minutes which are posted on the GRCA website. Questions about the collection of personal information should be directed to the Freedom of Information Coordinator, Administration Division, Grand River Conservation Authority, 400 Clyde Road, P.O. Box 729, Cambridge, Ontario, N1R 5W6, (519) 621-2761.

# GRCA Permit, Plan Review, Title Clearance, and Inquiry Fee Schedule 2023-2024

Please refer to the **Fee Notes** outlined below for more details.

Permit Fee Schedule	
<b>Note: Applicants</b> are encouraged to apply online on the <b>GRCA Permits Application Page</b> .	
<b>Minor</b> - Low risk of impact on natural hazards or natural feature. No technical reports required	
• Fee for Development Applications	\$465
• Fee for Alterations or Interference with Wetlands, Shorelines and Watercourses Applications	\$465
<b>Standard</b> - Moderate risk and/or potential impact on natural hazards or natural features. Detailed report and/or plans, site visit required	
• Fee for Development Applications	\$675
• Fee for Alterations or Interference with Wetlands, Shorelines and Watercourses Applications	\$1,185
<b>Major</b> - Requires one or more reports (Environmental Impact Study, Hydraulic Analysis, Stormwater Management, Geotechnical, etc.)	
• Fee for Development Applications	\$10,230
• Fee for Alterations or Interference with Wetlands, Shorelines and Watercourses Applications	Culvert/Bridge replacement \$6,710  All other applications \$10,230
<b>Large Fill</b> - over 1,000m <sup>3</sup>	\$10,230 plus \$0.50/m <sup>3</sup>
<b>Works initiated prior to GRCA approval</b>	2 times the fee for the category
<b>Rural Water Quality Programs or GRCA projects</b>	\$90
<b>Permit Extension</b>	\$90
<b>Plans amended to an approved permit</b>	\$90

Inquiry Schedule	
<b>Title Clearance, Real Estate, and other Inquiry Fee (per request)</b>	\$255/property

Plan Review Fee Schedule	
<b>Subdivision and Vacant Land Condominium</b>	
• Base fee	\$2,505
• Per net hectare	\$1,305/hectare
• Applicant driven modification	\$1,670
• Final clearance for registration of each stage: technical review required	\$6,708
• Final clearance Processing Fee: no reports or review required	\$255
• Fourth (4 <sup>th</sup> ) and subsequent submission for review (same report)	\$575

<b>Plan Review Fee Schedule</b>	
<b>Official Plan and/or Zoning Bylaw Amendment</b>	
• Major	\$2,500
• Minor	\$465
<b>Consent</b>	
• Major	\$1,185
• Minor	\$465
<b>Minor Variances</b>	
• Major	\$675
• Minor	\$300
<b>Site Plan Approval Applications</b>	
• Major	\$3,515
• Minor	\$465
<b>Complex Applications</b>	\$10,230
<b>Below Water Table Aggregate Applications</b>	
• No features of interest within 30 metres of licence limit	\$10,230
• Features of interest within 30 metres of licence limit	\$42,850
<b>Above Water Table Aggregate Applications</b>	
• No features of interest within 30 metres of licence limit	\$465
• Features of interest within 30 metres of licence limit	\$10,230

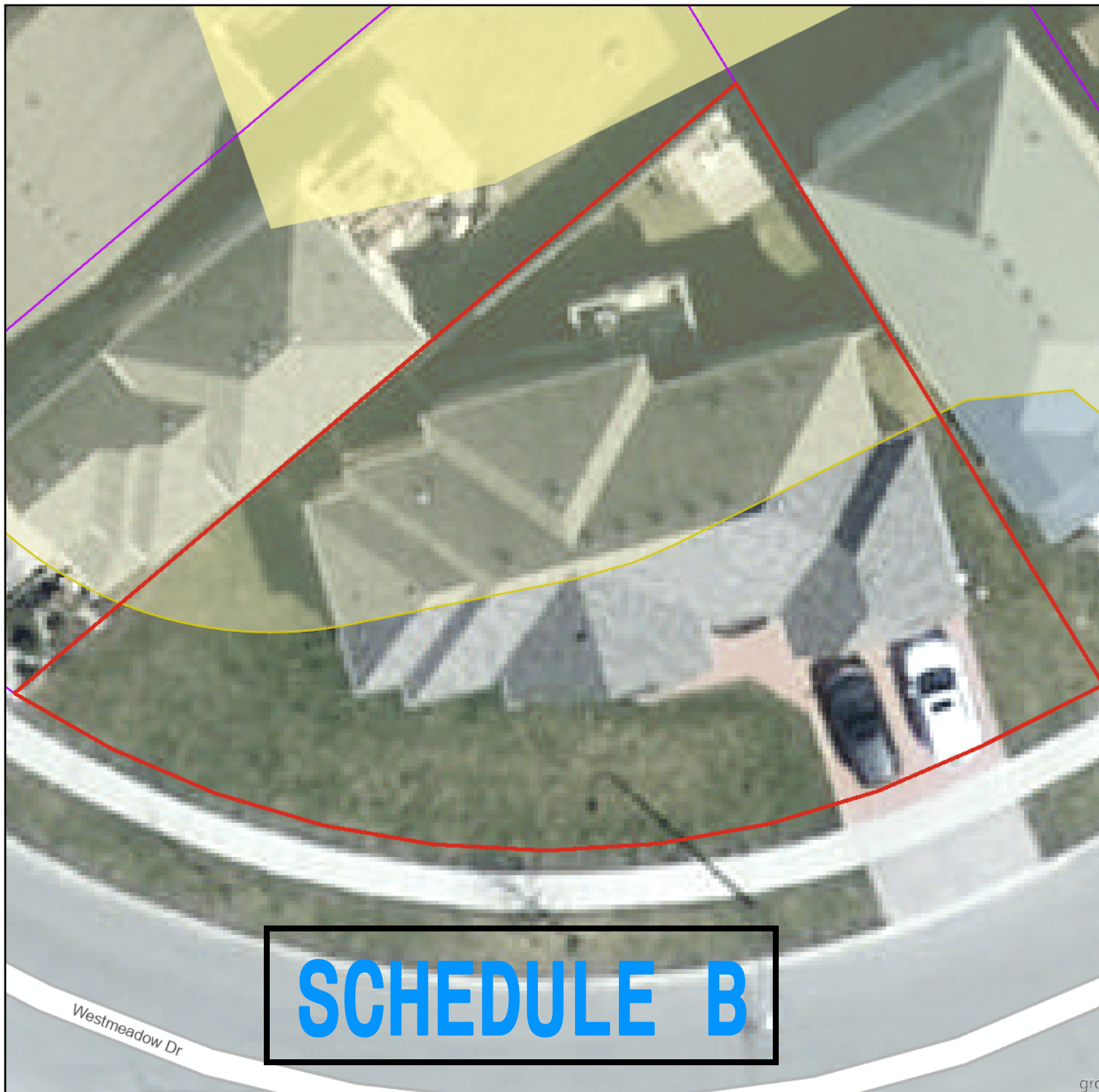


## 2024 Fee Notes

On April 1, 2024, the Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24) came into effect. This regulation replaces the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). This Fee Schedule was updated on April 26, 2024 to reflect changes resulting from the new Regulation.

1. All fees are made payable and submitted directly to Grand River Conservation Authority.
2. Applicants are encouraged to consult with staff prior to submission of all applications to determine the extent and nature of the information required to accompany the application, and to determine the appropriate fee.
3. Applicants are encouraged to submit Permit applications through **the GRCA's online Permit Application System** after pre-submission consultation where appropriate.
4. Permit applications that fall into one or more categories will be charged one fee, at the highest rate.
5. Plan review applications that fall into one or more categories will be charged one fee, at the highest rate.
6. The Conservation Authority may provide a refund or require the applicant submit additional funds for a permit or plan review fee if it is found that an incorrect fee has been submitted.
7. Minor Categories – Low risk of impact on natural hazards. Plans required. No technical reports or site visits required.
8. Standard Permit Category – Moderate hazard risk and/or potential impact on natural hazards. Detailed plans required. Scoped technical reports and/or site visits required.
9. Major Permit Category– High hazard risk and/or potential impact to natural hazards. Detailed plans required. One or more technical report required (Environmental Impact Study, Hydraulic Analysis, Storm Water Management, Geotechnical, etc.). Development permit applications for: golf courses, trailer parks, campgrounds, lifestyle communities will be considered as a major permit.
10. Major Plan Review Category– High or Moderate hazard risk and/or potential impact on natural hazards. Detailed plans required. One or more technical reports (may be scoped) are required, and a site visit may be required.
11. Complex Plan Review Category - Planning Act (e.g. OPA/ZC) and/or Site plan applications for: golf courses, trailer parks, campgrounds, lifestyle communities.
12. Large Fill - The fee is applicable to material placed within the Conservation Authority's regulated areas. Grading associated with Planning Act approvals is not considered a large fill application.
13. Major permit applications that have previously paid application or clearance plan review fees to the GRCA will be charged fees under the Minor or Standard category.
14. Permit fees are non-refundable, except where review indicates that no permit is necessary.
15. Permit Extension – Permits are valid for up to 24 months unless otherwise specified on the permit. An application for an extension is \$90 and must be requested at least 60 calendar days before the expiry of the permit. Extensions will not be granted after the expiry date and will require a new application, full review, and the Schedule of Fees in effect at the time of submission will apply. The maximum period of validity of a permit, including extensions, is 60 months.

16. The subdivision or vacant land condominium base fee including per net hectare fee will be capped at \$30,000.
17. The net hectare fee will be based on the initial submission and will exclude lands outside of the development limit (e.g. natural hazard, natural heritage areas and buffers). Stormwater management facilities and other open space or park uses are to be included in the net hectare fee calculation.
18. At the submission of a subdivision or vacant land condominium application, 70% of the base fee and per net hectare is required. Prior to issuance of conditions of draft plan approval, the remaining 30% of the fee is required.
19. A Processing Fee will apply for a clearance letter for a subdivision or condominium application where no technical review/reports (e.g. no Erosion and Sediment Control plan, SWM brief, etc.) are required.
20. For Aggregate Applications, features of interest include all natural hazards including wetlands and watercourses.
21. Responses to Title Clearances, Real Estate and other Inquiries includes: Correspondence and mapping related to natural hazards and areas regulated under Ontario Regulation 41/24.



Grand River Conservation  
Authority

Date: Jul 12, 2024  
Author: Nicholas Stasiak

361 Westmeadow Dr, Kitchener, ON,  
N2N 3R3, CAN

Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
  - Steep
  - Oversteep
  - Toe
- Slope Valley (GRCA)
  - Steep
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- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
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- 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 1:209







 Path or polygon

Click points on the map to draw

Perimeter  
65 ft

Area  
299 ft<sup>2</sup>

 Save to project

**SCHEDULE B**





PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

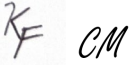
- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – 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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 2024

via email

GRCA File: A2024-083 – 361 Westmeadow Drive

Marilyn Mills  
City of Kitchener  
200 King Street West  
Kitchener, ON N2G 4O7

Dear Marilyn Mills,

**Re: Application for Minor Variance A2024-083**  
361 Westmeadow Drive, City of Kitchener  
Siamak Samimi

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

**Recommendation**

The GRCA has no objection to the proposed minor variance application.

**GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

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

Due to the presence of the above-noted features, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

The proposed minor variance application requests permission to install a pool within the front yard. GRCA recently issued Permit #415-24 for the proposed pool and the plans circulated with this application are consistent with the plans approved under the GRCA permit noted above. As such, the GRCA has no objection to the approval of this minor variance application.

Consistent with GRCA's 2024 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for GRCA's review of this application.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

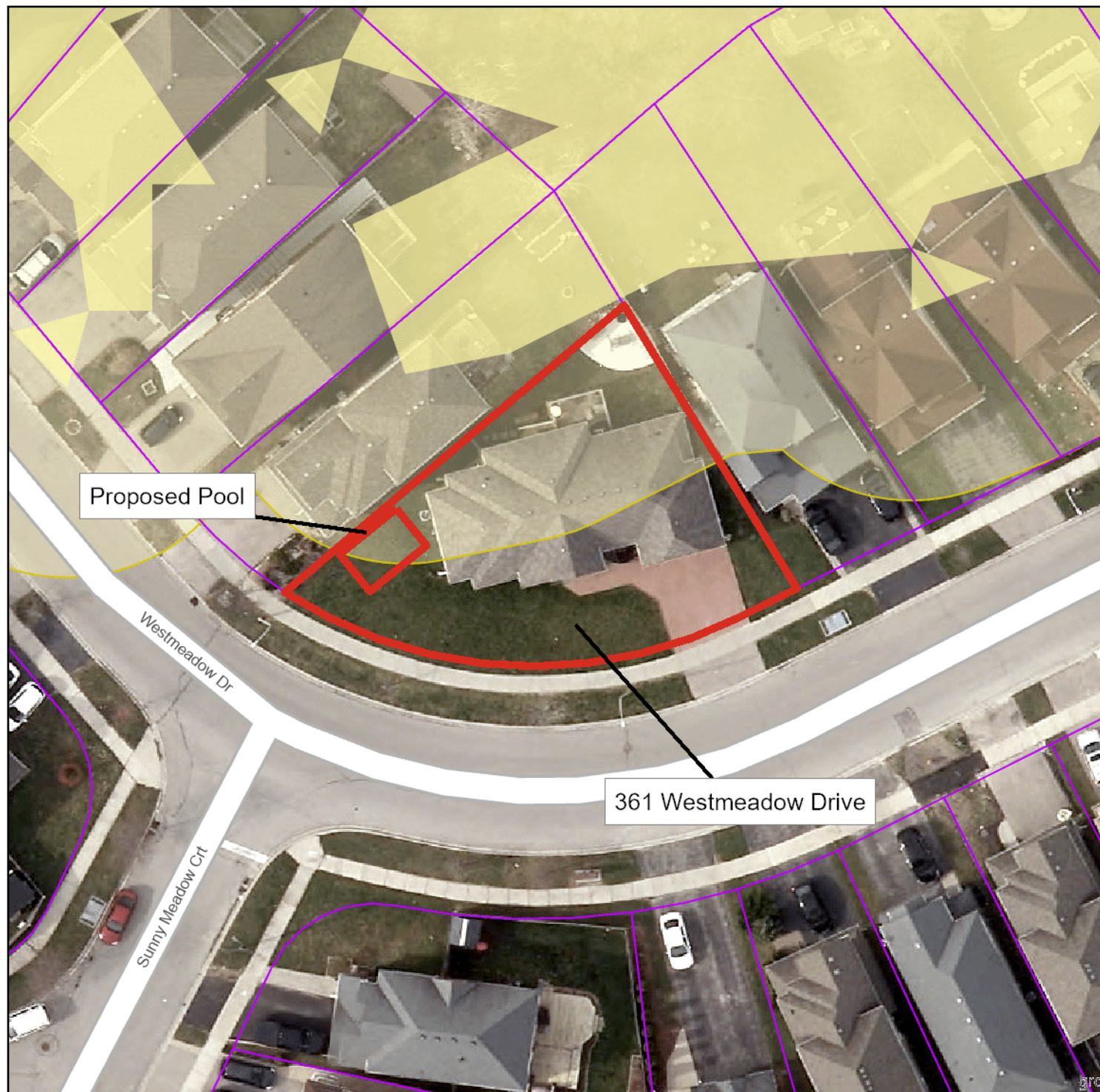
Copy: Siamak Samimi (via email)  
Jeff Hawkins, KW Fibreglass Pools (via email)





Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
  - Engineered
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  - Approximate
- Floodplain - Special Policy Area (GRCA)
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The source for each data layer is shown in parentheses in the map legend. See [Sources and Citations](#) for details.

Scale 1:443

NAD83 UTM zone 18T (EPSG:31470)

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 2024

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

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

**WARD(S) INVOLVED:** 10

**DATE OF REPORT:** September 25, 2024

**REPORT NO.:** DSD-2024-451

**SUBJECT:** Minor Variance Application A2024-084 – 18 Pine Street

---

## **RECOMMENDATION:**

### **Zoning By-law 85-1**

That Minor Variance Application A2024-084 for 18 Pine Street requesting relief from Section 5.6.2 a) and c) of Zoning By-law 85-1, to permit a projected a canopy to project into the front yard 3.3 metres instead of the maximum permitted 1.8 metres and to be supported by the ground, to facilitate internal renovations within an existing building to accommodate a health clinic and pharmacy, in accordance with Conditionally Approved Site Plan SP24/068/P/AA, BE APPROVED.

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

That Minor Variance Application A2024-084 for 18 Pine Street Requesting relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 4.14.3. to permit a canopy to project into the front yard 3.3 metres instead of the maximum permitted 1.8 metres;
- ii) Section 4.14.10 b) to permit steps and access ramp, above 0.6 metres in height, to be located 1.2 metres from the street line instead of the minimum required 3 metres;
- iii) Section 6.3.2, Table 6-3, to permit a minimum landscaped area of 23% instead of the minimum required 30%; and
- iv) Section 6.3.2, Table 6-3, to permit a rear landscaped area of 23% instead of the minimum required 40%;

to facilitate internal renovations within an existing building to accommodate a health clinic and pharmacy, generally in accordance with Conditionally Approved Site Plan SP24/068/P/AA, BE APPROVED subject to the following:

**This Minor Variance shall become effective only at such time as By-law 2024-065 comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.**

**REPORT HIGHLIGHTS:**

- The purpose of this report is to review minor variances to allow the site work to the parking lot and the construction on the front ramp and steps with a canopy.
- The key finding of this report is that the requested minor variances meet the four tests of the Planning Act
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located in the KW Hospital area neighbourhood, at the corner of Mary Street and Pine Street. It currently contains a vacant four-storey building that was previously used as a health clinic.

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Mixed Use Corridor' on Map 12 - KW Hospital Neighbourhood Secondary Plan, in the 1994 Official Plan and has recently been designated "Strategic Growth Area A" on Map 3- Land Use in the City's 2104 Official Plan as part of the Growing Together Project.

The property is zoned 'High-Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 and is zoned 'Mid Rise Growth Zone (SGA-2)' in Zoning By-law 2019-051, as amended by By-law 2024-065, which by-law is still under appeal.





Figure 1: Location Map

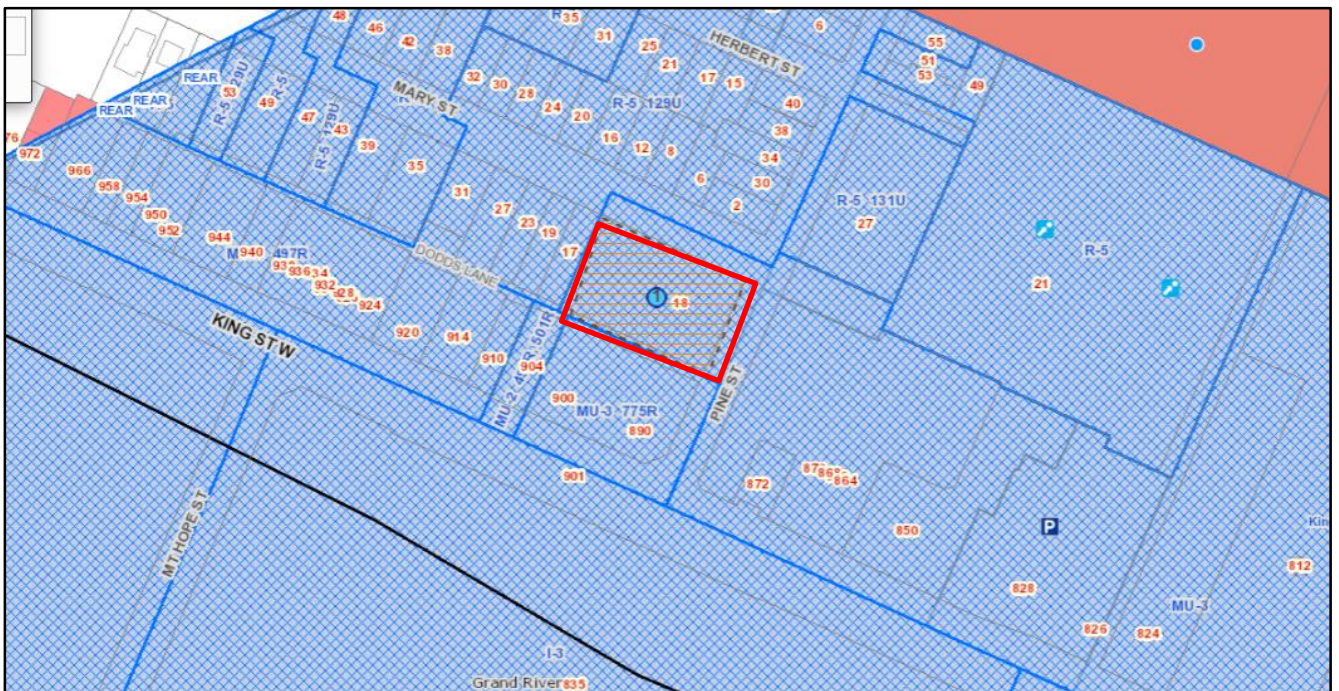
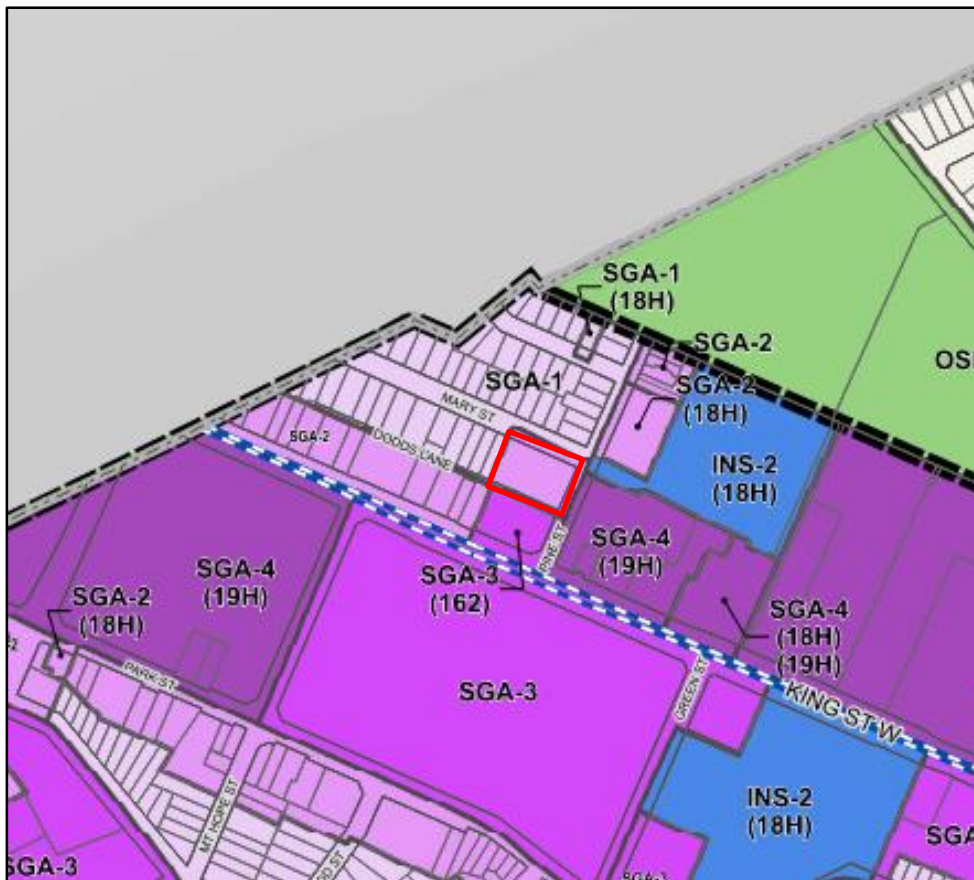


Figure 2: Zoning Map

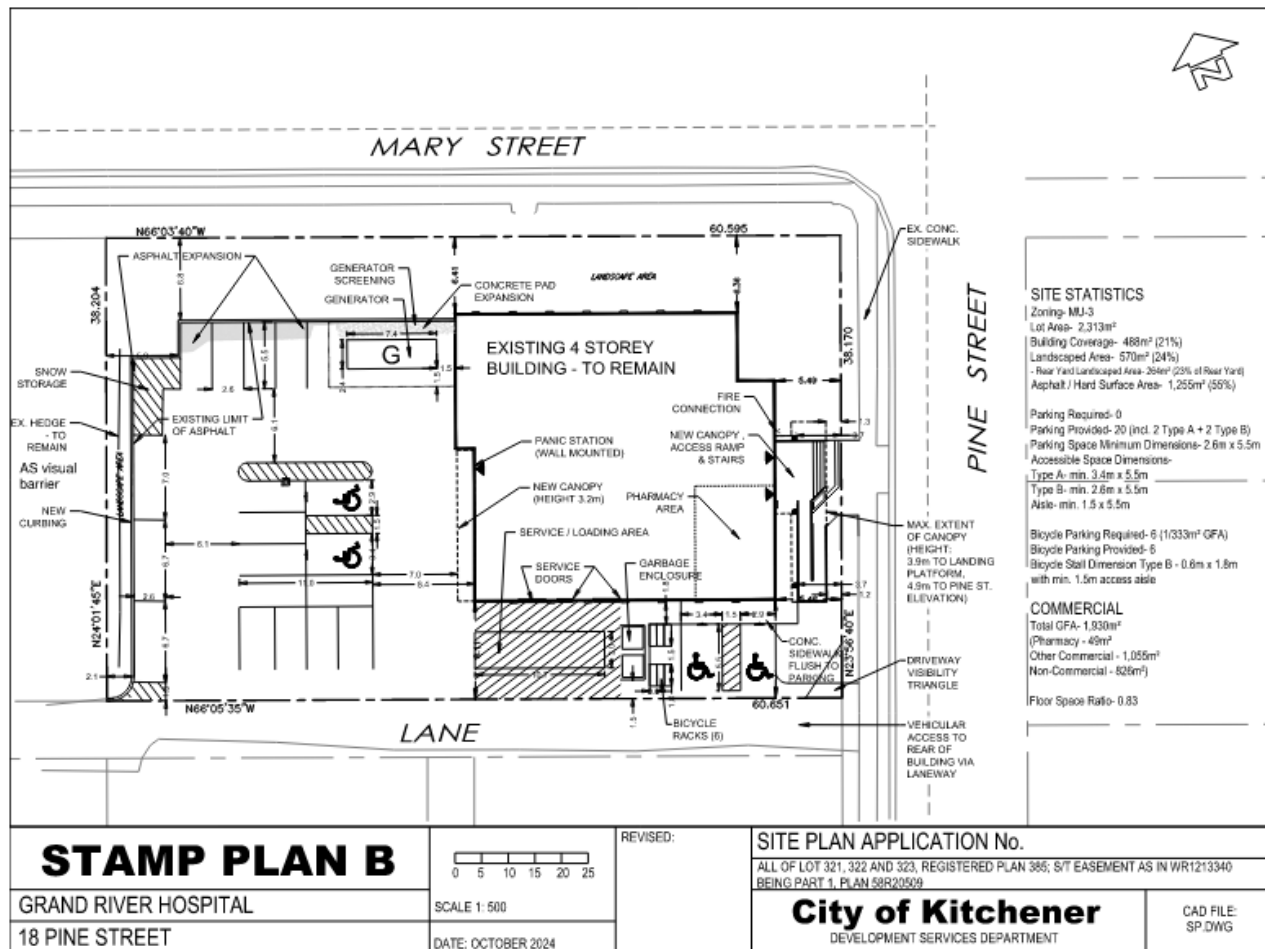




**Figure 3: PMTSA Zoning Map**

The purpose of this minor variance application is to facilitate the redevelopment of the existing four-storey building to accommodate a Health Clinic and Pharmacy for Grand River Hospital. Proposed modifications to the building include the installation of a new ramp, steps, and a canopy over the main entrance to improve accessibility. Additional site enhancements include improvements to the parking lot, the installation of a new generator, the addition of outdoor waste bins, new bicycle parking, and designated accessible parking spaces. Furthermore, a visual barrier consisting of hedges will be maintained around the parking lot where it abuts adjacent residential properties to ensure privacy and aesthetic consistency.

The applicant has submitted a Site Plan Application, SP24/068/P/AA, which has been reviewed with all applicable divisions and agencies and has received 'Conditional Approval' subject to receiving approval of the minor variances.



### Figure 4: Conditionally Approved Site Plan

Staff visited the subject property on September 27, 2024



**Figure 5: A photo of the east main entrance where the steps, ramp and canopy are being proposed**



**Figure 6: A photo of the side of the building**





**Figure 7: A photo of the parking lot from Mary Street**



**Figure 8: A photo of the parking lot from the east side**

## REPORT:

### Planning Comments:

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

#### General Intent of the Official Plan

The subject property is designated 'Mixed Use Corridor' on Map 12 - K-W Hospital Neighbourhood Secondary Plan in the 1994 Official Plan. Mixed Use Corridors generally have strong pedestrian linkages with the surrounding residential neighbourhoods. To strengthen these linkages, new development may be required to orient a portion of the building mass to the street, provide for integration of cycling facilities, provide on-site pedestrian facilities, and provide pedestrian connections to abutting developments or off-site transit facilities.

The property is also designated as "Strategic Growth Area A" on Map 3 - Land Use in the City's Official Plan Growing Together amendment, which is generally intended to accommodate intensification within existing predominantly low-rise residential neighbourhoods and lands that are generally too small to support high-rise buildings. The amendment also permitted residential uses, including health-related uses.

The proposal aims to fulfill both Official Plan objectives as it meets the permitted use and massing outlined in the Official Plan. Therefore, staff are of the opinion that the requested variances meet the general intent of the Official Plan.

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

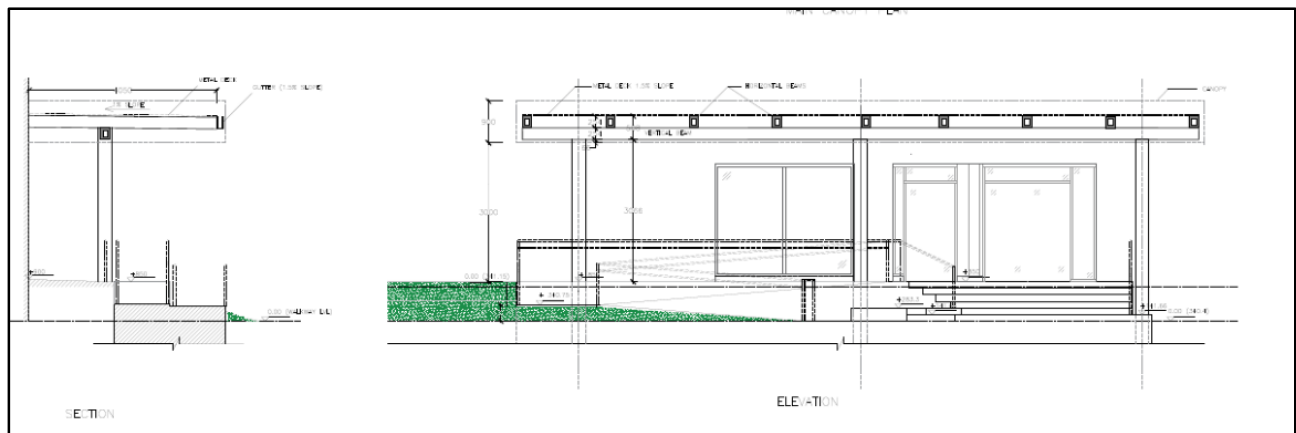
**Projected canopy supported by the ground:** The Zoning By-law includes provisions to allow ground-supported canopies while maintaining the integrity of the streetscape and ensuring that structures do not obstruct yards or detract from the surrounding environment. The proposed canopy meets the intent of the by-law by incorporating a cantilevered design for the portion projecting into the yard, with supporting columns set back 3.7 metres from the street line. This setback minimizes the visual impact on the streetscape and maintains clear, unobstructed yard space, thus aligning with the by-law's objectives.

**Ramp and steps projection:** The Zoning By-law also regulates the projection of ramps and steps to ensure they do not encroach excessively on the front yard or streetscape. Due to the existing non-conforming setback of the building's front wall and front porch, and the new by-law's required 4.5 metres, any new projections, including ramps and steps, would technically be non-compliant. However, these elements are essential to improve accessibility to the building, which has an elevated entrance and nearby accessible parking spaces. The proposed steps and ramp are key to meeting accessibility standards and ensuring compliance with current Building Code. The new canopy structure, which encloses these updated site elements, has been carefully designed to enhance the streetscape within the constraints of the existing site conditions, as demonstrated in Figure 9.



**Landscaping area on the property and in the rear yard:** The intent of the landscaping regulations is to ensure adequate land for proper drainage and to support the growth of vegetation and trees, while rear yard landscaping requirements aim to provide sufficient private outdoor amenity space. The subject property serves as a transitional area between high-rise and low-rise developments, with the current rear and side yard parking area being an existing condition dating back to the 1970s. Despite the proposed reduction in landscaped area to 23% (compared to the required 30% for the overall site and 40% for the rear yard), the overall landscape provision still exceeds the requirements of the previous Zoning By-law 85-1.

The minor extension of the rear yard parking area is intended to regularize the parking layout without disturbing existing vegetation, including existing trees. This adjustment also ensures that the parking area conforms to current standards for drive aisles and parking space dimensions, thereby enhancing the safety and functionality of the space.



**Figure 9: Proposed Canopy drawing.**

Therefore, staff is of the opinion, the proposed variances maintain the general intent and purpose of the Zoning By-law, while balancing the needs of both the site and the surrounding neighborhood.

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

The requested minor variances are considered minor in nature as they will not negatively impact neighboring properties or the overall streetscape. The ground-supporting columns for the canopy will be situated well within the required setback, and its projection into the yard is designed to provide shelter for the ramp and steps without negatively impacting adjacent properties or obstructing views. Additionally, the reduction in landscaped area remains consistent with the existing condition and will not detract from the character of the surrounding area. The preservation of mature trees and vegetation ensures that the impact on the landscape is minimal. Therefore, it is the staff's opinion that the effects of the above-mentioned variances may be considered minor.

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

The requested variances for the canopy projection, steps, ramp, and landscape area are desirable and appropriate for the redevelopment and functional use of the site. The addition of the canopy, steps, and ramp will significantly enhance accessibility and safety for the building's users. Furthermore, the reduction in the landscaped area complies with

the existing by-law and it is mainly due to existing situation. Staff is of the opinion that the variances are appropriate and desirable

**Environmental Planning Comments:**

No comments or concerns.

**Heritage Planning Comments:**

No comments or concerns

**Building Division Comments:**

The Building Division has no objections to the proposed variances provided a building permit for the canopy and access ramp is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions

**Engineering Division Comments:**

No comments or concerns.

**Parks/Operations Division Comments:**

Through Site Plan Application SP24/068/P/AA it was noted that there was an existing City-owned tree along the on Mary Street frontage at the northwestern corner of the property. Although the proposed site plan does not indicate any site changes, this tree should be protected to City standards throughout construction and tree protection fencing shown on all building permit drawings.

The applicant is advised that tree protection is required on all trees during construction work as indicated in Municipal Code section 690.4.2 Protection - Trees on City Property. It shall be the responsibility of the person or persons in charge of any lot on which the construction, alteration or demolition of any building is taking place, to take adequate steps for the protection of any trees on City property within 6.09 metres (20 feet) of any such lot and no such work shall be commenced until such protection has been provided.

**Transportation Planning Comments:**

Transportation Services has no concerns with this application.

**Grand River Conservation Authority Comments:**

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications. GRCA has no objection to the approval of the application.

**Region of Waterloo Comments:**

No concerns

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

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

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

## **COMMUNITY ENGAGEMENT:**

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

## **PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Secondary Plan K-W HOSPITAL NEIGHBOURHOOD PLAN FOR LAND USE*
- *Official Plan (2014)*
- *2024-062 - OPA 49 - Growing Together - PMTSA Lands*
- *Zoning By-law 85-1*
- *Zoning By-law 2019-51, as amended by Zoning By-law 2024-065*



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September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
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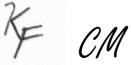
Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.



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

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

Yours Truly,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 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 9

**DATE OF REPORT:** October 2, 2024

**REPORT NO.:** DSD-2024-454

**SUBJECT:** Minor Variance Application A2024-085 - 62 Gage Avenue

---

## **RECOMMENDATION:**

That Minor Variance Application A2024-085 for 62 Gage Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.7 b) to permit an unenclosed porch 1.8 metres from the street line instead of the minimum required 3.0 metres; and
- ii) Section 7.6 a) to permit a minimum front yard setback of 2.89 metres instead of the minimum required 9.0 metres;

to facilitate the construction a new semi-detached dwelling, generally in accordance with drawings prepared by Grit Engineering Inc., dated August 23, 2024, BE APPROVED subject to the following condition:

1. Prior to the issuance of a Demolition and/or Building Permit:
  - a) the Owner shall prepare a Tree Preservation/Enhancement Plan, an Arborist Report and ISA valuation of trees on City lands and the subject lands in accordance with the *City's Tree Management Policy*, to the satisfaction of and approval by the City's Director of Parks & Cemeteries and the City's Manager, Site Plans. 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 shall implement the approved Tree Preservation/Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Director of Parks & Cemeteries and the City's Manager, Site Plans. No changes to the said plan

shall be granted except with the prior approval of the City's Director of Parks & Cemeteries and the City's Manager, Site Plans.

#### REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the creation of a new semi-detached dwelling.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

#### BACKGROUND:

The subject property is located on Gage Avenue, at the corner portion of the road with itself. The existing property contains a single detached dwelling. The applicant proposes to demolish the single detached dwelling and sever the property to create 2 new semi-detached dwellings. This application is to permit a reduced front yard setback for the semi-detached dwelling that is closest to the corner of Gage Avenue. Future consent applications are required to be submitted to enable each half of the semi-detached dwellings to be dealt with separately.



**Figure 1: Location Map: 62 Gage Avenue**

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



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

The purpose of the application is to permit a new semi-detached dwelling to have a front yard setback of 2.89 metres instead of the minimum required 9.0 metres, and to permit an unenclosed porch 1.8 metres from the street line instead of the minimum required 3.0 metres.

The minor variances are due to the curve of the street along Gage Avenue. The majority of the dwelling is set back further than the 2.89 metres and meet the standard 4.5 metre setback within Zoning By-law 2019-051. However, the property is located in Appendix 'D' of the Zoning By-law which means the setback is measure from the existing dwelling that is adjacent to the property. The 9.0 metre minimum front yard setback calculation is based off of survey drawings from the existing dwelling at 56 Gage Avenue minus one meter in order to get the required front yard setback. Staff are supportive of the variances as the street line of the existing other dwellings along Gage Avenue do not have a consistent street line and are of various setbacks along the street. Further the curve of the street corner only effects a small portion of the front of the house, the majority of the house is set back further than what is proposed. Finally, the driveway portion of the property is designed so that it is at the farthest point away from the curvature of the corner in order to ensure there are no conflicts with driveway visibility and corner visibility.

In August 2024, the properties received approval for the Consent to sever the property into two, and conditions are being cleared in order to obtain the final approval. The proposed semi-detached dwelling will be the first constructed on the site, and then in a later application will be required to come back to the Committee of Adjustment to sever the semi-detached dwelling so that each half of the dwelling will be able to be dealt with separately.

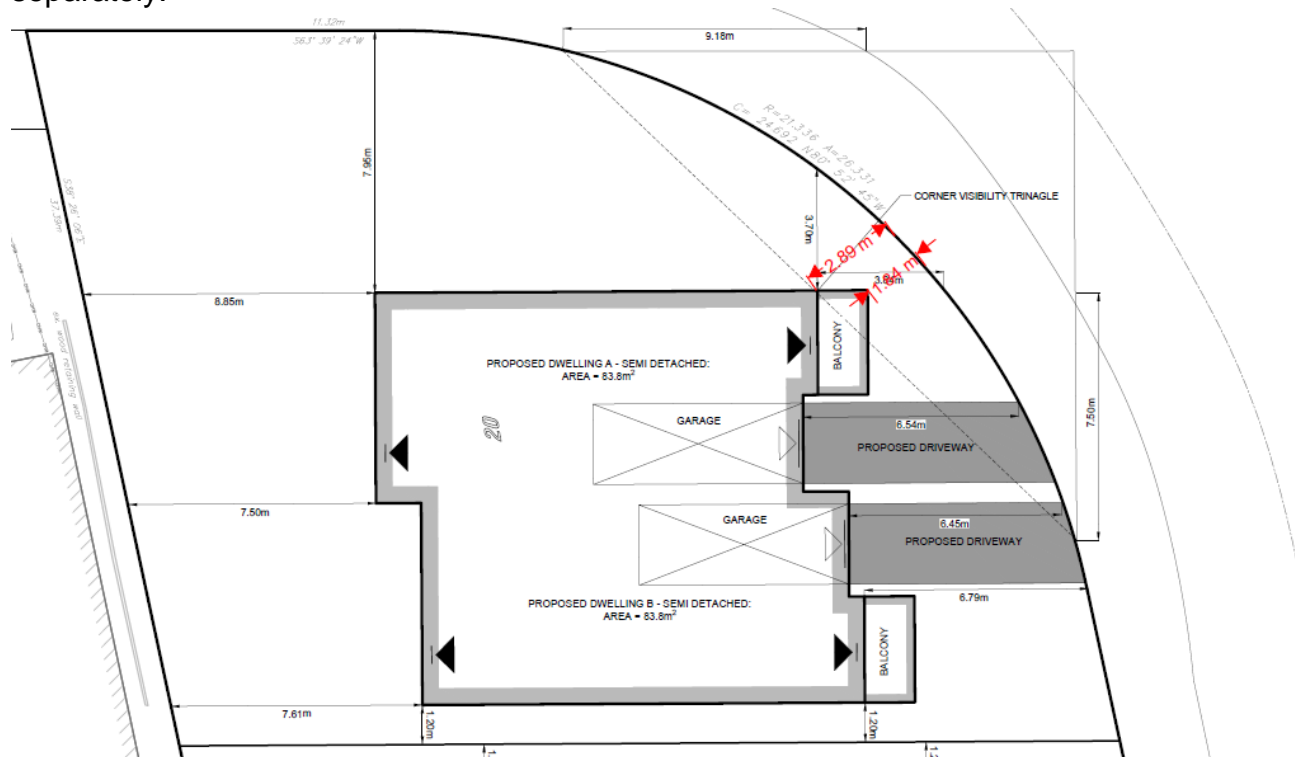


Figure 2: Proposed front yard setbacks



**Figure 3: Existing single detached dwelling at 62 Gage Avenue to be demolished**

## **REPORT:**

### **Planning Comments:**

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

#### General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' in the City's Official Plan. This designation permits low density forms of housing such as semi-detached dwellings. 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 use conforms to the land use designation, and it is the opinion of staff that the requested variances meet the general intent of the Official Plan.

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

The intent of the front yard setback is to ensure a consistent built form along the street edge. The subject property is located within Appendix 'D' of the Zoning By-law which follows a specific calculation to determine the required front yard setback of the property. The required setback of 9.0 metres is calculated by the neighbouring property's front yard setback minus one metre. Staff note that the street edge along Gage Ave is not consistent with varying front yard setbacks along the portion of the road. Further, the requested 2.89

metre setback only pertains to the corner of the front of the building due to the curvature of the Gage Avenue corner. The majority of the front of the building is setback further than the requested 2.89 metres.

The intent of the unenclosed porch setback regulation is to ensure the porch has adequate separation from the street edge. As with the front yard setback the request is being made due to the curvature of the Gage Avenue corner, and only the corner of the porch is at the requested 1.8 metres. The majority of the porch does meet the 3.0 metre setback.

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

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

Staff is of the opinion that the requested variances are minor as the variances only pertain to the corner of the dwelling that is closest to the curvature of the road. Both the front of the building and the porch are further setback from the road and outside of the corner visibility triangle. The proposed variances will not present any significant impacts to adjacent properties or the overall neighbourhood.

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

The proposed variances are desirable and appropriate for the development of the land. The scale, massing and height of the proposed new semi-detached dwellings will not negatively impact the existing character of the subject property or surrounding neighbourhoods and permits gentle intensification.

**Environmental Planning Comments:**

No environmental planning concerns.

**Heritage Planning Comments:**

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 62 Gage Avenue is located within the Warehouse District. 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. An application has been made to for the new semi-detached dwelling.

**Engineering Division Comments:**

No engineering division concerns.

**Parks/Operations Division Comments:**

This property has been subject to a previous consent application (B2024-021) that was approved with conditions including the requirement for submission and approval of a Tree



Protection and Enhancement Plan and possible financial compensation for the protection of existing trees within the right of way.



**Figure 3: Existing single detached dwelling at 62 Gage Avenue to be demolished**

**Figure 4: Photo of Figure 3 from Staff Report DSD-2024-357, dated August 7, 2024.**

There comments were as follows:

*There is considerable existing treed vegetation on the property and some within the Gage Avenue right of way and on the shared front property line.*

*City-owned trees will be impacted by the proposed development and the owner shall fulfill one of the following options:*

1. *Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title of the severed and retained lands, which shall include the following:*
  - a) *That the owner shall prepare a Tree Protection and Enhancement Plan, demonstrating protection of the City-owned tree that is located adjacent to the severed and retained lands, to the satisfaction of the City's Director Parks & Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, landscaped area and vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks & Cemeteries.*
  - b) *The owner shall implement the Tree Protection and Enhancement Plan, prior to any grading, servicing, tree removal or the issuance of building permits, to the satisfaction of the City's Director Parks & Cemeteries.*



- c) *The owner shall maintain the severed and retained lands, in accordance with the approved Tree Protection and Enhancement Plan, for the life the development.*

OR

2. *Make arrangements regarding financial compensation for the trees to be removed, to the satisfaction of the City's Director of Parks & Cemeteries. This will require a basic Tree Protection and Enhancement Plan, Arborist Report and ISA valuation of trees on City lands."*



**This requirement is outstanding** and it was noted that the proposed demolition and construction will impact existing trees within the right of way. **Accordingly, it was quite disappointing to visit the site and see the removals of trees, City street trees, without the submission of a Tree Protection and Enhancement Plan, attempted protection and valuation of City street trees, and permission for their removal.**

**A basic Tree Protection and Enhancement Plan, Arborist Report and ISA valuation of trees on City lands and the subject lands MUST BE submitted for review and approval as a Condition of this Minor Variance Application, if approved.**

**Transportation Planning Comments:**

Transportation Services want to ensure that our comments from the August 20, 2024, Committee of Adjustment Meeting are carried through with this development. See below comments.

*“The City of Kitchener’s Official Plan notes Gage Avenue is designated for a road widening with an ultimate road width of 18 metres between Belmont Avenue and Waverly Road. Therefore, a conveyance of approximately 1.5 metres to 2.7 metres along the entire Gage Avenue frontages (retained and severed) is required. A reference plan be submitted by an Ontario Land Surveyor (OLS) illustrating the road widening.*

*The Owner shall prepare at their cost, a Phase I and if necessary, a Phase II Environmental Site Assessment (ESA) for the portion of the lands being conveyed to the City of Kitchener for a road widening of Gage Avenue to the satisfaction of the City’s Engineering Services.”*

Planning staff can advise that in order to create the lot for the semi-detached dwelling, the conditions with respect to the requirement for a road widening will need to be satisfied.

### **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*
- *DSD-2024-357*



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

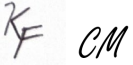
- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – 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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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





September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**From:** [Alexandre Thibault](#) on behalf of [Proximity](#)  
**To:** [Committee of Adjustment \(SM\)](#)  
**Subject:** 2024-09-30\_CN Comments\_Kitchener\_A 2024-085 - 62 Gage Avenue - Committee of Adjustment - Tuesday, October 15, 2024  
**Date:** Monday, September 30, 2024 2:52:43 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello ,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 300 meters of CN's Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. The [Guidelines for New Development in Proximity to Railway Operations](#) reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

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

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- The implementation of the following mitigation measures in the dwelling design and construction:
  1. Forced air ventilation systems with central air conditioning,
  2. Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,

We request that CN rail and the [proximity@cn.ca](mailto:proximity@cn.ca) email be circulated on any and all public notices and notice of decisions with respect to this and future land use planning applications with respect to the subject site.

Thank you and do not hesitate to contact me with any questions.

Best regards,

**PROXIMITY**

---

**Alexandre Thibault**  
Associé en urbanisme / Urban Planner Associate  
B.Sc. Urb

**wsp**

E+ [proximity@cn.ca](mailto:proximity@cn.ca)

---

**From:** Committee of Adjustment (SM) <[CommitteeofAdjustment@kitchener.ca](mailto:CommitteeofAdjustment@kitchener.ca)>  
**Sent:** Friday, September 27, 2024 11:32 AM  
**To:** Committee of Adjustment (SM) <[CommitteeofAdjustment@kitchener.ca](mailto:CommitteeofAdjustment@kitchener.ca)>  
**Subject:** Agenda - Committee of Adjustment - Tuesday, October 15, 2024

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

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

Good morning,

The [agenda](#) for the October 15, 2024 Committee of Adjustment meeting is now available on our [Council/Committee calendar](#).

The combined agenda with reports will be posted to the meeting calendar by noon on Friday, October 11, 2024.

***Connie Owen***

Administrative Clerk | Legislated Services | City of Kitchener  
519-741-2200 ext. 7109 | TTY 1-866-969-9994 | [cofa@kitchener.ca](mailto:cofa@kitchener.ca)

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 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 5

**DATE OF REPORT:** September 30, 2024

**REPORT NO.:** DSD-2024-438

**SUBJECT:** Minor Variance Application A2024-086 – 1295 Bleams Road

---

## RECOMMENDATION:

That Minor Variance Application A2024-086 for 1295 Bleams Road, requesting relief from Special Regulation Provision 740R of Zoning By-law 85-1, to permit a maximum front yard setback of 11.8 metres instead of the maximum permitted 7.5 metres, to facilitate the development of a 13 storey multiple dwelling, having 202 dwelling units with associated surface/underground parking, in accordance with Conditionally Approved Site Plan Application SP23/015/F/AP, 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 13-storey multiple dwelling having 202 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 at the southeast corner of Bleams Road and Fischer Hallman Road. The subject site is currently vacant, as shown in Figure 1. It is located within the Rosenberg neighbourhood, which is primarily comprised of commercial uses and residential uses of varying dwelling types.



The subject lands are located north of the main branch of Strasburg Creek and the Strasburg Creek Provincially Significant Wetland Complex (PSW).

Additionally, the Huron Business Park is located to the east and contains a range of uses, including industrial, office, and religious institution.

The subject property is identified as 'Urban Corridor' on Map 2 – Urban Structure of the 2014 Official Plan and is designated 'Mixed Use Two' with Special Policy Area 3 on Map 22e- Land Use Plan in the Rosenberg Secondary Plan (part of the City's 1994 Official Plan).

The property is zoned 'Mixed Use Zone' (MU-2) with Special Regulation and Use Provisions 740R, 743R, 469U) in Zoning By-law 85-1.



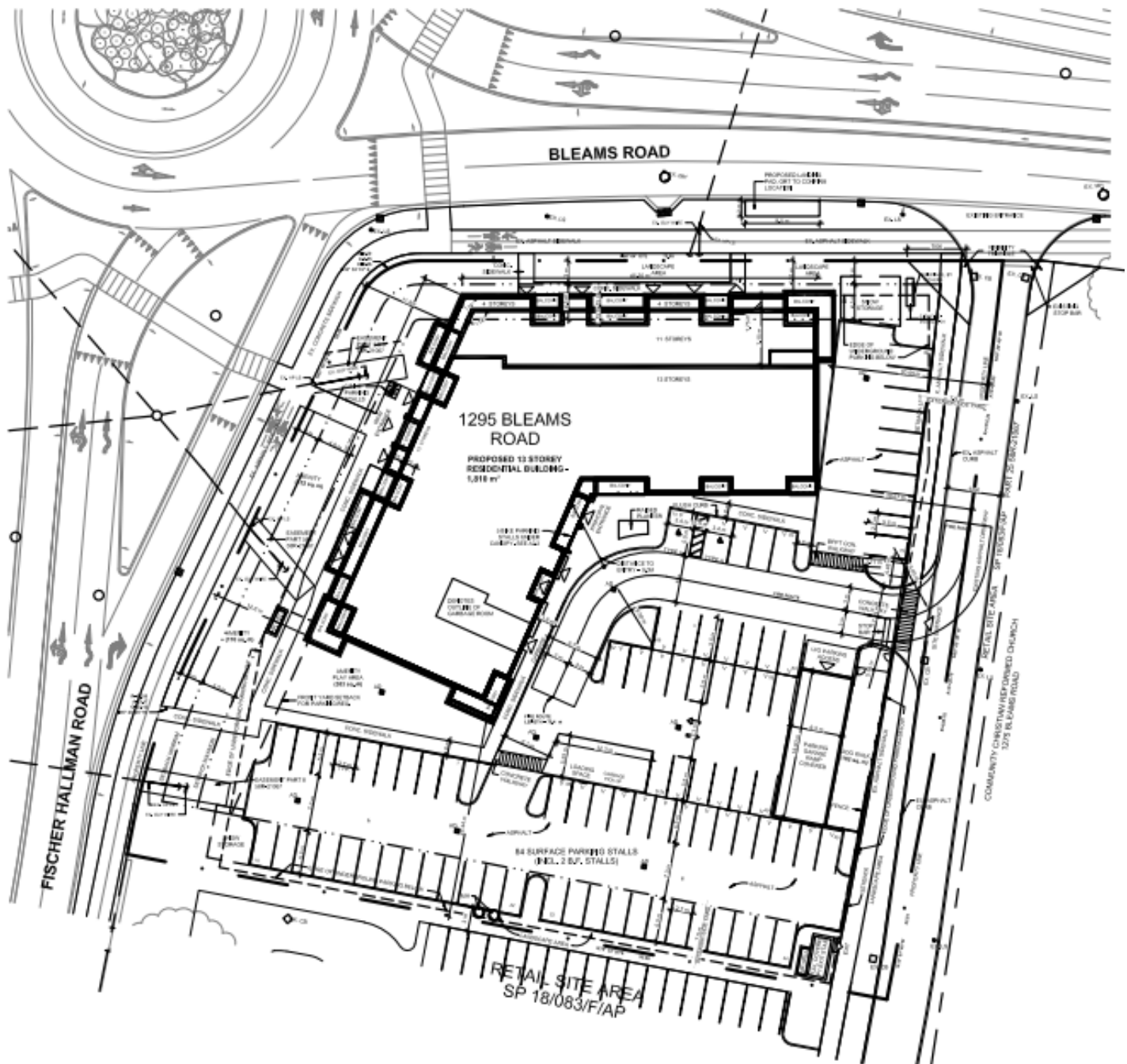
**Figure 1: Location Map – 1295 Bleams Road (Outlined in Red)**

It should be noted that the subject property and properties to the south were created through Consent Applications B2020-001 through B2020-004, which also established easements to facilitate future development over the severed parcels for access, servicing, and stormwater purposes.

The purpose of this minor variance application is to facilitate Site Plan Application SP23/015/F/AP to allow for the development of a 13-storey residential building containing 202 dwelling units with a permitted maximum front yard setback of 11.8 metres instead of the maximum permitted 7.5 metres.

Site Plan Application SP23/015/F/AP originally received Conditional Approval on April 6, 2023, and received updates on October 6, 2023, and September 11, 2024, to permit a 13-storey multiple residential building with 202 dwelling units, including associated

landscaped area and one level of underground parking. Additionally, the ground floor is proposed to contain 6 live/work units (see Figures 2-4 and Attachment 'A').

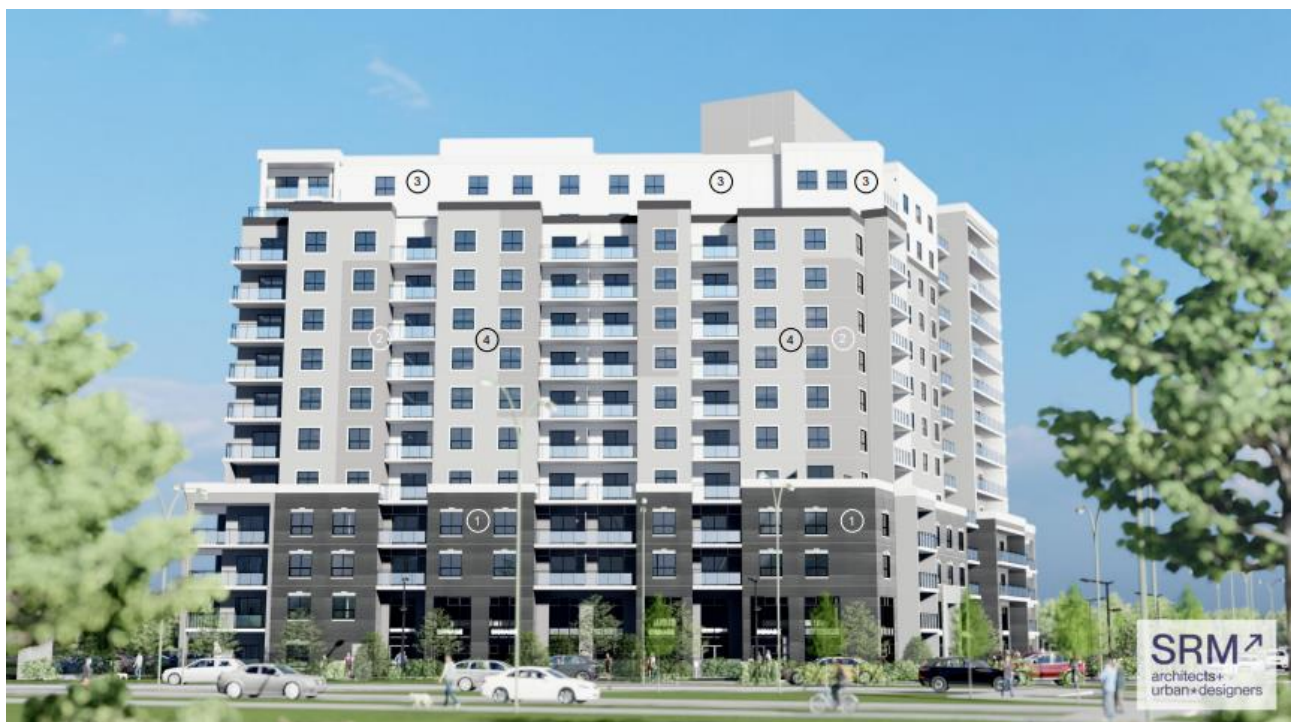


**Figure 2: Excerpt of Conditionally Approved Site Plan Drawing**





**Figure 3: – Approved Building Rendering of 1295 Bleams Road**



**Figure 4: Approved Building Rendering of 1295 Bleams Road**

The applicant has stated that requested variance to permit a greater maximum from yard setback is a result of the existing utility easements in the front yard for hydro poles and guy wires. These facilities prevent the planned building from being located closer to Fischer Hallman Road.

Planning staff conducted a site visit on September 26, 2024.



**Figure 5: Existing Site Conditions at 1295 Bleams Road on September 26, 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 property is designated 'Mixed Use Two' within the Rosenberg Secondary Plan. The purpose of the Mixed Use Two 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. Additionally, 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. It is staff's opinion that this proposal aligns with these objectives. A 13-storey residential dwelling having 202 dwelling units is permitted within Mixed Use Two land use designation, and the residential use complements the range of non-residential uses on lands located directly adjacent to the subject property along Fischer Hallman Road.



Therefore, Planning staff is of the opinion that the requested variance meets the general intent of the City's Official Plan.

General Intent of the Zoning By-law

The purpose of the maximum permitted setback is to ensure that the proposed development contributes to the built form of the future community. Additionally, the maximum permitted setback is intended to ensure a consistent streetscape.

The requested variance is a result of existing utility easements on title. It is the staff's opinion that the proposed increase to the permitted maximum setback, will not significantly impact the streetscape and will be allow an opportunity for a front yard amenity area. Moreover, the variance will not hinder the potential future development of the adjacent properties and will enhance the quality of life for future residents.

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

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

With respect to the requested variance to allow for a permitted maximum front yard setback of 11.8 metres instead of the maximum permitted 7.5 metres, staff is of the opinion that the requested variance is minor. Planning staff is of the opinion that the proposed amenity area will add to both the livability and functionality of the property. The proposed setback is also considered compatible with the current context of the area. For the reasons previously noted, staff is of the opinion that the requested variance satisfies the 'minor' test to facilitate the proposed increase in the permitted maximum setback, since it will not cause unacceptably adverse impacts on adjacent properties or the Fischer Hallman Road right-of-way.

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

The requested variance does not negatively affect the ability to develop the subject lands, or adjacent lands with appropriate development. The requested variance will facilitate a desirable form of development on the existing site. The planned scale, massing, and setbacks of the building are compatible and support the planned vision of the corridor and surrounding area, assisting in the provision of a variety of dwelling types and land uses. The planned increased density along Bleams Road will support the City's Housing Pledge. Planning staff is of the opinion that the requested variance is appropriate and desirable for the use of the lands.

**Environmental Planning Comments:**

Environmental planning concerns have been addressed through SP23/015/F/AP.

**Heritage Planning Comments:**

No Heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance.

**Engineering Division Comments:**

No concerns

**Parks/Operations Division Comments:**

Park planning concerns have been addressed through SP23/015/F/AP.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Grand River Conservation Authority (GRCA) Comments:**

GRCA has no objection to the approval of this application.

**Region of Waterloo:**

No concerns.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

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

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

**COMMUNITY ENGAGEMENT:**

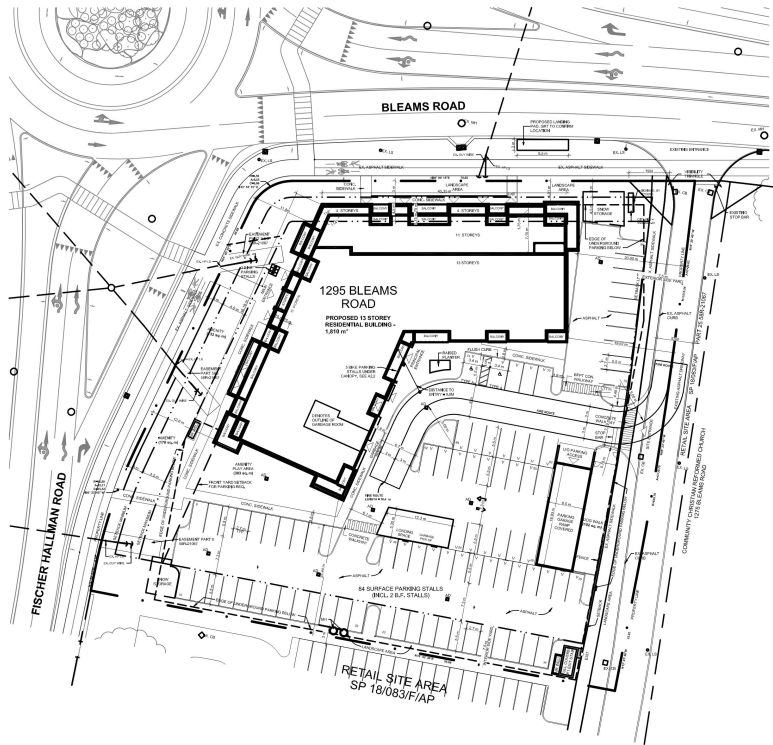
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information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

**PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *DSD-20-080*

**Attachments:**

- Attachment A - Conditionally-Approved Site Plan Drawing (SP23/015/F/AP)



#### SITE STATISTICS

Zoning- MU-2, 740R, 743R, 469U  
C of A Application-  
Required for relief from Maximum Front Yard

Lot Area- 7,945 m<sup>2</sup>  
Building Coverage- 1,810 m<sup>2</sup> ( 22.8%)  
Landscaped Area- 2418.1 m<sup>2</sup> ( 30.4 %)  
Asphalt / Hard Surface Area- 3716.9 m<sup>2</sup> ( 46.8%)

Parking Required-  
RESIDENTIAL: MULTI DWELLINGS WITHIN  
MU-2 = 1.0 SPACES PER UNIT  
202 UNITS = 202 SPACES  
(Including 6 live/work units, ie dwelling unit,  
including a home business, per 469U)

Parking Provided- 203 SPACES  
Tandem Parking P1 Level - 1 SPACE  
(Tandem Not Included in Above Total)

Parking Space Minimum Dimensions- 2.7m x 5.5m  
Barrier - free parking

Required: 2+2% stalls per unit = 7 stalls

Provided:  
Surface BF: 2 Stalls Type A  
Underground BF: 1 Type A, 4 Type B.  
Total BF Stalls: 7

#### MULTI-RESIDENTIAL

Number of Units- 202 UNITS  
Number of Visitor Spaces- 40

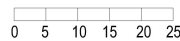
Floor Space Ratio-  
FSR to be calculated based on Regulations  
(1)and(2) of 740R: Subject proposal has BFA of  
21,765m<sup>2</sup>. Commercial site at 1270 Fischer  
Hallman Rd has BFA of 7,311m<sup>2</sup>. Calculation:  
(21,765 + 7,311) / 58,801m<sup>2</sup> = 0.49 FSR.

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

## SITE PLAN

B & R TOWER (BLEAMS) LTD.

1295 BLEAMS RD, KITCHENER, ONTARIO



SCALE 1: 1,000

DATE: 2024-09-11

REVISED:

SITE PLAN APPLICATION No. SP 23/015/F/AP

PART LOT 1, RCP 1471 PIN 22607 - 2459 (LT)

**City of Kitchener**

DEVELOPMENT SERVICES DEPARTMENT

CAD FILE:  
SP23015FAP.dwg



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – No concerns.

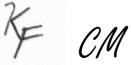
Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.



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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM' in a cursive style.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 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 INVOLVED:** Ward 10

**DATE OF REPORT:** September 30, 2024

**REPORT NO.:** DSD-2024-436

**SUBJECT:** Minor Variance Application A2024-087 - 211 Lancaster St. W.  
Consent Application B2024-026 - 211 Lancaster St. W.

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## **RECOMMENDATION:**

### **Minor Variance Application A2024-087**

That Minor Variance Application A2024-087 for 211 Lancaster Street West requesting relief from Section 5.3.1, Table 5-1, and Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit the following:

- i) to permit a parking space within a private attached garage to have a width of 2.78 metres instead of the minimum required 3 metres; and
- ii) to permit a lot width of 7.97 metres instead of the minimum required 9 metres;

to facilitate the creation of a new lot for a detached dwelling in conjunction with Consent Application B2024-026, generally in accordance with drawings prepared by ISOLINE ARCHITECTS, dated June 11, 2024, BE REFUSED.

### **Consent Application B2024-026**

That Consent Application B2024-026 requesting consent to sever a parcel of land having a lot width of 7.97 metres, a lot depth of 36.57, metres and a lot area of 292 square metres, generally in accordance with drawings prepared by ISOLINE ARCHITECTS, dated June 11, 2024, BE REFUSED.

## **REPORT HIGHLIGHTS:**

- The purpose of this report is to review the application to sever the subject lands into two (2) parcels to facilitate the construction of a single detached dwelling. Minor variances are required to facilitate the proposed consent.

- The key finding of this report is that the consent and associated variances do not align with applicable policies and that the variances do not meet the four tests of a minor variance. Staff is recommending the refusal of the subject applications.
- 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 Lancaster Street West, between Guelph Street and Arnold Street. The property is generally rectangular in shape, with the front property line being along Lancaster Street West. The site is currently occupied by a single detached dwelling and is surrounded by existing low-rise residential uses including single detached dwellings, semi-detached dwellings, and multiple dwelling buildings.

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.



**Figure 1: Location Map – 211 Lancaster Street West (Outlined in Red)**

The purpose of the consent application is to divide the property into two (2) separate parcels of land to facilitate the construction of a single detached dwelling on the proposed severed parcel of land, while keeping the existing single detached dwelling on the retained lands. To do so, however, requires the submission of a minor variance application for the



severed lands to permit deficiencies created as a result of the proposed severance. The variances requested are to permit a reduced lot width and a reduction in the proposed attached garage width.

Staff note that the applications had initially been submitted in June of this year. Upon staff's recommendation that the current design would not be supported, the applicant chose to defer the applications internally to work with staff prior to proceeding to a Committee of Adjustment meeting. After extensive collaboration, staff and the applicant could not reach a consensus and staff had advised that the current applications would not be supportable. Planning staff had concerns with the size of the lot and the built form proposed for the severed lot, the loss of large street tree with an additional driveway and suggested the lot size be retained to provide more redevelopment opportunities with less impacts. Despite staff's opinion, the applicant had requested to proceed to the Committee of Adjustment meeting scheduled for October 15th, 2024.

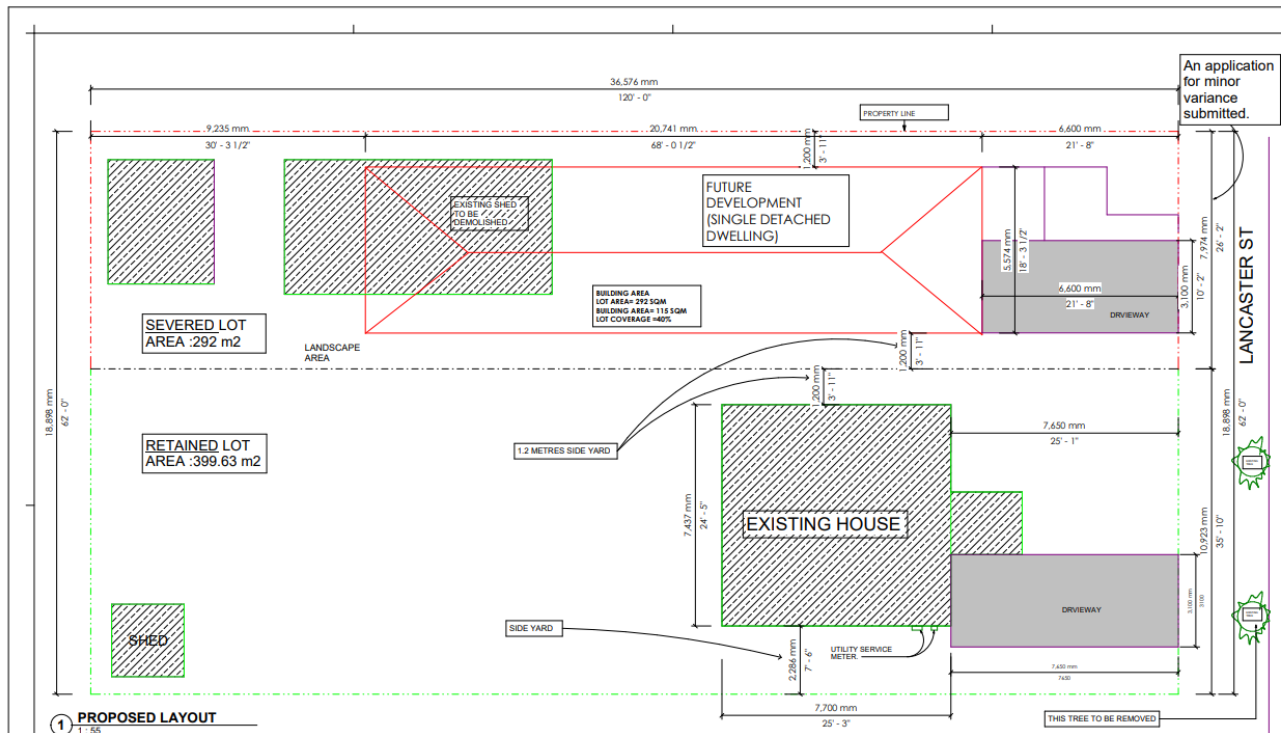


Figure 2: Proposed Lot Fabric.

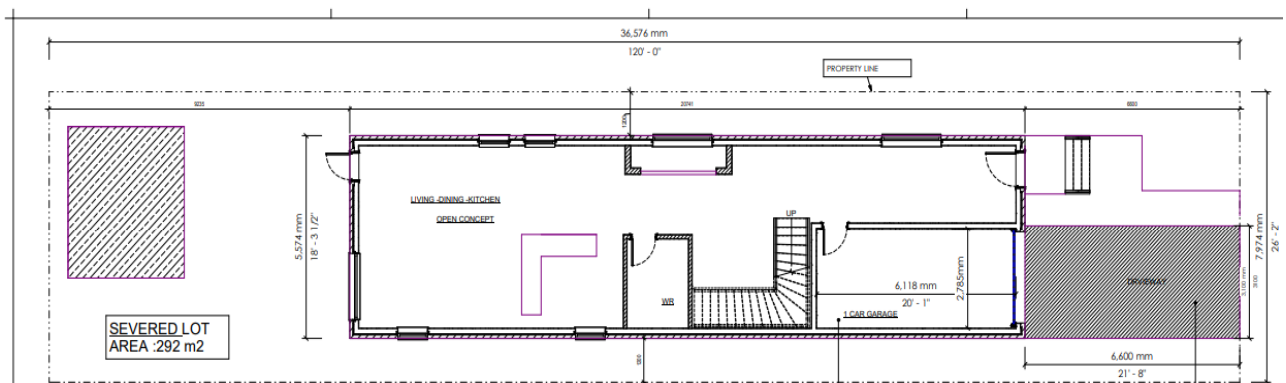


Figure 3: Floor Plan for the Proposed Detached Dwelling.

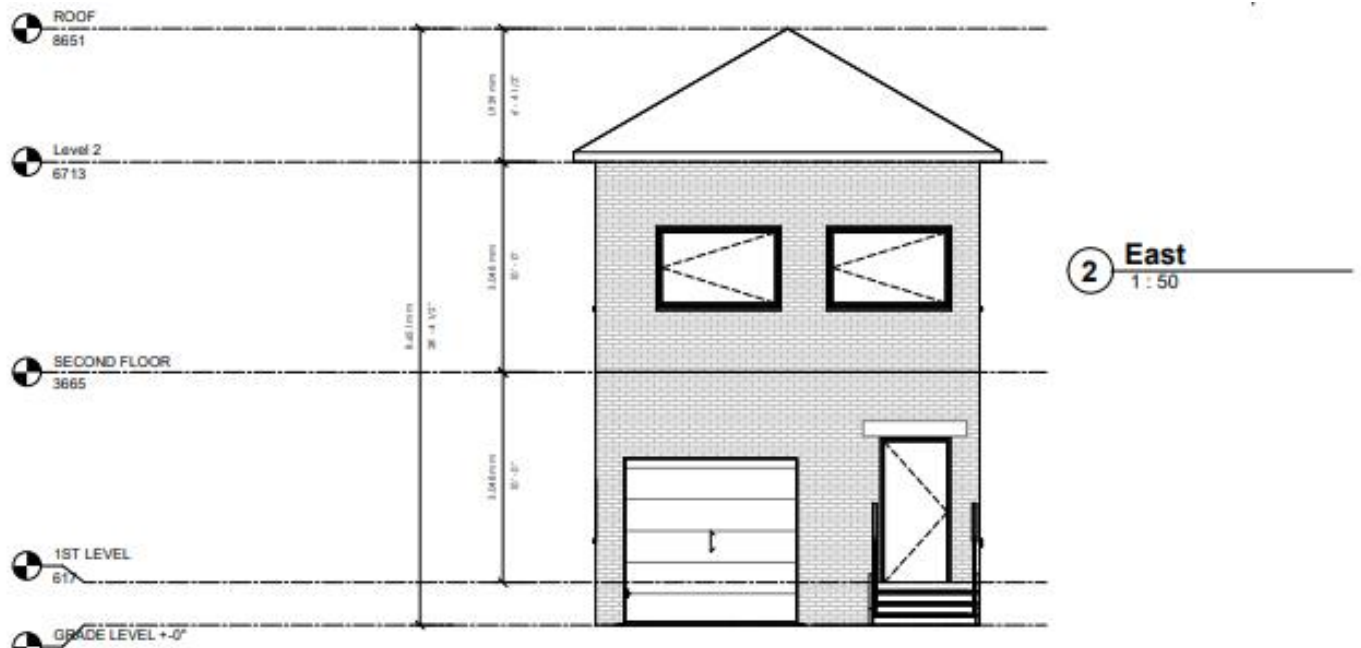


Figure 4: East Elevation.

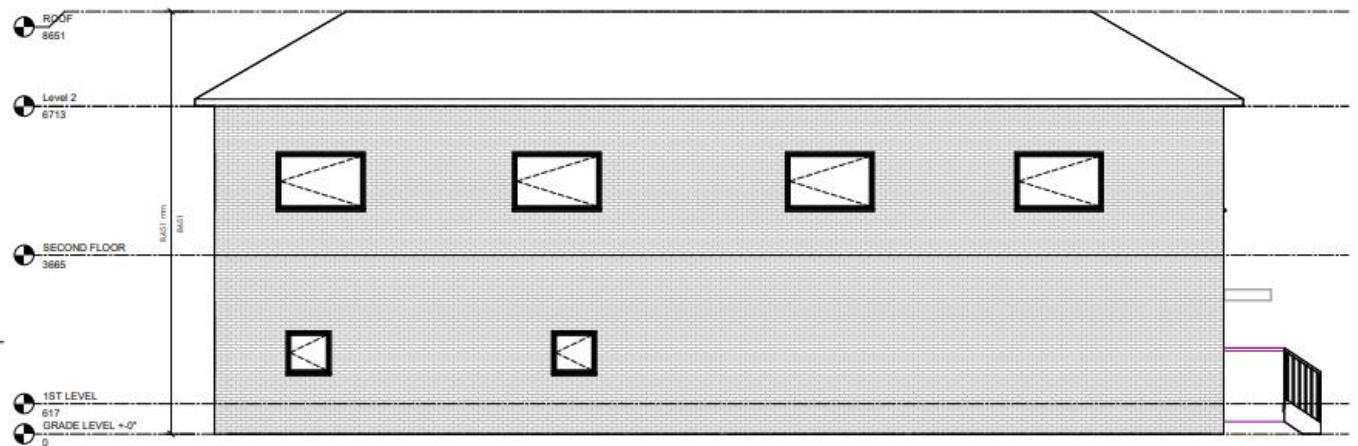


Figure 5: South Elevation.

Planning staff conducted a site visit on September 26, 2024.



**Figure 6: Existing Single Detached Dwelling at 211 Lancaster Street West**

## **REPORT:**

### **Planning Comments:**

#### **Minor Variance Application A2024-087 (Severed Parcel – 211 Lancaster Street West):**

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

Staff is of the opinion that the requested variances do not meet the intent of the Official Plan. Section 4.C.1.8. of the 2014 Official Plan states:

“Where...minor variances are requested, proposed, or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the...minor variances 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.
- b) ...
- c) ...
- d) New buildings.... are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
- e) ...
- f) The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.

Furthermore, Section 4.C.1.9. of the 2014 Official Plan states:

“Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.”

Planning staff note that the proposed variances will enable the creation of two lots and the construction of a single detached dwelling that is incompatible with the established neighbourhood’s-built form and character, as it features lot widths and a new built form dissimilar to adjacent properties.

Additionally, Staff note that the proposed severance would result in the construction of a new driveway on the retained parcel, which would disrupt the streetscape by removing an existing street tree. Additionally, the requested variance for the garage arises because the proposed lot width for the severed parcel does not meet the required lot width of 9.0 metres. As a result, the proposed single detached dwelling has a front facade width of 5.57 metres, and a garage built to the necessary 3 metres would exceed the maximum allowed front façade width, at grade, of 50%. Therefore, staff find that the proposed variance for lot width will result in additional zoning deficiencies, which is not supported by Policy 4.C.1.8(f) of the Official Plan.

Therefore, planning staff is of the opinion that the requested variances do not meet the general intent of the City’s Official Plan.

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

The applicant has requested variances to permit a reduced lot width and a reduced attached garage width for the lands that are intended to be severed. The general intent of the zoning by-law regulations for the minimum lot width is to ensure a lot is appropriately sized to accommodate the building and site functions (driveway, servicing, etc.). Lot width also considers the context of the lots in the surrounding area.

It is Staff’s opinion that the requested variance to allow for reduced lot width for a single detached dwelling of 7.97 metres rather than the required 9.0 metres does not meet the general intent of the Zoning By-law. Staff is of the opinion that a 7.97-metre-wide lot width



for a single detached dwelling will not facilitate a sufficient width to allow for the construction of a functional single detached dwelling that would meeting zoning requirements. A 7.97-metre-wide lot would result in a 5.57-metre-wide dwelling in order to meet the minimum required 1.2 metre side yard setbacks. The size of the dwelling is problematic in being able to provide a parking space within an attached garage that would meet zoning requirements.

A private attached garage cannot exceed 50% of the façade width of the dwelling. In this case the attached garage can only be 2.78 metres in width, however, the interior of the attached garage must be 3 metres in width to meet the zoning requirements for a parking space within an attached garage.

The private attached garage width requirement is to ensure functional use of the private garage as a parking space. It is Staff's opinion that the requested reduced garage width of 2.78 metres rather than the minimum required 3 metres will not allow for the functional use of the space for the required parking space.

Staff are of the opinion that the requested variances do not provide for adequate lot width and garage width, and thus, do not meet the general intent of the Zoning By-law.

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

Planning staff are of the opinion that the effects of the requested minor variances are not minor in nature. Staff are of the opinion that the requested variances will not facilitate the functional use of the severed lands. The proposed lot width and garage width will hinder the appropriate development and the functional use of the site. Thus, Planning Staff are of the opinion that the requested variances do not satisfy the 'minor' test.

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

Staff note that Lancaster Street West south of the expressway is intended to serve as a planned transit corridor for future growth and development within the City of Kitchener, as outlined in Map 2, Urban Structure, within the Official Plan. By approving the minor variance to allow for a reduced lot width to permit the development of a single detached dwelling, staff believe that it could impact the area's redevelopment potential and limit the possibility of increasing density through permitted uses such as semi-detached and mixed-use dwelling typologies.

Additionally, it is Staff's opinion that the proposed variances are not desirable for the appropriate development of the land. Therefore, the planning staff find the application to be not appropriate development of the subject lands.

**Consent Application B2024-026:**

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following 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 not satisfied that the creation of the severed lot is desirable and appropriate.

Section 17.E.20.5. of City's 2014 Official Plan states that:

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

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration....

In this case, staff recommends that the Committee not grant the requested minor variances necessary to facilitate the subject consent application to create a new lot for the reasons noted above. Furthermore, staff is of the opinion that the proposed lot does not reflect the general scale and character of the established development pattern of surrounding lands since they do not consider appropriate lot configurations. Moreover, the application does not meet the criteria for plan of subdivision outlined in Section 51 (24) of the Planning Act, especially with respect to:

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any; and
- (f) the dimensions and shapes of the proposed lots.

Should the Committee wish to approve the subject applications, conditions should be imposed to require the standard consent conditions and those conditions outlined in the below department / agency comments.

**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 are not satisfied that the creation of the severed lot is desirable and appropriate.

**Environmental Planning Comments:**

Standard condition for consent to enter into an agreement to complete a Tree Preservation/Enhancement Plan prior to demolition, building permit, grading, servicing etc. on BOTH severed AND retained parcels.

**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 211 Lancaster Street West is located within the Mount Hope/Breithaupt 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 new residential building is obtained prior to construction.

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, 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 [eric.riek@kitchener.ca](mailto:eric.riek@kitchener.ca)
- Any new driveways are to be built to Region 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.

**Parks/Operations Division Comments:**

Existing trees identified for removal are within the Regional right of way and are not City assets or infrastructure.

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 7.974 metre at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

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

1. That the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Developer enter into a registered development agreement with the Regional Municipality of Waterloo to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
  - i. Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.
  - ii. Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.
3. That the Owner/Developer dedicate an approximate 3.0 metre road widening along the Lancaster Street West frontage for retained and severed lands, to the satisfaction of the Regional Municipality of Waterloo. The owner/applicant must engage an Ontario Land Surveyor to prepare a reference plan which illustrates the required road widening lands to the satisfaction of the Regional Municipality of Waterloo and the road widening must be dedicated without cost and free of encumbrance.
4. That the Owner/Developer submit a Functional Servicing Report, to the satisfaction of the Regional Municipality of Waterloo.

**Grand River Conservation Authority (GRCA) Comments:**

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

**Enova:**

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

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

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

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

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises



interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

**PREVIOUS REPORTS/AUTHORITIES:**

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



PLANNING, DEVELOPMENT AND  
LEGISLATIVE SERVICES

150 Frederick Street, 8<sup>th</sup> floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

Erica Ali  
W. Phone: 226-751-3388  
File: D20-20/24 KIT  
September 30, 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 - B2024-026, B2024-027, B2024-028  
Committee of Adjustment Hearing October 15, 2024  
City of Kitchener**

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

**File: B 2024-026**

**Address: 211 Lancaster St W**

**Description: Lot 193, Plan 318**

**Owner: Kiros Tsige - Fiyori Weldegebrial**

**Agent: Isoline Architects Inc c/o Othman Rmmo**

The applicant/owner proposes consent to sever for the purpose of creating a new residential lot. The existing single detached dwelling will remain on retained lot (existing shed to be demolished). A new single detached dwelling is proposed to be constructed on severed lot. The proposed retained lot measures 399.63sqm with 10.923m frontage. The proposed severed lot measures 292sqm with 7.974m frontage. The application notes that a minor variance is required to facilitate the severance, with respect to a reduced lot frontage.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-5. Residential uses are permitted.

#### **Culture, Heritage, and Indigenous Engagement (Advisory)**

The subject property has archaeological potential due to its location within a potential heritage area of interest, location within a historic landform and proximity to a historic road, however, the Region does not require Archeological Assessment at this time.

The owner/applicant is advised that an Archeological Assessment will be required for any future Planning Act application for the severed and retained lands. In accordance with Regional Official Plan policy 3.G.9, the owner/applicant will be required to have a licensed Archaeologist complete an Archeological Assessment of the subject property prior to any site alteration that will result in ground disturbance. The applicant must submit the Archaeological Assessment report(s) to the Ministry of Citizenship and Multiculturalism, and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

In the event of site alteration that does not trigger the requirement for Archeological Assessment under the Planning Act, 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.

### **Environmental Noise Impact**

At this location, the proposed development may encounter traffic noise sources due to Lancaster St W (RR#29) and stationary noise sources due to industrial land uses in proximity. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

Alternatively, Regional Staff would waive this condition if the applicant entered into an agreement with the Region of Waterloo to implement Noise Warning Clauses. The following clauses would be included in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots.

#### ***All Units/ Type A:***

*Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*

#### ***All Units/ Type E:***

*Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.*

### **Road Widening**

At this location, Regional Road #29 (Lancaster Street West) has a designated width in the Regional Official Plan (ROP) of 26.213m. An approximate 3 metre road widening will be required along the Lancaster St W frontage for retained and severed lands. An Ontario Land Surveyor (OLS) would have to determine the exact road widenings.

The Owner/Applicant must engage an OLS to prepare a draft reference plan which illustrates the required road allowance widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner. Further instructions will come from the Region's Legal Assistant with regard to document preparation and registration. It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan.



The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. All land dedications should be identified on the Site Plan.

### **Access Permit (advisory)**

A Regional Access Permit will be required for the proposed driveway access onto Lancaster Street West for the retained lot. The access must comply with the Regional Access Policy. The fee for the issuance of the permits is \$230 each.

The application for a Regional Road Access Permit can be found on the Region's website at <https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Application-and-Payment-for-an-Access-Permit>

### **Municipal Consent (advisory)**

Please be advised that any works occurring in the Regional ROW including servicing connections and access connections would require Regional approval through a separate process of Municipal Consent and a Work Permit. Approval through these processes must be granted prior to development.

### **Water and Wastewater Services**

The applicant should be made aware that no connection to the Lancaster St W regional watermain will be permitted in accordance with Section B.2.1.4.1 of the Design Guidelines and Supplemental Specifications for Municipal Services [February 2024].

The applicant/owner is asked to submit a functional servicing report for review and approval. The functional servicing report shall demonstrate the existing infrastructure can support the proposed development or shall make recommendations for upgrades to the existing infrastructure.

### **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 submitted individually to the Region, in-person, by mail, or e-payment.

- Arrange EFT by emailing [pwalter@regionofwaterloo.ca](mailto: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 the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Developer enter into a registered development agreement with the Regional Municipality of Waterloo to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
  - i. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*
  - ii. *Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.*
3. That the Owner/Developer dedicate an approximate 3.0m road widening along the Lancaster Street West frontage for retained and severed lands, to the satisfaction of the Regional Municipality of Waterloo. The owner/applicant must engage an Ontario Land Surveyor to prepare a reference plan which illustrates the required road widening lands to the satisfaction of the Regional Municipality of Waterloo and the road widening must be dedicated without cost and free of encumbrance.
4. That the Owner/Developer submit a Functional Servicing Report, to the satisfaction of the Regional Municipality of Waterloo.

**File: B 2024-027/ B 2024-028**

**Address: 130 Edmund Rd/ 132 Edmund Rd**

**Description: Lot 88, Plan 651**

**Owner: Jason Malfara / Joanne McCallum**

The applicants/owners propose consent to sever for the purpose of creating a new residential lot, and establishing mutual reciprocal access easement along common property line. The two parcels are municipally addressed as 130 Edmund Rd and 132 Edmund Rd. A semi-detached dwelling is proposed to be constructed on each lot. The proposed retained lot measures 318.83sqm with 7.93 frontage. The proposed severed lot measures 318.63sqm with 7.92m frontage. The proposed easement is 1.5m in width, 40.3m in depth. The application notes that a minor variance is required to facilitate the severance.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-4. Residential uses are permitted.

### **Source Water Protection Policy**

#### *Notice of Source Protection Plan Compliance*

The subject property is in a Source Protection Area where risk management or prohibition policies implemented by the Region of Waterloo may apply. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application for every new development application submitted for a particular site. A Section 59 Notice will be required as a condition of consent approval.

### **Environmental Noise Impact**

At this location, the proposed development may encounter traffic noise sources due to Weber Street East (RR#08) and Conestoga Parkway (HWY 7).

It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

Alternatively, Regional staff would waive this condition if the applicant entered into an agreement with the City of Kitchener to implement Noise Warning Clauses. The following clauses would be included in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots.

***All Units/ Type A:***

*Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*

**Regional Consent Review Fee**

Regional Staff are not in receipt of the required consent review fee of \$350 per application (i.e. \$700 total). The consent review fee is required as a condition of approval for the consent application.

Fees must be submitted individually to the Region, in-person, by mail, or e-payment.

- Arrange EFT by emailing [pwalter@regionofwaterloo.ca](mailto: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 the Owner/Applicant submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
2. That the Owner/Developer submit a Notice of Source Water Protection Plan Compliance to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
  - i. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*



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



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

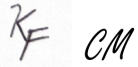
- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – 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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM' in a cursive style.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority



**From:** AMIN Pranav  
**To:** Committee of Adjustment (SM)  
**Subject:** Kitchener - 211 Lancaster Street West - B 2024-026  
**Date:** Wednesday, October 2, 2024 8:01:03 PM  
**Attachments:** image001.png

Hello,

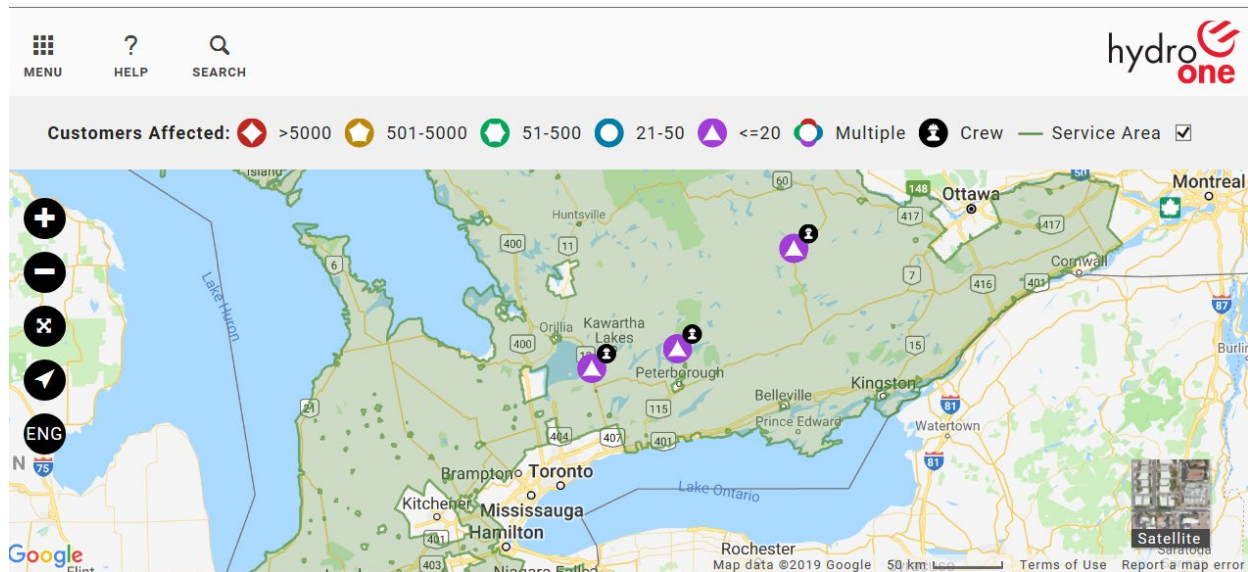
We are in receipt of your Application for Consent, B 2024-026 dated September 20<sup>th</sup>, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

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

**From:**  
**To:** [Committee of Adjustment \(SM\)](#)  
**Subject:** Committee of Adjustment Meeting  
**Date:** Thursday, October 3, 2024 8:41:21 AM

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

To whom it may concern,

I am writing regards to the notice I received in the mail regarding applications for minor variance.

I personally have no issues with 211 Lancaster Street being used for two residences. However, I do hope the two maple trees in the front yard will not be further damaged, or worse, destroyed.

That being said, there is a moratorium on development issued by Six Nations on the Haldimand Tract. Have you consulted with them on any development in the city? This is their land.

Sincerely,  
Shantell Powell

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** October 15, 2024

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

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

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

**DATE OF REPORT:** September 27, 2024

**REPORT NO.:** DSD-2024-439

**SUBJECT:** Minor Variance Applications A2024-088 and A2024-089  
Consent Applications B2024-027 and B2024-028  
130 and 132 Edmund Road

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**RECOMMENDATION:**

**A. Minor Variance Application A2024-089 (132 Edmund Road - Severed Parcel)**

That Minor Variance Application A2024-089 for 132 Edmund Road requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.4 c) to permit a deck, greater than 0.6 metres in height, to be located 0 metres from the interior side lot line (common lot line) instead of the minimum required 1.2 metres; and
- ii) Section 7.3, Table 7-2, to permit an interior yard setback of 0 metres where there is not a shared common wall instead of the minimum required 1.2 metres;

to facilitate the severance of the existing semi-detached dwelling into 2 separate lots, generally in accordance, building elevation plans dated July 29, 2024, and with the deck having a 1.8 metre high privacy screen where the deck is adjacent to the shared lot line, BE APPROVED.

**B. Minor Variance Application A2024-088 (130 Edmund Road - Retained Parcel)**

That Minor Variance Application A2024-088 for 130 Edmund Road requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 4.14.4 c) to permit a deck, greater than 0.6 metres in height, to be located 0 metres from the interior side lot line (common lot line) instead of the minimum required 1.2 metres; and
- ii) Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an interior yard setback of 0 metres where there is not a shared common wall instead of the minimum required 1.2 metres;

to facilitate the severance of the existing semi-detached dwelling into 2 separate lots, generally in accordance, building elevation plans, dated July 29, 2024, and with the deck having a 1.8 metre high privacy screen where the deck is adjacent to the shared lot line, BE APPROVED.

**C. Consent Application B2024-028 (Create Severed Parcel – 132 Edmund Road)**

That Consent Application B2024-028 requesting consent to sever a parcel of land having a lot width of 7.9 metres on Edmund Road, a lot depth of 40.3 metres and a lot area of 318.3 square metres and to create an easement having a width of 1.5 metres, where the common wall is not shared, for the purposes of access and maintenance, BE APPROVED subject to the following conditions:

1. That Minor Variance Applications A2024-088 and A2024-089 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 Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Director, Development and Housing Approvals:
  - a) a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and
  - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be



amended, released or otherwise dealt with without the express written consent of the City.

6. That a satisfactory Solicitor's Undertaking, to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor, be provided to the City Solicitor.
7. Prior to the issuance of a Demolition and/or Building Permit:
  - a) the Owner shall prepare a Tree Preservation/Enhancement Plan, an Arborist Report and ISA valuation of trees on City lands and the subject lands in accordance with the *City's Tree Management Policy*, to the satisfaction of and approval by the City's Director of Parks & Cemeteries and the City's Manager, Site Plans. 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 shall implement the approved Tree Preservation/Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Director of Parks & Cemeteries and the City's Manager, Site Plans. No changes to the said plan shall be granted except with the prior approval of the City's Director of Parks & Cemeteries and the City's Manager, Site Plans.
8. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
9. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
10. 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.
11. 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.
12. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
13. 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.

14. That prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.
15. That the Owner/Developer submit a Notice of Source Water Protection Plan Compliance to the Regional Municipality of Waterloo.
16. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both Severed and Retained lots, to the satisfaction of the Region:
  - i) Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

**D. Consent Application B2024-027 (Retained Parcel -130 Edmund Road)**

That Consent Application B2024-027 requesting consent to create an easement having a width of 1.5 metres, where the common wall is not shared, for the purposes of access and maintenance, BE APPROVED subject to the following conditions:

1. That Minor Variance Applications A2024-088 and A2024-089 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 Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Director, Development and Housing Approvals:

- a) a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and
  - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.
6. That a satisfactory Solicitor's Undertaking, to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor, be provided to the City Solicitor.
  7. That prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.
  8. That the Owner/Developer submit a Notice of Source Water Protection Plan Compliance to the Regional Municipality of Waterloo.

#### **REPORT HIGHLIGHTS:**

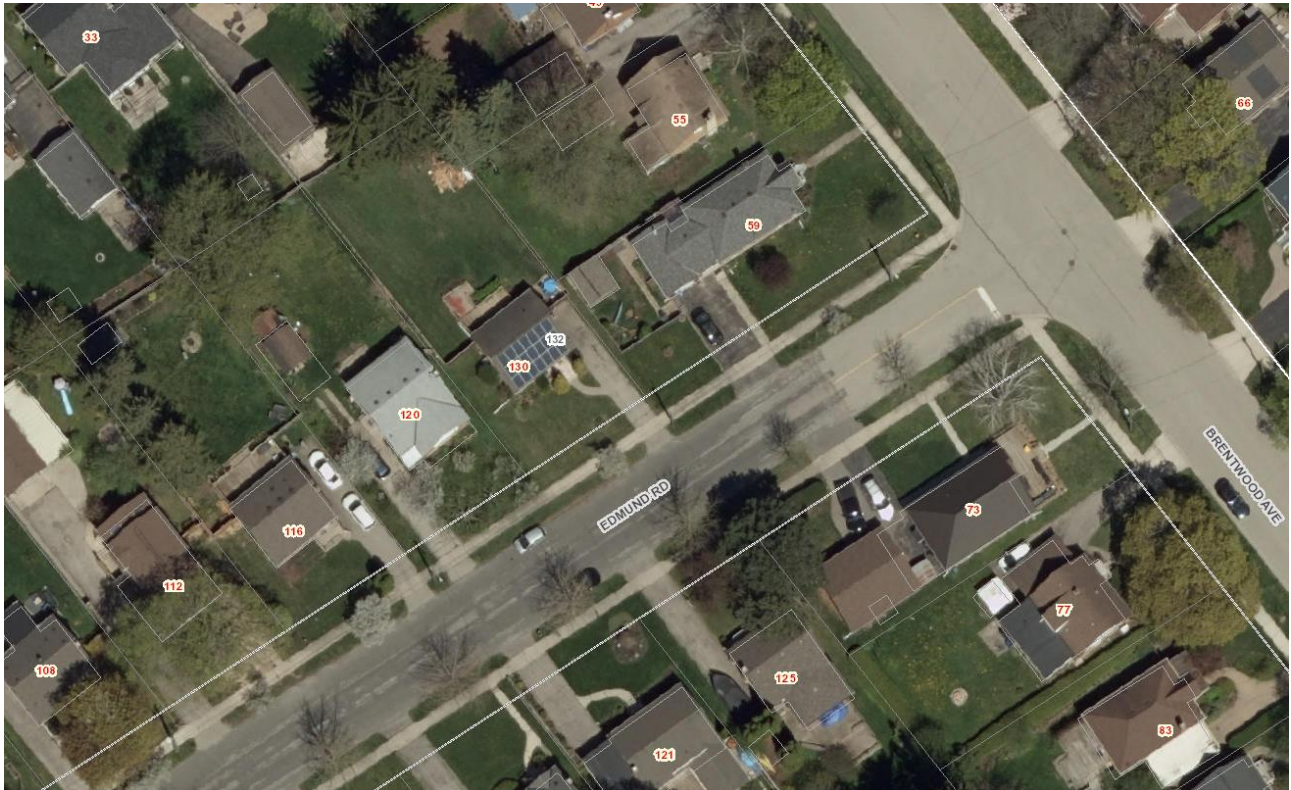
- The purpose of this report is to discuss a request to divide a property for the purposes of creating separate parcels to facilitate the sale of each half of a semi-detached dwelling under construction. The request also includes the creation of maintenance easements and setback variances proposed along the common property line for above-ground decks.
- The key finding of this report is that the requests represent good planning and staff is recommending approval of all 4 applications.
- 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 north side of Edmund Drive near the intersection of Brentwood Drive in the Eastwood Neighbourhood (see Image 1). The property is rectangular in shape, 15.85 metres in width and 636 square metres in area. It is legally described as Lot 88, Plan 651. The dwelling shown in Image 1 has been demolished in favour of a semi-detached dwelling.

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the applications is to sever the property for semi-detached dwelling purposes currently under construction shown in Image 2. Additionally, due to the offset of the common shared wall of the dwelling at the front and rear, the applicant has applied to create two easements measuring 1.5 metres long by 1.5 metres wide over both the severed and retained lands only where there is the offset between the units at the front and back of the dwelling (see Image 3). This is to provide access for maintenance purposes. The dwelling offset further creates a zoning infraction and hence the need for 0 metre setbacks for the severed and retained portions. Lastly, the applicant has applied for relief to allow for decks, with heights greater than 0.6 metres, to be setback 0 metres to the proposed interior or common lot line instead of the required 1.2 metres. Image 5 shows the rear elevations of the dwelling and decks.



**Image 1 – Aerial Photo**





Image 2 – Foundation of Semi-detached dwelling

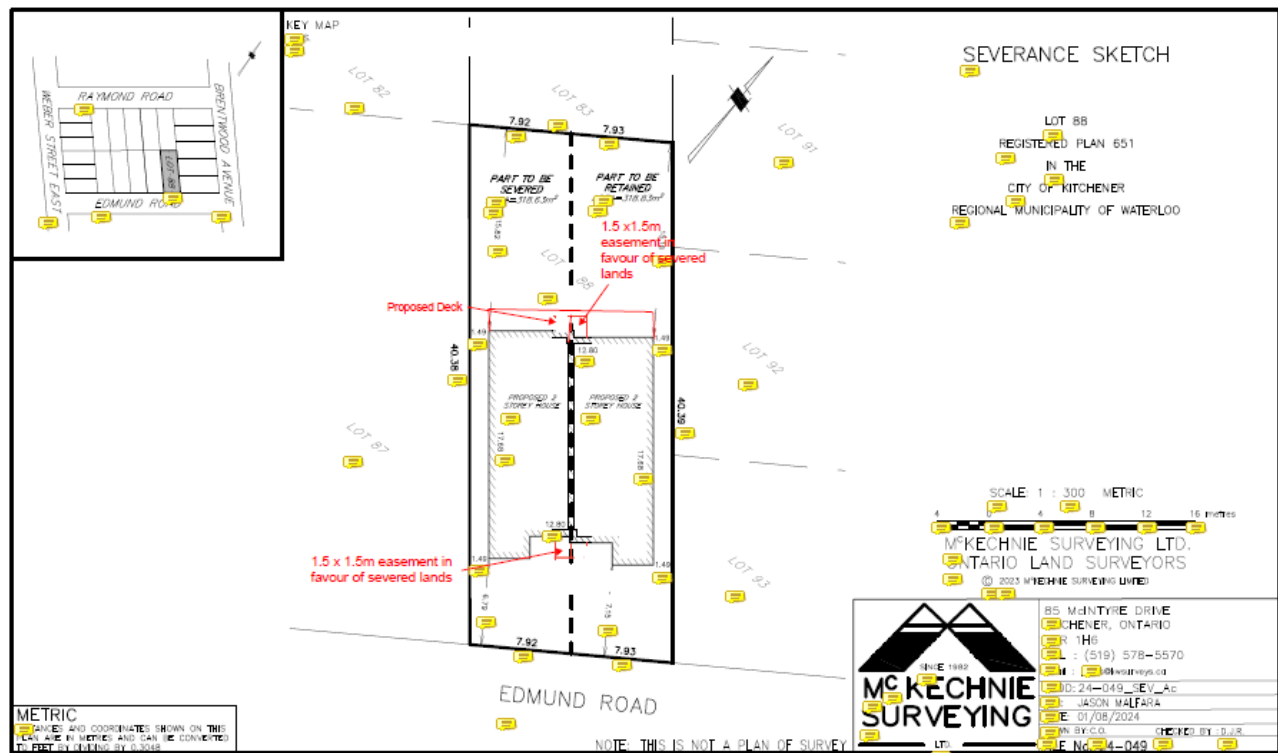
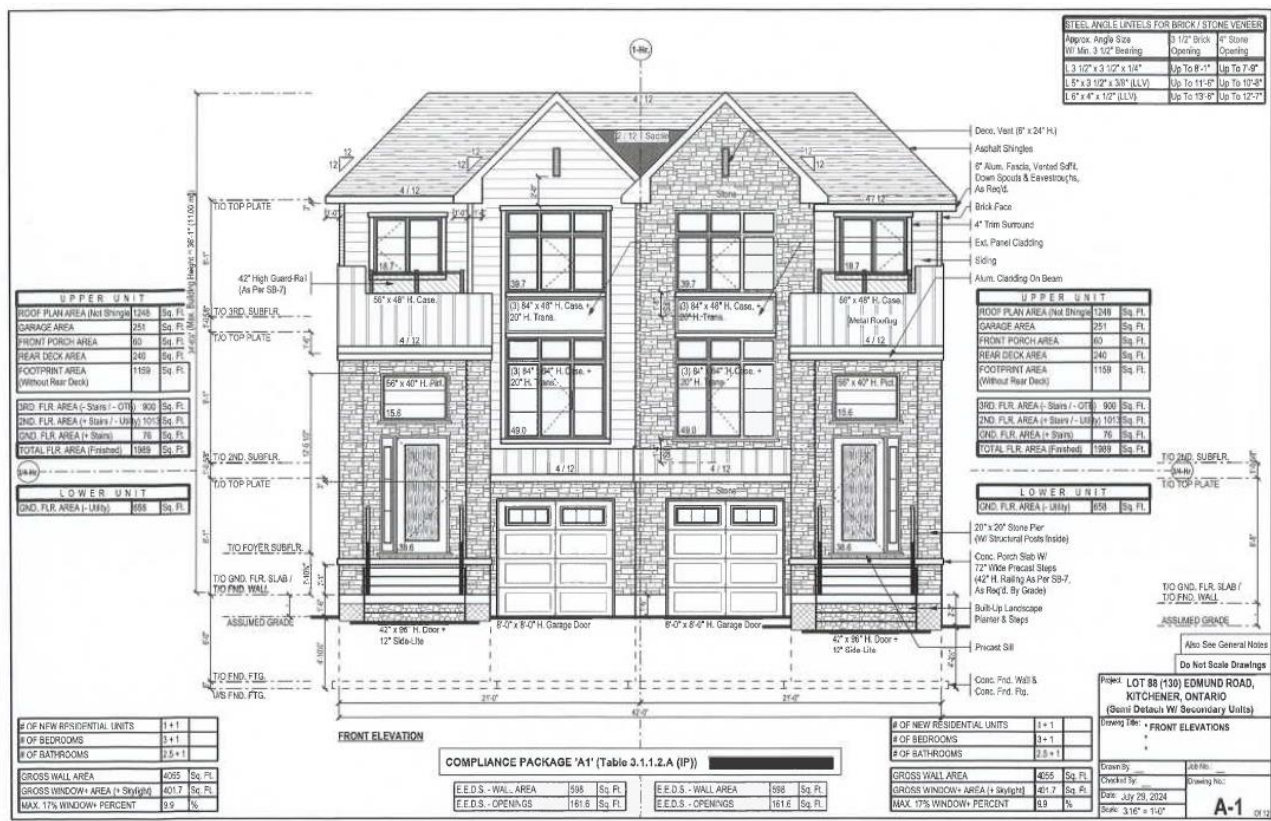


Image 3 – Survey of Lot and Creation of Separate Parcels



## **REPORT:**

### **Planning Comments Minor Variance Application A2024-088 and A2024-089:**

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

#### General Intent of the Official Plan

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 - Land Use in the City's 2014 Official Plan. The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing. Duplexed semi-detached dwellings being proposed represent a gentle form of intensification that meet the general intent of the designation.

The variances for 0 metre setbacks to the interior lot lines meet the intent of policy 4.C.18 of the Official Plan. The requested setback affects the interior lot line only and any impact is considered both minor and technical in nature. Privacy between the proposed units and adjacent properties will be ensured through privacy screens to be erected at both ends of the decks. Maintenance easements are requested on both sides to ensure access is legally provided in event future maintenance is required.

The variances will meet the general intent of the Official Plan.

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

The general intent of the zoning by-law is to ensure there is adequate separation between the dwelling and side lot lines. In this situation, a semi-detached dwelling is being constructed with a common interior lot line between the units. But because of the offset, there is a portion of the dwelling that will not have a common lot line and therefore does not comply with zoning for a side yard. For all intents and purposes, this is technical in nature and staff have no concerns.

Similarly, for the decks, the 0 metre setback affects the interior lot line of the semi-detached units only. This is a common occurrence in this situation. A privacy screen is proposed to be erected between the proposed units at the end of the deck on 132 Edmund Road. Staff suggest that a similar privacy screen be erected on the deck on 130 Edmund Road where it is adjacent to the shared property line.

In the opinion of staff, the variances will meet the general intent of the Zoning By-law.

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

In the opinion of staff, the effects are minor. As noted previously, 0 metre interior side yards for a semi-detached dwelling is common since two units are attached. This request is technical in nature due the offset in the dwelling which staff prefer since it provides visual interest and breaks up the massing. Having the decks at 0 metres only affects the

interior of lots. To address the potential impacts of the reduced setbacks, privacy screening is proposed for the deck at 132 Edmund Road and staff is recommending that this also be installed on the deck at 130 Edmund Road. Accordingly, the effects of the variances will be minor.

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

The variances are desirable and appropriate for the use of land. A duplexed semi-detached dwelling with an offset is a gentle form of intensification in established neighbourhoods. The variances, while technical in nature, help to facilitate a building form that is not only compatible but visually interesting. The decks are to be used for outdoor amenity for the upper duplexed portion and to gain access to the ground level rear yard of the property.

**Planning Comments Consent Applications B2024-027 and B2204-028:**

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

Provincial Policy Statement (PPS 2020)

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

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of two new lots for a duplexed semi-detached dwelling that are compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. 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 near 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 a gentle 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 Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The proposed severance is in conformity with this aspect of the plan and maintains the residential land use designation.

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

"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 ‘RES-4’ zone lot width and lot area requirements and minor variances are not required for the lot sizes. 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 severances conform with the City of Kitchener Official Plan.

**Zoning By-law 2019-051:**

The property is zoned ‘Low Rise Residential Four Zone (RES-4)’ in Zoning By-law 2019-051. The ‘RES-4’ zones permit a range of low-rise residential dwelling types including single detached, semi-detached and multiple dwellings. The ‘RES-4’ zone requires a minimum lot width of 7.5 metres and a minimum lot area of 210 square metres for semi-detached dwelling units.

**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. The easements will ensure orderly development is achieved. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is good planning and in the public interest.

**Environmental Planning Comments:**

No environmental comments or concerns.

**Heritage Planning Comments:**

No Heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variances.

The Building Division has no objections to the proposed consents.

**Engineering Division Comments:**

No concerns to the proposed variance.

The following be included as conditions of the Consent Application B2024-028

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary 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 and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to [eric.riek@kitchener.ca](mailto:eric.riek@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:**

**(Demolition and Building permits have been issued. See also comments for B2024-027)**

There is an existing City-owned street tree located on Edmund Road that will be impacted by construction and conflicts with the proposed driveway location. A Tree Protection and Enhancement Plan (TPEP) and ISA valuation of the existing tree is required, please see Urban Design Manual Part C, Section 13 and [www.kitchener.ca/treemanagement](http://www.kitchener.ca/treemanagement). Full compensation is expected prior to clearance of severance conditions.

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 7.92 metre at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

There is an existing City-owned street tree located on Edmund Road that will be impacted by construction and conflicts with the proposed driveway location. A Tree Protection and Enhancement Plan (TPEP) and ISA valuation of the existing tree is required, please see Urban Design Manual Part C, Section 13 and [www.kitchener.ca/treemanagement](http://www.kitchener.ca/treemanagement). Full compensation is expected prior to clearance of severance conditions.

**Transportation Planning Comments:**

Transportation Services have no concerns with the applications.

**Grand River Conservation Authority (GRCA) Comments:**

GRCA has no objections to the approval of the above noted applications.

**Region of Waterloo Comments:**

No concerns with regards to the variances.

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

1. That the Owner/Applicant submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
2. That the Owner/Developer submit a Notice of Source Water Protection Plan Compliance to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
  - i. Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

**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*



PLANNING, DEVELOPMENT AND  
LEGISLATIVE SERVICES

150 Frederick Street, 8<sup>th</sup> floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

Erica Ali  
W. Phone: 226-751-3388  
File: D20-20/24 KIT  
September 30, 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 - B2024-026, B2024-027, B2024-028  
Committee of Adjustment Hearing October 15, 2024  
City of Kitchener**

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

**File: B 2024-026**

**Address: 211 Lancaster St W**

**Description: Lot 193, Plan 318**

**Owner: Kiros Tsige - Fiyori Weldegebrial**

**Agent: Isoline Architects Inc c/o Othman Rmmo**

The applicant/owner proposes consent to sever for the purpose of creating a new residential lot. The existing single detached dwelling will remain on retained lot (existing shed to be demolished). A new single detached dwelling is proposed to be constructed on severed lot. The proposed retained lot measures 399.63sqm with 10.923m frontage. The proposed severed lot measures 292sqm with 7.974m frontage. The application notes that a minor variance is required to facilitate the severance, with respect to a reduced lot frontage.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-5. Residential uses are permitted.

#### **Culture, Heritage, and Indigenous Engagement (Advisory)**

The subject property has archaeological potential due to its location within a potential heritage area of interest, location within a historic landform and proximity to a historic road, however, the Region does not require Archeological Assessment at this time.

The owner/applicant is advised that an Archeological Assessment will be required for any future Planning Act application for the severed and retained lands. In accordance with Regional Official Plan policy 3.G.9, the owner/applicant will be required to have a licensed Archaeologist complete an Archeological Assessment of the subject property prior to any site alteration that will result in ground disturbance. The applicant must submit the Archaeological Assessment report(s) to the Ministry of Citizenship and Multiculturalism, and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

In the event of site alteration that does not trigger the requirement for Archeological Assessment under the Planning Act, 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.

### **Environmental Noise Impact**

At this location, the proposed development may encounter traffic noise sources due to Lancaster St W (RR#29) and stationary noise sources due to industrial land uses in proximity. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

Alternatively, Regional Staff would waive this condition if the applicant entered into an agreement with the Region of Waterloo to implement Noise Warning Clauses. The following clauses would be included in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots.

#### ***All Units/ Type A:***

*Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*

#### ***All Units/ Type E:***

*Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.*

### **Road Widening**

At this location, Regional Road #29 (Lancaster Street West) has a designated width in the Regional Official Plan (ROP) of 26.213m. An approximate 3 metre road widening will be required along the Lancaster St W frontage for retained and severed lands. An Ontario Land Surveyor (OLS) would have to determine the exact road widenings.

The Owner/Applicant must engage an OLS to prepare a draft reference plan which illustrates the required road allowance widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner. Further instructions will come from the Region's Legal Assistant with regard to document preparation and registration. It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan.

The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. All land dedications should be identified on the Site Plan.

### **Access Permit (advisory)**

A Regional Access Permit will be required for the proposed driveway access onto Lancaster Street West for the retained lot. The access must comply with the Regional Access Policy. The fee for the issuance of the permits is \$230 each.

The application for a Regional Road Access Permit can be found on the Region's website at <https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Application-and-Payment-for-an-Access-Permit>

### **Municipal Consent (advisory)**

Please be advised that any works occurring in the Regional ROW including servicing connections and access connections would require Regional approval through a separate process of Municipal Consent and a Work Permit. Approval through these processes must be granted prior to development.

### **Water and Wastewater Services**

The applicant should be made aware that no connection to the Lancaster St W regional watermain will be permitted in accordance with Section B.2.1.4.1 of the Design Guidelines and Supplemental Specifications for Municipal Services [February 2024].

The applicant/owner is asked to submit a functional servicing report for review and approval. The functional servicing report shall demonstrate the existing infrastructure can support the proposed development or shall make recommendations for upgrades to the existing infrastructure.

### **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 submitted individually to the Region, in-person, by mail, or e-payment.

- Arrange EFT by emailing [pwalter@regionofwaterloo.ca](mailto: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 the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Developer enter into a registered development agreement with the Regional Municipality of Waterloo to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
  - i. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*
  - ii. *Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.*
3. That the Owner/Developer dedicate an approximate 3.0m road widening along the Lancaster Street West frontage for retained and severed lands, to the satisfaction of the Regional Municipality of Waterloo. The owner/applicant must engage an Ontario Land Surveyor to prepare a reference plan which illustrates the required road widening lands to the satisfaction of the Regional Municipality of Waterloo and the road widening must be dedicated without cost and free of encumbrance.
4. That the Owner/Developer submit a Functional Servicing Report, to the satisfaction of the Regional Municipality of Waterloo.

**File: B 2024-027/ B 2024-028**

**Address: 130 Edmund Rd/ 132 Edmund Rd**

**Description: Lot 88, Plan 651**

**Owner: Jason Malfara / Joanne McCallum**

The applicants/owners propose consent to sever for the purpose of creating a new residential lot, and establishing mutual reciprocal access easement along common property line. The two parcels are municipally addressed as 130 Edmund Rd and 132 Edmund Rd. A semi-detached dwelling is proposed to be constructed on each lot. The proposed retained lot measures 318.83sqm with 7.93 frontage. The proposed severed lot measures 318.63sqm with 7.92m frontage. The proposed easement is 1.5m in width, 40.3m in depth. The application notes that a minor variance is required to facilitate the severance.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-4. Residential uses are permitted.

### **Source Water Protection Policy**

#### *Notice of Source Protection Plan Compliance*

The subject property is in a Source Protection Area where risk management or prohibition policies implemented by the Region of Waterloo may apply. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application for every new development application submitted for a particular site. A Section 59 Notice will be required as a condition of consent approval.

### **Environmental Noise Impact**

At this location, the proposed development may encounter traffic noise sources due to Weber Street East (RR#08) and Conestoga Parkway (HWY 7).

It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

Alternatively, Regional staff would waive this condition if the applicant entered into an agreement with the City of Kitchener to implement Noise Warning Clauses. The following clauses would be included in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots.

***All Units/ Type A:***

*Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*

**Regional Consent Review Fee**

Regional Staff are not in receipt of the required consent review fee of \$350 per application (i.e. \$700 total). The consent review fee is required as a condition of approval for the consent application.

Fees must be submitted individually to the Region, in-person, by mail, or e-payment.

- Arrange EFT by emailing [pwalter@regionofwaterloo.ca](mailto: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 the Owner/Applicant submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
2. That the Owner/Developer submit a Notice of Source Water Protection Plan Compliance to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
  - i. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*

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



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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September 30, 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

**Subject: Committee of Adjustment Meeting October 15, 2024, City of Kitchener**

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

- 1) A 2024 - 080 – 92 River Road East – No concerns
- 2) A 2024 - 081 – 236 Margaret Avenue – No concerns.
- 3) A 2024 – 082 – 685 Frederick Street – No concerns.
- 4) A 2024 - 083 – 361 Westmeadow Drive – No concerns.
- 5) A 2024 - 084 – 18 Pine Street – No concerns.
- 6) A 2024 - 085 – 62 Gage Street – No concerns.
- 7) A 2024 - 086 – 1295 Bleams Road – No concerns.
- 8) A 2024 - 087 – 211 Lancaster Street West – No concerns.
- 9) A 2024 - 088 – 130 Edmund Road - No concerns.
- 10) A 2024 - 089 – 132 Edmund Road – No concerns.

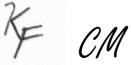
Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.



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,

Handwritten signature of Katrina Fluit, consisting of the letters 'KF' followed by 'CM'.

Katrina Fluit  
Transportation Planner  
(226) 753-4808

CC:

Connie Owen, City of Kitchener

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



September 27, 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 – October 15, 2024**

**Applications for Minor Variance**

A 2024-080	92 River Road East	A 2024-086	1295 Bleams Road
A 2024-081	236 Margaret Avenue	A 2024-087	211 Lancaster Street West
A 2024-082	685 Frederick Street	A 2024-088	130 Edmund Road
A 2024-084	18 Pine Street	A 2024-089	132 Edmund Road
A 2024-085	62 Gage Avenue		

**Applications for Consent**

B 2024-026 211 Lancaster Street West  
B 2024-027 130 Edmund Road  
B 2024-028 132 Edmund Road

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

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

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

Sincerely,

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

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

**From:** AMIN Pransav  
**To:** Committee of Adjustment (SM)  
**Subject:** Kitchener - 130 and 132 Edmund Road - B 2024-027 and B 2024-028  
**Date:** Wednesday, October 2, 2024 7:52:28 PM  
**Attachments:** [image001.png](#)

Hello,

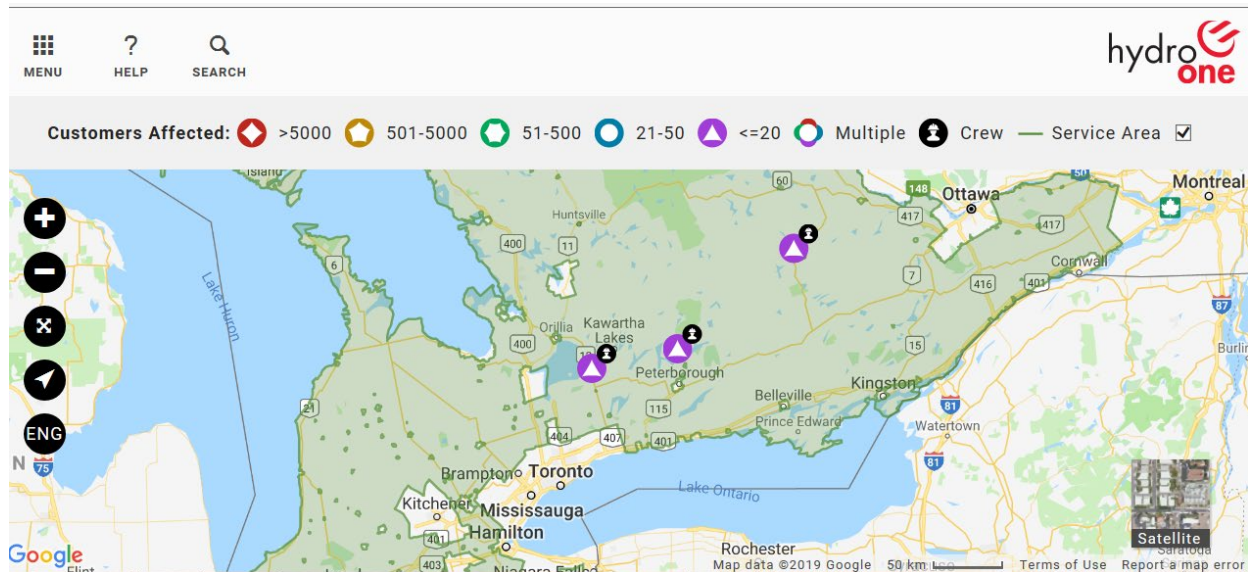
We are in receipt of your Application for Consent, B 2024-027 and B 2024-028 dated September 20<sup>th</sup>, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[Stormcentre \(hydroone.com\)](#)

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

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