



Committee of Adjustment Agenda

Tuesday, January 21, 2025, 9:00 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, JANUARY 21, 2025, commencing at 10:00 a.m.** for the purpose of hearing the following applications for Minor Variance and/or Consent.

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

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

Pages

1. **COMMENCEMENT**

2. **IN CAMERA MEETING AUTHORIZATION**

Note: Any member of the Committee may question the appropriateness of a listed in-camera item. This may occur during the Committee of Adjustment meeting or at the beginning of the in-camera session.

Members are being requested to enact the following resolution to authorize an in-camera meeting:

"That an in-camera meeting be held immediately prior to the Public meeting of the Committee of Adjustment this date for members of the Committee of Adjustment to receive education and training as authorized

by Sections 239 (3.1) of the Municipal Act, 2001."

Following their education and training session, the Committee will reconvene the Public meeting at 10:00 a.m., the Statutory Advertised start time, to consider the Minor Variance and Consent applications listed on the agenda.

3. RECESS AND RECONVENE

4. ADMINISTRATIVE BUSINESS

4.1 CHAIR NOMINATION AND APPOINTMENT

4.2 VICE-CHAIR NOMINATION AND APPOINTMENT

5. MINUTES

6. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

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

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

8. NEW BUSINESS

8.1 A 2025-001 - 535 Manitou Drive, DSD-2025-017

4

Requesting minor variances to permit a minimum exterior side yard abutting Homer Watson Boulevard of 3.75m rather than the required 6m; and, having 82 off-street parking spaces rather than the required 110 off-street parking spaces, to facilitate the development of 2 business park employment-use buildings in accordance with Site Plan application SP24/067/M/BB.

8.2 A 2025-002 - 72 Strange Street, DSD-2025-020

15

Requesting a minor variance to permit a westerly side yard setback of 0.63m rather than the required 1.2m to facilitate the construction of an addition in the rear yard of an existing single detached dwelling.

8.3 A 2025-003 - 126 Highland Road West, DSD-2025-021

28

Requesting permission to permit the enlargement or extension of a legal non-conforming use, a single detached dwelling, to facilitate the addition of an Additional Dwelling Unit (ADU) (attached) to the existing single detached dwelling in the "Mixed Use Zone (MIX-1) in Zoning By-law 2019-051.

8.4 A 2025-004 - 240 Chapel Street, DSD-2025-026

39

Requesting a minor variance to permit an easterly side yard setback of 0.46m rather than the required 1.2m; and, to have an unobstructed

walkway that is a minimum of 0.92m in width rather than the required 1.1m to facilitate the construction of an Additional Dwelling Unit (ADU) in the rear yard of an existing single detached dwelling.

8.5 B 2025-001 - 284 Duke Street East, DSD-2025-019

53

Permission to sever a parcel of land in the rear yard, containing an existing garage, having a width of 12.8m, a depth of 12.1m and an area of 155.2 sq.m. to be conveyed as a lot addition to the property municipally addressed as 44 Betzner Avenue North.

9. ADJOURNMENT

10. PLANNING ACT INFORMATION

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

The Notice of Hearing for this meeting was published in the Record on the 3rd day of January, 2025.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Brian Bateman Senior Planner, 519-783-8905

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 8, 2025

REPORT NO.: DSD-2025-017

SUBJECT: Minor Variance Application A2025-001 – 535 Manitou Drive

RECOMMENDATION:

That Minor Variance Application A2025-001 for 535 Manitou Drive requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a maximum parking requirement of 110 parking spaces instead of the maximum permitted 82 parking spaces and relief from Section 10.3, Table 10-2, of Zoning By-law 2019-051 to permit an exterior side yard setback of 3.7 metres instead of the minimum required 6 metres to facilitate the development of the site with an industrial plaza in accordance with Site Plan Application SP24/067/M/BB, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide Planning staff opinion of a request to vary regulations of Zoning By-law 2019-051 to facilitate a proposed development on lands located at 535 Manitou Drive.
- The key finding of this report is that the proposed variances are deemed minor and necessary for the proper and orderly development of the site given context and location.
- 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.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

The subject property is located at the northwest corner of the intersection of Homer Watson Boulevard and Manitou Drive in the Huron Business Park. It is an irregular-shaped property that is vacant and flanked by two arterial roadways and backs onto industrial and open space lands (Budd Park).

The applicant is proposing to develop easterly portion of the property with an industrial plaza with a right-in access only from Manitou Drive and full access to Homer Watson Boulevard. The proposal shown below in Figure 2 has received Conditional Site Plan Approval under Site Plan File No. SP24/067/M/BB.

To facilitate the development, two minor variances to By-law 2019-051 are required:

1. An exterior side yard setback reduction; and
2. To allow for more parking than the maximum parking rate.



Figure 1 - Aerial Photo of Subject Property

The subject property is identified as being partially within a 'Neighbourhood Node' and 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'General Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

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

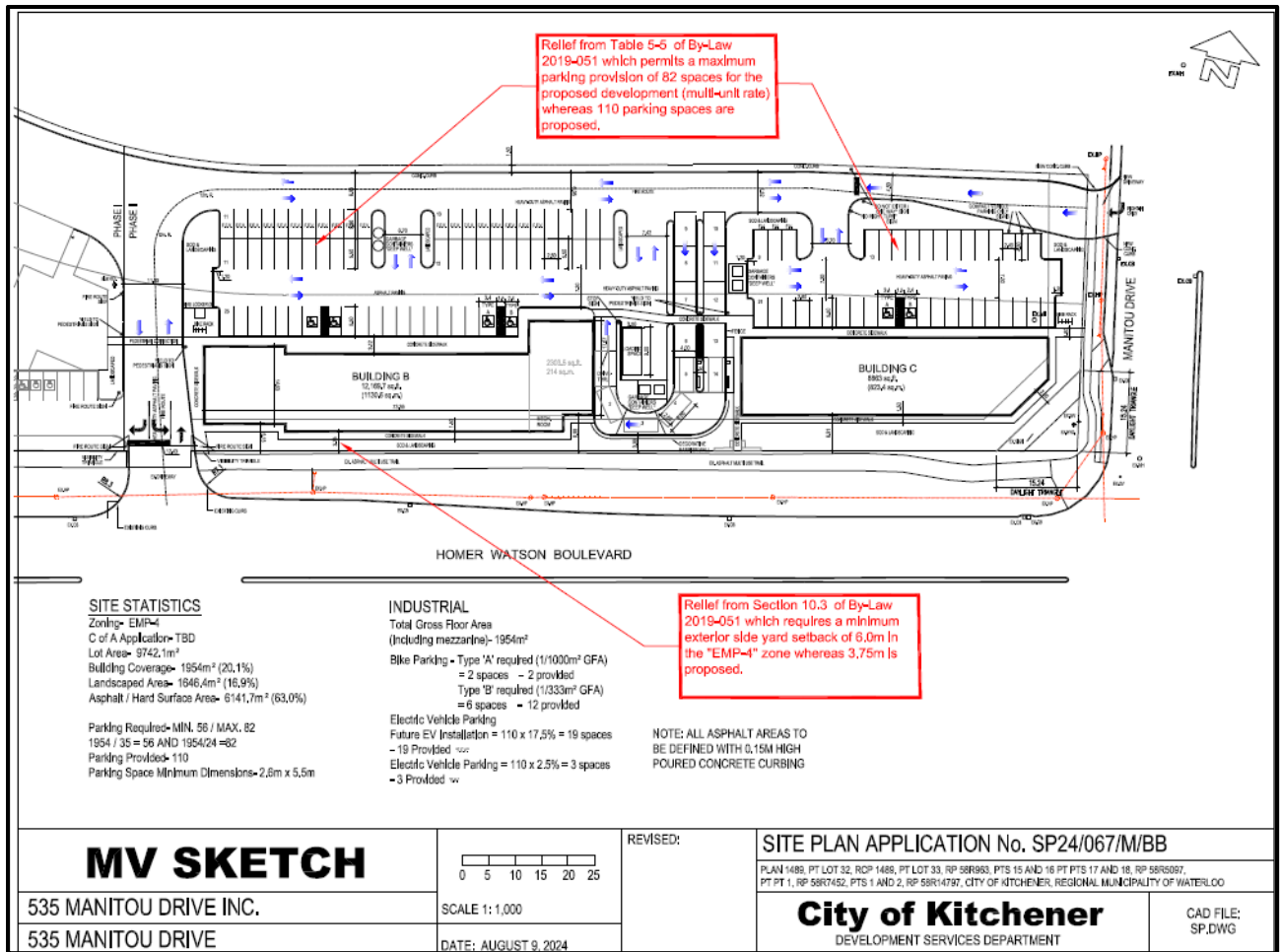


Figure 2 - Site Plan

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The planned function of Neighbourhood Nodes is to serve the day-to-day commercial needs of surrounding residential areas and are encouraged to be cycling and pedestrian-friendly whereas Industrial Employment Areas support and maintain economic activity in the city by providing an adequate supply of land for a range of industrial-related employment uses and appropriate accessory and ancillary uses.

The intent of the General Industrial Employment land use designation is to provide for a broad range of industrial uses, some of which by virtue of their operation or site utilization may need to locate within an industrial area or require appropriate buffering to mitigate potential impacts on residential areas.

The development of an industrial plaza that is setback closer to Homer Watson activates the street thereby helping to be more pedestrian and cycling friendly while at the same time providing uses that support and enhance economic activity of the area. Staff is satisfied the intent is being maintained by balancing built form and design objectives of being located within a Node with providing industrial uses to support economic expansion.

The intent of the City's parking policies is to ensure adequate parking standards and regulations are in place and enforced and to reduce parking space demand in support of active transportation and transit and potential redevelopment of surface parking lots especially in intensification areas. As the proposal provides more parking than the by-law permits are located outside of an intensification area, there is more than adequate parking being provided. Staff is satisfied the parking policies are being met.

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

General Intent of the Zoning By-law

The general purpose of this zone is to accommodate industrial uses and limited complimentary uses that support adjacent employment lands. EMP-4 zoned lands are located within 450 metres of existing or planned transit corridors. The intent of the exterior side yard setback in this context is to ensure there is adequate space for landscaping and provide consistency within a typical suburban industrial context. However, this is a corner property within a "Node" that is directly across from suburban commercial retail uses. Overtime it is expected that those commercial properties will be re-developed with buildings that are setback closer to street edge to frame the corners and activate the space. Reducing the exterior side yard setback therefore makes sense within this context while at the same time, still providing adequate exterior yard space for trees and landscaping.

The general intent of having maximum parking rates is to limit the amount of surface parking and impervious areas. The maximum parking for a multi-unit building is 82 spaces and the owner proposes 110. The maximum multi-unit rate for plaza's containing 3 or more units is 1 parking space/24 m² of gross floor area. The parking increase is to accommodate a restaurant and pharmacy - considered heavier parking users - that will be tenants within the plaza. Individual uses within a plaza such as a restaurant or pharmacy, for example, require a maximum 1 parking space/5 m² and 1 parking space/15 m² of gross floor area, respectively. As such, it may be prudent to offer more parking than the maximum rate to avoid potential parking problems that could affect future occupancy.

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

An exterior side yard setback reduction and increase in the maximum parking rate for a multi-unit plaza may be considered minor as they will facilitate the development of an industrial plaza with a restaurant and potential pharmacy tenant in this location.

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

The variances are desirable as they will facilitate development on lands that have been sitting vacant for several years.

Environmental Planning Comments:

No concerns

Heritage Planning Comments:

No concerns

Building Division Comments:

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

Engineering Division Comments:

No concerns

Parks/Operations Division Comments:

No concerns with proposed Minor Variances. New/revised easements are required as a condition of final site plan approval of both SP22/144/M/BB and SP24/067/M/BB to accommodate Multi Use Trail at proposed access.

Transportation Planning Comments:

Transportation Services have no concerns with this application based on the provided Parking Justification.

As noted in the Parking Justification, the restaurant maximum by-law parking rate can be applied when the GFA of a multi-unit building is less than 1,000 sq.m. Therefore, Transportation Services notes that if the restaurant was located in Building C instead of Building B, the site would not exceed the maximum by-law parking rate and a variance would not be required.

Region of Waterloo

No concerns

GRCA

No concerns

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property

advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*



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

December 20, 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 January 21, 2025, City of Kitchener

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

- 1) A 2025 - 001 – 535 Manitou Drive – No concerns
- 2) A 2025 - 002 – 72 Strange Street – No concerns
- 3) A 2025 - 003 – 126 Highland Road West – No concerns
- 4) A 2025 - 004 – 240 Chapel Street – No concerns

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

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

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

Yours Truly,

Katrina Fluit
Transportation Planner

Document Number: 4853640
28935

(226) 753-4808

CC:

Connie Owen, City of Kitchener

CofA@Kitchener.ca



January 3, 2025

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 – January 21, 2025

Applications for Minor Variance

A 2025-001 535 Manitou Drive
A 2025-002 72 Strange Street
A 2025-003 126 Highland Road West
A 2025-004 240 Chapel Street

Application for Consent

B 2025-001 284 Duke Street East

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Cc: [Farah Faroque](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting
Date: Friday, December 27, 2024 9:53:49 AM
Attachments: [image001.png](#)

Some people who received this message don't often get email from jenna.auger@metrolinx.com. [Learn why this is important](#)

Good morning,

Metrolinx is in receipt of the following committee applications for the Committee of Adjustment meeting scheduled for January 21, 2025.

Upon review, Metrolinx notes that none of these properties are subject to our review zones. Therefore, Metrolinx expresses no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Third Party Projects Review (TPPR)
Development & Real Estate Management
T: (416)-881-0579
10 Bay Street | Toronto | Ontario | M5J 2N8



From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Thursday, December 19, 2024 11:02 AM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting

EXTERNAL SENDER: Do not click any links or open any attachments unless you trust the sender and know the content is safe.
EXPÉDITEUR EXTERNE: Ne cliquez sur aucun lien et n'ouvrez aucune pièce jointe à moins qu'ils ne proviennent d'un expéditeur fiable, ou que vous ayez l'assurance que le contenu provient d'une source sûre.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, January 21, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

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

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, January 6, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

This e-mail is intended only for the person or entity to which it is addressed. If you received this in error, please contact the sender and delete all copies of the e-mail together with any attachments.

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: January 8, 2025

REPORT NO.: DSD-2025-020

SUBJECT: Minor Variance Application A2025-002 – 72 Strange Street

RECOMMENDATION:

That Minor Variance Application A2025-002 for 72 Strange Street requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an interior side yard setback of 0.6 metres instead of the minimum required 1.2 metres, to facilitate the construction of a two (2) storey addition at the rear of the existing detached dwelling, in accordance with drawings prepared by Groen Design & Drafting Services, submitted with Minor Variance Application A2025-002, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the development of a rear yard addition with a reduced interior side yard setback.
- 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 north-east side of Strange Street and Waverly Road. It is in the Cherry Hill neighbourhood which is primarily comprised of low-rise residential uses.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.



Figure 1: Location Map – 72 Strange Street (Outlined in Red)

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

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

The purpose of the application to review a minor variance application to permit the development of a rear yard addition with a reduced interior side yard setback.

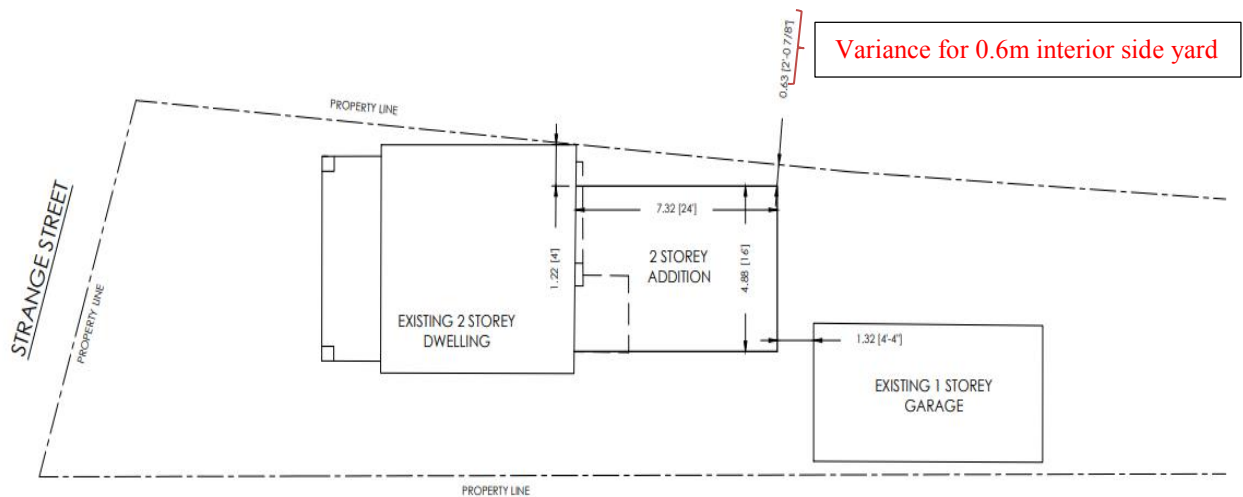


Figure 2: Proposed Addition Site Plan

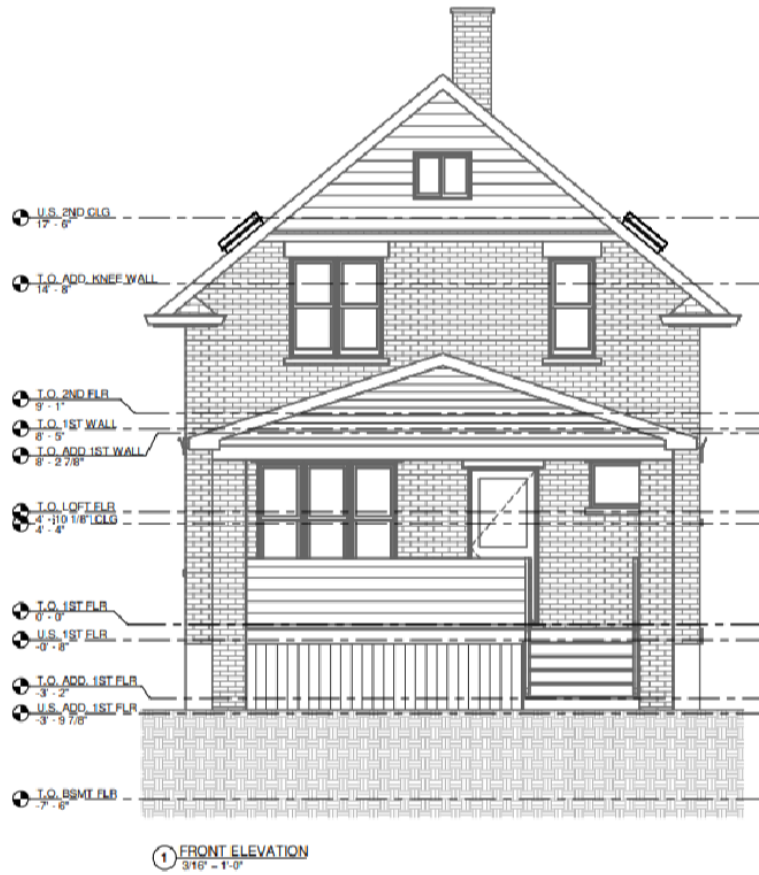


Figure 3: Front Elevation of Existing Dwelling

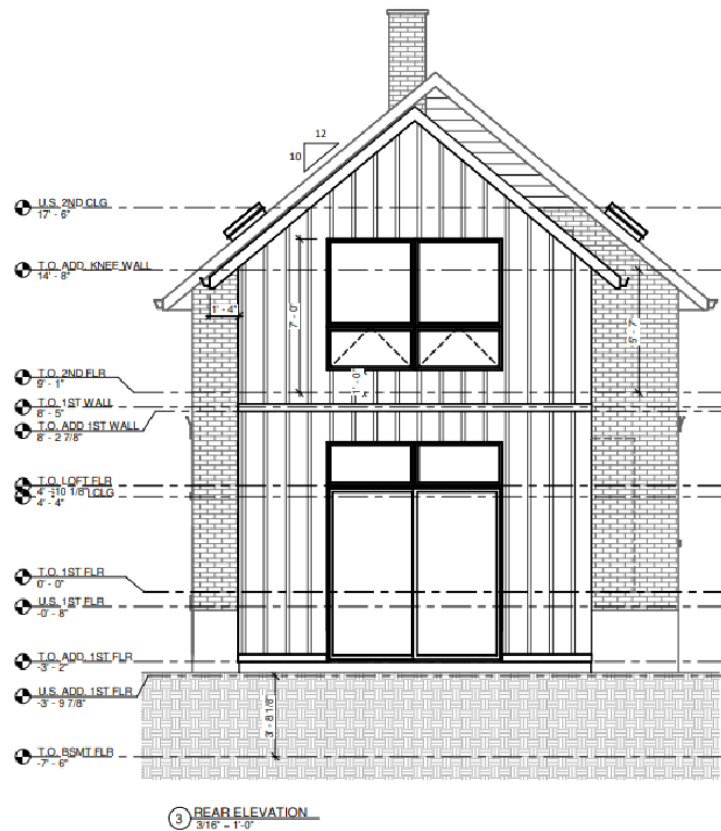


Figure 4: Rear Elevation of Proposed Addition



Figure 5: Left Elevation of Proposed Addition

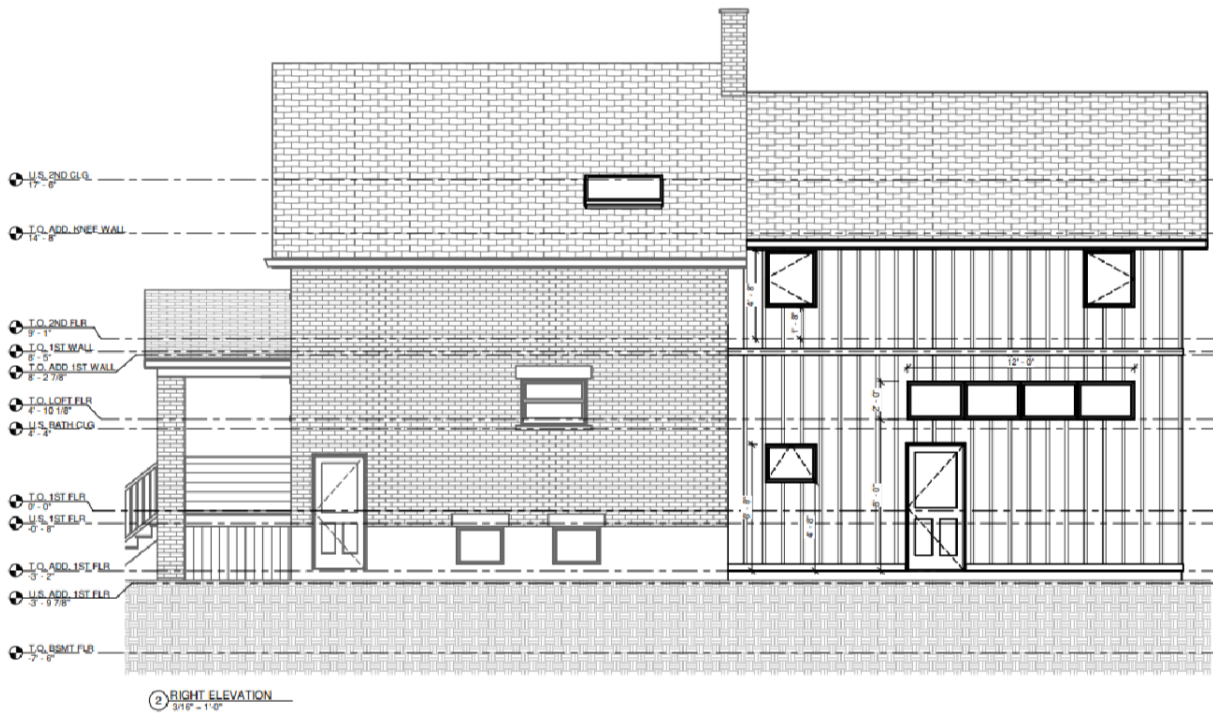


Figure 6: Right Elevation of Proposed Addition

Planning Staff conducted a site visit on January 3, 2025.



Figure 7: Existing Site Conditions as of January 3, 2025



Figure 8: Access on the East Side of Property

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The subject property is designated as 'Low Rise Residential' within the City's Official Plan. This designation emphasises the importance of ensuring compatibility in building form with regard to the massing, scale, and design, which is essential for facilitating the successful integration of diverse building types. Furthermore, it emphasizes the relationship between residential structures and adjacent buildings, streets, and public spaces. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to be able to construct a rear yard addition meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the interior side yard setback requirement is to ensure adequate spacing between the structures for light, air circulation, maintenance access and privacy. The proposed setback of 0.6m will still provide sufficient separation between the properties. The property has sufficient space for maintenance access on the east side where greater clearance is provided between the dwelling and the property boundary. Additionally, the absence of windows on the left (west) side of the addition prevents overlooking and maintains the privacy of the neighbouring properties. Therefore, Staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

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

The reduced setback is minor in nature as it does not introduce significant impacts on the neighbouring property and will not impact the streetscape. The proposal is consistent with the scale and character of the neighbourhood and does not result in undue shadowing and privacy concerns. The proposed addition is a natural extension of the existing dwelling and blends seamlessly with the surrounding landscape. The appearance is compatible from adjacent viewpoints and is visually consistent with the surroundings.

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

Planning staff is of the opinion that the variance is desirable for the appropriate development of the lands as the reduced setback will allow the addition to be constructed in close alignment with the existing building. This will enhance the functionality and usability of the primary dwelling by allowing the natural expansion living space, making it more practical and accessible for daily use. The proposed addition will improve the functionality of the dwelling on the property as well as maintain compatibility with the established streetscape and neighbourhood character.

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 variance provided building permit for the addition to the single detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

No comments or concerns

Transportation Planning Comments:

No comments or concerns.

Grand River Conservation Area (GRCA) Comments:

No comments or concerns.

Region of Waterloo Comments:

No comments or concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES

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www.regionofwaterloo.ca

December 20, 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 January 21, 2025, City of Kitchener

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

- 1) A 2025 - 001 – 535 Manitou Drive – No concerns
- 2) A 2025 - 002 – 72 Strange Street – No concerns
- 3) A 2025 - 003 – 126 Highland Road West – No concerns
- 4) A 2025 - 004 – 240 Chapel Street – No concerns

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

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

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

Yours Truly,

Katrina Fluit
Transportation Planner

Document Number: 4853640
28935

(226) 753-4808

CC:

Connie Owen, City of Kitchener

CofA@Kitchener.ca



January 3, 2025

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 – January 21, 2025

Applications for Minor Variance

A 2025-001 535 Manitou Drive
A 2025-002 72 Strange Street
A 2025-003 126 Highland Road West
A 2025-004 240 Chapel Street

Application for Consent

B 2025-001 284 Duke Street East

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Cc: [Farah Faroque](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting
Date: Friday, December 27, 2024 9:53:49 AM
Attachments: [image001.png](#)

Some people who received this message don't often get email from jenna.auger@metrolinx.com. [Learn why this is important](#)

Good morning,

Metrolinx is in receipt of the following committee applications for the Committee of Adjustment meeting scheduled for January 21, 2025.

Upon review, Metrolinx notes that none of these properties are subject to our review zones. Therefore, Metrolinx expresses no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Third Party Projects Review (TPPR)
Development & Real Estate Management
T: (416)-881-0579
10 Bay Street | Toronto | Ontario | M5J 2N8



From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Thursday, December 19, 2024 11:02 AM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting

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Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, January 21, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

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

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, January 6, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Evan Wittmann, Senior Planner, 519-783-8523

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: January 8, 2025

REPORT NO.: DSD-2025-021

SUBJECT: Minor Variance Application A2025-003 – 126 Highland Rd. W.

RECOMMENDATION:

That Minor Variance Application A2025-003 for 126 Highland Road West requesting permission under Section 45(2)(a)(i) of the Planning Act, to permit the enlargement or extension of a legal non-conforming use, a Single Detached Dwelling in the “Mixed Use One Zone (MIX-1)” of Zoning By-law 2019-051, to facilitate the development of an Additional Dwelling Unit (ADU) (Attached), generally in accordance with drawings prepared by JR Design and Consultants, dated October 2024, BE APPROVED, subject to the following conditions:

1. That the Owner shall alter the existing driveway to conform with Zoning By-law 2019-051.
2. That the Owner shall complete the work, identified in Condition No. 1 above, by June 1, 2025. Any request for a time extension must be approved in writing by the Manager, Development Approvals prior to completion date set out in this decision. Failure to complete the condition will result in this approval becoming null and void.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations with respect to the requested application for Permission for 126 Highland Road West.
- The key finding of this report is the application meets the applied tests and is recommended for approval.
- 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

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

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 Highland Road West, between West Avenue and Patricia Avenue. A mix of residential and non-residential uses are located along this stretch of Highland Road West, with predominantly residential and institutional uses on the south side of the road.

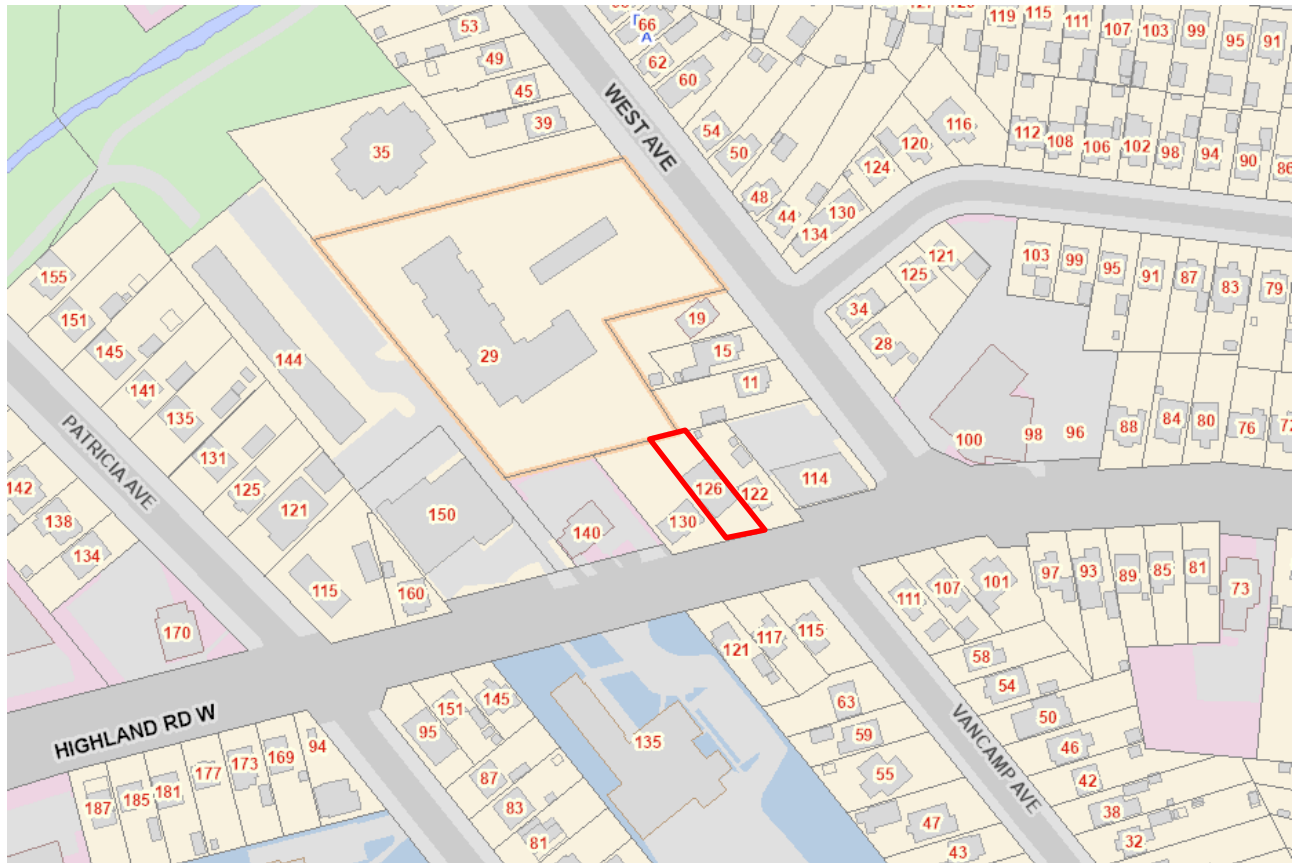


Figure 1 – Location Map

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

The property is zoned 'Mixed Use One Zone (MIX-1) with Site Specific Provision (62)' in Zoning By-law 2019-051. The 'MIX-1' zone does not permit stand-alone residential uses, resulting in the existing dwelling on the subject property being a legal non-conforming use as it was constructed prior to the current zoning coming into effect.

The purpose of the application is to permit the expansion of the legal non-conforming use to facilitate the creation of an Additional Dwelling Unit (ADU)(Attached) to essentially create a Duplex use of the existing building. The Planning Act permits the expansion of legal non-conforming uses, if certain criteria are met, as assessed in this report.



Figure 2 - Photo of the Subject Property (Taken December 27, 2024)

REPORT:

Planning Comments:

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

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

Is Approval in the Public Interest?

Staff are of the opinion that the approval of this application is in the public interest as it would permit the use of the existing basement as an ADU (Attached). The proposed use would provide a form of gentle intensification, supporting the City’s Housing Pledge and increasing the range of housing options as directed in Official Plan policy 4.C.1.24. As residential uses already exist along Highland Road, there would not be a discernable impact to the surrounding uses in the area.

Are There Adverse or Unacceptable Impacts?

Staff are of the opinion that permitting the use of the basement as an ADU (Attached) would not result in any adverse or unacceptable impacts. The current building is not conducive to mixed uses, and residential uses are permitted in the 'MIX-1' zone. As such, no land use impacts are anticipated. The required parking spaces can be accommodated on the site, and no new additional floor area is proposed to the existing building. Additionally, the basement unit is not visible from the public realm; therefore, no adverse or unacceptable impacts are anticipated.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments.

Building Division Comments:

No comments.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

No comments.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

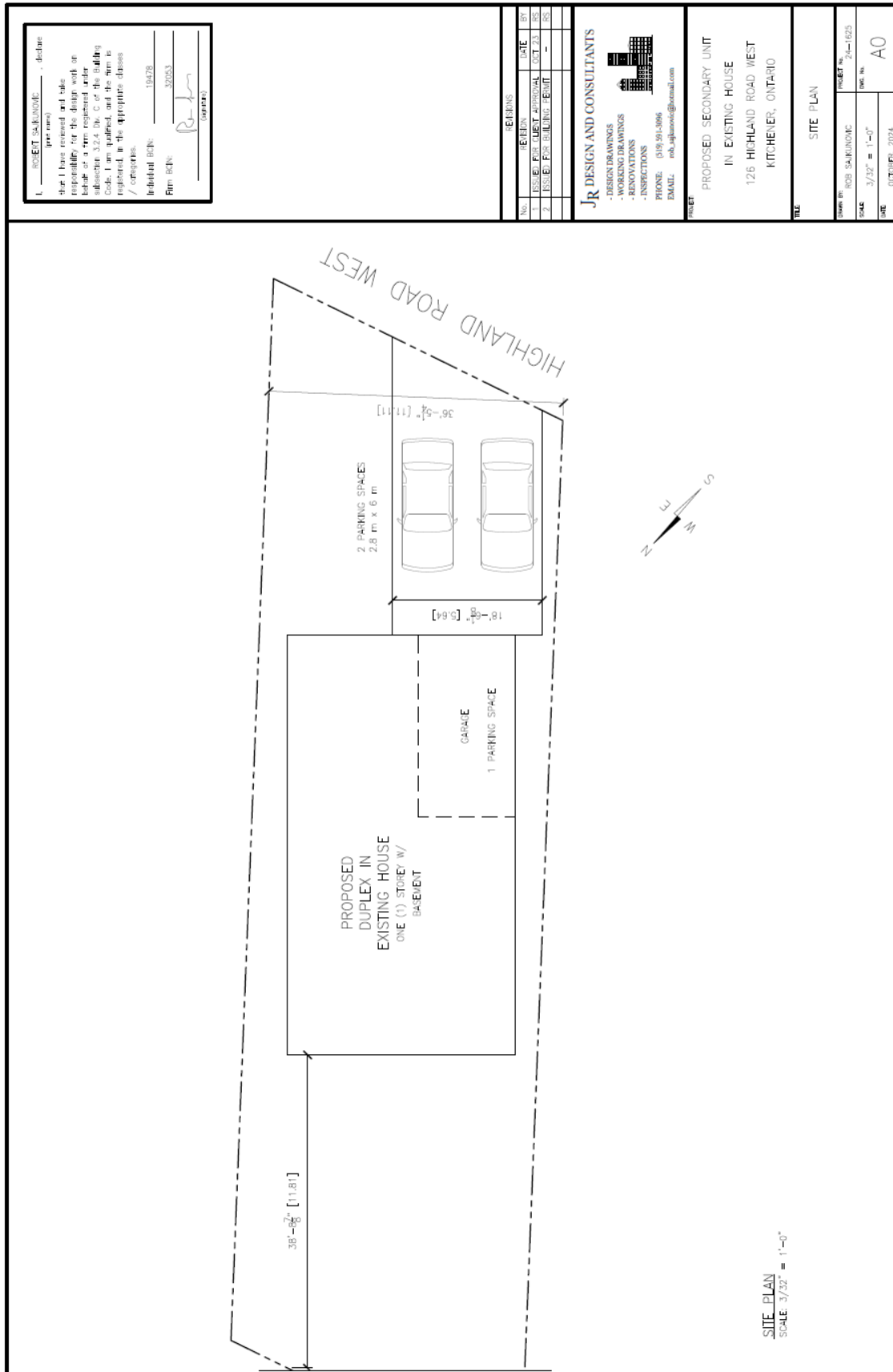
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Site Plan

ATTACHMENT A





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

December 20, 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 January 21, 2025, City of Kitchener

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

- 1) A 2025 - 001 – 535 Manitou Drive – No concerns
- 2) A 2025 - 002 – 72 Strange Street – No concerns
- 3) A 2025 - 003 – 126 Highland Road West – No concerns
- 4) A 2025 - 004 – 240 Chapel Street – No concerns

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

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

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

Yours Truly,

Katrina Fluit
Transportation Planner

Document Number: 4853640
28935

(226) 753-4808

CC:

Connie Owen, City of Kitchener

CofA@Kitchener.ca



January 3, 2025

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 – January 21, 2025

Applications for Minor Variance

A 2025-001 535 Manitou Drive
A 2025-002 72 Strange Street
A 2025-003 126 Highland Road West
A 2025-004 240 Chapel Street

Application for Consent

B 2025-001 284 Duke Street East

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Cc: [Farah Faroque](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting
Date: Friday, December 27, 2024 9:53:49 AM
Attachments: [image001.png](#)

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Good morning,

Metrolinx is in receipt of the following committee applications for the Committee of Adjustment meeting scheduled for January 21, 2025.

Upon review, Metrolinx notes that none of these properties are subject to our review zones. Therefore, Metrolinx expresses no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Third Party Projects Review (TPPR)
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T: (416)-881-0579
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Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Sean Harrigan, Senior Planning Technician, 519-783-8934

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: January 10, 2025

REPORT NO.: DSD-2025-026

SUBJECT: Minor Variance Application A2025-004 - 240 Chapel Street

RECOMMENDATION:

That Minor Variance Application A2025-004 for 240 Chapel Street requesting relief from Section 39.2.1 of Zoning By-law 85-1 to permit an east side yard setback of 0.4 metres instead of 1.2 metres, generally in accordance with drawings prepared by QBS Architects, dated December 16, 2024, BE APPROVED subject to the following condition:

1. That the property owner shall modify the existing driveway such that it does not exceed a maximum width of 8.0 metres, is a minimum 0.46 metres from the eastern side lot line and is clearly distinguishable from all other ground cover or surfacing including landscaping and walkways, in accordance with the regulations of Zoning By-law 85-1, by May 31, 2025. Any request for a time extension must be approved in writing by the Manager of Development Approvals prior to completion date set out in this decision. Failure to complete this condition will result in this approval becoming null and void.

AND

That Minor Variance Application A2025-004 for 240 Chapel Street requesting relief from Section 5.22.f) of Zoning By-law 85-1 to permit an unobstructed walkway with a minimum width of 0.92 metres instead of 1.1 metres, generally in accordance with drawings prepared by QBS Architects, dated December 16, 2024, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to allow for a reduced minimum side yard setback and minimum width for an unobstructed walkway to facilitate the conversion of a basement into an Additional Dwelling Unit (Attached).

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- The key finding of this report is that the minor variance for a reduced minimum side yard setback satisfies the four tests in the Planning Act, but the minor variance for a reduced minimum width for an unobstructed walkway fails to satisfy one of the four tests.
- 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 Chapel Street between Dumfries Avenue and East Avenue and south of Frederick Mall. The property currently contains a Single Detached Dwelling with one Additional Dwelling Unit (Attached) and one Additional Dwelling Unit (Detached).

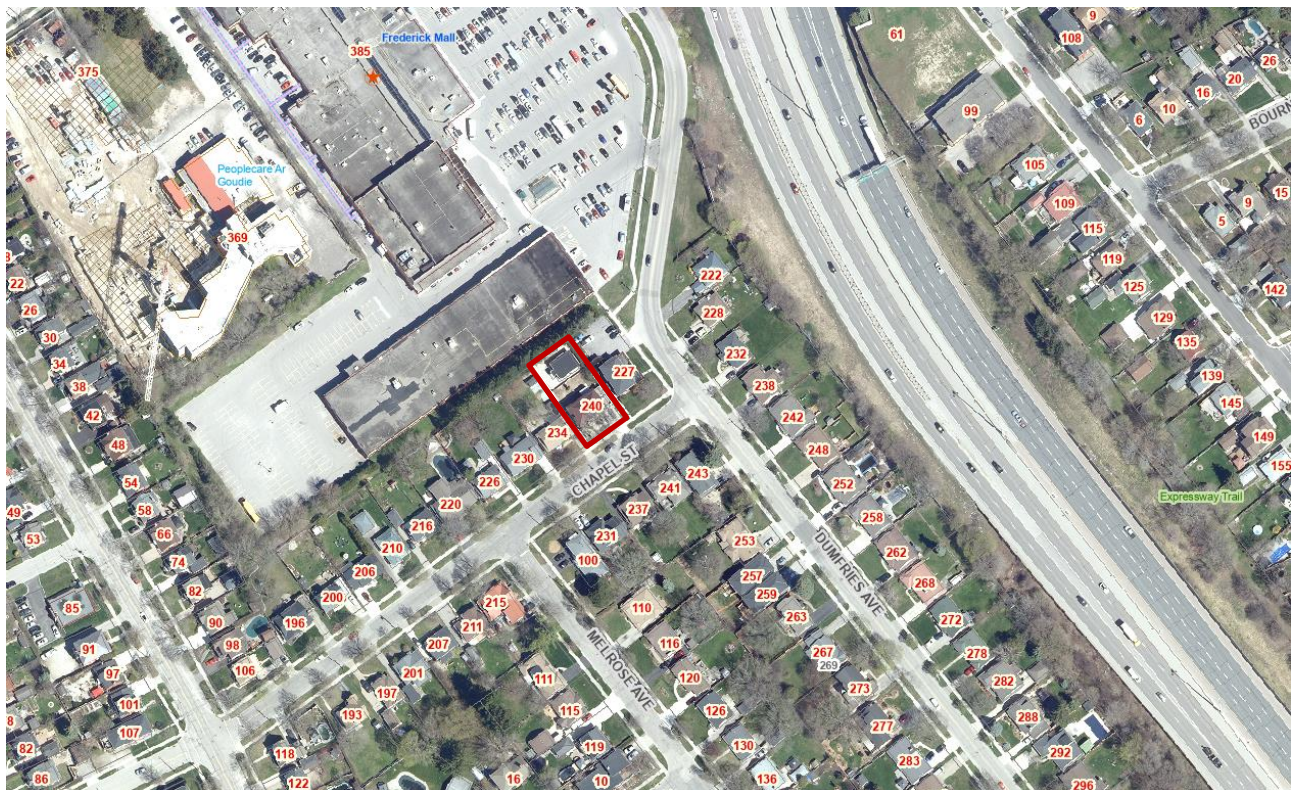


Figure 1: Location Map – 240 Chapel Street (Outlined in Red)

The subject property is identified as ‘Community Areas’ on Map 2 – Urban Structure and is designated ‘Low Rise Conservation A’ on Map 20 – Central Frederick Neighbourhood Plan for Land Use in the City’s 2014 Official Plan.

The property is zoned ‘Residential Five Zone (R-5)’ in Zoning By-law 85-1. The property also falls within Appendix H – Residential Intensification in Established Neighborhoods Study (RIENS) Area in Zoning By-law 85-1

The purpose of this minor variance application is to recognize the existing minimum side yard setback to facilitate the conversion of an existing basement into an Additional Dwelling Unit (Attached) and to legalize an undersized unobstructed walkway required for an existing Additional Dwelling Unit (Detached) and for the proposed Additional Dwelling Unit (Attached).

A previously minor variance application, A2022-074, was approved on July 19, 2022, which permitted a reduced minimum side yard setback of 0.4 metres instead of 1.2 metres to facilitate the construction of the Additional Dwelling Unit (Detached) in the rear yard. This previous minor variance was limited to the proposed development at the time of the application which means the owner must receive approval again for the reduced minimum side yard setback before adding another Additional Dwelling Unit (Attached).

During a site visit for this minor variance application, staff discovered a chimney and utility meter on the left side of the main house which projected 0.18 metres into the 1.1 metre wide unobstructed walkway required for the existing Additional Dwelling Unit (Detached) and proposed basement Additional Dwelling Unit (Attached). As such, the property is not currently zoning compliant. These partial walkway obstructions were not identified on the previous minor variance application, site plan application, or building permit. This zoning deficiency was not identified until this point as final inspections for building permits do not involve exterior landscaping. The applicant was informed of this zoning deficiency and promptly amended the current minor variance application to address the issue. It was also identified that part of the poured concrete for the existing unobstructed walkway encroached approximately 0.06 metres into the abutting property. This encroachment is not included in this minor variance application and instead is a civil issue between property owners.

If the minor variance is not approved for the walkway, then modifications will be necessary to the chimney and utility meter, or obtaining an easement for the walkway, in order to meet the minimum 1.1 metres.

During the site visit, staff also noticed that the existing driveway exceeded the maximum permitted width and encroached into the required side yard setback. The applicant was made aware of this issue and has agreed to convert part of the driveway of both sides to a walkway to comply with zoning regulations. A condition of approval has been requested to ensure the necessary driveway modifications are implemented.



Figure 4: 240 Chapel Street (Edge of Driveway on Both Sides Proposed as Walkway)



Figure 5: Walkway Leading to Existing and Proposed Additional Dwelling Unit



Figure 6: Existing Rear Yard with Additional Dwelling Unit (Detached) and Walkway



Figure 7: Proposed Entrance to Dwelling Unit and Bike Parking

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The subject property is designated 'Low Rise Conservation A' on Map 20 – Central Frederick Neighbourhood Plan for Land Use in the Official Plan. The intent of this designation is to preserve the scale, use, and intensity of existing development in portions of the community where the vast majority of land use is single detached dwellings. The proposed conversion of the basement into another Additional Dwelling Unit (Attached) does not require exterior alterations except for a new door in the rear yard. As such, staff are satisfied that the proposed variance for a reduced side yard setback to facilitate the construction of the new Additional Dwelling Unit (Attached) maintains the general intent of the Official Plan.

A 1.1 metre wide unobstructed walkway was originally required for the existing Additional Dwelling Unit (Detached) and is now required for the proposed new basement Additional Dwelling Unit (Attached). Official Plan policy 4.C.1.24 lists criteria that will be considered as the basis for permitting an Additional Dwelling Unit (Detached) and clearly includes the requirement that site layout considers pedestrian and vehicular access. Suitable vehicle access has been achieved through the proposed driveway while suitable pedestrian access has been achieved through the existing walkway. The walkway is slightly narrower than the zoning requirement at one point directly beside the chimney and utility meter, but the rest of the walkway is sufficient in width and this pinch point should not negatively impact daily pedestrian access. As such, staff are satisfied that the variance for a reduced unobstructed walkway width maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the minimum side yard setback is to ensure sufficient space for drainage and pedestrian access along the side of the house and to help ensure a consistent streetscape. To this regard, the reduced side yard setback is an existing situation which has not appeared to negatively impacted drainage or pedestrian access. This existing situation has also been part of the streetscape character for several decades. As such, staff are satisfied that the variance for reduced minimum side yard setback maintains the general intent of the Zoning By-law.

The general intent of the 1.1 metre wide unobstructed walkway comes from the Emergency Services Policy which requires a suitable emergency access route from a street to the principal entrance of an Additional Dwelling Unit (Attached) where the door does not face a street and all Additional Dwelling Units (Detached). The Emergency Services Policy originally requires a 1.2 metre wide walkway, but through further discussions with Emergency Services, it was decided to slightly lower the minimum width to 1.1 metres in the Zoning By-law to make it easier to add Additional Dwelling Units to properties with existing dwellings without compromising staff's ability to respond to an emergency. However, Emergency Services made it abundantly clear that they generally

do not support further deviations from the Emergency Services Policy to allow walkways below 1.1 metres in width as this can create problems responding to emergencies. For this particular case on 240 Chapel Street, Emergency Services has concerns with the pinch point directly beside the chimney and utility meter since it may be difficult to maneuver a stretcher, fire fighting equipment, or other emergency services around the chimney and utility meter without crossing onto the neighbouring property, which could be blocked by a fence or structure should the neighbour ever decided to construct something on this part of their property. Given these concerns with emergency access, staff are not satisfied that the variance for reduced walkway width maintains the general intent of the Zoning By-law.

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

The proposed variance for a reduced minimum side yard setback is required for an existing Single Detached Dwelling to facilitate the conversion of a basement into another Additional Dwelling Unit (Attached). Staff are satisfied that the proposed variance is minor in nature given that this is an existing situation and the increase in residential units should not negatively impact the subject property, abutting property, or neighbourhood.

The proposed reduction in walkway width is also considered minor in nature given the proposed width does not significantly deviate from the Zoning By-law and the reduced width is only required for one pinch point directly beside the chimney and utility meter.

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

The proposed variance for reduced minimum side yard setback and minimum width for an obstructed walkway are considered desirable for the appropriate development of the land. The variances are required for existing and proposed Additional Dwelling Units which are encouraged for this area of the City. The variances also do not negatively impact the use of the land, abutting properties, or neighbourhood.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

No concerns.

The side yard currently accommodates overland stormwater flows from the rear yard. A sidewalk is required to the rear yard in accordance with the Zoning By-law. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Parks/Operations Division Comments:

There is an existing City-owned street tree within the boulevard and this tree should be protected in place to City standards throughout all construction. Tree protection fencing should be provided on all four sides of the tree as shown in green - please see fencing requirements at

https://www.kitchener.ca/en/resourcesGeneral/Documents/INS_OPS_Treemanagementpolicy.pdf



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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *City of Kitchener Emergency Service Policy*



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December 20, 2024

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

File No.: D20-20/
VAR KIT GEN

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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,

Katrina Fluit
Transportation Planner

Document Number: 4853640
28935

(226) 753-4808

CC:

Connie Owen, City of Kitchener

CofA@Kitchener.ca



January 3, 2025

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 – January 21, 2025

Applications for Minor Variance

A 2025-001 535 Manitou Drive
A 2025-002 72 Strange Street
A 2025-003 126 Highland Road West
A 2025-004 240 Chapel Street

Application for Consent

B 2025-001 284 Duke Street East

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Cc: [Farah Faroque](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting
Date: Friday, December 27, 2024 9:53:49 AM
Attachments: [image001.png](#)

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Upon review, Metrolinx notes that none of these properties are subject to our review zones. Therefore, Metrolinx expresses no comments or concerns for this agenda.

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Jenna Auger (She/Her)

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Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Evan Wittmann, Senior Planner, 519-783-8523

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: January 8, 2025

REPORT NO.: DSD-2025-019

SUBJECT: Consent Application B2025-001 – 284 Duke Street East

RECOMMENDATION:

That Consent Application B2025-001 requesting consent to sever a parcel of land having a lot width of 12.7 metres, a lot depth of 12.1 metres and a lot area of 155.2 square metres to convey as a lot addition to 44 Betzner Avenue North, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
5. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

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

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

- 6. That the Owner obtains a Demolition Permit, for the existing metal-clad garage proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing metal-clad garage prior to deed endorsement.**
- 7. That the Owner submit the consent review fee of \$350 to the Regional Municipality of Waterloo.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations with respect to the consent application for 284 Duke Street East and 44 Betzner Avenue North.
- Staff recommend that the application be approved.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north side of Duke Street East, a short distance from the intersection of Duke Street East and Betzner Avenue North. 44 Betzner Avenue North is located on the west side of Betzner Avenue, a shorty distance north of the intersection with Duke Street East. The two properties share a property line (the rear yard of the Betzner Avenue North and side yard of the Duke Street East property).

The surrounding area is generally low-rise residential, with mixed non-residential uses along the nearby King Street East and Charles Street East corridors and westerly towards Downtown Kitchener.



Figure 1 - The subject properties (284 Duke Street East in red, 44 Betzner Avenue North in green) and surrounding property boundaries.



Figure 2 - Photo of 284 Duke Street East



Figure 3 - Metal-clad garage at rear of property



Figure 4 - Photo of 44 Betzner Avenue North

The properties are identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's 2014 Official Plan.

Both properties are zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1. Both properties are also zoned 'SGA-1' in Zoning By-law 2019-051 (Amending By-law 2014-065 currently under appeal and not in effect).

The purpose of the application is to sever the rear portion of 284 Duke Street East and add this area to the rear of 44 Betzner Avenue North. The severed area is roughly 155 square metres in area. The lands to be severed currently contains a metal-clad garage, which is proposed to be removed. Both 284 Duke Street East and 44 Betzner Avenue North contain a single detached dwelling, both of which will remain.

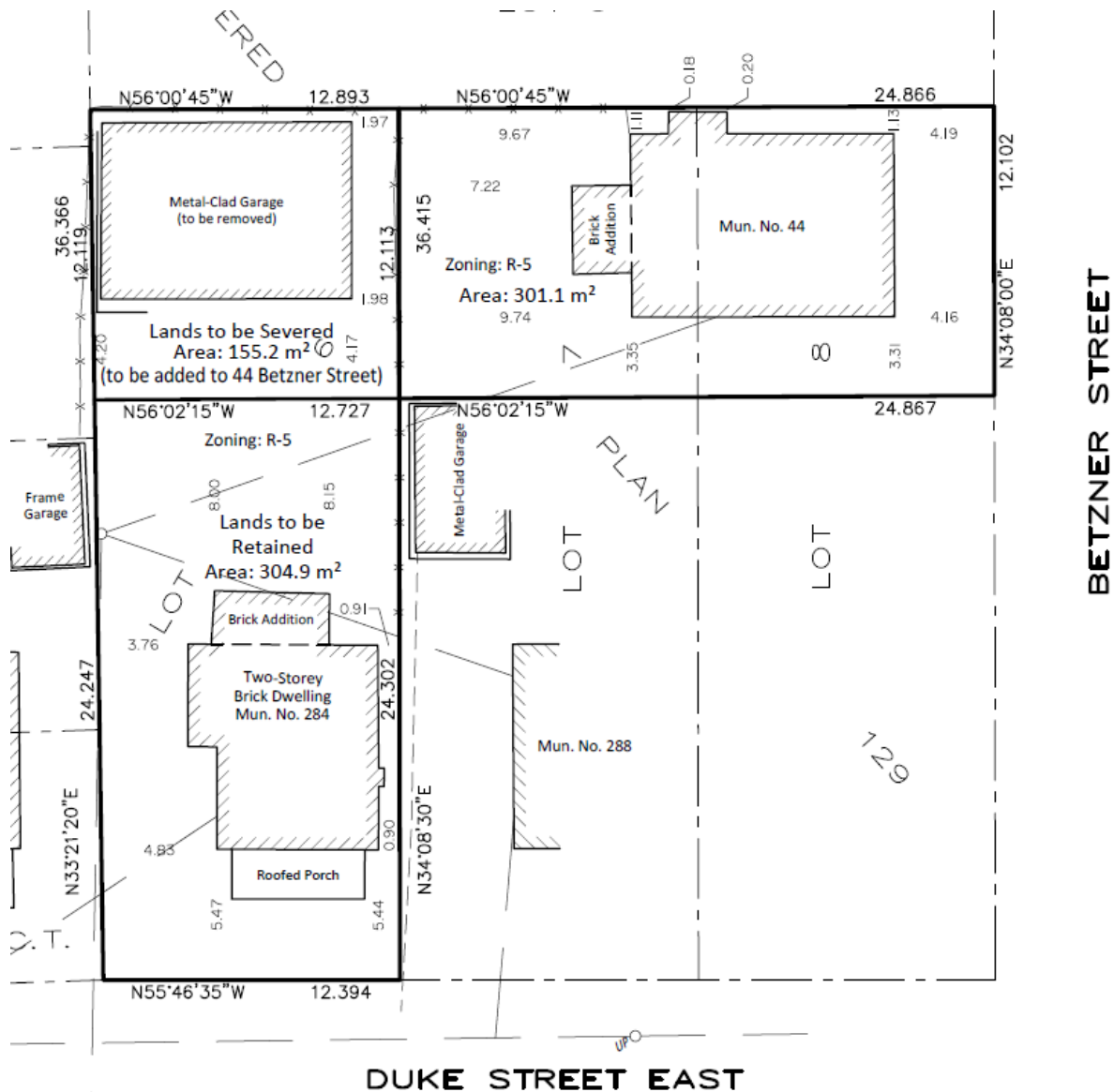


Figure 5 - Sketch of the proposed consent

REPORT:

Planning Comments:

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

Provincial Planning Statement (PPS 2024)

Staff are satisfied that the proposed severance applications are consistent with the Provincial Planning Statement in general and as it relates to housing policies in Chapter 2 regarding intensification and facilitating housing options. While no development is proposed through this application, the new parcel arrangement does not preclude infill development from occurring in the future, should Additional Dwelling Unit(s) wish to be pursued. Thus, Section 2.2 1 (b) of the PPS 2024, which states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, can remain achievable.

Regional Official Plan (ROP):

ROP Urban Area policies state that the focus of the Region's future growth shall be within the Urban Area. The subject lands fall within the 'Urban Area' and are designated 'Built-Up Area' in the ROP. While no development is proposed through this application, the new parcel arrangement does not preclude the implementation of ROP policies. Further implementing the PPS 2024, 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. The neighbourhood provides for the physical and community infrastructure required for residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services, conforming with Policy 2.D.1 of the ROP. Staff are satisfied that the proposed severance applications adhere to these policies and conform to the ROP.

City's Official Plan (2014)

The subject properties are identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's Official Plan.

Section 3.C.2.17 of the Official Plan Protected Major Transit Station Areas

"3.C.2.17. The planned function of Protected Major Transit Station Areas, in order to support transit and rapid transit, is to:

- a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels;
- b) provide connectivity of various modes of transportation to the transit system;

c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and,

d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented.”

The preamble of Section 15 pertaining to Strategic Growth Area A provides the following:

“The Strategic Growth Area A land use designation is generally intended to accommodate intensification within existing predominantly low-rise residential neighbourhoods, lands further away from Rapid Transit station stops, and/or lands where existing lots are generally too small to support high rise buildings. It is anticipated that the majority of development and/or redevelopment will occur through infill including missing middle housing and compatible non-residential uses.”

The proposed consent application continues the existing function of the subject properties and does not preclude future infill opportunities.

Section 15.D.2.55 of the Official Plan provides additional direction for Strategic Growth Area A lands:

“15.D.2.55. The Strategic Growth Area A land use designation will accommodate a range of low and medium density residential housing types including those permitted in the Low Rise Residential and Medium Rise Residential land use designation.”

The proposed consent application continues the existing low rise residential use of the properties, conforming to the intended function of Strategic Growth Area A lands.

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 consent application conforms to Official Plan policies, and in particular, policy 17.E.20.5.B. The existing lot lines are anomalous to the surrounding area. The rear yard of 284 Duke Street East extends unusually far, creating a shorter than typical property at 44 Betzner Avenue North. Through the proposed consent application, the lot lines will be aligned with the surrounding neighbourhood, demonstrating better conformity to Official Plan policy 17.E.20.5.B than the existing condition.

Zoning By-law 85-1

The subject properties are zoned as ‘R-5’ in Zoning By-law 85-1. The following zone provisions will be impacted by the proposed consent application: Lot Area, Rear Yard, and Lot Coverage. The following table outlines the R-5 requirement for each of these provisions, as well as the conformity of each property as proposed.

Zone Provision	Requirement	284 Duke Street East		44 Betzner Avenue North	
		Provided	Conformity	Provided	Conformity
Minimum Lot Area	235 m ²	304.9 m ²	Y	456.3 m ²	Y
Minimum Rear Yard	7.5 m	8 m	Y	19.9 m	Y
Maximum Lot Coverage	45%	< 45%	Y	< 45%	Y

Both lots, as proposed, will conform to the requirements of the ‘R-5’ zone of Zoning By-law 85-1.

Zoning By-law 2019-051

The subject properties are zoned as ‘SGA-1’ in Zoning By-law 2019-051, introduced as part of the Growing Together East initiative. Growing Together is currently under appeal, and as such the ‘SGA-1’ is yet to be in force and effect. Although not in effect, applications are tested against the new zoning for consistency. The three relevant zone provisions listed above remain the same in the ‘SGA-1’ zone, with Maximum Lot Coverage being increased to 55%. As such, the proposal conforms to the requirements of the ‘SGA-1’ zone of Zoning By-law 2019-051.

Planning Conclusions/Comments:

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the creation of the severed lots are desirable and appropriate.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments.

Building Division Comments:

No comments.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

No comments.

Region of Waterloo Comments:

Any submission requirements may be subject to peer review, at the owner/ Owner/Developer'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.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 85-1 and 2019-051 (As amended by By-law 2024-065)*

ATTACHMENTS:

Attachment A – Consent Sketch



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES

150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali
W. Phone: 226-751-3388
File: D20-20/25 KIT
January 6, 2025

VIA EMAIL

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

Re: Comments on Consent Applications: B2025-001
Committee of Adjustment Hearing January 21, 2025
City of Kitchener

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

File: B2025-001
Address: 284 Duke St E
Description: PLAN 129 LOT 6
Owner: Tim Bolton & Kathleen MacGregor
Agent: Scott Bolton

The owner/applicant proposes consent to add part of lands from 284 Duke St E to 44 Betzner Ave N; being proposed severed lands 55.2sqm area (no frontage); retained lands 304.9sqm with approx. 13m frontage; and benefitting lands 302.1sqm area with 12.18m frontage. Redevelopment is not proposed; existing garage is proposed to be demolished.

In the Regional Official Plan, the subject lands are within the Urban Boundary, designated Built-up Area, and within a Major Transit Station Area (MTSA) – Kitchener Market Station (Map 1, Map 2, Fig 6d). In the City's Official Plan, the lands are designated Strategic Growth Area A (Map 3) and Protected MTSA (Map 4). In the City's Zoning By-law, the lands are zoned R-5 (ZBL 85.1/2019-051) and proposed SGA-1 (Growing Together).

Regional Fees

Regional staff have not received the fee for consent review of \$350 per application. The payment of fee will be required as a condition of consent approval.

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

1. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

General Comments

Any submission requirements may be subject to peer review, at the owner/ Owner/Developer'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,

A handwritten signature in cursive script, appearing to read "Erica".

Erica Ali RPP
Planner, Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo



January 3, 2025

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 – January 21, 2025

Applications for Minor Variance

A 2025-001 535 Manitou Drive
A 2025-002 72 Strange Street
A 2025-003 126 Highland Road West
A 2025-004 240 Chapel Street

Application for Consent

B 2025-001 284 Duke Street East

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Cc: [Farah Faroque](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting
Date: Friday, December 27, 2024 9:53:49 AM
Attachments: [image001.png](#)

Some people who received this message don't often get email from jenna.auger@metrolinx.com. [Learn why this is important](#)

Good morning,

Metrolinx is in receipt of the following committee applications for the Committee of Adjustment meeting scheduled for January 21, 2025.

Upon review, Metrolinx notes that none of these properties are subject to our review zones. Therefore, Metrolinx expresses no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Third Party Projects Review (TPPR)
Development & Real Estate Management
T: (416)-881-0579
10 Bay Street | Toronto | Ontario | M5J 2N8



From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Thursday, December 19, 2024 11:02 AM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review – January 21, 2025 Meeting

EXTERNAL SENDER: Do not click any links or open any attachments unless you trust the sender and know the content is safe.
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Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, January 21, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

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

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, January 6, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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From: [AMIN Pranav](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Kitchener - 284 Duke Street East - B 2025-001
Date: Thursday, January 2, 2025 9:40:52 AM

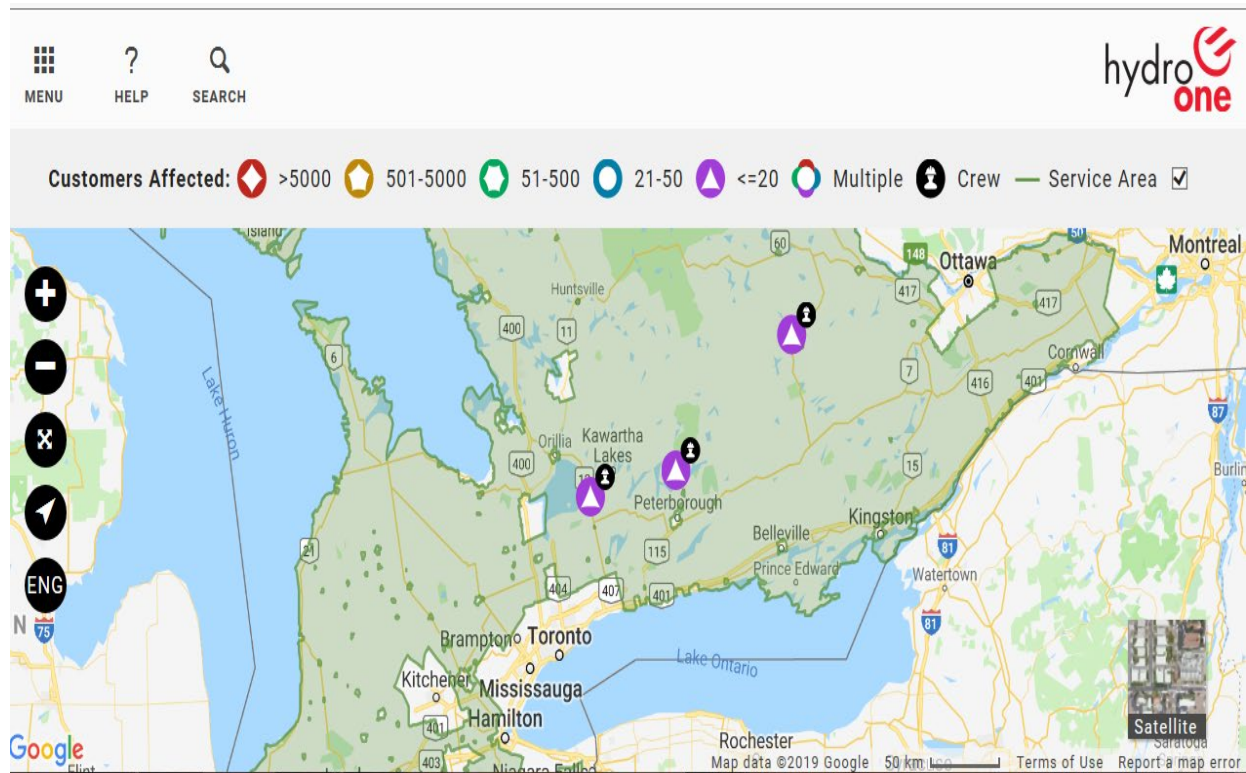
Hello,

We are in receipt of your Application for Consent, B 2025-001 dated 2024-12-19. We have reviewed the documents concerning the noted Plan 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

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 the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

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