



Committee of Adjustment Agenda

Tuesday, March 18, 2025, 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, MARCH 18, 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. MINUTES

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

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

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

5. UNFINISHED BUSINESS

5.1 **A 2024-096 - 165 Fairway Road North, DSD-2025-100**

Requesting minor variances to permit the required parking to be located in the front yard whereas the by-law does not permit parking in the front yard; to permit a parking requirement of 20 parking spaces (0.6 parking spaces per dwelling unit) rather than the required 30 parking spaces (1 parking space per dwelling unit) and 3 visitor parking spaces (0.1 visitor parking spaces per dwelling unit) rather than the required 5 visitor spaces (0.15 visitor parking spaces per dwelling unit); to permit a northerly side yard setback of 0m and a southerly side yard setback of 1.8m rather than the minimum required 3m; to permit a rear yard setback of 0.1m rather than the minimum required 7.5m; to permit a Floor Space Ratio of 0.72 rather than the maximum permitted 0.6; to permit a loading space to be 5m from an abutting residential zone rather than the required 7.5m; and, to not require ground floor level units to have a patio area adjacent to the dwelling unit with direct access to such dwelling unit to facilitate an addition and the redevelopment of the existing building with 30 dwelling units in accordance with Site Plan Application SP24/047/F/AA.

6. **NEW BUSINESS**

6.1 **A 2025-013 - 160 Grand River Boulevard, DSD-2025-090**

56

Requesting a minor variance to permit a building to have a southerly setback of 5.1m from the property line and a westerly setback of 2.3m from the property line rather than the minimum required 7.5m to recognize the location of an existing building proposed to be used for snow/salt and yard maintenance equipment storage in accordance with Conditionally Approved Site Plan Application SP24/039/G/AA.

6.2 **A 2025-014 - 51 Meadowridge Street, DSD-2025-123**

66

Requesting a minor variance to permit a deck greater than 0.6m in height to be setback 2.5m from the rear lot line rather than the minimum required 4m; and, to permit the deck to be located 0.5m from the property line rather than the required 2.5m to facilitate the reconstruction of an existing deck on a townhouse dwelling unit.

6.3 **A 2025-015 - 1180 Union Street, DSD-2025-112, DSD-2025-112**

76

Requesting a minor variance to Zoning By-law 85-1 to permit a parking space to be located in the Corner Visibility Triangle (CVT) whereas the Zoning By-law does not permit parking spaces in the CVT; and, to permit a driveway to be located 7.4m from the intersection of street lines rather than the minimum required 9.0m to facilitate the development of a 1.1m unobstructed walkway to a dwelling unit in the existing building.

6.4 **A 2025-016 - 45-53 Courtland Avenue East, DSD-2025-128**

88

Requesting a minor variance to Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.8 rather than 2.4; to permit a rear yard setback of

18m rather than the required 19m; and, to permit a maximum building height, excluding rooftop mechanical equipment to be 28m rather than the required 21m to facilitate the development of an 8-storey multiple dwelling having 95 dwelling units in accordance with Site Plan Application SP23/034/C/BB.

- | | | |
|------------|---|------------|
| 6.5 | A 2025-017 - 1157 & 1175 Weber Street East, DSD-2025-114 | 98 |
| | Requesting minor variances to permit a minimum street line setback for mid-rise and tall buildings to be 1.8m rather than the minimum required 3m; to permit a minimum amount of non-residential gross floor area on the ground floor to be 290sq.m. rather than the required 376sq.m.; to permit a minimum ground floor street line façade width to be 35% percent of the lot width abutting Franklin Street South Street rather than the required 50%; and, to permit a minimum percent street line façade opening of 25% along Weber Street rather than the required 50% to facilitate the development of an 11-storey mixed-use building having 233 dwelling units in accordance with Site Plan Application SP/24/095/W/EW. | |
| 6.6 | A 2025-018 - 60 Wellington Street North, DSD-2025-099 | 110 |
| | Requesting minor variances to Zoning By-law 85-1 to permit an accessory structure to be located in the Driveway Visibility Triangle (DVT) whereas the Zoning By-law does not permit any obstructions in the DVT. Minor variances to Zoning By-law 85-1 and 2019-051 are also being requested to permit an accessory structure to have a lot coverage of 17.4% rather than the maximum permitted 15% to facilitate the construction of a new accessory building in the rear yard of the subject property. | |
| 6.7 | A 2025-019 - 114 Madison Avenue South, DSD-2025-129 | 123 |
| | Requesting minor variances to Zoning By-law 85-1 to permit a visitor parking rate of 10% (1 Visitor parking space) rather than the required visitor parking rate of 20% (2 Visitor parking spaces); and, to permit a side yard setback of 1.5m rather than the minimum required 2.5m; and, a Floor Space Ratio (FSR) of 1.58 rather than the maximum permitted 0.6 to facilitate the development of a multiple residential building having 10 dwelling units. | |
| 6.8 | A 2025-020 - 15 Palace Street, DSD-2025-093 | 134 |
| | Requesting minor variances to permit a Bicycle Parking Stall to have a width of 0.45m rather than the minimum required 0.6m; and, to permit a bicycle parking overhead clearance of 1.2m rather than minimum required 2.1m to facilitate the development of a bike storage area within an 8-storey residential building in accordance with Site Plan Application SP21/038/P/CD. | |
| 6.9 | A 2025-021 - 2880 King Street East, DSD-2025-115 | 144 |
| | Requesting a minor variance to permit a parking requirement of 27 | |

parking spaces rather than the minimum required 35 parking spaces to recognize the parking configuration for the existing commercial retail plaza on the subject property in accordance with Site Plan Application SPB24/097/K/AS.

- 6.10 A 2025-022 - 25 Haldimand Street, DSD-2025-077** 154
- Requesting minor variances to Zoning By-law 85-1 to permit 52 parking spaces rather than the required 53 parking spaces; to permit 6 Visitor parking spaces rather than the required 8 parking spaces; to permit parking spaces to be located between the façade and front lot line; and, to permit a Floor Space Ratio (FSR) of 0.55 rather than the minimum required 0.6. Minor variances to Zoning By-law 2029-051 are also being requested to permit parking in the front and exterior side yard whereas the Zoning By-law does not permit parking in these yards; to permit 32 Class A Bicycle parking spaces rather than the minimum required 36; to permit 61 parking spaces rather than the minimum required 72; to permit 6 Visitor parking spaces rather than the required 11; to permit 0 Electric Vehicle ready parking spaces rather than the required 17; to permit a multiple dwelling to have a FSR of 1.0 rather than the maximum permitted 0.75; and, to permit a maximum Building Height of 12m rather than the maximum permitted 11.5m to facilitate the development of a multiple residential development having 102 dwelling units in accordance with Site Plan Application SP/24/094/F/EW.
- 6.11 A 2025-023 - 140 Byron Avenue, DSD-2025-113** 170
- Requesting a minor variance to permit an Additional Dwelling Unit (Detached) to have a building footprint of 94 sq.m. rather than the maximum permitted 80 sq.m. to facilitate the addition of an Additional Dwelling Unit (Detached) to an existing Additional Dwelling Unit (Detached) in the rear yard for a total of 4 dwelling units on the subject property.
- 6.12 A 2025-024 - 507 Stirling Avenue South, DSD-2025-116** 181
- Requesting minor variances to permit an accessory structure to have a building height to the underside of the fascia of 4m rather than the maximum permitted 3m having a lot coverage of 18% rather than the maximum permitted 15%; and, to permit a required unobstructed walkway of 1.1m to share a driveway whereas the by-law does not permit this, to facilitate the construction of a new accessory building and Additional Dwelling Unit (ADU)(Detached) in the rear yard of the subject property.
- 6.13 A 2025-025 - 93-95 Kinzie Avenue, DSD-2025-130** 199
- Requesting minor variances to permit 2 parking spaces for a Semi-Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) rather than the required 3 parking spaces; to permit a front yard setback

of 4.6m rather than the required 7.8m based on the established front yard setbacks of adjacent dwellings; and, to permit a rear yard setback of 3m rather than 7.5m to facilitate the construction of a new Semi-Detached Dwelling with 2 Additional Dwelling Units (ADU)(Attached).

- 6.14 A 2025-026 - 250 Frederick Street, DSD-2025-126** 215
Requesting minor variances to Zoning By-law 85-1 to permit a parking requirement of 117 parking spaces rather than the minimum required 140 parking spaces; and 8 visitor parking spaces rather than the required 28 spaces to facilitate the development of an additional 4 dwelling units to an existing multiple dwelling having 108 units in accordance with Site Plan Application SP24/032/F/SRM.
- 6.15 B 2025-006 - 142 Carson Drive, DSD-2025-124** 228
Requesting consent to sever a parcel of land having a width of 18m, a depth of 49m and an area of 859 sq.m. and is proposed for a new detached dwelling. The retained land will have a width of 22m on Carson Drive, a depth of 46m and an area of 1,088sq.m. and will contain an existing detached dwelling.
- 6.16 B 2025-007, B 2025-008 & A 2025-027 - 11A, 11B & 13 Chicopee Park Court, DSD-2025-125** 246
Requesting consent to sever a parcel of land having a width of 1.6m, a depth of 35.6m and an area of 61.8 sq.m. from 13 Chicopee Park Court (Part 3, 58R-20258) to convey as a lot addition to 11B Chicopee Park Court (Part 2, 58R-20258). The retained land, 13 Chicopee Park Court will have a width of 8.0m, a depth of 35.5m and an area of 281sq.m. and is proposed to be developed with a Single Detached Dwelling with 2 Additional Dwelling Units (ADU)(Attached). Consent is also requested to sever a parcel of land having a width of 0.8m on Chicopee Park Court, a depth of 35.8m and an area of 31 sq.m. from 11B Chicopee Park Court (Part 2, 58R-20258) to convey as a lot addition to 11A Chicopee Park Court (Part 1, 58R-20258) to facilitate the development of Semi-Detached Dwelling with 3 Additional Dwelling Units (ADU)(Attached). The retained land, 11B Chicopee Park Court, will have a lot width of 10.5m, a lot depth of 35.6m and an area of 313sq.m. and is also proposed to be developed with a Semi-Detached Dwelling with 3 Additional Dwelling Units (ADU)(Attached). Minor variances are also being requested to permit the retained land, 13 Chicopee Park Court to have a lot width of 8m rather than the required 10.5m; to permit 2 parking spaces rather than the required 3 parking spaces; and, to permit a rear yard setback of 7.2m rather than the required 7.5m to facilitate the construction of a Single Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) (Triplex).

7. ADJOURNMENT

8. PLANNING ACT INFORMATION

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

The Notice of Hearing for this meeting was published in the Record on the 28th day of February, 2025.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: February 26, 2025

REPORT NO.: DSD-2025-100

SUBJECT: Minor Variance Application A2024-096 –
165 Fairway Road North

RECOMMENDATION:

That Minor Variance Application A2024-096 for 165 Fairway Road North requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.3.3 b) i) to permit the required parking to be located in the front yard, whereas the by-law does not permit parking in the front yard;
- ii) Section 5.6 a) to permit a parking requirement of 0.6 parking spaces per dwelling unit (20 parking spaces) instead of the minimum required 1 parking space per dwelling unit (30 parking spaces) and 0.1 visitor parking spaces per dwelling unit (3 parking spaces) instead of the minimum required 0.15 visitor parking spaces per dwelling unit (5 parking spaces);
- iii) Section 7.3, Table 7-6, to permit a northerly interior side yard setback of 0 metres and a southerly interior side yard setback of 1.8 metres instead of the minimum required 3 metres;
- iv) Section 7.3, Table 7-6, to permit a rear yard setback of 0.1 metres instead of the minimum required 7.5 metres;
- v) Section 7.3, Table 7-6, to permit a Floor Space Ratio of 0.72 instead of the maximum permitted 0.6;
- vi) Section 7.3, Table 7-6, to 11 dwelling units in the ground floor level units do not have a patio area adjacent to the dwelling unit with direct access to such dwelling unit; and
- vii) Section 5.10 b), to permit loading space to be 5.0 metres from the abutting residential zone instead of the minimum required 7.5 metres;

to facilitate the conversion of an existing industrial building with a front yard addition to a multiple dwelling with 30 dwelling units, generally, in accordance with Site Plan Application SP24/047/F/AA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the conversion of an existing industrial building with a front addition to a multiple dwelling with 30 dwelling units. The application was previously considered at the November 19th, 2024, Committee Meeting and deferred to allow the applicant to work with staff on finalizing the Conditional Site Plan Approval SP24/047/F/AA.
- The key finding of this report is that 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 Centreville Chicopee neighbourhood north of King Street East on Fairway Road North.



Figure 1: Location Map

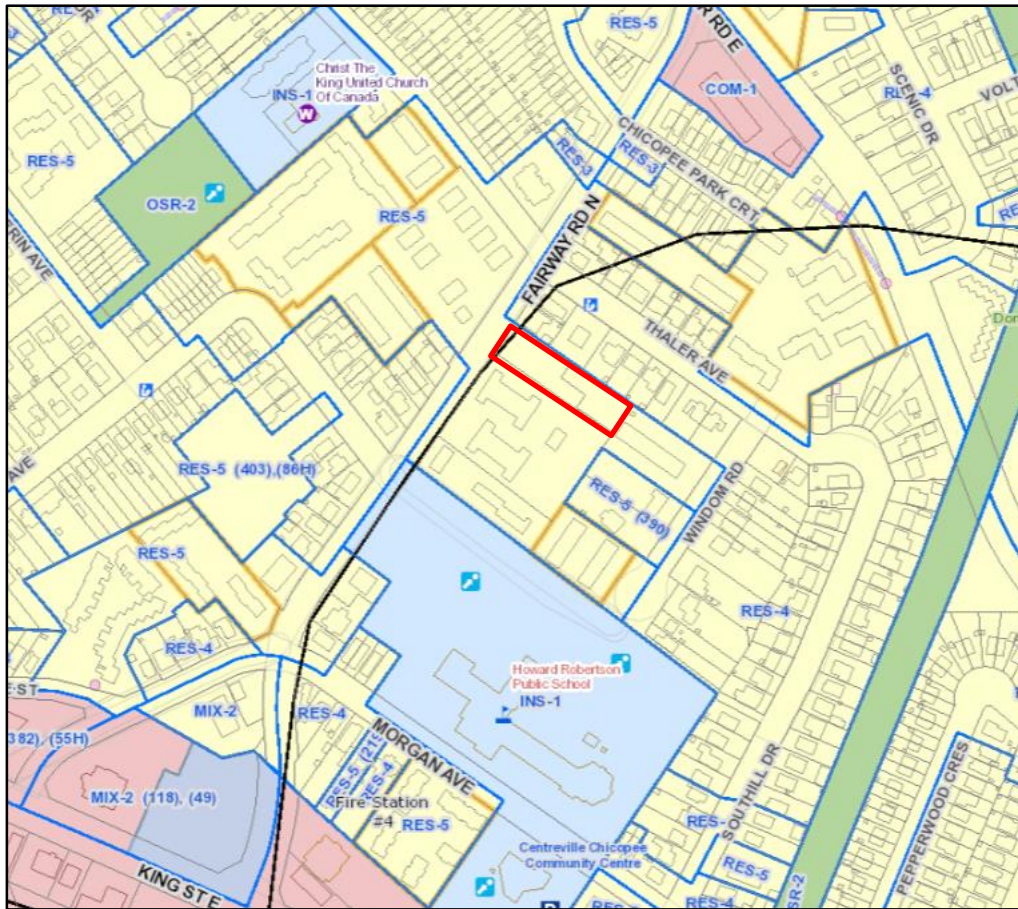


Figure 2: Zoning Map

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

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

The purpose of this application is to facilitate the conversion of an existing industrial building, with a front addition, into a multiple dwelling with 30 residential units.

The building was initially constructed as a single detached dwelling, with an industrial addition added later. In 2019, a Site Plan Application (SP19/018/F/TS) was submitted to convert the building into a multiple dwelling with a total of 7 units, which received 'Conditional Approval'. As part of this process, a Minor Variance Application was required to recognize the existing setbacks and allow parking spaces at the front of the building. Although the minor variances were approved, the Site Plan Application did not proceed further.

In 2024, the site was purchased by a new owner who applied for a site plan application to convert the building into a 33-unit multiple dwelling. It received 'Redlined Conditional Approval', with comments highlighting the need to enhance site functionality and provide more livable units by increasing amenity areas that align with the Urban Design Guidelines. This approval was issued to meet the municipality's 60-day timeline for either redlined conditional approval or conditional approval. However, staff continued working

with the applicant to address significant concerns related to site overdevelopment, including insufficient indoor and outdoor amenity space, reduced parking, and setback limitations. Following the redlined conditional approval, a minor variance application was submitted but, due to these ongoing concerns, staff recommended Deferral of the application on November 19, 2024, and the Committee of Adjustment agreed

Following the ongoing communication with the applicant, the applicant revised the proposal to mitigate overdevelopment issues by reducing the front addition's massing, increasing amenity space, and relocating Class A bicycle parking inside the units to create more landscaped open space beside the front parking lot. The revised proposal now includes 30 units and larger private patios for some ground-floor units, which has generally improved the site's functionality.

The requested variances are:

- to permit a parking reduction to 23 parking spaces instead of the minimum required 35 parking spaces and for the parking spaces to be located in the front yard;
- to permit reduced side yard and rear yard setbacks;
- an increased Floor Space Ratio; and
- to allow some of the ground floor dwelling units not to have a private patio, and
- to allow the loading space to be closer to the abutting lot than required.

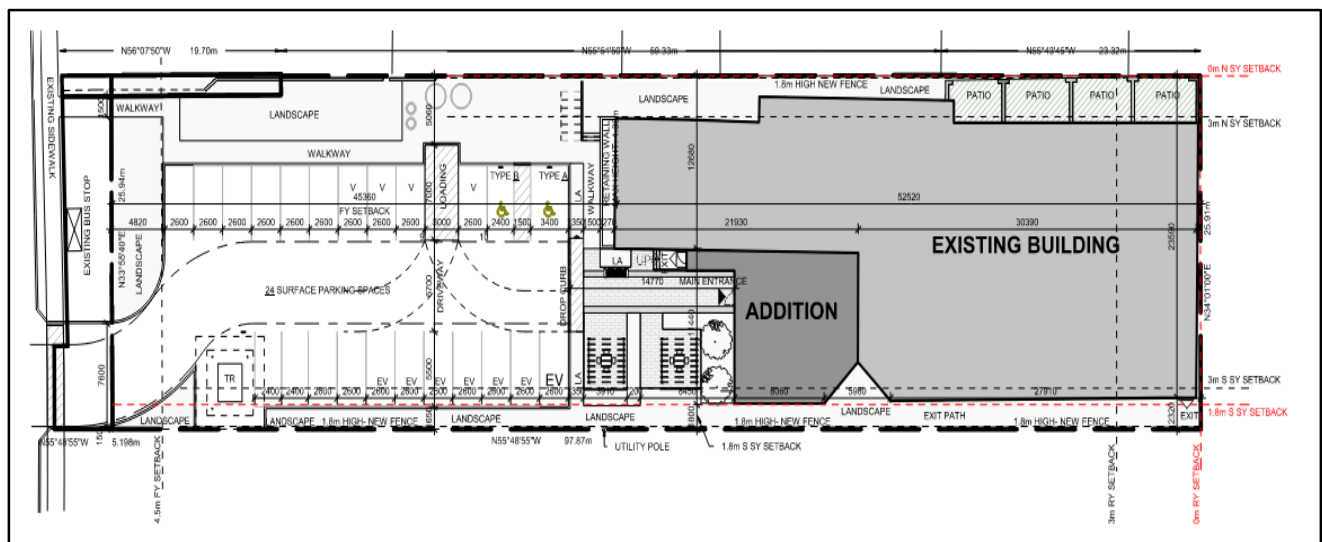


Figure 3: Updated Site Plan

Staff have visited the site on Friday, November 1st, 2024.



Figure 4: Front of the Existing Building



Figure 5: An image Showing Existing Side yard Setback



Figure 6: An Image Showing Existing View of The Proposed Parking Lot



Figure 7: An Image Showing the Subject Property from Fairway Road North

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, which contains a number of policies related to density in low-rise residential areas. The Low Rise Residential land use designation accommodates a full range of low-density housing types, including single detached dwellings, duplex dwellings, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings and special needs housing.

Setbacks: The existing setbacks reflect a longstanding condition that has functioned without issues over an extended period. The proposed conversion of the building from industrial to residential use enhances compatibility with the surrounding area's residential nature. It aligns with the Official Plan's intent to support residential uses within this designation.

Parking: Policy 13.C.8.6 states that the City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided. Transportation staff have reviewed the parking study, which recommends that the site has comprehensive TDM measures. Transportation staff have no concerns with this reduction.

Loading space Location: The loading space is situated closer to the abutting residential lot than required; however, it will be adequately buffered by the mandated visual barrier and landscaping, minimizing potential impacts on adjacent properties.

Floor Space Ratio: Policy 15.D.3.11 applies a maximum Floor Space Ratio (FSR) of 0.6. However, site-specific increases up to a maximum FSR of 0.75 may be considered, where it can be demonstrated that the increase in the FSR is compatible. The revised proposal now includes 30 dwelling units with a reduced front addition footprint, allowing for increased amenity space and landscaping. This revision results in a lower overall density, aligning more closely with the intent of the Official Plan by enhancing site functionality and compatibility with the surrounding area.

Private patio: Policy 15.D.3.3 states the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on adequate and appropriate amenity areas, and landscaped areas will be provided on-site. The revised proposal includes private patios for four ground-floor units and increased landscaped and amenity areas. These enhancements better align with the intent of the Urban Design Policies, improving site livability and overall design quality.

Considering the above, staff are of the opinion that the variances meet the general intent of the Official Plan

General Intent of the Zoning By-law

Setbacks: the intention of the setback requirement in the zoning by-law is to ensure that the property has space for walkway, amenities, circulation, parking, pathways and separation from the street and abutting lots. The requests for legalizing, the side yards and rear yard all recognize an existing situation. The building was used at one point as a tool

and die shop; however, its use has ended. The building has existed for several years with no negative impact on the surrounding neighbourhood, and the applicant has advised that the building will continue to exist as is.

Parking location: The requested minor variance to permit the required parking to be located between the front façade and the front lot line recognizes an existing situation. The zoning requirement to not allow parking between the front façade and the lot line, is to ensure that a parking lot doesn't dominate the front street and to provide an adequate buffer from the street. The proposed parking lot is setback approximately 4.8 metres from the front lot line with an additional road widening area, providing a sufficient buffer from the street. Besides, landscaping opportunities can help mitigate the visual impact on the streetscape, maintaining a balance between functionality and urban design goals. Given that this layout reflects the existing conditions, the minor variance supports a reasonable use of the property without compromising the intent of the zoning bylaw to limit front yard parking.

Parking reduction: The intent of the requirement for 1 parking space per dwelling unit and 0.15 visitor spaces per dwelling unit is to ensure adequate parking for residents and visitors. The proposal seeks a reduction to 0.6 parking spaces per dwelling unit (20 spaces total) and 0.09 visitor spaces per dwelling unit (3 spaces total). A parking study was submitted to support this reduction and was reviewed by Transportation Services staff, who have no concerns regarding the proposed rate. Additionally, the property is well-served by active transportation options nearby, and sufficient bicycle parking is available to encourage alternative transportation methods. Staff are of the opinion that the proposed parking rate adequately meets the needs of the future residents and aligns with the intent of the zoning by-law.

Loading space Location: The Zoning By-law requires a minimum 7.5 metre setback between a loading space and abutting residential properties to provide an adequate buffer. This setback is intended to mitigate noise impacts, enhance safety, and maintain the character of the surrounding neighbourhood. The proposed loading space is located 5.0 metres from the abutting residential lot, and the property will have a visual barrier on the common lot line, providing additional separation. The space will primarily be used for Molok waste collection, which typically occurs once or twice a week, and for occasional moving trucks, which are infrequent in residential areas. Given the limited use of the loading space, potential impacts on adjacent properties will be minimal.

Private Patio: The intent of the required private patio is to ensure that each unit has enough private amenity space to enhance residents' quality of life. Common amenity space is also essential as it promotes well-being, fosters community, and allows residents to enjoy outdoor environments. The revised proposal better aligns with this intent by incorporating private patios for four ground-floor units and increasing access to dedicated outdoor spaces. Additionally, the site provides more common amenity areas and additional landscaped green space, enhancing overall livability.

Floor Space Ratio: The 0.6 Floor Space Ratio (FSR) is a regulation in the Zoning By-law intended to ensure that development is compatible in scale and form with other low-rise housing types in adjacent properties. The revised proposal reduces the front addition footprint and decreases the overall number of units, resulting in a more balanced built

form. These changes help mitigate potential impacts on neighboring properties while ensuring the development remains in keeping with the surrounding residential context.

Based on the above, staff is of the opinion that the variances meet the general intent of the Zoning By-law.

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

The requested variances' effects are considered minor as they do not significantly negatively impact adjacent properties, the surrounding neighbourhood, or the overall function of the site. Appropriate mitigation measures, such as enhanced landscaping, buffering, and design modifications, have been incorporated to minimize potential impacts. Given these considerations, the variances represent a reasonable adjustment that supports the efficient use of land, with some minor variances.

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

The requested variances are desirable for the appropriate development and use of the land, building, and/or structure as they allow for a functional and efficient design of the existing structure while maintaining compatibility with the surrounding context. The proposed modifications support the efficient use of land as a multiple dwelling building that will provide new dwelling units and support the City's Housing Pledge.

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 provided building permit for the change of use of the existing industrial building into a residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

Park planning concerns including required park dedication as cash in lieu of land will be addressed through SP24/047/F/AA.

Transportation Planning Comments:

Transportation Services has no concerns with this application.

The Region of Waterloo Comments:

No concerns.

Enova comments:

The builders/developers will need to maintain the minimum clearances as outlined in Enova's 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*
- *DSD-19-217*
- *DSD-2024-473*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



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

October 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 November 19, 2024, City of Kitchener

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


- 1) A 2024 - 090 – 386 Wake Robin Crescent – No concerns
- 2) A 2024 - 091 – 32 Burgetz Avenue – No concerns
- 3) A 2024 - 092 – 34 Burgetz Avenue – No concerns
- 4) A 2024 - 093 – 36 Burgetz Avenue – No concerns
- 5) A 2024 - 094 – 38 Burgetz Avenue – No concerns
- 6) A 2024 - 095 – 29 The Crestway – No concerns
- 7) A 2024 - 096 – 165 Fairway Road North – No concerns
- 8) A 2024 - 097 – 593 Ephraim Street – No concerns
- 9) A 2024 - 098 – 153 Eighth Avenue – No concerns
- 10) A 2024 - 099 – 165 Courtland Avenue East – No concerns
- 11) A 2024 - 100-103 – 100-106 St. George Street – No concerns
- 12) A 2024 - 104 – 70 Rutherford Drive – No concerns
- 13) A 2024 - 105 – 74 Rutherford Drive – No concerns
- 14) A 2024 - 106 – 73 Fourth Avenue – No concerns

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

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

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

Yours Truly,

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



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

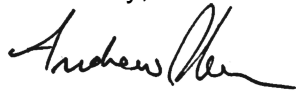
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority



November 4, 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 – November 19, 2024

Applications for Minor Variance

A 2024-090	386 Wake Robin Crescent	A 2024-098	153 Eighth Avenue
A 2024-091	32 Burgetz Avenue	A 2024-100	100-106 St. George Street
A 2024-092	34 Burgetz Avenue	A 2024-101	100-106 St. George Street
A 2024-093	36 Burgetz Avenue	A 2024-102	100-106 St. George Street
A 2024-094	38 Burgetz Avenue	A 2024-103	100-106 St. George Street
A 2024-095	29 The Crestway	A 2024-104	70 Rutherford Drive
A 2024-096	165 Fairway Road North	A 2024-105	74 Rutherford Drive
A 2024-097	593 Ephraim Street	A 2024-106	73 Fourth Avenue

Applications for Consent

B 2024-029	62 Fourth Avenue	B 2024-034 & B 2024-035	70 & 74
B 2024-030	630 Benninger Drive		Rutherford Drive
B 2024-031	829 Stirling Avenue South	B 2024-036	73 Fourth Avenue
B 2024-032 & B 2024-033	75 Otterbein 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 aherrem@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Ricardo Ruiz](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – March 18, 2025 Meeting
Date: Friday, February 28, 2025 11:53:06 AM
Attachments: [11111.pdf](#)

Hi Connie,
Enova's only concern with the recent Committee of Adjustment Applications is for 93-95 Kinzie Ave & 165 Fairway Rd N. The builders/developers will need to maintain the minimum clearances as outlines by Enova's attached drawing.

Thanks,

Ricardo Ruiz (he/him) C.E.T. | Distribution Design Supervisor

Office Number: 226-896-2200 Ext. 6304
Mobile Number: 519-497-6221
ricardo.ruiz@enovapower.com
www.enovapower.com

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: February 21, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review – March 18, 2025 Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, March 18, 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, March 3, 2025.

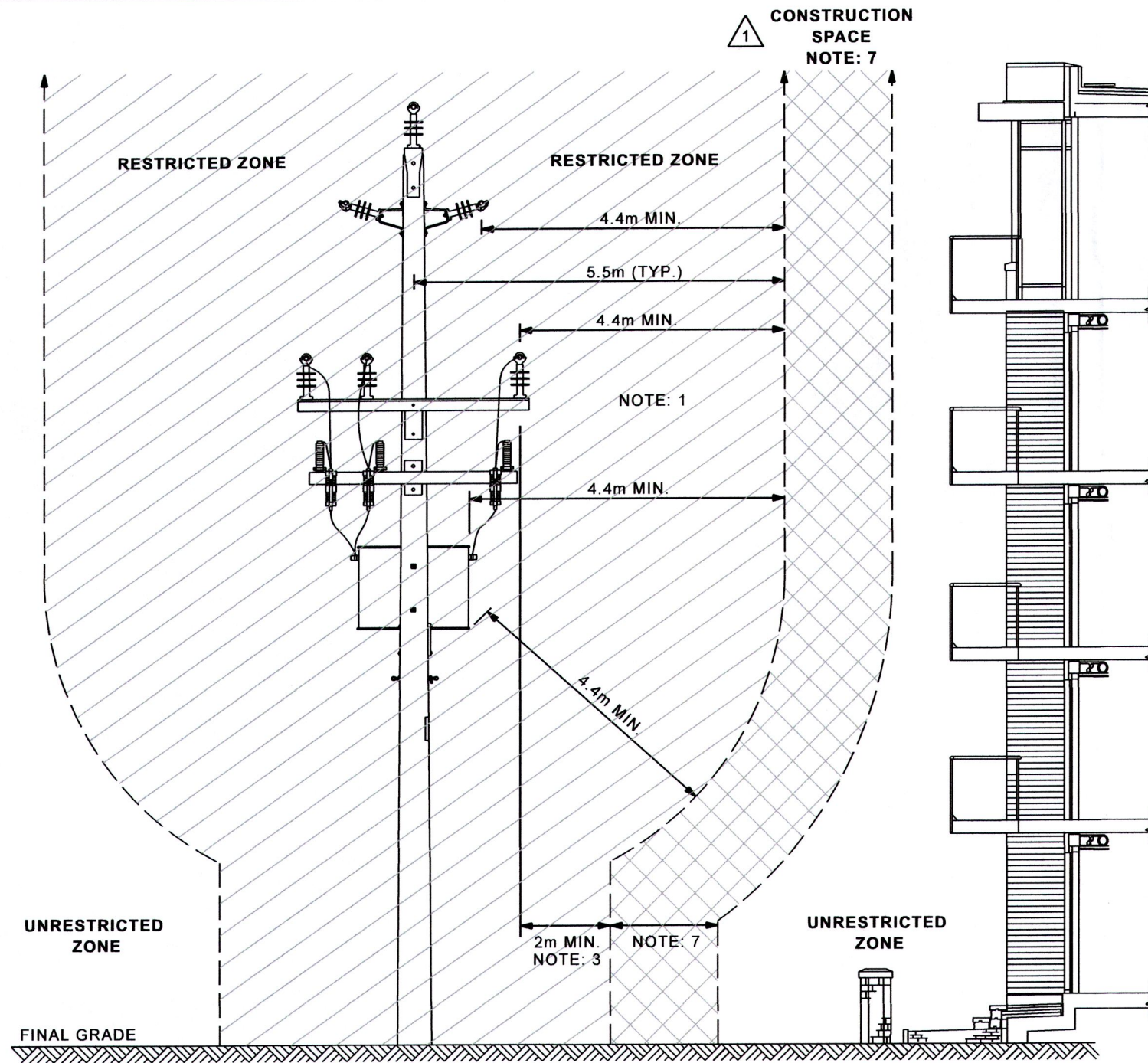
If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen

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

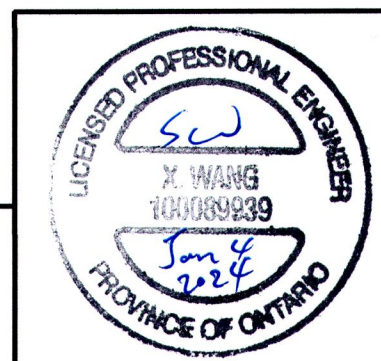


This correspondence is directed in confidence solely to the addressees listed above. It may contain personal or confidential information and may not otherwise be distributed, copied or used by the intended recipient. If you are not the intended recipient, please delete the e-mail and any attachments and notify the sender immediately. Click on the link to read the additional disclaimer: <https://enovapower.com/disclaimer>



- NOTES:**
1. NO PERMANENT BUILDING OR STRUCTURE SHALL BE PLACED WITHIN 4.4 METRES MEASURED RADIALLY FROM ANY PRIMARY VOLTAGE CONDUCTOR OR EQUIPMENT, MEASURED FROM THE CLOSEST PRIMARY CONDUCTOR (AT REST) TO THE CLOSEST POINT OF THE BUILDING OR STRUCTURE.
 2. A MINIMUM HORIZONTAL SEPARATION OF 1.6 METRES FROM THE BUILDING OR STRUCTURE TO THE SECONDARY CONDUCTOR (<750V) SHALL BE MAINTAINED, UNLESS THE SECONDARY CONDUCTORS ARE ATTACHED TO THE BUILDING (EG. A SERVICE CONDUCTOR).
 3. NO PERMANENT BUILDING OR STRUCTURE SHALL BE PLACED OR CONSTRUCTED WITHIN 2 METRES HORIZONTAL SEPARATION FROM THE OUTERMOST OVERHEAD PRIMARY CONDUCTOR (AT REST).
 4. ZERO VOLTAGE SUPPORT WIRES (I.E. SPAN GUYS) MAY CROSS OVER THE CUSTOMER'S STRUCTURE AND SHALL MAINTAIN AT LEAST 2.5 METRES VERTICAL CLEARANCE TO THE CLOSEST PART OVER THE BUILDING STRUCTURE.
 5. CONTACT ENOVA TO DETERMINE SPECIFIC CLEARANCES APPLICABLE TO YOUR PROJECT.
 6. CALCULATED CLEARANCES ARE BASED ON CONDUCTORS AT MAXIMUM SWING POSITION, CSA STD C22.3 NO. 1-15 TABLE 12, AND THE ONTARIO HEALTH AND SAFETY ACT (OHSa).
 7. CONSTRUCTION SPACE IS TO ACCOMMODATE SCAFFOLDING, SKYJACKS, WINDOW CLEANING, ETC. THERE SHALL BE NO ENCROACHMENT INTO THE RESTRICTED ZONE DURING CONSTRUCTION OR BUILDING MAINTENANCE. ENOVA WILL NOT PROVIDE COVER UP OR ISOLATION OF ITS ENERGIZED PRIMARY CONDUCTORS THAT LIE ALONG A CONSTRUCTION SITE.

2	CONSTRUCTION SPACE DIMENSIONS REMOVED. NOTE 7 MODIFIED	JULY 7/23 B.M.
1	CONSTRUCTION SPACE ADDED. NOTES REVISED.	JULY 7/23 B.M.
REV No.	DESCRIPTION	DATE & INITIALS



Enova Power Corp.
Certificate of Approval


The installation work covered by this document meets the safety requirements of Section 4 of Ontario Regulation 22/04.

Name of P.Eng.: Shawn Wang

Signature: [Signature]

Date: Jan 4, 2024

REV. 2 APPROVED: <u>[Signature]</u> Jan 10, 2024
REV. 1 SEALED BY X. WANG ON JULY 20/23
REV. 0 SEALED BY X. WANG ON JUNE 23/21
PREVIOUS SEALED REVISIONS



CLEARANCES TO ADJACENT STRUCTURES
8.32KV - 27.6KV

DRAWN	B. BIN	JUL. 21/20	SCALE NONE
DESIGNED	S. WANG	JUNE 18/2021	D11111
CHECKED	S.W.		
APPROVED	G.A. CAMERON	JUNE 24/21	
FILE No.	6061-91-1		

**CITY OF KITCHENER
COMMITTEE OF ADJUSTMENT**



DATE OF DECISION: September 17, 2019
DATE OF MAILING DECISION: September 27, 2019
LAST DAY FOR APPEALS: October 7, 2019
APPLICANT(S): 470088 ONTARIO LIMITED
SUBMISSION NO.: A 2019-102

Enclosed is a copy of the Decision of the Committee of Adjustment for the City of Kitchener in the above-noted matter. There is a 20-day appeal period from the day the decision was made before this decision becomes final and binding. The last day for filing an appeal is noted above. You have a right to appeal this decision to the Local Planning Appeal Tribunal in accordance with Section 45 of the Planning Act.

The applicant will be given written notice whether or not an appeal has been submitted.

If you wish to file an appeal to this decision, you must submit an Appellant Form (A1) prescribed by the Local Planning Appeal Tribunal, giving reasons for your appeal. Copies of Appellant Form (A1) are available at the Office of the City Clerk or on the Board's website: <http://elto.gov.on.ca/>. The Local Planning Appeal Tribunal fee is \$300.00. You must submit this fee, by certified cheque or money order, in Canadian funds, payable to the "Minister of Finance". The Notice of Appeal, together with the Local Planning Appeal Tribunal fee, must be submitted to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 2nd Floor, City Hall, 200 King Street West, P.O. Box 1118, Kitchener ON N2G 4G7.

Yours truly,

Dianna Saunderson
Secretary-Treasurer
Committee of Adjustment

NOTES: The Planning Act provides for appeals to be filed by "persons." Groups or associations, such as residents' or ratepayers' groups that do not have incorporated status, may not be considered "persons" for purposes of the Act, groups wishing to appeal this decision should do so in the name of an individual group member, and not in the name of the group.

Staff Report

Development Services Department



www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2019

SUBMITTED BY: Juliane von Westerholt, Senior Planner - 519-741-2200 ext. 7157

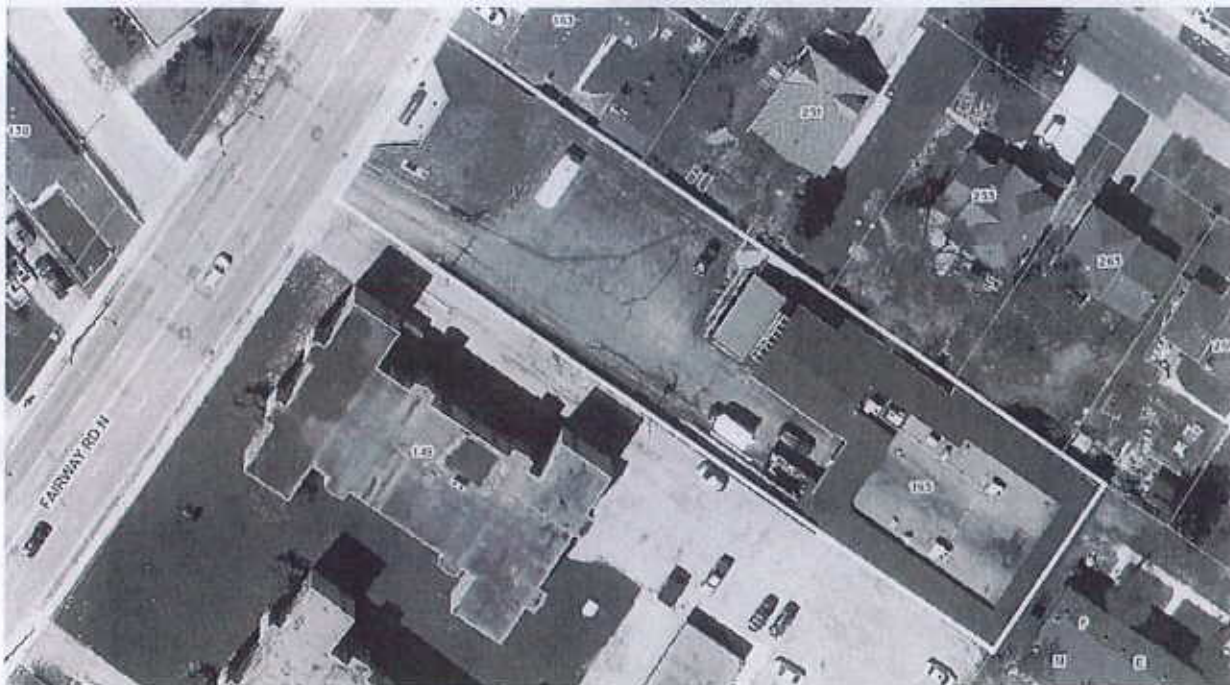
PREPARED BY: Tim Seyler, Junior Planner – 519-741-2200 ext. 7860

WARD: 2

DATE OF REPORT: September 6, 2019

REPORT #: DSD-19-217

SUBJECT: A2019-102 – 165 Fairway Road North
Applicants – Lito Navaleza on Behalf of 470088 Ontario Ltd.
Approve with conditions



Location Map: 165 Fairway Road North

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

REPORT

Planning Comments:

The subject property located at 165 Fairway Road North is zoned Residential Six (R-6), and designated Low Rise Residential in the City Official Plan. The applicant is proposing to create a Multiple Dwelling with 7 units and cannot meet the requirements of Section 40.2.6 of the Zoning By-law. The applicant is requesting relief to permit the following:

- a) An interior side yard setback of 2.0 metres (left side) and 0 metres (right side) rather than the required 2.5 metres;
- b) A rear yard setback of 0.1 metres rather than the required 7.5 metres;

Further relief is being sought from:

- d) Section 6.1.1.1 d) i) to permit parking between the front façade and the front lot line, whereas no parking is permitted between the front façade and the front lot line.

City Planning staff conducted a site inspection of the property on September 6, 2019.



165 Fairway Road North (Front View)



165 Fairway Road North (Side View)

In considering the four tests for 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 Official Plan

1. The subject property is designated Low Rise Residential in the City's Official Plan. The intent of this designation is to encourage a range of different forms of housing to achieve a low density neighbourhood. The requested variances to legalize the existing setbacks are appropriate and continues to maintain the low density character of the property and surrounding neighbourhood. Staff is in support of the application as the building has existed for a long period of time with no issues, and it is compatible with the established neighbourhood. It is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of Zoning By-law

2. The requests for legalizing, the side yards and rear yard all recognize an existing situation. The building was used at one point as a tool and die shop, however the use has ceased and the owner is looking to construct 5 new residential units on the property. The building has existed for quite a number of years with no negative impact on the surrounding neighbourhood, and the applicant has advised that building will continue to exist as is.

The requested minor variance to permit the required parking located between the front façade and the front lot line, recognize an existing situation. The zoning requirement to not permit parking between the front façade and the lot line, is to ensure that a parking lot doesn't dominate the front street vista and to provide an adequate buffer from the street. The proposed parking lot is setback approximately 19 metres from the front lot line. The owner has submitted a Site Plan application, which is currently under review. In addition, staff is satisfied that there is still a sufficient amount of buffer space from Fairway Road, and legalizing the proposed parking lot meets the general intent of the Zoning By-law.

Application is Minor

3. Staff is of the opinion that the requested variances are minor and the approval of this application will not present any significant impacts to adjacent properties or the overall neighbourhood. The proposed variances will be negligible due to the fact they recognize an existing situation.

Application in Appropriate

4. The requested variances should not impact any of the adjacent properties or the surrounding neighbourhood. Therefore, the variances are appropriate for the development and use of the land

Based on the foregoing, Planning staff recommends that this application be approved subject to the conditions outlined below in the Recommendation section of this report.

Building Comments:

The Building Division has no objections to the proposed variance.

Transportation Services Comments:

As this application is seeking to legalize existing features, Transportation Services has no concerns with the proposed application.

Environmental Comments:

Environmental Planning has no concerns with this application.

Heritage Comments:

Heritage Planning has no concerns.

RECOMMENDATION

That minor variance application A2019-102 requesting permission to permit a multiple dwelling with a side yard setback of 2.0 metres (left side) and 0.0 metres (right side) rather than the required 2.5 metres; a rear yard setback of 0.1 metres rather than the required 7.5 metres; to permit parking between the front façade and the front line, whereas no parking is permitted between the front façade and the front lot line be approved with conditions:

1. That a Zoning (Occupancy) Certificate is obtained from the Planning Division to establish the Multiple Dwelling use on the property.
2. That Site Plan approval is issued to the satisfaction of the Manager of Site Development and Customer Service.
3. That all conditions shall be completed prior to July 1st, 2020. Any request for a time extension must be approved in writing by the Manager of Development Review (or designate), prior to the completion date set out in this decision. Failure to fulfill these conditions will result in this approval becoming null and void.

Tim Seyler, BES
Junior Planner

Juliane von Westerholt, BES, MCIP, RPP
Senior Planner

Staff Report

Development Services Department



www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2019

SUBMITTED BY: Juliane von Westerholt, Senior Planner - 519-741-2200 ext. 7157

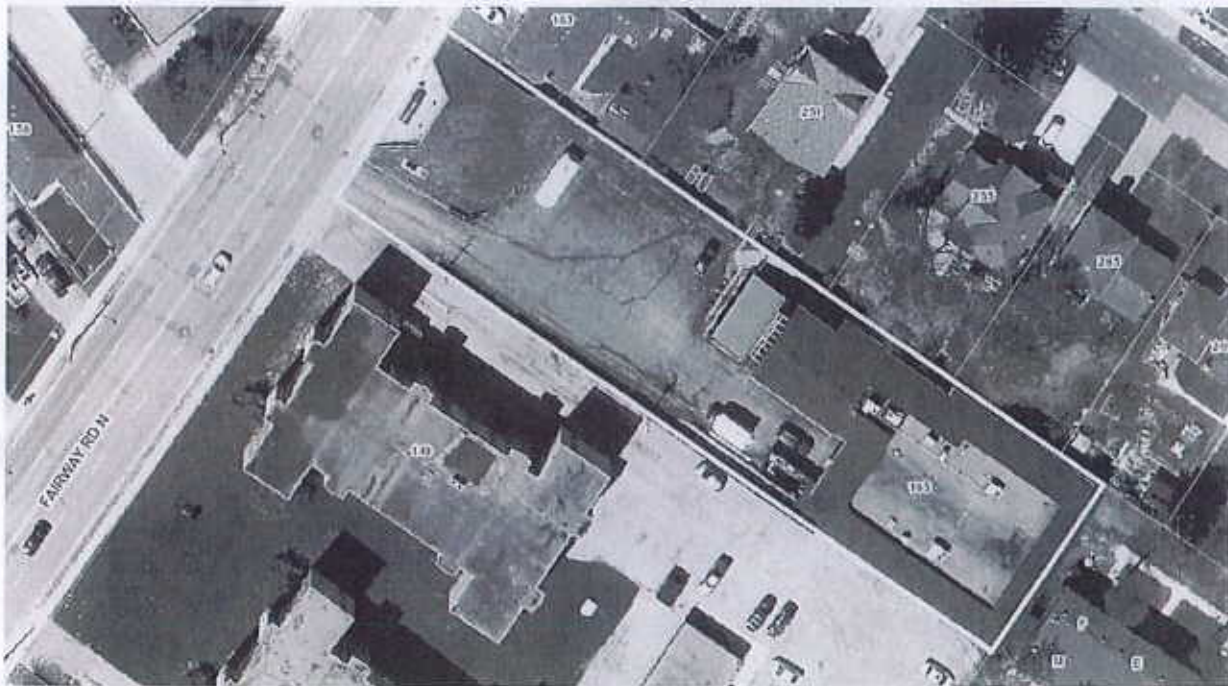
PREPARED BY: Tim Seyler, Junior Planner – 519-741-2200 ext. 7860

WARD: 2

DATE OF REPORT: September 6, 2019

REPORT #: DSD-19-217

SUBJECT: A2019-102 – 165 Fairway Road North
Applicants – Lito Navaleza on Behalf of 470088 Ontario Ltd.
Approve with conditions



Location Map: 165 Fairway Road North

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

REPORT

Planning Comments:

The subject property located at 165 Fairway Road North is zoned Residential Six (R-6), and designated Low Rise Residential in the City Official Plan. The applicant is proposing to create a Multiple Dwelling with 7 units and cannot meet the requirements of Section 40.2.6 of the Zoning By-law. The applicant is requesting relief to permit the following:

- a) An interior side yard setback of 2.0 metres (left side) and 0 metres (right side) rather than the required 2.5 metres;
- b) A rear yard setback of 0.1 metres rather than the required 7.5 metres;

Further relief is being sought from:

- d) Section 6.1.1.1 d) i) to permit parking between the front façade and the front lot line, whereas no parking is permitted between the front façade and the front lot line.

City Planning staff conducted a site inspection of the property on September 6, 2019.



165 Fairway Road North (Front View)



165 Fairway Road North (Side View)

In considering the four tests for 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 Official Plan

1. The subject property is designated Low Rise Residential in the City's Official Plan. The intent of this designation is to encourage a range of different forms of housing to achieve a low density neighbourhood. The requested variances to legalize the existing setbacks are appropriate and continues to maintain the low density character of the property and surrounding neighbourhood. Staff is in support of the application as the building has existed for a long period of time with no issues, and it is compatible with the established neighbourhood. It is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of Zoning By-law

2. The requests for legalizing, the side yards and rear yard all recognize an existing situation. The building was used at one point as a tool and die shop, however the use has ceased and the owner is looking to construct 5 new residential units on the property. The building has existed for quite a number of years with no negative impact on the surrounding neighbourhood, and the applicant has advised that building will continue to exist as is.

The requested minor variance to permit the required parking located between the front façade and the front lot line, recognize an existing situation. The zoning requirement to not permit parking between the front façade and the lot line, is to ensure that a parking lot doesn't dominate the front street vista and to provide an adequate buffer from the street. The proposed parking lot is setback approximately 19 metres from the front lot line. The owner has submitted a Site Plan application, which is currently under review. In addition, staff is satisfied that there is still a sufficient amount of buffer space from Fairway Road, and legalizing the proposed parking lot meets the general intent of the Zoning By-law.

Application is Minor

3. Staff is of the opinion that the requested variances are minor and the approval of this application will not present any significant impacts to adjacent properties or the overall neighbourhood. The proposed variances will be negligible due to the fact they recognize an existing situation.

Application in Appropriate

4. The requested variances should not impact any of the adjacent properties or the surrounding neighbourhood. Therefore, the variances are appropriate for the development and use of the land

Based on the foregoing, Planning staff recommends that this application be approved subject to the conditions outlined below in the Recommendation section of this report.

Building Comments:

The Building Division has no objections to the proposed variance.

Transportation Services Comments:

As this application is seeking to legalize existing features, Transportation Services has no concerns with the proposed application.

Environmental Comments:

Environmental Planning has no concerns with this application.

Heritage Comments:

Heritage Planning has no concerns.

RECOMMENDATION

That minor variance application A2019-102 requesting permission to permit a multiple dwelling with a side yard setback of 2.0 metres (left side) and 0.0 metres (right side) rather than the required 2.5 metres; a rear yard setback of 0.1 metres rather than the required 7.5 metres; to permit parking between the front façade and the front line, whereas no parking is permitted between the front façade and the front lot line be approved with conditions:

1. That a Zoning (Occupancy) Certificate is obtained from the Planning Division to establish the Multiple Dwelling use on the property.
2. That Site Plan approval is issued to the satisfaction of the Manager of Site Development and Customer Service.
3. That all conditions shall be completed prior to July 1st, 2020. Any request for a time extension must be approved in writing by the Manager of Development Review (or designate), prior to the completion date set out in this decision. Failure to fulfill these conditions will result in this approval becoming null and void.

Tim Seyler, BES
Junior Planner

Juliane von Westerholt, BES, MCIP, RPP
Senior Planner



Arwa Alzoor
Planner
DSD – Development & Housing Approvals
6th Floor, City Hall, P.O. Box 1118
200 King Street West
Kitchener, Ontario
Canada, N2G 4G7
PH: (519) 741-2200 e 7847
FAX: (519) 741-2624
TTY: 1-866-969-9994

September 5, 2024

2589751 Ontario Inc
929 Eden Oak Crt
Kitchener, ON N2A 0H4

RE: Conditional Approval of Site Plan Application - SP24/047/F/AA
165 Fairway Rd N
2589751 Ontario Inc

The above-noted Site Plan Application relates to constructing an addition at the front of the existing building and converting the existing building into a 33-unit multiple dwelling has been considered by the Development Services Department. We are pleased to advise that the attached *red-lined Site Plan*, dated May 17th, 2024, has received Conditional Approval.

Site Plan Approval will be granted once the following have been completed:

- *an updated Site Plan that addresses the required revisions identified in the attached red lined Site Plan has been submitted to the satisfaction of the City's Director of Development & Housing Approvals **prior to the completion of any conditions herein**. The updated Site Plan must be submitted in the City's standard template Site Plan format.*
- all the conditions set out in Sections A and B have been satisfied.
- *the 5% Plan Review fee has been paid.*
- the Section 41 Development Agreement has been executed and returned to the City of Kitchener Legal Services Division in a form that can be registered on the property The proposed conditions for the Development Agreement are listed in Sections 1, 2, 3, 4 and 5.

The use of the property as Multiple Dwelling is permitted pursuant to existing by-law.

The City's **conditions** for Site Plan Conditional Approval include all the following conditions listed below. *All plans, reports, studies, and other materials required as part of these conditions must be prepared in accordance with the **updated Site Plan that must be submitted prior to the completion of the conditions herein**.*

A. Prior to the commencement of any grading on the site, the Owner agrees to fulfil each of the conditions which follow:

- (1) to show all erosion and sediment control features in detail on a Grading and Drainage Control Plan hereinafter described in Section B(2); to the satisfaction of the City's Director of Engineering Services and to implement all such erosion and sediment control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Director of Engineering Services until the site has been fully developed as determined by the City's Director of Development & Housing Approvals.
- (2) to prepare a Tree Preservation/Enhancement Plan including Arborist's report and letters of permission from adjacent property owners as required by the City's Tree Management Policy in effect on the date of the application for site plan approval granted under this Agreement; and to show on the Landscape Plan hereinafter described in Section B(5), the location of drip lines, edges and existing plantings, the location of

all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Director of Development & Housing Approvals; and to implement all approved tree saving measures.

(3) Omitted.

(4) Omitted.

B. Prior to Site Plan Approval for the proposed development, the Owner agrees to fulfil each of the conditions which follow:

(1) satisfy all pre-grading conditions set out in Section A above.

(2) to prepare a detailed Grading and Drainage Control Plan, including infiltration of rooftop runoff where soil conditions permit, showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer, and all detailed erosion and sediment control features; all to the satisfaction of the City's Director of Engineering

(3) to submit to the satisfaction of the City's Director of Engineering Services a detailed engineering design for stormwater management, or to receive from the Director of Engineering Services an exemption from this requirement.

(4) to convey to the Region, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan.

(5) to prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Director of Development & Housing Approvals.

(6) to show the following on the required Landscape Plan:

(i) the location of any outdoor garbage and recycling containers including deep well units and details for a supporting concrete

(7) to obtain approval of the construction details of all fencing and visual barriers as indicated on the Site Plan, from the City's Director of Development & Housing Approvals, as part of the approval of the Landscape Plan.

(8) to show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development.

(9) Omitted.

(10) to prepare a Site Lighting Plan, and to obtain approval thereof from the City's Director of Development & Housing Approvals.

(11) to prepare a concept plan for a multiple unit identification sign, in accordance with the Emergency Service Policy in effect on the date of issuance of the first building permit for development of the lands to the satisfaction of the City's Chief Fire Prevention Officer.

(12) (i) to provide a cost estimate for 100% of the total cost of all "site development works" to be done by the Owner, as required by this Agreement. Such a cost estimate shall include materials, installations, removals, closures and restorations, project management/co-ordination, and site

supervision, inspection and certification of all site development works, and shall be in a form satisfactory to the City's Director of Development & Housing Approvals

(ii) "Site Development Works" to be done by the Owner shall include the following:

(a) **On Site works:**

Stormwater management facilities and rough grading; plant material; landscape paving essential to the functioning of the site, landscape structures including but not limited to fencing, screen walls, retaining walls, roofed enclosures for garbage and recyclable materials, planters; fine grading; sodding and seeding; curbing; concrete sidewalks, lighting; paving for vehicular traffic and parking and demarcation of parking on pavement; and

(b) **Off Site works:**

closure of redundant driveways; installation of driveway ramps; fine grading and sodding or other approved landscaping within the boulevard. Additional required off-site works may be done by the City at the Owner's cost, as specified in this Agreement.

(iii) to provide a Letter of Credit to the City's Director of Development & Housing Approvals for 50% of the total cost of all site development works in a form satisfactory to the City Solicitor, to be held by the City as security for the completion of the site development works required in the Section 41 Development Agreement.

(13) to enter into an Off-site Works Agreement and make payment for said works to the satisfaction of the City's Director of Engineering Services, for 60% of the cost of:

(i) the removal of any redundant service connections and the installation of all new service connections to the property;

(ii) the installation of new curb and gutter for the closure of all redundant driveways and installation of new driveways;

(iii) Omitted.

(14) to arrange for notification, by letter from the Regional Municipality of Waterloo to the City's Director of Development & Housing Approvals, that any required Regional conditions with respect to Section 41(8) of the Planning Act relating to access to and from Regional road; off-street loading, parking and access driveways; lot grading and drainage; salt management, sidewalks and widenings of Regional roads have been satisfied.

(15) Omitted.

(16) Omitted.

(17) (i) to pay to the City of Kitchener Recreational Land Reserve a cash-in-lieu contribution for park dedication in accordance with the City of Kitchener Park Dedication Bylaw, Park Dedication Policy and the Planning Act.

(18) Omitted.

(19) to submit a fire flow demand analysis conducted by a Professional Engineer, to the satisfaction of the City's Chief Building Official in consultation with the City's Engineering Services, Kitchener Utilities and Chief Fire Prevention Officer, to determine if the proposed development exceeds the capabilities of the water distribution system for fire-fighting purposes per the standards outlined in the City of Kitchener Development Manual or to receive an exemption from this requirement from the City's Chief Building Official.

- (20) Omitted.
- (21) to submit Building Elevation drawings to the satisfaction of the City's Director of Development & Housing Approvals, which demonstrates how the proposed elevations will meet the intent of the City of Kitchener Official and conform to the City's Zoning By-law.
- (22) to submit a Site Servicing plan showing the outlets to the municipal servicing system along with the sanitary and storm sewer design sheets will be required to the satisfaction of the City's Director of Engineering Services prior to site plan approval.
- (23) to prepare a detailed emergency fire route plan showing any required emergency fire routes and associated signage to the satisfaction of the City's Chief Fire Official.
- (24) Omitted.
- (25) to submit a letter acknowledging that the following consultants have been retained during construction/ installation of site works in order to provide certifications for the release of the Letter of Credit:
 - (i) the Professional Engineer (hereinafter the "Owner's Engineer") who prepares the design of grading and drainage control plan, site and external servicing plans, municipal service connection designs, and stormwater management reports that are to be submitted pursuant to Sections B (2), (3) & (22) to the satisfaction of the City's Director of Engineering Services;
 - (ii) the qualified Landscape Architect (hereinafter the "Owner's Landscape Architect") who prepares the landscape plan that is to be submitted pursuant to Sections B (5), (6), (7), & (8) to the satisfaction of the City's Director of Development & Housing Approvals;
 - (iii) the qualified Lighting Consultant (hereinafter the "Owner's Lighting Consultant") who prepares the lighting plan that is to be submitted pursuant to Section B(10) to the satisfaction of the City's Director of Development & Housing Approvals; and,
 - (iv) Omitted.
- (26) A Development Asset Drawing (digital AutoCAD) is required for any new services (Sanitary, Storm, Water) that will be publicly owned with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services.
- (27.1) Omitted.
- (27.2) Omitted.
- (28) to submit a Sustainability Statement to the satisfaction of the City's Director of Planning. Further, the approved sustainability measures recommended in the Sustainability Statement will be implemented in the landscape, stormwater management, and building design, to the satisfaction of the City's Director of Development & Housing Approvals.
- (29) to provide a Composite Utilities Plan to the satisfaction of the City's Manager of Gas Supply and Engineering (Kitchener Utilities).
- (30) Omitted.

In addition to the foregoing conditions, the following special condition(s) are/is also part of this approval:

1. That the required minor variance(s) are approved and in full force and effect prior to final site plan approval.

Once you have satisfied all the conditions set out in Sections A and B above and the Section 41 Development Agreement has been executed and returned to the City of Kitchener Legal Services Division in a form that can be registered, the City will be able to grant Site Plan Approval. The City's proposed **conditions** for the Development Agreement include all the following conditions.

1. The Owner agrees to fulfil each of the **general conditions** which follow:
 - (a) to develop and maintain the site in compliance with the site plan, dated May 17, 2024, attached hereto as Schedule "B" and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan and to the provisions of this Agreement, acceptable to the City's Director of Development & Housing Approvals, may be permitted without an amendment to this Agreement. Such changes shall be permitted only upon written approval from the said Manager.
 - (b) ~~Omitted.~~
 - (c) where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Chief Building Official or the City's Director of Development & Housing Approvals, substantially suspended or discontinued for more than six months, the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the City's Chief Building Official or the City's Director of Development & Housing Approvals.
 - (d) the Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-law.
 - (e) that the City may give a Release of this Agreement as it applies to the lands or portions thereof except for this clause and any of the conditions related to site works which are required by Section 5 to be maintained for the life of the proposed development.
 - (f) in the event the Site Plan Approval for the proposed development has not been issued by six months from the date of Site Plan Conditional Approval, revisions, additional conditions or changes to the approved site plan may be required by the City's Director of Development & Housing Approvals, in said Manager's sole discretion as a result of new City policies or changes to zoning by-law or standard City conditions.
2. The Owner agrees to fulfil each of the **Maintenance during construction** conditions which follow:
 - (a) To take all necessary steps to prevent the raising of dust and the erosion of soil from the Lands onto adjacent lands or onto abutting City, Regional and Provincial roads during construction of the Development. To eliminate dust, the Owner may be required to apply dust suppressants, cover stockpiles with tarps or apply ground cover to the areas that have been stripped and left undeveloped. Should such an incident(s) occur, the Owner will take all necessary steps forthwith to correct said problems upon the direction of the Director of Engineering Services;
 - (b) To conduct, at a minimum and more frequently as conditions dictate, scraping of the roadway on a weekly basis and daily sweeping of the roadway using methods approved by the City. Should the Owner fail to conduct scraping and sweeping of the roadway to keep it clean and free of excessive dirt, mud, dust, grit and other materials, the City may, without notice to the Owner, take the necessary action to clean up the roadway at the Owner's cost and the Owner agrees to forthwith pay the same upon demand to the City. If the Owner does not pay the City immediately upon written demand for such payment, it is agreed that performance securities with the City may be drawn upon by the City to satisfy

the required payment, and the Owner shall replace or increase said monies or securities to its original value within fifteen (15) business days of receiving notice of such draw or draws;

- (c) To be fully liable for all costs and any damages incurred as a result of the raising of dust or the erosion, spillage or tracking of soil or other debris from the Lands onto adjacent lands and municipal highways, and will indemnify the City and the Region against any claim made as a result of such problems;
- (d) To regularly inspect the property for discarded waste material or items that may accumulate on lands. The Owner shall collect and dispose of said waste forthwith in an appropriate manner to the satisfaction of the Director of Engineering Services, all to prevent unsightly conditions;
- (e) To install and maintain erosion and sediment control and tree protection devices in accordance with the approved plans in Schedule C to this agreement including those that incorporate measures to prevent the discharge of silt to waterways, open channels or City and Regional storm sewers and highways. The Owner shall provide and regularly inspect and maintain these measures to ensure their continued effectiveness throughout the construction period and until such time as hard surfacing or vegetative cover has stabilized the Lands or area under development. The Owner shall provide inspection reports to the Director of Engineering Services and the Director of Development & Housing Approvals upon request and the Owner shall immediately repair any deficiencies identified in the inspection reports or required by the Director of Engineering Services or the Director of Development & Housing Approvals, in their sole discretion;
- (f) Manage any impacts to any neighbouring properties resulting from construction of the Works to the satisfaction of the Director of Engineering Services in their sole discretion. The Owner acknowledges and agrees that they are solely responsible for such impacts notwithstanding any approval of the City. The Owner shall fully indemnify and save harmless the City from any liability resulting from such impacts;
- (g) Maintain, at all times, unencumbered sight lines and travel routes to and from the Lands based on the approved plans and drawings; and
- (h) install and maintain tree preservation fencing on the Lands for the duration of construction.

3. **Prior to occupancy** of the proposed development the Owner agrees to fulfil each of the conditions which follow:

- (a) to complete the closure of all redundant driveways to the Regional Municipality of Waterloo's standards.
- (b) to install, at the Owner's cost and to the Regional Municipality of Waterloo's standards, new driveway ramps at grade with the existing sidewalk.
- (c) to make arrangements, financial or otherwise, for the relocation of any existing City owned street furniture, transit shelters, signs, hydrants, utility poles, wires or lines, street trees and shrubs as required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, to the satisfaction of the appropriate City Department.
- (d) that any required "Emergency/Fire Routes" and associated signage shall be installed at the Owner's cost and to the satisfaction of the City's Chief Fire Official.
- (e) to install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Director of Transportation Services.
- (f) to erect the multiple unit identification sign in accordance with the approved concept plan.
- (g) to install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the

City's Chief Building Official.

(h) to implement the conceptual building design in accordance with the approved building elevation drawings to the satisfaction of the City's Director of Development & Housing Approvals

(i) Omitted.

4. **Within six months of occupancy, or as soon as weather conditions permit,** of the proposed development, the Owner agrees to fulfil each of the conditions which follow:

(a) to complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan that was satisfactory to the City.

(b) to complete any stormwater management scheme and all related drainage control facilities in accordance with the Plan accepted by the City's Director of Engineering Services.

(c) to complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.

(d) to complete the landscaping in accordance with the approved Landscape Plan.

(e) to install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building or to locate and construct the supporting concrete pad (and roofed enclosure if required) for any outdoor garbage and recyclable material containers in accordance with the approved Landscape Plan.

(f) to install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan and so as not to obstruct the visibility of vehicular or pedestrian traffic.

(g) to complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.

(h) to install 0.15 metre raised curbing in the locations shown on the Site Plan.

(i) to implement the approved Site Lighting Plan.

(j) to pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan, with hot-mixed asphalt or equivalent and to demarcate the parking on said pavement.

(k) (l) for the purpose of this Agreement "Site Development Works" to be done by the Owner shall include:

(a) **On Site works:**

Stormwater management facilities and rough grading; plant material; landscape paving essential to the functioning of the site, landscape structures including but not limited to fencing, screen walls, retaining walls, roofed enclosures for garbage and recyclable materials, planters; fine grading; sodding and seeding; lighting; curbing; concrete sidewalks; paving for vehicular traffic and parking and demarcation of parking on pavement; and

(b) **Off Site works:**

Closure of redundant driveways; fine grading and sodding or other approved landscaping within the boulevard. Additional required off-site works may be done by the City at the Owner's cost, as specified in this Agreement.

- (k) (II) to submit to the City's Director of Engineering Services (for stormwater management, municipal sewer, site grading) and the City's Director of Development & Housing Approvals (for all other site development works) Site Development Works Certification Forms prepared by the appropriate Consultants certifying that the site development works required under this Agreement have been completed in accordance with the respective plans prepared by such consultant and accepted by the City. The Letter of Credit posted by the Owner will not be reduced until such time as 50% of the value of the site development works have been completed in conformity with the approved design and a Site Development Works Certification Form has been submitted by the Owner and found acceptable by the City's Director of Engineering Services for all storm water management and/or grading works, including landscaping integral to such works, required under this Agreement. Upon receipt of all other Site Development Works Certification Forms required under this Agreement and same being submitted by the Owner and found acceptable by the City's Director of Development & Housing Approvals, further reductions for other site development works completed in conformity with the approved design, in amounts in accordance with the cost estimate, may be permitted by the City according to the Performance Securities Policy.
- (i) despite the foregoing, the City may, at its sole option, permit the Owner to provide security for the completion of the site development works required in this Agreement in accordance with the City's Performance Securities Policy in effect on the date that the Owner has completed all other requirements for issuance of the first building permit for development of the lands in accordance with this Agreement.
- (ii) the Letter of Credit shall be kept in force until the completion of the required site development works in conformity with the approved design and the requirements of this Agreement. If the Letter of Credit is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit forthwith.
- (iii) in the event that the Owner fails to complete, to the satisfaction of the City's Director of Development & Housing Approvals, the required site development works in conformity with its approved design and the other requirements of this Agreement within the time required by this Agreement, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may by by-law exercise its authority under the Municipal Act to have such works completed and to recover the expense as permitted by law.
- (iv) other forms of security may be substituted for Letters of Credit, at the request of the Owner, provided that approval is obtained from the City Treasurer and the City Solicitor.
- (k) Omitted.
- (l) Omitted.
- (m) the Owner's Engineer will be required to inspect and certify, at the Owner's sole cost, to the City's Director of Engineering Services that all internal and external services, grading and stormwater management requirements have been constructed in accordance with the approved Engineering drawings and reports, prior to the reduction of the Letter of Credit held for the site development works. The Letter(s) of Certification shall be in a format acceptable to the City's Director of Engineering Services. The City's Director of Engineering Services may, upon pre-qualification of such, accept the use of other qualified

professionals for certain components of the design, inspection and certification process.

The Owner's Landscape Architect and the Owner's Lighting Consultant will be required to inspect and certify, at the Owner's sole cost, to the City's Director of Development & Housing Approvals that all planting, surfacing details, fencing, visual barriers, site lighting and other site facilities shown on the landscape and lighting plans have been constructed in accordance with the approved landscape and lighting plans prior to the reduction of the Letter of Credit held for Site Development Works. The Letter(s) of Certification shall be in a format acceptable to the City's Director of Development & Housing Approvals. The City's Director of Development & Housing Approvals may, upon pre-qualification of such, accept the use of other qualified professionals for certain components of the design, inspection and certification process.

5. **For the life** of the proposed development, the Owner agrees to fulfil each of the conditions which follow and further agrees that the City shall not release this Section or any of the conditions related to site works required to be maintained for the life of the proposed development:

- (a) to maintain any required stormwater management scheme, in accordance with the scheme that was satisfactory to the City for the life of the proposed development. To ensure such maintenance the Owner agrees:
 - (i) to develop an operations and maintenance manual which will include at a minimum to inspect all parts of the stormwater system at least once annually and remove all debris and sediment therefrom.
 - (ii) to make all repairs and replacements necessary to assure proper operation of the stormwater system as defined in the operations and maintenance manual.
 - (iii) to ensure that no alterations are made to the stormwater management ponds, outlet controls and their appurtenances unless prior written consent is obtained from the City's Director of Engineering Services, City's Manager of Environmental Compliance and Utility Performance (Sanitary and Stormwater Utilities) or through the Ministry of the Environment, Conservation and Parks.
 - (iv) to ensure that no alterations are made to the approved grading and drainage system that was satisfactory to the City, unless prior written consent is obtained from the City's Director of Engineering Services.
 - (v) that no material used to surface any parking or loading area shall be changed or additional areas paved, unless prior written consent is obtained from both the City's Director of Engineering Services and the City's Director of Development & Housing Approvals.
- (b) to maintain the grading and drainage scheme in a state acceptable to the City's Director of Engineering Services.
- (c) to maintain the approved landscaping in a state acceptable to the City's Director of Development & Housing Approvals.
- (d) to maintain the approved outdoor lighting in a state acceptable to the City's Director of Development & Housing Approvals.
- (e) to maintain all required emergency, fire route and traffic signs, including directional, visitor and barrier free parking, and multiple unit identification signs, to the satisfaction of the City's Chief Fire Official and the City's Director of Transportation Services.
- (f) Omitted.

- (g) to maintain the existing treed area(s) in accordance with the approved Tree Preservation/Enhancement Plan. Any future cutting of trees which have been identified for preservation on the approved Landscape Plan will require either a further plan or study, as determined and approved by the City's Director of Development & Housing Approvals. Such study shall detail the impact of tree removals on the trees to remain.
- (h) to maintain all approved garbage and recycling methods as approved by the City's Director of Development & Housing Approvals.
- (i) Omitted.
- (j) the Owner acknowledges that snow storage will be stored on site as the identified location(s) on the site plan and/or grading plan. Where snow storage is not identified on the site plan and/or grading plan or in situations when accumulated snow exceeds the capacity of the identified location(s), the owner agrees that due to limited site area, accumulated snow that cannot be managed on site will be hauled off site to a suitable location by the owner's site maintenance contractor.
- (k) Omitted.
- (l) to maintain all paved areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan, with hot-mixed asphalt or equivalent and the demarcation of the parking on said pavement.

At this time our Legal Services Division will be preparing the formal agreement for subsequent execution by the owner. They will be in contact with you to arrange for the pickup/mailing of the prepared agreement, however, if you have any questions or concerns with the conditions of this Site Plan Conditional Approval or Site Plan Approval, please contact Arwa Alzoor immediately.

Once the conditions set out in Sections A & B have been completed, the 5% Plan Review fee has been paid, and the agreement has been executed and returned to Legal Services in a form that can be registered, Site Plan Approval will be granted. Legal Services Division will then proceed to register the agreement. Once this registration occurs, a building permit may then be issued.

If you have questions with respect to the conditions for Site Plan Approval, please contact Katey Crawford at (519) 741-2200 e 7157.

Yours truly,



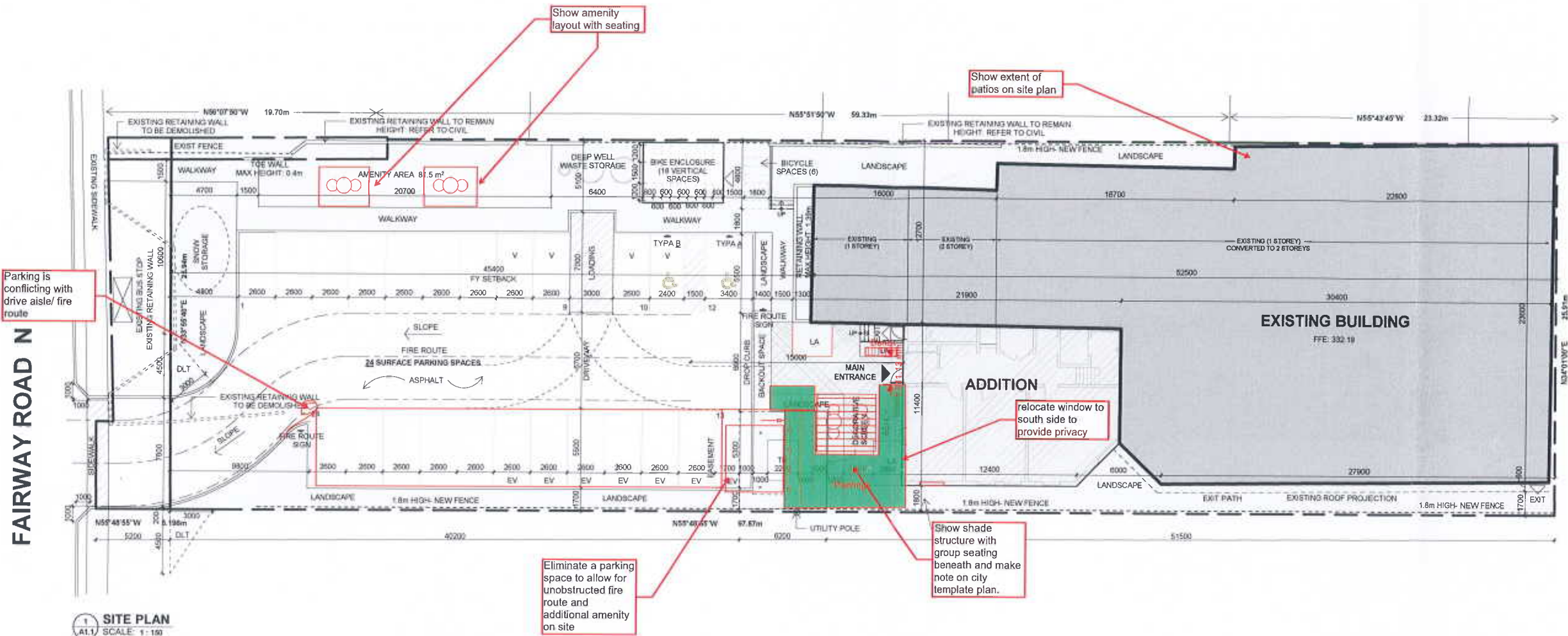
Arwa Alzoor
Planner



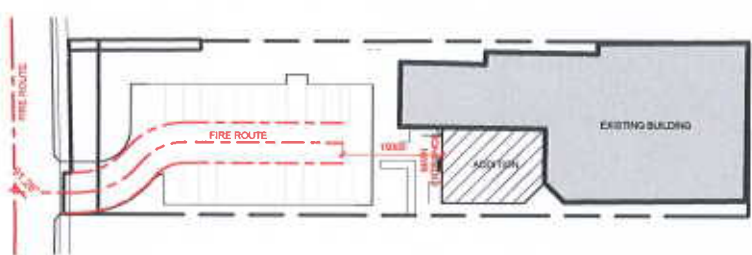
Garrett Stevenson, MCIP, RPP,
Director of Development & Housing Approvals

cc Email: M. Seiling, Building
J. Young, Building
J. Brule, Engineering
D. Seller, Transportation
AMANDA file
F. Fluit, Region of Waterloo

B. Grant-Campbell, Legal
Mayor's Office Admin
Councillor Dave Schnider, Ward 2
2589751 Ontario Inc, Owner
K. Crawford, Development & Housing Approvals
S. Djuric, Development & Housing Approvals



1 SITE PLAN
SCALE: 1:150



2 FIRE ROUTE PLAN
SCALE: 1:500

SITE PLAN NOTES:

- GARBAGE SHALL BE STORED WITHIN THE GARBAGE AREA.
- IF APPLICABLE, FIRE ROUTE TO BE DESIGNATED BY BY-LAW.
- ALL SNOW STORAGE SHALL BE STORED ON SITE. SURPLUS SNOW SHALL BE REMOVED OFF SITE AT OWNER'S EXPENSE BY PRIVATE REMOVAL SERVICE.
- SIGNAGE IS SUBJECT TO THE CITY OF KITCHENER SIGN BY-LAW AND IS CONCEPTUALLY SHOWN FOR SITE PLAN PURPOSES.
- THE PROPERTY OWNER IS RESPONSIBLE IN THE CITY RIGHT OF WAY REPLACEMENT OR REPAIR COSTS TO CITY STANDARDS.
- ALL SITE LIGHTING SHALL NOT RESULT IN ANY GLARE OR SPILL OVER TO SURROUNDING PROPERTIES OR PUBLIC VIEW.
- ALL ROOFTOP MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM PUBLIC VIEW AND SURROUNDING RESIDENTIAL PROPERTIES.
- LIGHTING SHALL BE FULL CUT OFF LIGHT FIXTURES THAT ELIMINATE GLARE.
- LIGHTING SHALL BE LED OR EQUIVALENT FOR REDUCED ENERGY CONSUMPTION, UNLESS OTHERWISE AGREED TO BY THE CITY.
- ALL SITE PLAN DRAWINGS ARE FULLY COORDINATED WITH LANDSCAPE AND ENGINEERING DRAWING SUBMISSIONS.

LEGEND

▲	PRINCIPAL ENTRANCE
▲	SECONDARY ENTRANCES & EXITS
○	B.F. PARKING SYMBOL
○	B.F. PARKING SIGN
○	VEHICLE PARKING SIGN (SEE SITE PLAN NOTE #4)
EV	DESIGNATED ELECTRIC VEHICLE PARKING SPACE "ELECTRIC VEHICLE READY"
V	VISITOR PARKING SPACE
---	LINE CANCELS ABOVE
---	LINE OF BUILDING SETBACKS
---	BICYCLE WALK



KEY PLAN
SCALE: N.T.S.

LEGAL DESCRIPTION:

ALL OF LOT 30 AND PART OF LOT 31, REGISTERED COMPLEX PLAN 888, IN THE CITY OF KITCHENER, WICKHAM, MUNICIPALITY OF WATERLOO. LEGAL INFORMATION PROVIDED BY M. KEEHNE SURVEYING DATED 08/01/12.

DETAILS OF DEVELOPMENT

DATA	REQUIRED	PROVIDED
Zone	RES-5	RES-5
LOT AREA (M ²)	408	2023
NET LOT AREA (M ²)		2215
NUMBER OF UNITS	20+1 (ADDITION)	
LOT WIDTH (M)	10	35
SETBACKS (M)		
FR	4.5	4.5
RY	7.5	0.1
HSY	5	0
SDY	5	1.8
LANDSCAPE AREA (M ²)	880	880
LANDSCAPE AREA (%)	20	39
FLOOR SPACE RATIO (MAX)	0.8	0.75
BUILDING HEIGHT (MAX M)	11	10
NO OF STOREYS (MAX)	3	3
AMENITY SPACE (M ²)		
APARTMENT	77	81.5
2 SHARED BATHS		
PARKING SPACES		
1.5 DWELLING UNIT	29+6	30
OR PARKING SPACE		
4% OF TOTAL REQUIRED PARKING SPACES	2	
VISITOR PARKING SPACES	5	4
OR 1.5 DWELLING UNIT		
TOTAL PARKING SPACES	37	34
EV PARKING SPACES		
20% OF TOTAL PARKING SPACES	7	7
BICYCLE PARKING SPACE		
CLASS A, LONG TERM	18	18
OR 1.5 DWELLING UNIT		
BICYCLE PARKING SPACE		
CLASS B, SHORT TERM	3 OR 4	0

FLOOR	AREA (M ²)
GROUND FLOOR	1024
SECOND FLOOR	900
TOTAL	1924

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND DISCREPANCIES TO THE CONSULTANT.

THESE DOCUMENTS ARE COPYRIGHTED INSTRUMENTS OF SERVICE AND PROPERTY OF THE ARCHITECT.

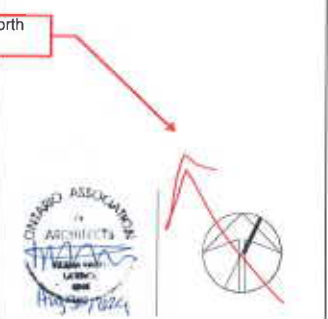
THESE DOCUMENTS ARE TO BE USED ONLY ONCE FOR THE INTENDED PURPOSE INDICATED UNDER THE ISSUED DATE.

ANY ALTERATION, DUPLICATION OR COPYING WITHOUT THE CONSENT OF THE ARCHITECT IS PROHIBITED.

DO NOT SCALE THESE DRAWINGS.

REVISIONS

NO.	DATE	REVISION
1	2023.11.03	ISSUED FOR SPA PRECON
2	2024.08.17	ISSUED FOR SPA
3	2024.08.30	RE-ISSUED FOR SPA



PROJECT

APARTMENT BUILDING

165 FAIRWAY RD N
KITCHENER, ON

2589751 Ontario Inc. (Hot Gold 2)

DRAWING TITLE

SITE PLAN

DATE: 2023.11.03
SCALE: As indicated
DRAWN: GS
STATUS: SPA
JOB NO.: 2218

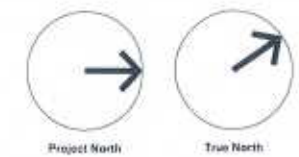
DRAWING NO.:
A11



BICYCLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL BICYCLE PARKING	8% OF PROVIDED SPACE - 450.0 ± 5	INDOOR = 36 OUTDOOR = 14
	TOTAL	49

BUILDING DATA				
DATA	REQUIRED (2016 IBC)	REQUIRED (2015 IBC)	PROVIDES	DEVIATION
TOTAL DENSITY (per acre)	N/A		34 units	
GRI DING FOOTPRINT (sq ft)	N/A	33,000 sq ft	130,000 sq ft	
GROSS FLOOR AREA (sq ft)	33,000 sq ft	33,000 sq ft	219,000 sq ft	
GRI DING FLOOR AREA (sq ft)	33,000 sq ft	33,000 sq ft	800.0 sq ft	
FLOOR SPACE RATIO	1.0 MAX	NO MAX	1.2 MAX	①
NUMBER OF STORIES		UP TO 4 STORIES	4	
BUILDING HEIGHT (ft)	15 ft MAX	11 ft MAX	17.5 ft	②
BUILDING LENGTH (ft)		30 ft - MAX	27.5 ft	①
STREET LINE CANOPEE OPENINGS (%)		20% MIN	45%	
COMMERCIAL RETAIL AREA (sq ft)	0 sq ft		N/A	
AMENITY AREA (sq ft)	300 sq ft	300 sq ft	30.5 sq ft (POOL) 36.7 sq ft (OUTDOOR)	

LANDSCAPING DATA				
DATA	REQUIRED (2014-2015)	REQUIRED (2016-2017)	PROPOSED	DEVIATION
LANDSCAPE AREA (sq)	XX (sq)	XX (sq)	XX sq	XX %
LANDSCAPE AREA (sq)	XX sq	XX sq	XX sq	XX %
REAR YARD LANDSCAPE AREA (sq)	XX (sq)	XX (sq)	XX sq	XX %
REAR YARD LANDSCAPE AREA (sq)	XX sq	XX sq	XX sq	XX %



GENERAL NOTES

1. Do not ask **attorneys** under duress to draft prepetition asset transfer agreements.
2. Ask each client (separately) for the 2172 Ontario Building Code and a consent.
3. Communicate back and forth, all attorneys, and all clients, and revised notes/agreements to the additional parties preexisting with the work.
4. If the contractors and sub-contractors still have a set of approved construction documents (as set of all times).
5. It is essential, including the integrity of the architect. Additionally, use a contractor, another representative of the project, to ensure a prepetition contract will be prepared. The prepetition documents are prepared by the architect for the benefit of the contractor.
6. The original assignment, after review, the variations, then judgement in light of the information available to him at the time of preparation. Any use which a third party makes of the contract documents, or any reliance, other than to be made based on the law, use the information of each third party.
7. The contract documents to be prepared for the client, if any, and any other documents, including the contract documents, or any other documents, based on the contract documents.



2	2024-10-22	Issued for Minor Variation
1	2024-08-01	Issued for Minor Variation
No.	Date	Remarks

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 105–112

165 COURTLAND AVE. E
165 Courtland Avenue
East, Kitchener

SRM ↗
architects+
urban*designers

Continuing Access

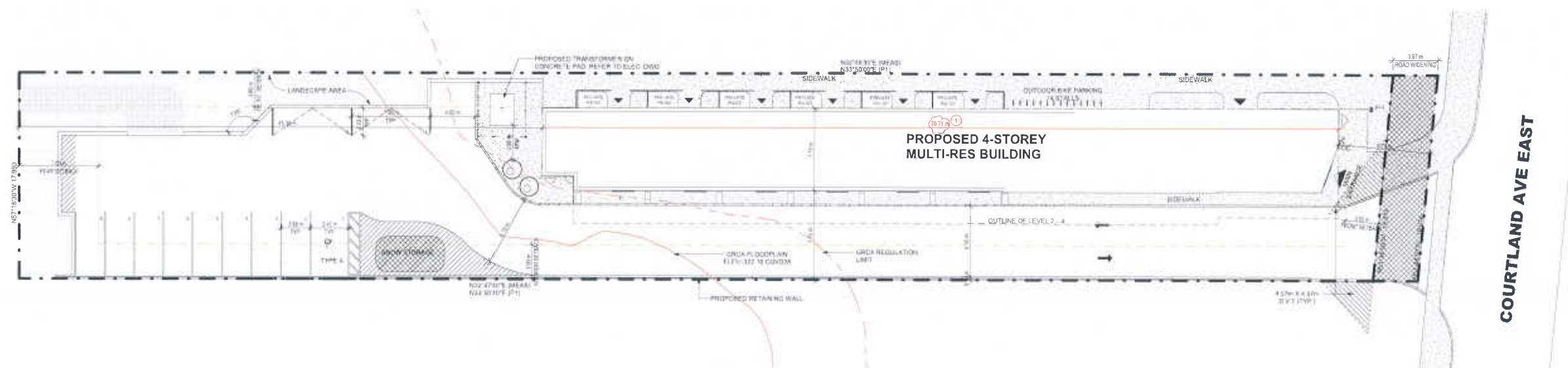
SITE PLAN

PRELIMINARY

As indicated

r2

Page 48 of 270

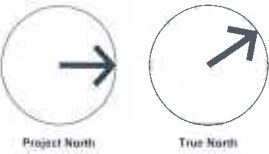


1 SITE PLAN

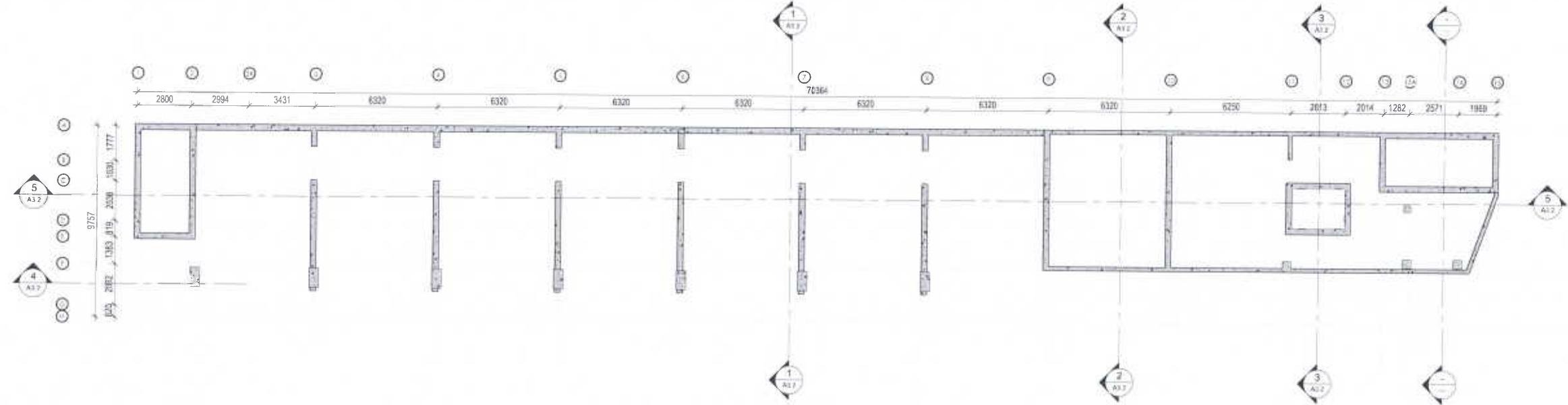
PRELIMINARY

r2

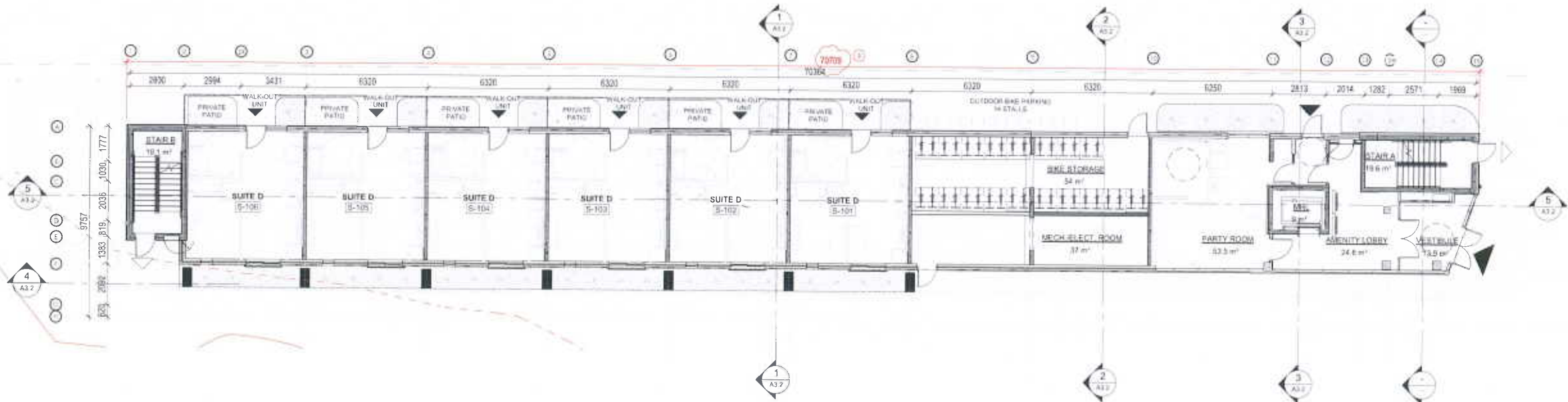
Page 48 of 270



- GENERAL NOTES**
1. Do not scale drawings. When dimensions shall have precedence over scaled dimensions.
 2. All work shall comply with the 2012 Ontario Building Code and amendments.
 3. Contractors must show and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
 4. All contractors and sub-contractors shall have a set of approved construction documents on site at all times.
 5. All documents shall be property of the architect. Unauthorised use, reproduction, and/or modification of these documents is prohibited without written permission. The contract documents shall be prepared by the architect for the account of the owner.
 6. The architect assumes no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken on the contract documents.
 7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken on the contract documents.



1 FOUNDATION PLAN
1 - 120



2 GROUND FLOOR PLAN
1 - 120

1. 2024-10-10 Issued for Owner Review		
No.	Date	Revision

165 COURTLAND AVE. E
165 Courtland Avenue
East, Kitchener

SRM
architects+
urban+designers

Project No. 24004
Drawing No. 2024-10-20
Owner: FKF MYV
Architect: KITCHENER
Project Name: 2024-10-10 2:55:53 PM

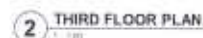
**FOUNDATION PLAN AND
GROUND FLOOR PLAN**

Drawing No. 1 - 120

PRELIMINARY
r1
A2.1

GENERAL NOTES

- ### GENERAL NOTES
1. Do not scale drawings. Verify dimensions and wall thicknesses using scaled plans only.
 2. All work shall comply with the 2012 Oregon Building Code and amendments.
 3. Contractors shall check and verify all dimensions and specifications and correct any discrepancies in the field prior to proceeding with the work.
 4. All contractors, who submit drawings shall have a set of complete construction documents on site at all times.
 5. All documents (including all permits) of the project: (1) include a site location, a description and an explanation of these documents in detail and in plain language; (2) be submitted in electronic format; and (3) be submitted with the permit application. The required documents were prepared by the City/County for the purpose of the review.
 6. The original (unmarked) permit reflects the construction that is approved. A copy of the construction permit is in the form of the permit application, and is available to the public. The original construction permit is not a legal document, and any changes made (changes to the permit) should be made on the construction permit. The permit is not a legal document.
 7. The construction permit is not a legal document, and any changes made (changes to the permit) should be made on the construction permit. The permit is not a legal document.



1 2024-10-09 (Issued for Minor Violation)		
No.	Date	Revision

165 COURTLAND AVE. E
165 Courtland Avenue
East, Kitchener

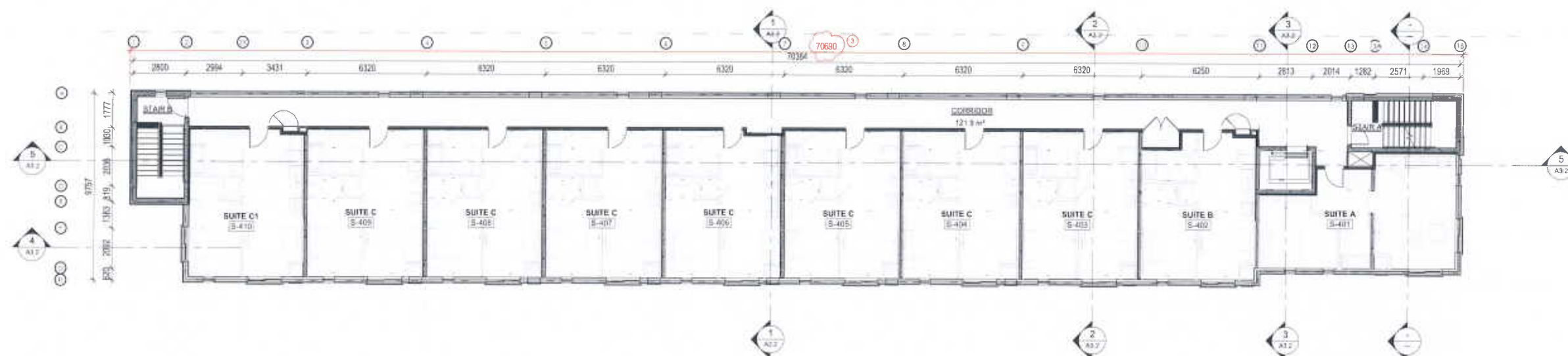
SRM 
architects+
urban*designers

Page No.	240
Issuing Date	2024-06-20
Drawn By	FRF
Checked By	MY
Other Location	KITCHEN
File Date - Time	2024-10-22 2:06:03

SECOND FLOOR AND THIRD FLOOR PLAN

PRELIMINARY

Page 50 of 52

[illegible][illegible]

SRM
architects+
urban*designer

ELIMINARY

Timing: 10 min

Value: 100

Answer: 100

Written submission written by:
Danielle Kraftchick

Supported by:
Peter and Ellen Kraftchick

Marc and Deborah Fernandes

Regarding site plan: SP24/047/F/AA
Address: 165 Fairway Rd

My property (Danielle Kraftchick), my parents (Peter & Ellen Kraftchick) and our neighbours (Marc & Deborah Fernandes) properties are directly attached to the property at 165 Fairway Road. Our yards would be directly impacted by the 0 variance on the side yard.

Previously, the owner that owned the Tool and Die shop had the property changed to residential, with no notice to neighbouring properties. Variances were also previously given before this property was zoned as residential to build to the current state. The existing building is on the property line, currently it has no windows to 4 of the properties. We have concerns about allowing 0 variance where will fire exits be, where will windows and our privacy be? What about maintenance of the building or renovations, are we expected to be providing access through our own properties? The rear side variance has little impact on the Region's housing complex as there are no windows on that side of the complex and they are lower grade with a big retaining wall and fence. The complex is also set back from the property line. Our houses are not lower grade to 165 Fairway, they are higher. My house is the highest grade and I can clearly see part of the parking lot over an 8 ft fence from my backyard and bedroom.

The previous variance in 2019 was conditional on plans, and that was based on the building becoming 6 units with the previous owner. The new owner has submitted a site plan for 33 units with each unit having 2 full bathrooms. There is a big difference between 6 to 33. Both the Tool and Die owner and previous owner told us that there would not be a larger complex unit because Fairway Road's infrastructure would not be able to handle the additional units. What has changed? Fairway Road reconstruction was removed from the Regions website, and is no longer listed as a future project. What will happen when the Region widens Fairway to accommodate a multi use trail vs a sidewalk? Will that result in even less parking?

In the previous meeting in 2019 for variances it was noted that 165 Fairway has existed in the neighbourhood for a long period of time, with no impact to the neighbourhood. I will point out, the tool and die business was open at 6am and done at 3pm, most traffic being during business hours. On Friday's the small staff had a BBQ at 11am and were all gone by noon and not back

until Monday AM. After the tool and die closed, the owner lived in the building only occasionally and was gone all winter. There is a big difference between that and 33 units that are not single units.

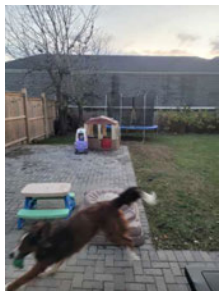
Regarding the exception for less parking spaces. There is no street parking on Fairway Rd, Fairway and Thaler intersection is higher than average for accidents, and crossing Fairway Rd on foot/bike to get to the bus is not safe. The next closest street is Thaler Ave, which already has restricted street parking. There is already parking from neighbouring complexes that park on Thaler Ave. This is for various reasons, no parking, too many vehicles to a household, not wanting to pay for parking and visitors/overnight guests. How will the owner prevent this from happening? This was brought up with another complex that was being proposed in the neighbourhood, but that street had limited street parking, Fairway does not. That developer had a plan regarding parking and how that would be navigated with tenants and visitors/overnight guests.

Myself and my father have met and have spoken to the owner. When looking at the site plan, it shows that they will be replacing the existing 8ft fence with a new 5'10" fence. We have asked the owner for it to be 8 -10ft. If there is 0 variance to the property line, we (ourselves and the neighbours) would want at least a 10ft fence. For the neighbours property there is no allowance for a fence, the building is basically their back fence. There is a faux fence covering regular cinder blocks, and nicer blocks above the faux fence. I have also asked for the waste receptacle to not be on the property line to our houses, but to be to the parking lot and driveway of the existing apartment building. I also said I was concerned with bicycle storage and how secure it would be being along our fence line. I also asked for any windows to be kept below the fence line, so that strangers were not overlooking our yards.

We are not naive, we know that housing is needed. We are asking that when considering housing, to think about our privacy of our own yards because of variances and exceptions that have been given. We have young families and want to be able to enjoy our backyards or our own bedrooms without strangers overlooking our yards through windows that weren't there, without the smell of waste receptacles, or headlights in our bedroom windows.

I have attached photos of what is existing currently to understand.

Thank you for reading our concerns,
Danielle Kraftchick, Peter & Ellen Kraftchick, Marc & Deborah Fernandes



REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: February 24, 2025

REPORT NO.: DSD-2025-090

SUBJECT: Minor Variance Application A2025-013 - 160 Grand River Blvd.

RECOMMENDATION:

That Minor Variance Application A2025-013 for 160 Grand River Boulevard requesting relief from Section 11.3, Table 11-2, of Zoning By-law 2019-051 to permit an accessory building to be located 2.3 metres from the west side lot line and 5.1 metres from the south side lot line instead of the minimum required 7.5 metres to recognize the location of an existing accessory shed proposed to be used for storage of snow clearing and yard maintenance materials and equipment in accordance with Site Plan Application SP24/039/G/AA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to recognize an accessory building to be located closer to the lot line than required
- The key finding of this report is that 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 Centreville Chicopee neighbourhood north of King Street East and east of Marrison Road.

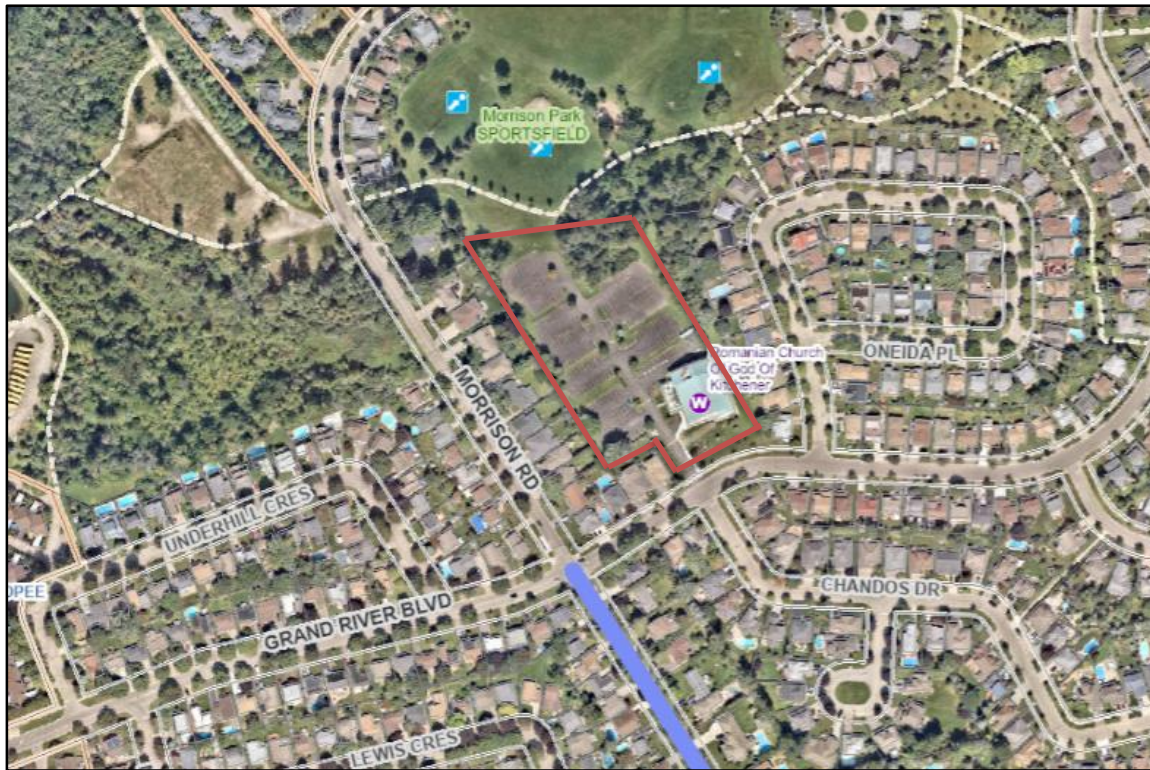


Figure 1: Location Map of the Subject Property



Figure 2: Zoning Map of The Subject Property

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

The property is zoned 'Neighbourhood Institutional Zone (INS-1)' in Zoning By-law 2019-051.

The purpose of this application is to recognize an existing 12-square-metre shed that was added for salt storage as part of the property's development. The shed placement resulted in non-compliance with the required setbacks, as the property abuts a low-rise residential zone.

The site currently contains a place of worship (church) with an associated religious school and has recently gone through improvements through two site plan applications. Site Plan Application SP23/052/G/AA proposed the construction of a storage garage behind the main building and updated water service, which has received conditional approval. The most recent Site Plan Application SP24/039/G/AA seeks to recognize the existing front fence, deep well waste collection area, and shed.

Although the shed is too small to require a building permit, it must comply with the zoning by-law's setback requirements. Since the property abuts a low-rise residential zone, the minimum required yard setback is 7.5 metres. The shed, however, is located 5.1 metres from the south lot line and 2.3 metres from the west side lot line, resulting in the need for a minor variance.

Planning staff went to a site visit on February 28th, 2025



Figure 3: Picture of The Storage Shed in Relation to the Abutting Residential Property



Figure 4: Front Photo of The Subject Property with The Minor Variance Sign

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The Official Plan, under Section 15.D.7, states that the institutional use of land designation is intended for community or regional institutional uses, such as secondary and post-secondary educational facilities, long-term care facilities and social, cultural and administrative facilities. This land use designation also includes small-scale institutional

uses compatible with surrounding uses such as public and private elementary schools, libraries, daycare centres, and places of worship.

Additionally, Section 11.C.1.33(c) of the Official Plan refers to the minimization of adverse impacts on site, onto adjacent properties (mainly where sites are adjacent to sensitive land uses)

The proposed shed is intended for institutional use to store salt for the winter. It is relatively small, measuring 12 square metres and approximately 3.0 metres in height. Furthermore, a fence along the property line helps mitigate any visual impact on adjacent properties. Given these factors, the proposed minor variance maintains the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property is zoned 'Neighbourhood Institutional', which permits institutional uses, including places of worship and associated accessory structures. The Zoning By-law setback requirements intend to ensure compatibility with adjacent properties, minimize land use conflicts, and maintain an appropriate separation between buildings and property lines. The minimum yard setback abutting a lot with a low-rise residential zone is 7.5, which preserves adequate separation, reduces visual impact, and maintains privacy for neighbouring residential properties.

The proposed accessory structure is relatively small (12 square metres) and has a height of approximately 3.0 metres. Although it is located 5.1 metres from the south lot line and 2.3 metres from the west lot line, its impact is minimized considering its small size and the nature of the use for salt storage, which does not generate noise. In addition to the required fence between the subject property and the residential zone, it provides a visual barrier to mitigate the negative impact. Based on the above, Planning staff is of the opinion that the requested variance is appropriate and meets the general intent of the Zoning By-law.

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

The shed is a small accessory structure (12 square metres, 3.0 metres in height) with a limited visual and functional impact on adjacent properties. The existing fence helps mitigate visibility, and the shed's use for salt storage does not generate noise or other disturbances. Therefore, the effects of the variance are minor.

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

The proposal allows for the efficient operation of the institutional use by providing a dedicated storage space for salt necessary for winter maintenance on the property. Therefore, staff is of the opinion that the variance is desirable and appropriate for the use of the land.

Environmental Planning Comments:

Tree Management was addressed through the Site Plan Application

Heritage Planning Comments:

No concerns. However, the applicant is advised that the subject property is located adjacent to the Walter Bean Trail Cultural Heritage Landscape.

Building Division Comments:

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

Engineering Division Comments:

No concerns

Parks and Cemeteries/Forestry Division Comments:

No concerns

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 2019-051*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

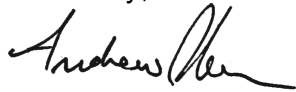
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Ella Francis, Student Planner, 519-783-8602

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-123

SUBJECT: Minor Variance Application A2025-014 – 51 Meadowridge St.

RECOMMENDATION:

That Minor Variance Application A2025-014 for 51 Meadowridge Street requesting relief from Section 4.14.4 d) of Zoning By-law 2019-051 to permit a deck, greater than 0.6 metres in height, to be setback from the rear lot line 2.5 metres instead of the minimum 4 metres and to permit the deck to be located 0.5 metres from the side lot line instead of the minimum required 2.5 metres, to recognize an existing deck on a townhouse dwelling unit, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to permit a deck to be to be setback from the rear lot line 2.5 metres instead of the minimum 4 metres and to permit the deck to be located 0.5 metres from the side property line instead of the minimum required 2.5 metres.
- 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 Meadowridge Street, near South Creek Drive and Thomas Slee Drive, in the Doon South neighbourhood.



Figure 1 — Location of subject property (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 Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of the application is to recognize the setbacks of the existing deck. The deck is already built, so approval of this application would bring the existing deck into compliance.

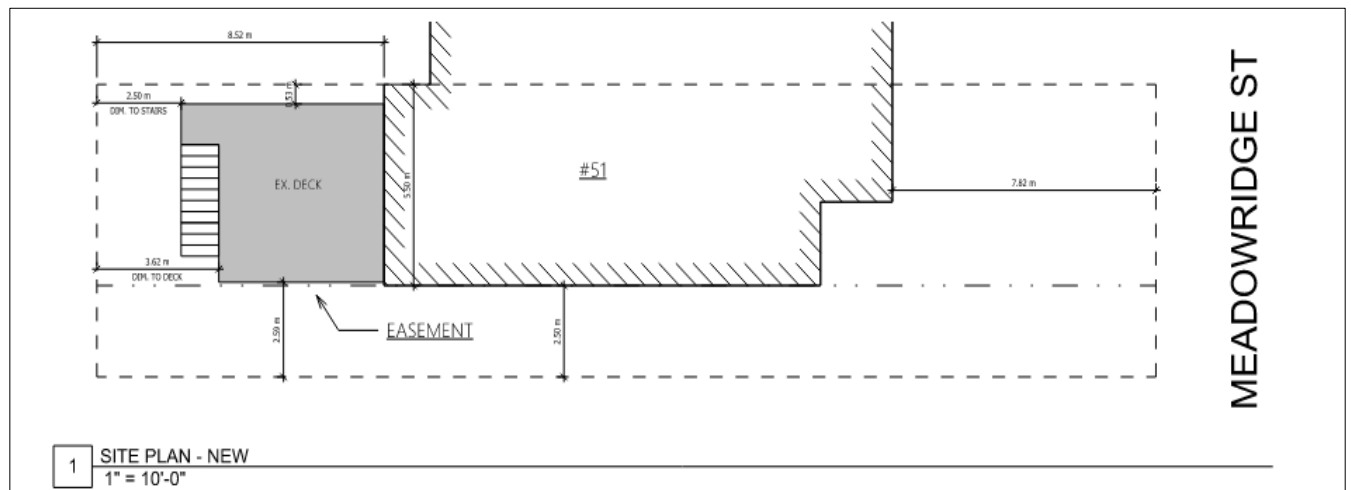


Figure 2 — Site Plan showing existing deck.

Planning Staff conducted a site visit on February 28, 2025.



Figure 3 — Front of subject property.



Figure 4 — View of deck from rear yard facing southwest.



Figure 5 — View of deck from rear yard facing south.

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. The intent of this designation is to encourage a range of different housing to achieve a low rise built form in the neighbourhood. The use of the property and deck are permitted with the land use designation. The variance to recognize the location of the existing deck will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Section 4.14.4 of Zoning By-law 2019-051 states that a deck must be located minimum of 4 metres from the rear lot line and must meet the side yard setbacks required for the dwelling in the applicable zone. Section 7.3, Table 7-4 states that the minimum interior side yard setback is 2.5 metres for a street townhouse dwelling in a Low Rise Residential Five Zone.

The purpose of requiring minimum side yard setbacks in the rear and side yards is to provide privacy, ensure appropriate access, and to avoid encroachment onto neighbouring properties. There is a barrier between the deck and neighbouring property which can mitigate privacy concerns from the reduced side yard setback. The rear yard backs onto green space, so there are no privacy concerns with the reduced rear yard setback. There is a 2.5 metre side yard setback on the northerly side of the deck which provides sufficient

access to the rear yard. Staff observed no encroachment onto neighbouring properties. Therefore, the proposed variance maintains the general intent of the Zoning By-law.

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

Staff have not observed any significant or adverse impacts related to the existing deck. Reconstructing the deck to bring it into compliance with the Zoning By-law could cause more significant impacts than permitting the zoning deficiencies in the existing deck. Therefore, the effects of the proposed variance are minor in nature.

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

The deck provides an amenity area for the townhouse unit which enhances the use of the rear yard. Therefore, the proposed variance is desirable and appropriate for the use of the land.

Environmental Planning Comments:

The subject property backs onto the Groh Scenic Heritage Corridor, a trail buffered on either side with trees and vegetation. Care should be taken when working in the rear yard not to negatively impact adjacent trees or vegetation.

Heritage Planning Comments:

No concerns. However, the applicant is advised that the subject property is located adjacent to the Groh Drive Cultural Heritage Landscape.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit application has been made for the rear yard deck.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

GRCA Comments:

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

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

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', written over a horizontal line.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

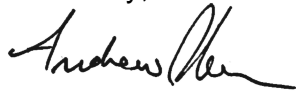
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Andrew Pinnell, Senior Planner, 519-783-8915

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-112

SUBJECT: Minor Variance Application A2025-015 - 1180 Union Street

RECOMMENDATION:

That Minor Variance Application A2025-015 for 1180 Union Street requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3, to permit a parking space and driveway to be located in the Corner Visibility Triangle (7.5 metres by 7.5 metres), whereas the Zoning By-law does not permit parking spaces and driveways in this location; and
- ii) Section 6.1.1.1 b) iv) to permit a driveway to be located 7.4 metres from the intersection of street lines instead of the minimum required 9.0 metres;

to facilitate the development of a 1.1 metre wide unobstructed walkway to a dwelling unit in the existing building, generally in accordance with the *Proposed Site Plan*, prepared by Bobicon Ltd., dated January 12, 2025, as modified, and as attached to Report DSD-2025-112, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of variances for relief from the Corner Visibility Triangle regulation and driveway setback to intersection regulation, to facilitate the development of a 1.1 metre wide unobstructed walkway to a dwelling unit in the existing building
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located at the northwest corner of Union Street and Maple Avenue, in the North Ward Planning Community. The property contains a dwelling, constructed as a single detached dwelling in approximately 1949. The rear yard of the property is approximately 18.4 metres deep and a large portion of the rear yard is within a depression that is approximately 1.3 metres below the grade of Maple Avenue.

The lands to the west, on Union Street, contain mainly low density residential uses, while the property immediately to the north contains a 3-storey multiple dwelling. The lands to the east and southeast are used for industrial purposes.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the 2014 Official Plan and is designated as 'Low Rise Conservation A' in the North Ward Secondary Plan. The property is zoned 'Residential Five Zone (R-5) with Special Use Provision 129U' under Zoning By-law 85-1 (only)



Figure 1: Subject Property (outlined in red).

In August 2024, the Committee conditionally approved Consent Application B2024-022 to sever a parcel of land with frontage on Maple Avenue, for the purposes of constructing a Single Detached Dwelling with an Additional Dwelling Unit (ADU) (Attached) on the Severed Lot.

The Retained Lot contains an existing Single Detached Dwelling, which is proposed to be modified to contain an ADU (Attached) and has approximate frontage on Union Street of 12.6 metres, a frontage on Maple Avenue of 22.4 metres, a depth ranging between 12.6 metres and 14.4 metres, and an area of 302.6 square metres.

In addition, the Committee approved associated Minor Variance Application A2024-067 which grants relief for the Retained Lot from Section 39.2 of Zoning By-law 85-1:

- a) to permit a corner lot width of 12.6 metres instead of the minimum required 15 metres,

- b) to permit a westerly side yard setback on one side of the dwelling where there is a driveway of 2.9 metres instead of the minimum required 3.0 metres,
- c) to permit a side yard setback abutting Maple Avenue of 3.2 metres instead of the minimum required 4.5 metres and
- d) to permit a rear yard setback of 2.8 metres instead of the minimum required 7.5 metres.

The purpose of the latter Minor Variance Application was to recognize the existing dwelling at 1180 Union Street, on the Retained Lot.

As of the date of the subject report, all conditions related to Consent Application B2024-022 have been cleared and the deed has been endorsed. However, staff does not know whether the Severed Lot has been created yet. Also, the existing dwelling is currently under renovation, as shown in Figure 2.



Figure 2: Photo of existing dwelling, taken from the intersection of Union Street and Maple Avenue.

Following approval of the above noted applications, it was determined that further relief is required to construct the required 1.1-metre-wide unobstructed walkway on the Retained Lot, from the sidewalk on Union Street to the principal entrance on west side of the existing building. The City's Development and Housing Approvals Division has paid the Minor Variance Application fee to account for this additional variance. In this regard, the

owner is now requesting further relief from the following Sections of Zoning By-law 85-1, via the subject application:

- i) Section 5.3, to permit a parking space and driveway to be located in the Corner Visibility Triangle (7.5 metres by 7.5 metres), whereas the Zoning By-law does not permit parking spaces and driveways in this location; and
- ii) Section 6.1.1.1 b) iv) to permit a driveway to be located 7.4 metres from the intersection of street lines instead of the minimum required 9.0 metres.

For the purposes of this report, it should be noted that the Zoning By-law 85-1 definition of a Corner Visibility Triangle “means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 7.5 metres from their point of intersection.”

Development and Housing Approvals (DHA) staff visited the site on February 27, 2025.

REPORT:

Planning Comments:

In considering the four tests for 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 Parking section of the 2014 Official Plan outlines the following applicable policy:

13.C.8.4. All parking areas or facilities will be designed, constructed and maintained:...b) for the safe and efficient movement of all users, on the site, and at points of ingress and egress related to the site.

In this regard, DHA staff is of the opinion that the 0.05 metre encroachment of a parking space and driveway into the Corner Visibility Triangle (CVT) and reduced setback of the driveway to the intersection of Maple Ave / Union St is acceptable for all users, based on Transportation Services' comment that it has “no concerns with the driveway as it would not impact the CVT”.

Policy 13.8.2.1 of the (*Low Rise Conservation – A*) of the North Ward Secondary Plan states, that, “Permitted uses are restricted to single detached dwellings, duplex dwellings, semi-detached dwellings, lodging houses, small residential care facilities, home businesses, and private home day care.” In this regard, the requested variances would facilitate a permitted use along with the added benefit of an Additional Dwelling Unit (Attached).

DHA staff is of the opinion that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the CVT regulation is to allow motorist, pedestrian, and cyclist visibility across a site from one street to another, at an intersection. The purpose of the driveway setback to an intersection is to ensure sufficient buffering and visibility at an intersection.

It should be noted that under the applicable By-law 85-1, a CVT is 7.5 metres by 7.5 metres. However, if the subject property was under By-law 2019-051 (majority of the of the city), the requirement would be 7 metres by 7 metres [see Section 4.5 d)]. Ultimately, it is anticipated that By-law 2019-051 will be applied in this area in the coming years. In this case, since the CVT encroachment is only 0.05 metres under by-law 85-1, the property will fully comply when By-law 2019-051 is implemented in this location.

Moreover, it should be noted that under the applicable By-law 85-1, on a corner lot, an access driveway shall not be located closer than 9.0 metres to the intersection of the street lines abutting the lot. However, if the subject property was under By-law 2019-051, the related regulation reads differently, stating "...no driveway, or parking space shall be located within the front yard for a distance of 7 metres from the exterior side lot line..." [see Section 5.4i)]. In this case, since the distance to the intersection is 7.4 metres, the property will fully comply when By-law 2019-051 is implemented in this location.

As stated above, Transportation Services has "no concerns with the driveway as it would not impact the CVT". Adequate visibility and buffering are provided to and from the intersection.

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

Are the Effects of the Variances Minor?

DHA staff is of the opinion that the requested variances are minor since they are not anticipated to cause unacceptably adverse impacts on adjacent properties or to users of abutting municipal sidewalks or roads. As aforementioned, Transportation Services has "no concerns with the driveway as it would not impact the CVT" and adequate visibility and buffering are provided to and from the intersection.

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

DHA staff is of the opinion that the requested variances are desirable. Through the dwelling modifications to add an ADU (Attached) and related Consent Application B2024-022, the subject variances will help facilitate appropriate, gentle intensification within an established neighbourhood and will assist in providing much needed housing during the present housing crisis. Moreover, the variance will permit a 1.1 metre wide unobstructed walkway for fire fighting purposes to be constructed through the interior side yard and front yard to Union Street. This walkway alignment may present less complications than constructing the walkway through the rear yard and exterior side yard to Maple Avenue.

Environmental Planning Comments:

As part of the related, conditionally approved Consent Application in 2024 (Application B2024-022), a condition was required for the owner to enter into an agreement with the City on both the Severed Lot and Retained Lot to require a Tree Preservation / Enhancement

Plan and to implement the Plan, prior to grading, servicing, tree removal, or issuance of building permits. Development and Housing Approvals staff advises that this agreement has been registered. Current and future landowners are advised that the preparation of Tree Preservation / Enhancement Plan and to implement the Plan, prior to grading, servicing, tree removal, or issuance of building permits.

Heritage Planning Comments:

No concerns. However, the applicant is advised that the subject property is located adjacent to the Union Street Cultural Heritage Landscape.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit has already been issued for the change of use to a duplex.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the driveway as it would not impact the CVT under the 2019-051 zoning by-law.

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:

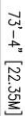
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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*
- *North Ward Secondary Plan (1994 Official Plan)*
- *2014 Official Plan*

- *Zoning By-law 85-1*
- *DSD-2024-366*

ATTACHMENTS: Attachment A – *Proposed Site Plan*, prepared by Bobicon Ltd., dated January 12, 2025, as modified



NOTE: WALKWAY IS TO DIFFER FROM THE DRIVEWAY IN MATERIAL OR IN FINISH.

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

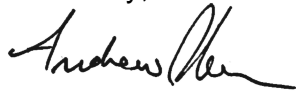
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 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 10

DATE OF REPORT: March 4, 2025

REPORT NO.: DSD-2025-128

SUBJECT: Minor Variance Application A2025-016 – 45-53 Courtland Avenue East

RECOMMENDATION:

That Minor Variance Application A2025-016 for 45-53 Courtland Avenue East requesting relief from the following sections of Zoning By-law 85-1:

- i) Appendix D, Special Regulation Provision 786R, to permit a Floor Space Ratio (FSR) of 2.8 instead of 2.4;
- ii) Appendix D, Special Regulation Provision 786R, to permit a rear yard setback of 18 metres instead of 19 metres;
- iii) Appendix D, Special Regulation Provision 786R, to permit a maximum building height, excluding roof top mechanical equipment from 21 metres to 28 metres;

to facilitate the development 8-storey multiple dwelling having 95 dwelling units, in accordance with Site Plan Application SP23/034/C/BB, revised dated June 6, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to assess a technical request to vary By-law 85-1 in advance of By-law 2019-051 for Growing Together Zoning coming into full force and effect that would allow this development proposal as of right.
- Due to an appeal of the Growing Together Zoning to the Ontario Land Tribunal, the developer is unable to move forward to final approvals and thus requires minor variances to Zoning By-law 85-1 as the property is affected by two zoning by-laws.
- The key finding is that staff are recommending approval as the request meets the 4 tests of a Minor Variance under 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:

In 2023, Council approved Official Plan Amendment (OPA 125) and Zoning By-law Amendment (By-law 2023-033) to allow for the infill re-development of a 6 storey, 65-unit multiple dwelling.

Since those approvals in 2023, the City advanced the implementation of the Growing Together project that introduced Strategic Growth Area policy designations and zoning. The subject lands were redesignated 'Strategic Growth Area A' and zoned 'Strategic Growth Area 2 (SGA-2)'. The new zoning framework permits an 8 storey building with no parking requirements or maximum Floor Space Ratio. Following Council approval of Growing Together, the site plan was updated to align with the SGA-2 zoning. The site plan now shows 8 storeys and 95 units on essentially the same building footprint and same amount of parking – (see Figure 1). Unfortunately, the ZBA intended to implement the Growing Together zoning, was appealed to the OLT and is not yet in effect. Therefore, the subject lands are dual zoned under 85-1 and By-law 2019-051 pending the approval of Growing Together zoning by the OLT.

As additional building height, FSR and a minor reduction in the rear yard setback (19 metres to 18 metres) do not align with the 85-1 zoning as amended, the owner is asking for minor variances keeping in mind once Growing Together is in effect, the variances will no longer be required as the new zoning will allow the changes as-of-right. The applicant wishes to advance the request now given the uncertainty of timing around OLT approvals, which is delaying final approvals. Should the appeals be resolved prior to the Committee's decision, then the owner will withdraw his application.

The property is designated 'Strategic Growth Area (SGA) 'A' in the City's Official Plan and is dual zoned 'Mixed Use Two Zone with Special Regulation Provision 786 (MU-2, 786R)' in Zoning By-law 85-1 and 'Strategic Growth Area Two Zone (SGA-2)' in Zoning By-law 2019-51.

The purpose of the application is to seek relief from MU-2, Special Regulation Provision 786R of Zoning By-law 85-1 as follows:

1. An increase in the maximum permitted Floor Space Ratio (FSR) from 2.4 to 2.8, or alternatively that no maximum FSR be applied given the removal of a maximum FSR in the SGA-2 zone;
2. A reduction in the rear yard setback from 19 metres to 18 metres; and,
3. An increase in maximum permitted building height excluding rooftop mechanicals from 21 metres to 28 metres.

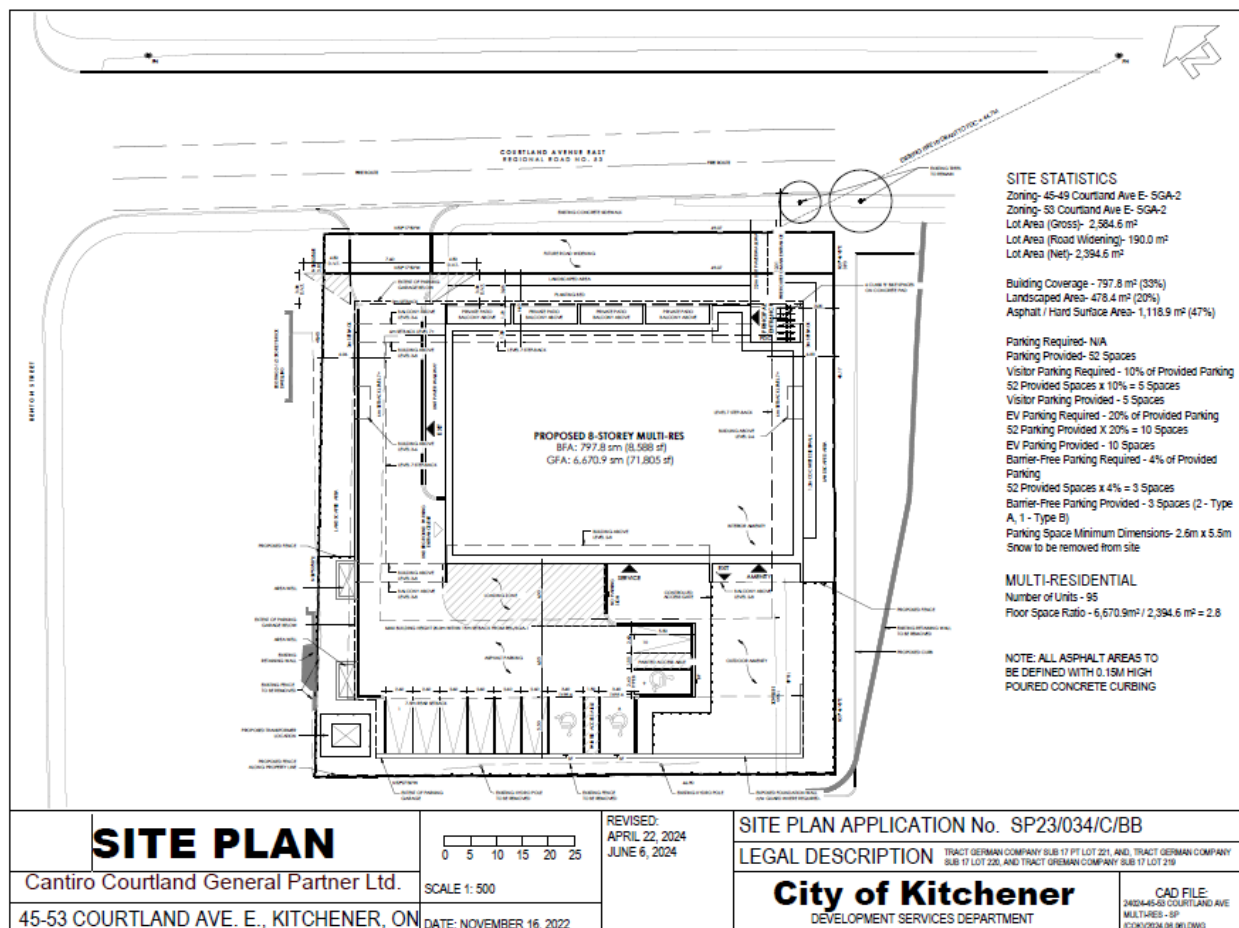


Figure 1 - Conditionally Approved Site Plan

Staff conducted a site visit on February 28, 2025.



Figure 2 – Photo of the Subject Property

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The new SGA 'A' land use designation under City-initiated Official Plan Amendment OPA 49 allows for low to medium density buildings up to 8 storeys in height, no FSR limit or no parking required because it is located within a Protected Transit Station Area. OPA 49 was not appealed and is in full force and effect.

Accordingly, the general intent of the Official Plan is maintained.

General Intent of the Zoning By-law

The intent of the Zoning By-law is maintained as the 'SGA-2' zoning once in effect will allow for 8 storeys and no FSR as-of-right. As such, the request to vary the height and FSR is technical in nature; the intent to provide for a mid-rise building is being maintained.

The rear yard setback reduction from 19 to 18 metres is due to an architectural design detail that is needed for a ground-support for a balcony above the amenity space at ground level. Because it is now ground-supported the setback is taken at ground-level whereas if the balcony was not ground-supported, the setback is from the building. In the opinion of staff, the intent of allowing providing an enhanced setback to Martin Street properties is being maintained.

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

The effects are minor and technical in nature as the proposed variances reflect the direction of the Council adopted Growing Together SGA-2 zoning while still providing adequate separation from Martin Street properties as intended through the original planning application that was approved in 2023.

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

The variances are appropriate and desirable for the use of the land as the increase in building height and FSR is in line with the Growing Together Planning Framework, and it maintains a mid-rise building form envisioned through the owner's private amendments approved by Council in 2023. It will facilitate the development of additional dwelling units in a Protected Major Transit Station Area and support the City's Housing Pledge.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 45-53 Courtland Ave. E. is located within the Cedar Hill Neighbourhood CHL. The proposed variances are not anticipated to have any major impacts on the cultural heritage value of the Cedar Hill Neighbourhood. As such, staff have no concerns. Staff would, however, encourage that any new development be compatible with the surrounding character of the neighborhood in terms of setbacks, massing, and materials.

Building Division Comments:

The Building Division has no objections to the proposed variances. An application has been made for the apartment.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

All Parks concerns will be addressed through Site Plan Application SP23/034/C/BB.

Transportation Planning Comments:

No concerns.

Region

No comments.

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-laws 85-1 and 2019-051*
- *DSD-2023-065*
- *DSD-2024-128*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', written over a horizontal line.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

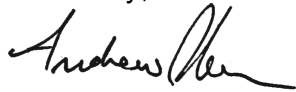
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 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 2

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-114

SUBJECT: Minor Variance Application A2025-017 – 1157 and 1175 Weber Street East

RECOMMENDATION:

That Minor Variance Application A2025-017 for 1157-1175 Weber Street East requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 8.3, Table 8-2, to permit a minimum street line setback for mid-rise buildings and tall buildings of 1.8 metres instead of the minimum required 3 metres;
- ii) Section 8.3, Table 8-2, to permit a minimum ground floor street line façade width as a percent of the width of the abutting street line of 35% along Franklin Street North instead of the minimum required 50%;
- iii) Section 8.3, Table 8-2, to permit a reduced minimum percent street line façade openings of 25% along Weber Street East instead of the minimum required 50%; and,
- iv) Section 19, Site Specific Provision 364, to permit a minimum amount of non-residential gross floor area on the ground floor of 210 square metres instead of the minimum required 376 square metres;

to facilitate the development of the subject property with an 11-storey building, having 233 dwelling units, and 210 square metres of non-residential floor space, in accordance with Site Plan Application SP24/095/W/EW, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations regarding the Minor Variance Application for 1157-1175 Weber Street East.
- The key finding of this report is that the variances meet the four tests of the *Planning Act* and approval is recommended.

- 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 southeastern corner of the intersection of Weber Street East and Franklin Street South in the central area of the City. The subject property is comprised of two lots, being 1157 and 1175 Weber Street East. These lots had previously operated as a car dealership and are now vacated. Highway 8 is adjacent to the south of the subject property and is grade separated. A bridge over the highway is available on Franklin Street South.

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

The property is zoned 'Mixed Use Three Zone' with a Site-Specific Provision (364)' in Zoning By-law 2019-051.

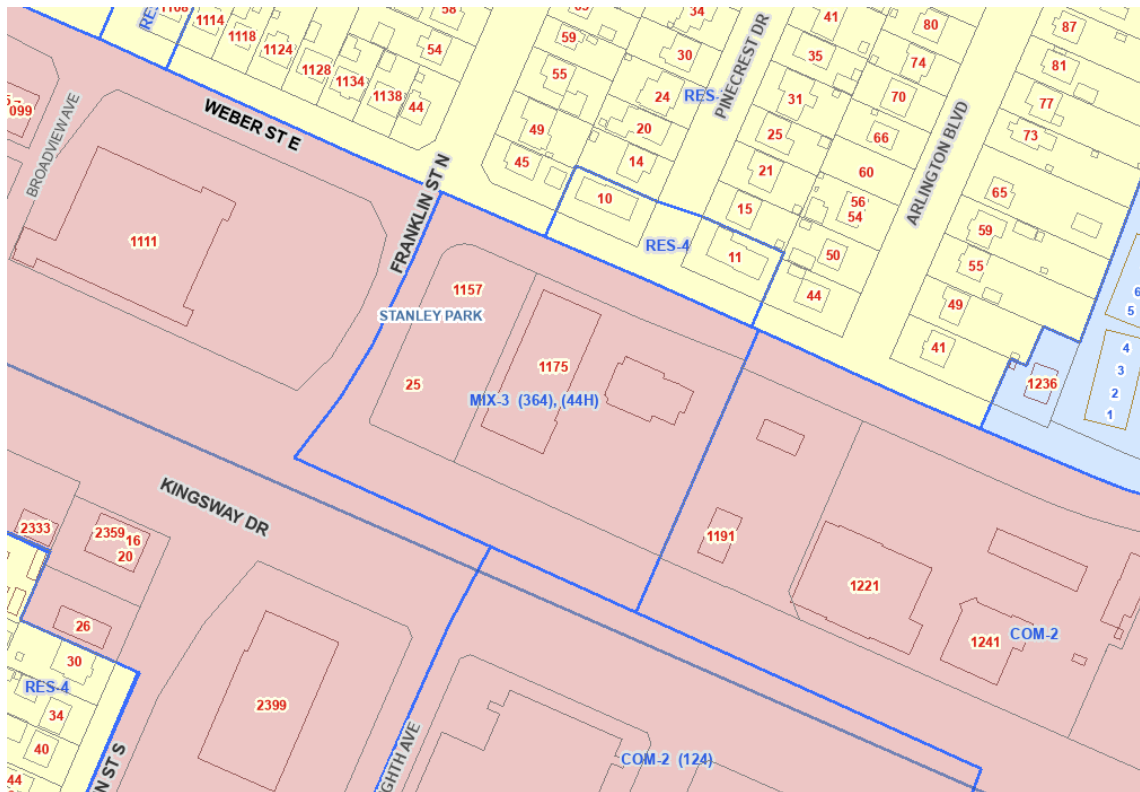


FIGURE 1: THE SUBJECT PROPERTY ZONING



FIGURE 2: THE SUBJECT PROPERTY (VIEW FROM FRANKLIN STREETS)

The purpose of the application is to facilitate the redevelopment of the subject property for an 11-storey building, having 233 dwelling units, and 210 square metres of non-residential floor space, in accordance with Site Plan Application File SP24/095/W/EW. A Zoning By-law Amendment Application was approved for the property in 2023, permitting a two-tower concept of 15 and 19 storeys. Since that time, the owner has revised their plan to an 11-storey purpose-built rental building, requesting four variances to permit the new design.

Revision to variance request for the Minimum Amount of Non-Residential Floor Area:

In the agenda and notice for this application, the variance regarding the minimum floor amount of non-residential gross floor area is listed as 290 square metres. This is an error, and should be 210 square metres, as reflected in the 'Conditionally Approved' site plan for the subject property (file SP24/095/W/EW). During the review of the proposal through the Site Plan Approval process, the building design consisted of three commercial units at-grade. As the design was refined, three commercial units was a mainstay of the building. Although less floor area is now proposed, it remains spread across three commercial units.

As this revision does not propose a new variance to a different provision and the principle effect of the variance remains the same (being floor space allocated to three commercial units), deferral and re-circulation of the application is not required in this instance.



FIGURE 3: PROPOSED DEVELOPMENT RENDER (VIEW FROM INTERSECTION)

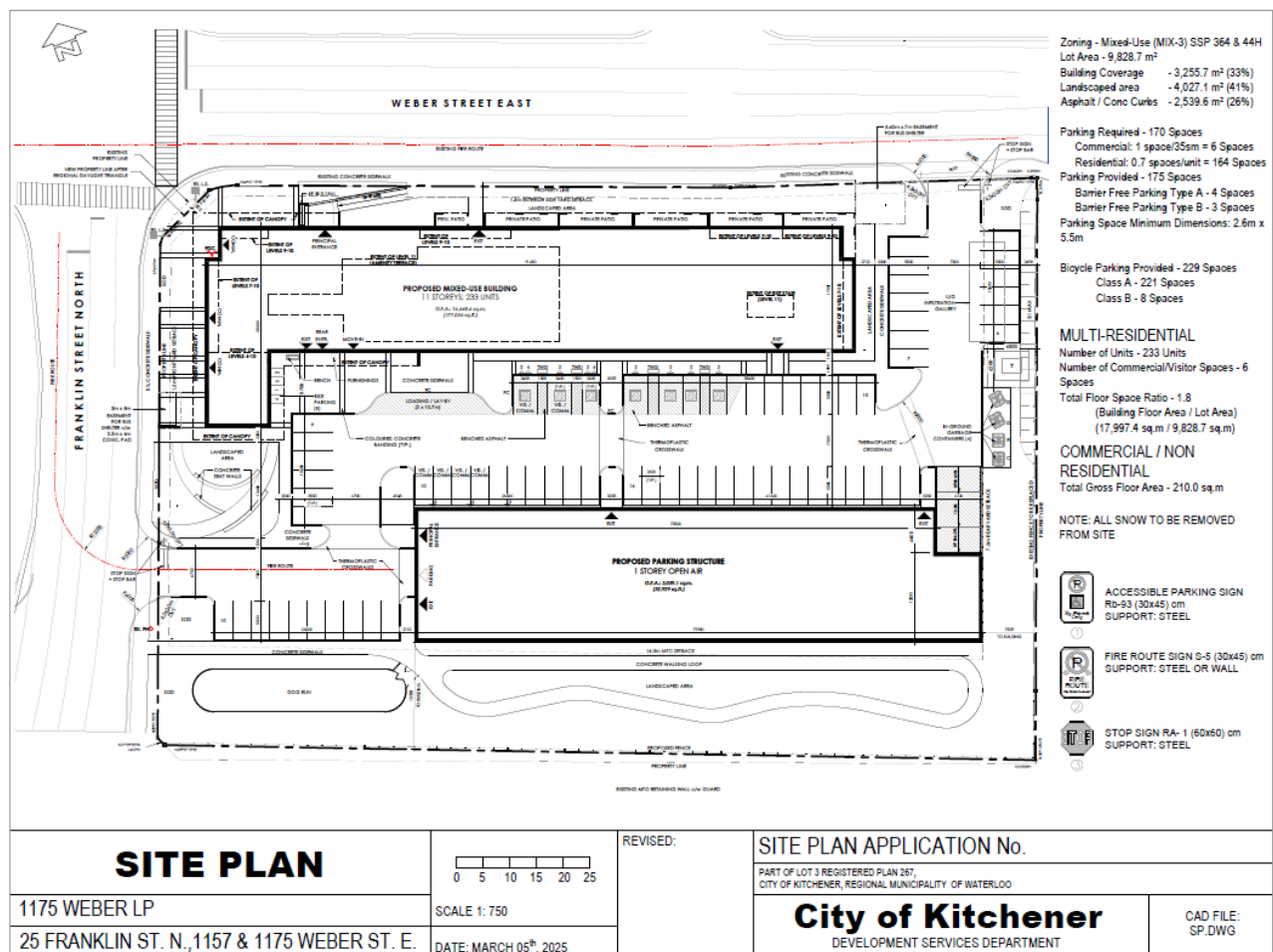


FIGURE 4: SITE PLAN

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 Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit-supportive. The objectives of the Mixed Use land use designations are to, amongst others:

- To achieve an appropriate mix of commercial, residential and institutional uses on lands designated Mixed Use.
- To retain and support a viable retail and commercial presence within lands designated Mixed Use by protecting and improving existing commercial uses and allowing for new appropriately scaled commercial uses that primarily serve the surrounding areas.
- To ensure that development and redevelopment of lands within lands designated Mixed Use implement a high standard of urban design.

The first three variances are architecture and design related in nature and implement the high standard of urban design called for in the Mixed Use designation. The fourth variance, although requesting a lower minimum of non-residential floor area, continues to provide commercial space across three units, following the intent of the Mixed Use designation.

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

General Intent of the Zoning By-law

Minimum street line setback for mid-rise buildings and tall buildings

Regarding the request for a 1.8 metre setback where 3 metres is required, the intent of this provision is to ensure a pedestrian scale development with distinguishable lower and upper elements. An increased setback along Weber Street East and additional setbacks at the upper levels of the building contribute to this differentiation and meet the intent of this provision.

Minimum required ground floor street line façade width as a percent of the width of the abutting street line

The location of Highway 8 at the southern end of the subject property results in a 14 metre wide set back area where no development (or integral building function) is permitted, as per the Ministry of Transportation. The total frontage length of the subject property along Franklin Street South (the frontage impacted by this setback) is roughly 70 metres, meaning that the proposed building must be at least 35 metres long to meet the Zoning By-law requirement. Considering the need to provide access to parking areas and landscaping and other site elements to achieve high quality urban design, the 35 metre

building length is a challenge to feasibly design. The intent of the provision is to ensure a positive relationship with the streetscape. As currently designed, the proposed building will achieve a positive relationship to the streetscape through their 44% façade width mixed with landscaping amenities.

The variance regarding the minimum percent façade openings is to permit the design of the Weber Street East frontage. This frontage consists largely of residential units, and as such, the opening along this façade are not as prevalent when compared to a commercial unit façade. The varied patio and architectural elements along this frontage contribute to a façade with visual interest, avoiding blank wall conditions that may otherwise be present where a variance to façade openings is requested.

Minimum amount of non-residential gross floor area

The requirement for minimum floor area for non-residential uses is implemented by a site-specific provision, approved as part of the previous Zoning By-law Amendment Application for the subject property. This provision was established to ensure that an adequate amount of floor space area for commercial uses was maintained for a property zoned for mixed use. As indicated above, the approval of the Zoning By-law Amendment was based on a site plan that proposed 443 dwelling units through a two-tower design. As the proposal has been reduced in scale considerably, the non-residential/commercial space provided has been similarly reduced. The 233 dwelling units now proposed results in an overall loss of 48% from the previously approval. The requested reduction to minimum non-residential floor area (376 square metres down to 210) is a reduction of 45%.

The variances will maintain the general intent of the Zoning By-law.

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

Assessing if the effect of a variance is minor is typically done by determining the impact of the variances on the surrounding area. The first three variances, being largely design oriented, will have minimal impact on the surrounding area. The proposed design continues to provide smaller-scale commercial units in keeping with the Zoning By-law Amendment approval.

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

The requested variances are desirable and appropriate for the development of the land as they facilitate the development of a mixed-use building with a strong street presence, architecture interest, and mix of commercial uses.

Environmental Planning Comments:

No environmental comments or concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

No comments.

Parks and Cemeteries/Forestry Division Comments:

All Parks concerns will be addressed through SP24/095/W/EW.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region Comments:

No concerns.

GRCA Comments:

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

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:

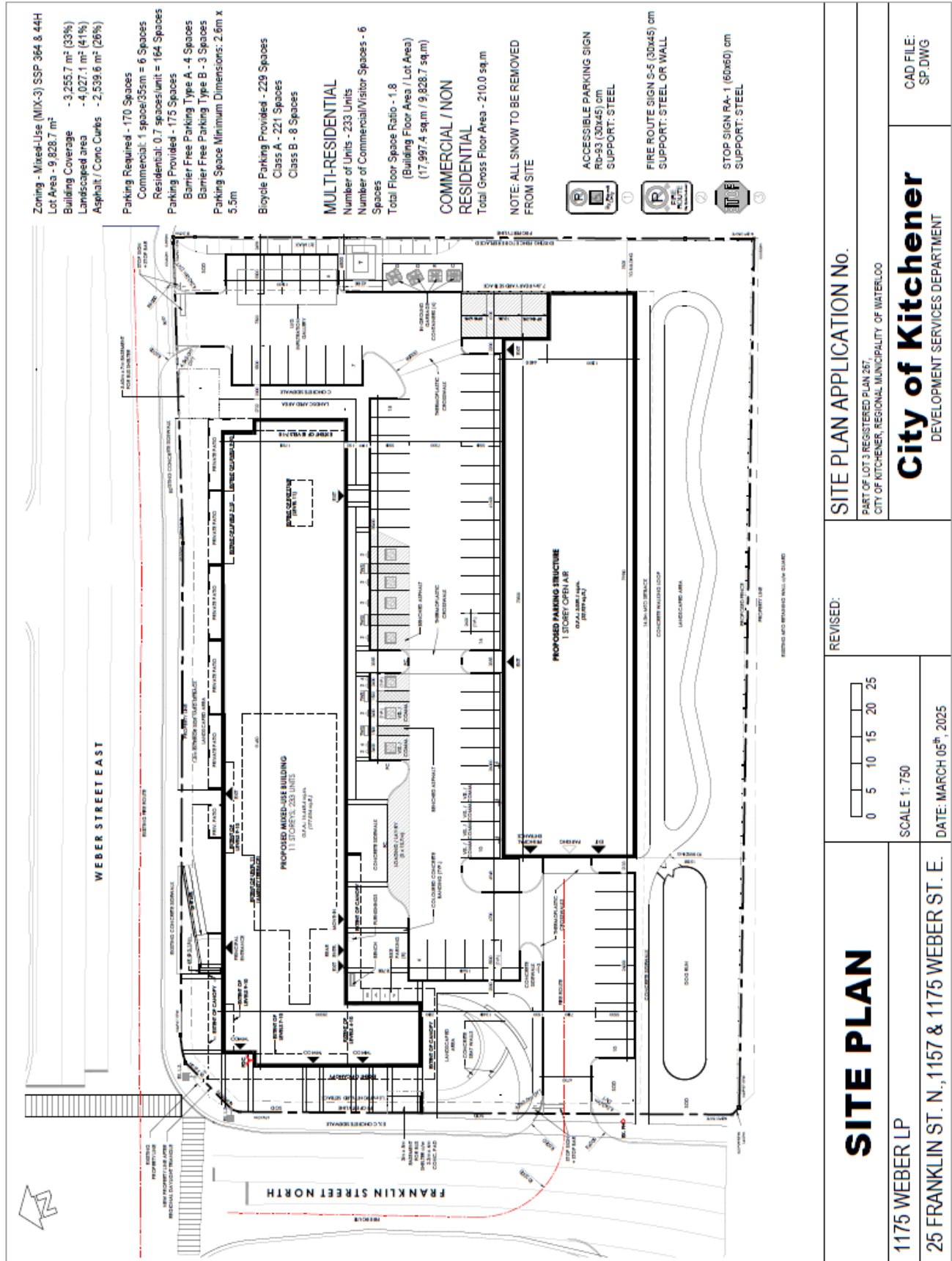
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information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



March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

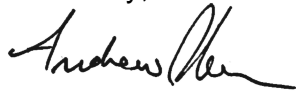
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Ella Francis, Student Planner, 519-783-8602

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-099

SUBJECT: Minor Variance Application A2025-018 – 60 Wellington St. N.

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2025-018 for 60 Wellington Street North requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 5.3 to permit a building to be located in the Driveway Visibility Triangle (DVT) whereas the Zoning By-law does not permit any obstructions in the DVT; and
- ii) Section 5.5.2 b) and Section 39.2.1 to permit an accessory structure to have a lot coverage of 17.4% instead of the maximum permitted 15%;

to facilitate the construction of a new accessory building in the rear yard of the subject property, generally in accordance with drawings submitted with Minor Variance Application A2025-018, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2025-018 for 60 Wellington Street North requesting relief from Section 4.1 d) and Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an accessory structure to have a lot coverage of 17.4% instead of the maximum permitted 15% to facilitate the construction of a new accessory building in the rear yard of the subject property, generally in accordance with drawings submitted with Minor Variance Application A2025-018, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to permit an accessory building to be located in the Driveway Visibility Triangle and to have a lot coverage of 17.4% to facilitate the construction of a new accessory building in the rear yard of the subject property.
- The key finding of this report is that the 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 on the north side of Wellington Street, between Moore Avenue and Waterloo Street, in the Mount Hope Huron Park neighbourhood.



Figure 1 — Location of subject property (outlined in RED)

The subject property is 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 2014 Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1. It is also zoned 'Strategic Growth Area 1 (SGA-1)' under Zoning By-Law 2019-051. The property is subject to the requirements of both Zoning By-Laws 85-1 and 2019-051 while the new SGA zones are under appeal.

The purpose of the application is to facilitate the construction of a new accessory structure in the rear yard. The rear yard backs onto a laneway which is used to access rear garages and driveways. The new accessory structure would be facing the laneway. The existing shed would be demolished.

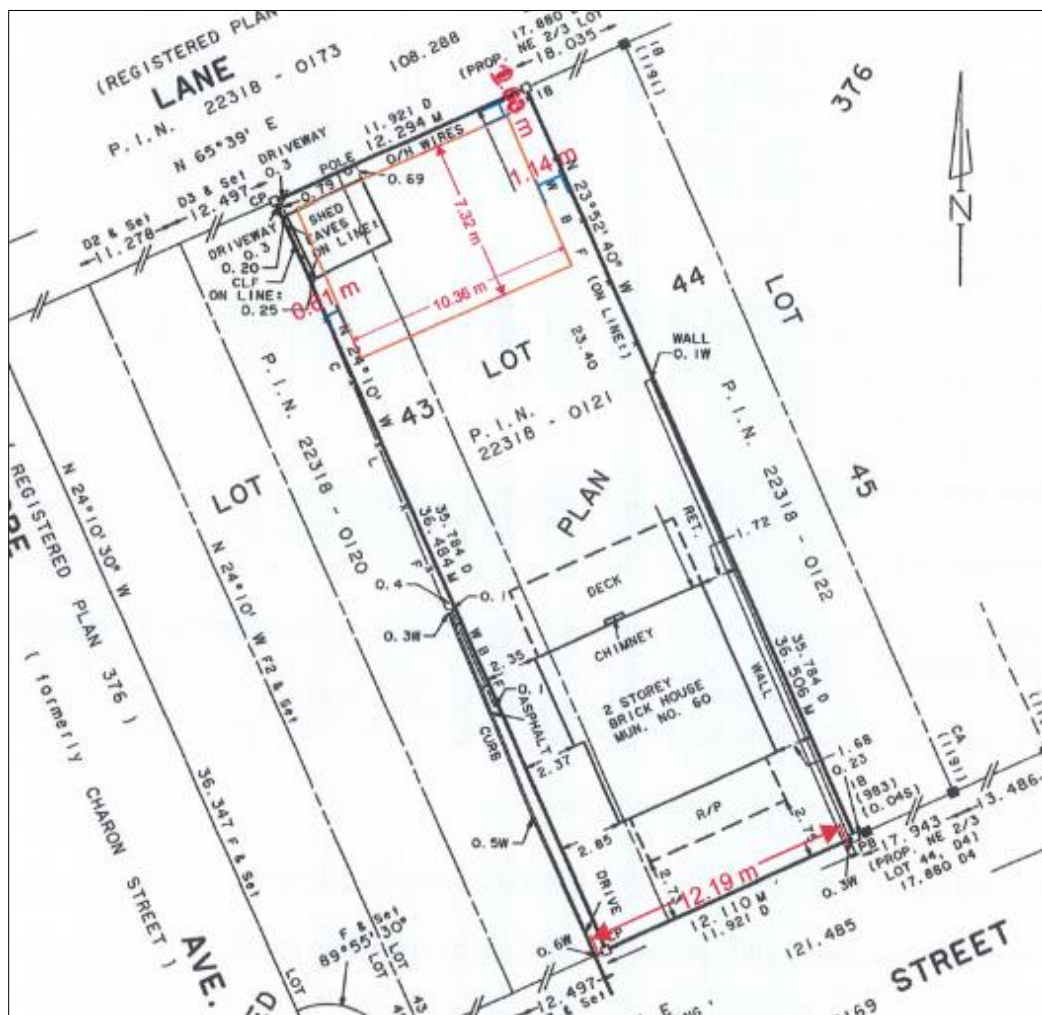


Figure 2 - Site Plan showing proposed accessory structure.

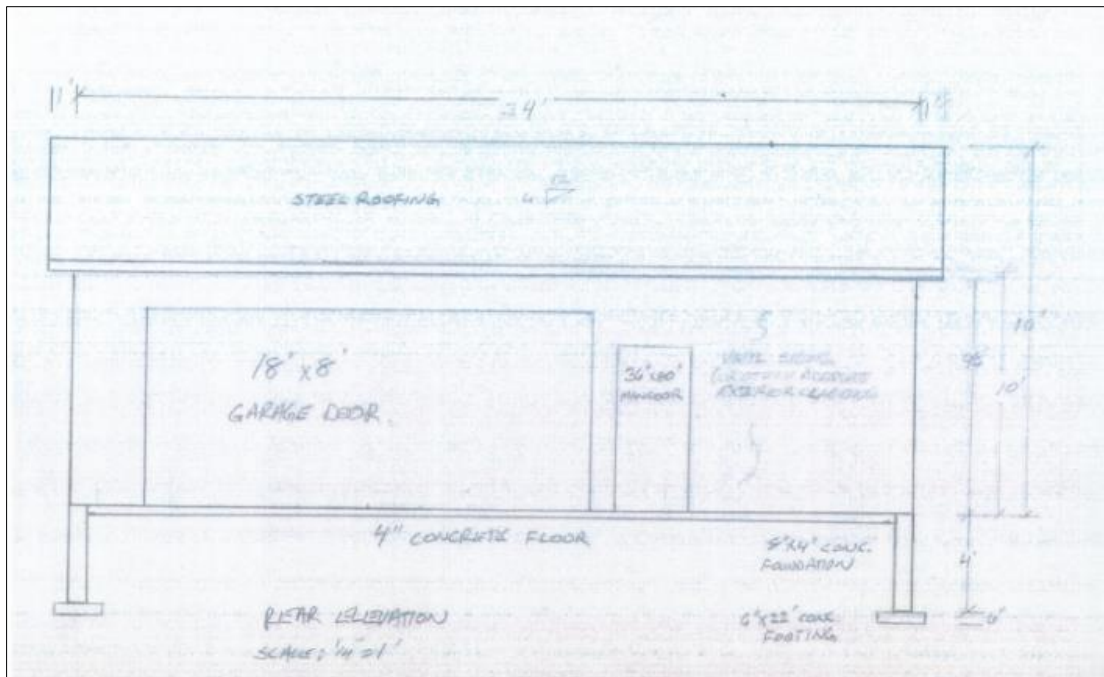


Figure 3 – Rear elevation of proposed accessory structure.

Planning staff conducted a site visit on February 28, 2025.



Figure 4 — Front of 60 Wellington Street North.



Figure 5 — Rear of 60 Wellington Street North viewed from rear laneway.

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 site is designated 'Strategic Growth Area A' (SGA-A) in the City's 2014 Official Plan. Strategic Growth Area land use designations are applied within Protected Major Transit Station Areas and are intended to facilitate intensification and the development of complete communities. The SGA-A land use designation is the least intensive of these designations and is intended to accommodate intensification within low-rise residential neighbourhoods.

The proposed accessory structure will provide slight intensification to the property while maintaining the low rise residential character of the neighbourhood. Therefore, the proposed variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Driveway Visibility Triangle

Section 5.3 of Zoning By-Law 85-1 states that no obstructions to visibility are permitted in the driveway visibility triangle. Further, Section 5.3 states that the purpose of this regulation is to “allow complete view of oncoming motor vehicle and pedestrian traffic by other such traffic entering the intersection or street.”

The proposed accessory structure is proposed to face a rear laneway, which is only subject to traffic from homeowners accessing rear garages and driveways. Staff are of the opinion that traffic on the laneway would not be negatively impacted by the proposed accessory structure.

Further, Zoning By-Law 2019-051 does not require a DVT in Strategic Growth Area zones. When the SGA-1 zoning is implemented and the previous zoning is phased out, this variance would no longer be required. Therefore, the variance regarding the Driveway Visibility Triangle meets the general intent of both Zoning By-Laws.

Lot Coverage

Section 5.5.2 b) and Section 39.2.1 of Zoning By-Law 85-1 state that the maximum lot coverage for an accessory structure is 15 percent. Section 4.1.d) and Section 7.3, Table 7-2 of Zoning By-Law 2019-051 also state this. The purpose of implementing a maximum lot coverage for accessory structures is to ensure sufficient open space on the property and to ensure the accessory building is secondary in size to the primary dwelling.

Sections 5.5.1c) and d) of Zoning By-law 85-1 and Section 4.1c) of Zoning By-law 2019-051 state that 0.6 metres is the minimum side and rear yard setback for an accessory structure. The proposed accessory structure meets these setback requirements. As well, a 1.1 metre setback is proposed on the easterly side of the accessory structure which can provide improved access to the rear yard. Section 39.2.1 of Zoning By-law 85-1 further states that the maximum lot coverage in total for a lot is 55 percent, which the property complies with. Therefore, the variance regarding lot coverage meets the general intent of both Zoning By-Laws.

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

The proposed accessory structure will be built in the rear yard facing a laneway, resulting in minimal impacts to the laneway and no impacts to the streetscape. The accessory structure is not anticipated to have any significant impacts on neighbouring properties. As well, the proposed accessory structure will replace an existing accessory structure and paved parking area. Staff do not anticipate any significant or negative impacts arising from the obstruction of the driveway visibility triangle or the increased lot coverage. Therefore, the effects of the proposed variances are minor in nature.

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

The variances will facilitate the construction of the proposed accessory structure, which will replace a smaller existing accessory structure to provide additional garage and storage space for the property. The proposed accessory structure is also similar to others that

have been constructed along the laneway. Therefore, the proposed accessory structure is desirable and appropriate for the use of the land.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 60 Wellington Street North is located within the Mount Hope/Breithaupt Neighbourhood CHL. The proposed accessory structure in the rear yard is not anticipated to have any major impacts on the cultural heritage value of Mt. Hope/Breithaupt Neighborhood. As such, staff have 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 garage.

Engineering Division Comments:

Engineering has no comment.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application due to poor visibility under existing conditions. The Applicant is encouraged to offset their building further from the laneway to improve visibility.

Metrolinx Comments

The subject property is located within 300m of the Metrolinx Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.

Advisory Comments

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:

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

environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

GRCA Comments

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1 and Zoning By-law 2019-051*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

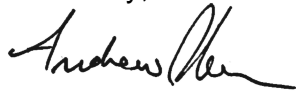
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

To: Committee of Adjustments, City of Kitchener – March 18th, 2025, Hearing
From: *Adjacent Developments GO Expansion and LRT – Third Party Projects Review - Metrolinx*
Date: February 28th, 2025
Re: A 2025-018 – 60 Wellington Street North, Kitchener

Metrolinx is in receipt of the Minor Variance application for 60 Wellington Street North, Kitchener, to permit an accessory building that obstructs the driveway visibility triangle and would result in a lot coverage of 17.4%. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.

Advisory Comments:

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

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

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

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-129

SUBJECT: Minor Variance Application A2025-019 – 114 Madison Ave. S.

RECOMMENDATION:

That Minor Variance Application A2025-019 for 114 Madison Avenue South requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 6.1.2 b) vi) A) to permit one (1) visitor parking space at a rate of 0.1 visitor parking spaces per dwelling unit, instead of the minimum required two (2) visitor parking spaces at a rate of 0.15 visitor parking spaces per dwelling unit;
- ii) Section 40.6 to permit a side yard setback of 1.5 metres instead of the minimum required 2.5 metres; and
- iii) Section 40.6 to permit a Floor Space Ratio of 1.58 instead of the maximum permitted Floor Space Ratio of 0.6;

to permit a 10 unit multiple dwelling generally in accordance with drawings prepared by Marius Ardelean Designer, dated February 18, 2025, BE APPROVED subject to the following conditions:

1. That the Owner provides confirmation, to the satisfaction of the Director of Engineering Services, that the existing services can support the proposed additional demand prior to an application for a Building Permit being received. If the demand cannot be supported, the Owner shall make an application through the Off-Site works process, to the satisfaction of the Director of Engineering Services.
2. That the Owner shall make an application for a Site Alteration Permit, to the satisfaction of the Director of Engineering Services, prior to an application for a Building Permit being received.

3. That the Owner acknowledge that any new driveways or widenings to existing driveways are to be built to City of Kitchener standards and that the Owner confirms, to the satisfaction of the City's Director of Engineering Services, if an application for a Curb Cutting/ Driveway widening permit is required prior to an application for a Building permit being received.
4. That the Owner shall:
 - a) Prepare a Tree Preservation Plan for the Subject Lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans and City's Director, Parks and Cemeteries, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of Demolition and/or Building Permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
 - b) That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a 10 unit residential multiple dwelling.
- The key finding of this report is that the minor variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north side of Madison Avenue South near the intersection of Madison Avenue South and Courtland Avenue East.



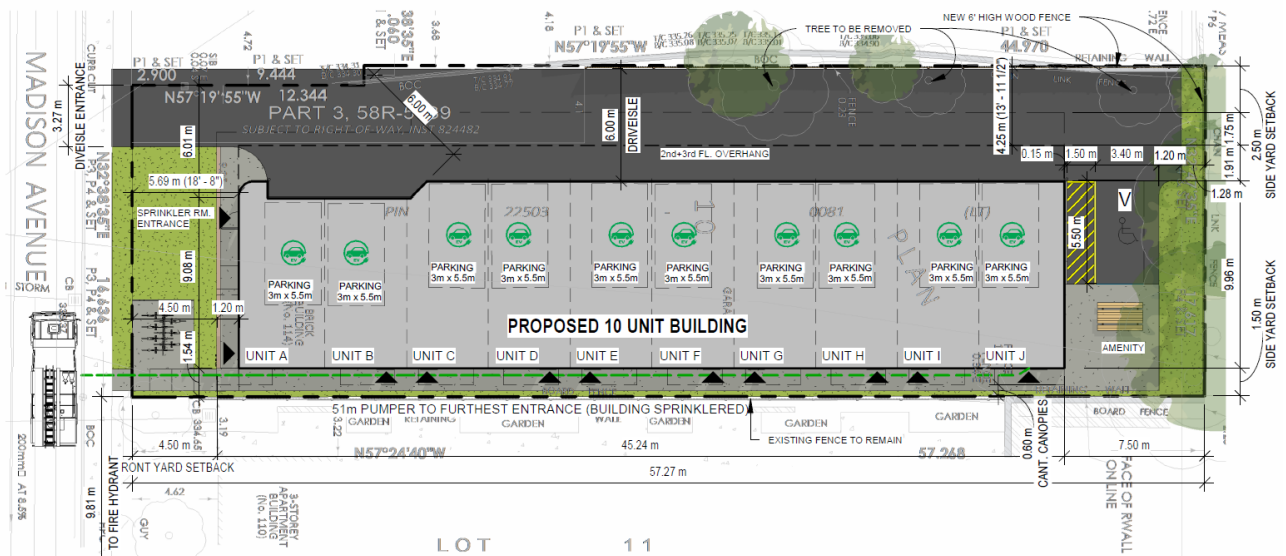
Figure 1: Location Map: 114 Madison Avenue South

The subject property is 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 2014 Official Plan.

The property is zoned 'Residential Six Zone (R-6)' in Zoning By-law 85-1, and 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance application to permit a 10 unit residential multiple dwelling. The applicant is proposing a 10 unit dwelling in the form of townhouses. It should be noted that the 'SGA' Zones are still under appeal and are not in effect at the time of this report. If the new zoning was in effect none of the minor variances within this report would be required and the proposed building would meet the zoning regulations 'as of right'.

Given the uncertainty of when the SGA zone will come into effect, the applicant is requesting variances to Zoning By-law 85-1 in order to commence development as soon as is possible.



LOT 11
Figure 2: Proposed Site Plan



Figure 3: Current site conditions – 114 Madison Ave. S.

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The subject lands are designated 'Strategic Growth Area A' (Map 3). The Strategic Growth Area land use designation is generally intended to accommodate intensification within existing predominantly low-rise residential neighbourhoods. The designation also accommodates a range of low and medium density residential housing types including those permitted in the Low Rise Residential and Medium Rise Residential land use designations. Staff is of the opinion that the variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Parking

The intent of the minimum parking regulations is to ensure that there is enough parking within the property for residents and their visitors. The reduction of parking results in one less parking space provided on site. Each unit will have their own private garage for parking a vehicle and there will be one barrier free accessible visitor space on the property. Further, the forthcoming 'SGA' zoning does not require a minimum parking rate as the SGA-1 area is defined to be close to alternative transit options within the City. The property is also supplying the approved bicycle parking rates as outlined within the new Zoning By-law for the Protected Transit Station Areas.

Side yard setback

The intent of the side yard setback is to ensure there is adequate separation and no adverse impacts to the adjacent residential properties. The development will be setback the required 1.5 metres that is within the new 'SGA-1' zoning. The reduction of 1 metre is appropriate for the development and will still provide sufficient access and setback.

Floor Space Ratio

The intent of the maximum Floor Space Ratio is to ensure that developments are appropriate in terms of massing, height and density on a property. The proposed new 'SGA-1' zoning does not have a maximum Floor Space Ratio calculation within, and buildings are subject only to height restrictions through the new zoning to ensure developments are compatible within the neighbourhoods. The development is a 3 storey building which is compatible within the surrounding community and the building will not exceed the maximum permitted height in the 'SGA' Zone with the increase in FSR.

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

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

Staff is of the opinion that the requested variances are minor as the variances that are requested are to support a new residential development. The proposed variances are not

required with the new 'SGA' zoning and will not present any significant impacts to adjacent properties or the overall streetscape and neighbourhood.

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

The proposed variances are desirable and appropriate for the development and use of the land as their approval will facilitate the construction of a new residential development within a strategic growth area ahead of the appeal of the SGA Zones being resolved.

Environmental Planning Comments:

No natural heritage 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 114 Madison Avenue South is located within the Cedar Hill Neighbourhood CHL. The proposed variances are not anticipated to have any major impacts on the cultural heritage value of the Cedar Hill Neighbourhood. As such, staff have no concerns. Staff would, however, encourage that any new development be compatible with the surrounding character of the neighborhood in terms of setbacks, massing, and materials.

Building Division Comments:

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

Engineering Division Comments:

- That the Owner provides confirmation, to the satisfaction of the Director of Engineering Services, that the existing services can support the proposed additional demand prior to an application for a Building Permit being received. If the demand cannot be supported, the Owner shall make an Application through the Off-Site Works Process, to the satisfaction of the Director of Engineering Services.
- That as this property is over 0.1 ha in size which triggers the Site Alteration By-Law, the Owner shall make an Application for a Site Alteration Permit, to the satisfaction of the Director of Engineering Services, prior to an application for a Building Permit being received.
- That the Owner acknowledges that any new driveways or widenings to existing driveways are to be built to City of Kitchener standards and that the Owner confirms, to the satisfaction of the Director of Engineering Services, if an application for a Curb Cutting/Driveway Widening Permit is required prior to an application for a Building Permit being received.

Parks and Cemeteries/Forestry Division Comments:

There is an existing City-owned street tree that will be impacted by the proposed development. **It is expected that all City owned tree assets will be fully protected to City standards throughout demolition and construction as per Chapter 690 of the current Property Maintenance By-law.**

A revised plan should be submitted along with a Tree Protection and Enhancement Plan (TPEP) showing full protection for the existing City tree to the Director of Parks and Cemeteries. Grading and Servicing plans should accompany the Building Permit submission.

Please clearly indicate the location of tree trunks, dripline and offsets to proposed fencing and construction work zone. Securities for protected trees and/or compensation for removed trees may be required. Clearance from the Director of Parks and Cemeteries for the revised plan and approval of the Tree Protection and Enhancement Plan and Arborist Report and any necessary compensation **is required prior to the issuance of a Demolition Permit or Building Permit**

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

Transportation Planning Comments:

The driveway entrance and the drive aisle should provide a 6.0 metre minimum width exclusively on the subject property to accommodate emergency service vehicles, unless the southerly neighboring property would agree that any future development would share the driveway access.

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-laws 85-1 and 2019-051*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

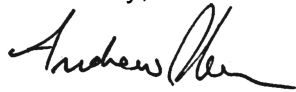
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: February 27, 2025

REPORT NO.: DSD-2025-093

SUBJECT: Minor Variance Application A2025-020 – 15 Palace Street

RECOMMENDATION:

That Minor Variance Application A2025-020 for 15 Palace Street requesting relief from Section 5.5 c) of Zoning By-law 2019-051 to reduce the width of a bicycle space to 0.45 metres instead of the minimum required 0.6 metres and to reduce the bicycle parking overhead clearance to 1.2 metres instead of the minimum required 2.1 metres, to facilitate the minor revision to the bicycle parking of the proposed development of the 8-storey multiple dwelling in accordance with the conditionally approved Site Plan Application SP24/081/P/AA, BE APPROVED subject to the following condition:

1. That the Owner obtains approval from the City's Director of Transportation Services of the final vendor/design of the bicycle parking racks to confirm their functionality.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to reduce the bicycle parking dimensions in the underground parking level of an eight-storey multiple dwelling building currently under construction
- The key finding of this report is that 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 at 15 Palace Street, situated on a private street (Palace Street) and located near the intersection of Elmsdale Drive and Ottawa Street South.



Figure 1: Location Map of the Subject Property

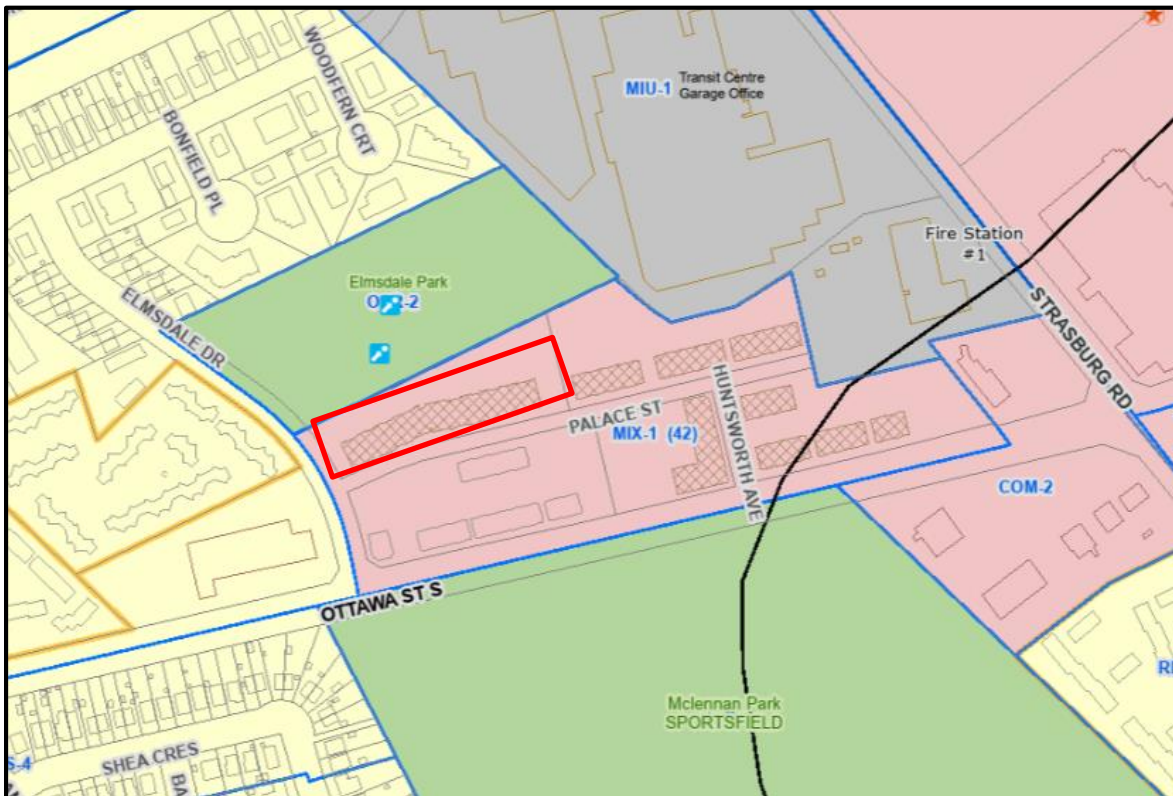


Figure 2: Zoning Map of the Subject property

The subject property is identified as a 'Neighbourhood Node on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan, and Specific Policy Area 31 applies to the subject lands.

The property is zoned 'Mixed Use One Zone (MIX-1) with Site Specific Provision (42)' in Zoning By-law 2019-051.

The subject property is currently being constructed to develop two eight-storey multiple dwelling buildings comprising 266 residential units, per the approved Site Plan Application SP21/038/P/CD.

A previous Minor Variance Application (A2022-061) was approved to reduce the required parking rate for the development and to increase the maximum building height. Following the approvals, the applicant filed a Stamp Plan B Application (SP24/081/P/AA) for minor revisions to the approved site plan, including adjustments to the location of visitor parking, EV parking, and bicycle parking. These modifications have resulted in the bicycle parking being accommodated within a smaller locker space, leading to overlapping bicycle racks that do not meet the minimum dimensions required by the Zoning By-law. (Figures 3 and 4)

The purpose of this minor variance application is to review and approve the reduction in bicycle parking width and overhead clearance to align with the revised site conditions.

- Bicycle parking width to be 0.45 metres instead of 0.6 metres.
- Bicycle parking overhead to be 1.2 metres instead of 2.1 metres.

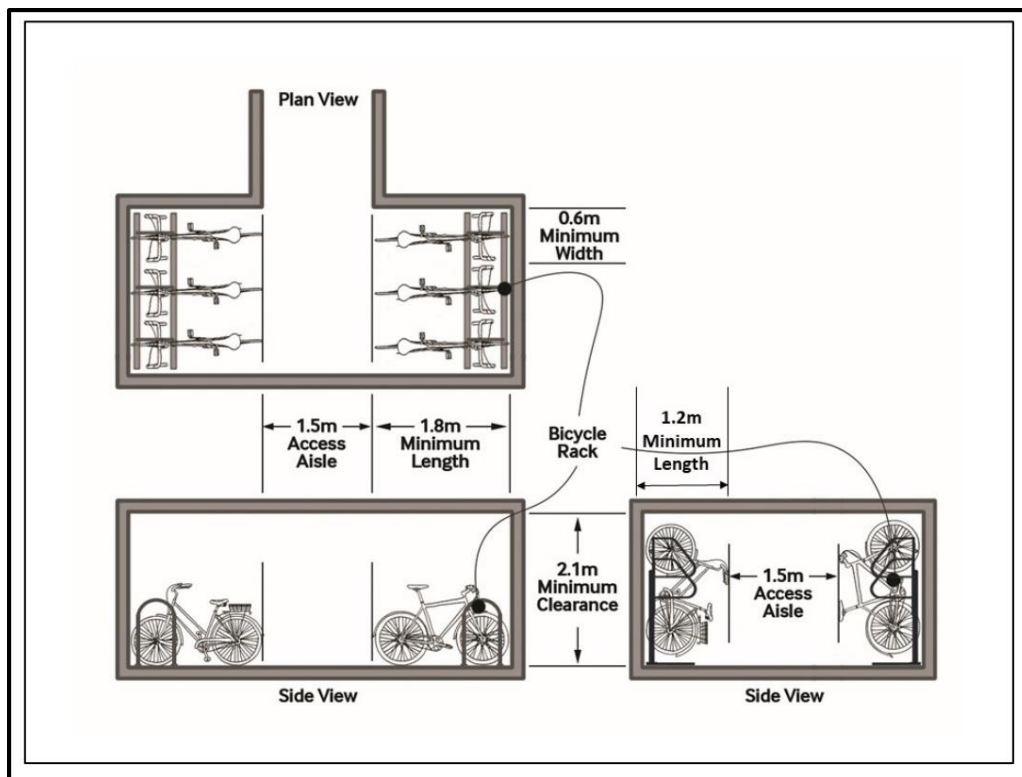


Figure 3: The Required Bicycle Parking Minimum Dimension

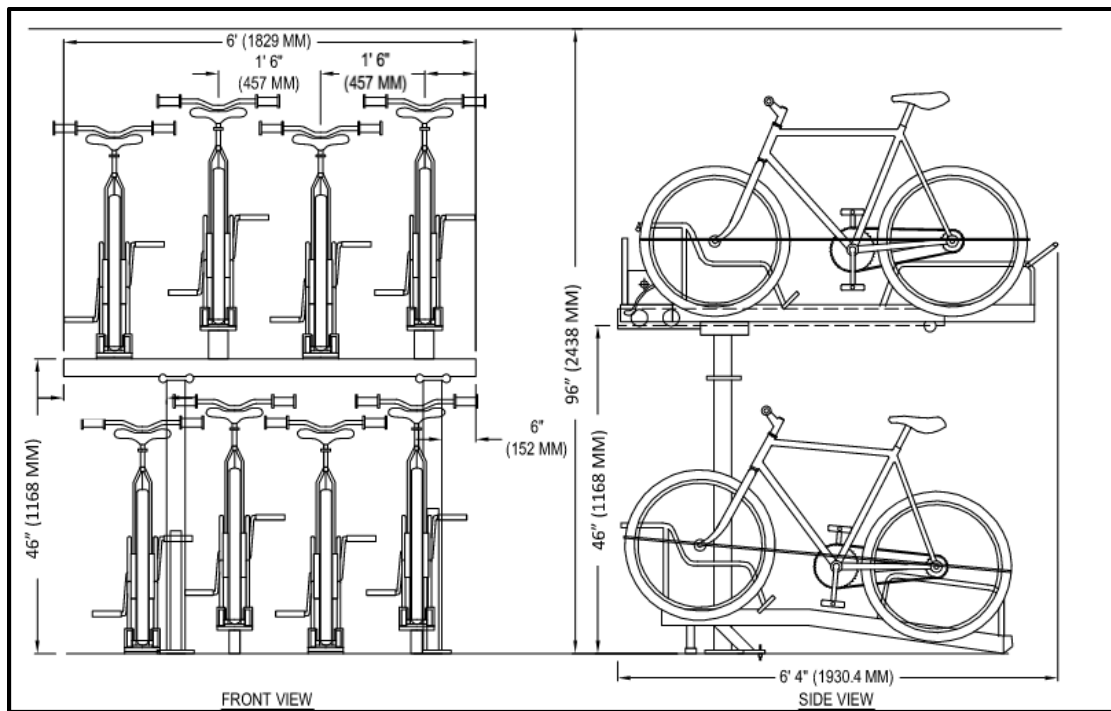


Figure 4: The Proposed Bicycle Parking Configuration

Planning staff visited the site on February 28th, 2025



Figure 5: A photo of the subject building is under construction

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 with Specific Policy Area 31' in the City of Kitchener's Official Plan. The mixed use land use designation provides for a broad range of commercial, retail, institutional and residential uses at different scales and intensities. The Intent of Site Specific Policy Area 31 is to allow for redevelopment of the underutilized brownfield property to become a new mixed use focal point in the community. Site Specific Policy Area 31 contemplates mid-rise residential developments on the site up to 8 storeys in height, as well as a variety of office, retail, convenience and service-oriented uses that serve the day-to-day needs of the surrounding neighbourhood.

The proposed construction of two 8-storey multiple dwellings with reduced bicycle parking dimensions meets the intent of the official plan as it provides the required bicycle parking that is functional to support the use. Planning staff is of the opinion that the requested variances are appropriate and meet the general intent of the City's Official Plan.

General Intent of the Zoning By-law

The minimum bicycle parking dimension in the zoning by-law intends to ensure that bicycle parking spaces are functional, accessible, and accommodate safe spaces without obstruction. Although the proposed reduction in bicycle parking dimensions does not comply with the minimum requirements, the applicant has demonstrated that the modified layout can still accommodate bicycles in an organized manner while maintaining accessibility and usability for residents. (As per figure 4) Transportation Services staff will review the final vendor/design of the bicycle parking racks to confirm their functionality.

Additionally, the revised bicycle parking arrangement remains consistent with intent of promoting active transportation by ensuring that secure and designated bicycle parking spaces are provided on-site. Given that the proposed modification allows for the efficient use of space while maintaining the functional intent of the By-law, the requested variances meet the general intent and purpose of the zoning by-law.

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

The variances do not compromise the usability of the bicycle parking area, nor do they negatively impact the residents' ability to store and access their bicycles. Therefore, the variances are minor in nature.

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

The variances does not negatively impact the development's functionality or accessibility. The proposed bicycle parking configuration continues to provide a secure and organized storage solution for residents, ensuring that alternative transportation options remain

viable. Based on that, the proposed variance represents an appropriate and desirable adjustment that aligns with the development's intent and the efficient use of the property.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

No comments.

Parks and Cemeteries/Forestry Division Comments:

No Concerns

Transportation Planning Comments:

As a condition of the reduction in dimensions, City staff must approve the final vendor/design of the bicycle parking racks to confirm their functionality.

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*
- *Minor Variance A2022-061*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', written in a cursive style.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

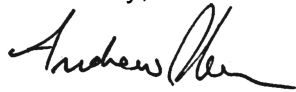
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

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

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: March 4, 2025

REPORT NO.: DSD-2025-115

SUBJECT: Minor Variance Application A2025-021 – 2880 King Street East

RECOMMENDATION:

That Minor Variance Application A2025-021 for 2880 King Street East requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051, to permit a parking requirement of 27 parking spaces instead of the minimum required 44 parking spaces, to recognize the parking configuration for the existing building on the subject property, BE DEFERRED to the September 16, 2025 Committee of Adjustment Meeting, or sooner, to allow the Applicant time to complete a Parking Justification Study, to the satisfaction of the Director of Transportation Services.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to recognize the parking configuration and supply for the existing building on the subject property.
- The key finding of this report is that Staff are unable to determine whether the variance would meet the four tests in the absence of a Parking Justification Study.
- 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 King Street East where it merges into Weber Street East and intersects with the Highway 8 access. It is in the Centreville Chicopee neighbourhood which is comprised of commercial and residential uses.



Figure 1: Location Map – 2880 King Street East (Outlined in Red)

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

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

The purpose of the application is to recognize the existing parking supply for the existing building on the subject property which will allow the continued operation of businesses. In the Zoning By-law 85-1 Section 6.1.2 (a), the multi-unit parking requirement is 1 parking space per 22 square metres. This required 27 parking spaces for the site, and it was provided for and approved as a part of the Site Plan Application in November 25, 1991. As per Zoning By-law 2019-051 has come into effect, the multi-unit parking rate applies only to a maximum of 30% of total restaurant use according to Section 5.6, table 5-5 (3) a.

- (3) The following shall only apply to a multi-unit building or multi-unit development with a gross floor area of 1,000 square metres or less where the multi-unit parking rate applies:
 - a. Restaurant and health clinic shall each only be permitted to use the multi-unit parking rate up to a maximum of 30 percent of the gross floor area of the multi-unit building or multi-unit development. Parking space requirements for additional gross floor area shall be in accordance with the individual rate identified in Table 5-5;

Any additional restaurant space beyond this threshold of 30% must meet the restaurant parking requirement, which is 1 parking space per 7.5 square metres.

Since a new restaurant is being proposed on the site, the overall parking requirement has increased under the current Zoning By-law beyond what has been functioning under the approved existing plan from 1991. This increase is due to the maximum 30% of the total restaurant use to be calculated at a multi-unit parking rate and the remaining restaurant use to be calculated under individual restaurant use parking rate, which requires more parking than the multi-unit parking rate.

Below is a breakdown of the parking calculation:

<p>There are 5 units in the building.</p> <p>A – Restaurant 152.3 m² B – Retail 81 m² C – Retail 84.79 m² D – Proposed restaurant 106.8 m² E – Restaurant 175.11 m²</p> <p>Total retail use: (81 m² + 84.79 m²) = 165.79m² Total restaurant use: (600 m² - 165.79m²) = 434.21 m² The maximum 30% of the building GFA which is 180m² of restaurant and 165.79m² non-restaurant Unit B and C qualifies for the multi-unit rate.</p>
<p>Multi-Unit Rate: (180m² restaurant + 165.79m² non-restaurant unit B and C) ÷ 35 m² = 10 spaces</p> <p>Remaining restaurant area that exceeds the 180m² multi-unit threshold 434.21 m² - 180 m² = 254.21 m²</p> <p>Individual rate for the remaining (254.21 m² ÷ 7.5 m²) = 33.89 (round up to 34 spaces)</p>
<p>Total Parking Calculation</p> <ul style="list-style-type: none">• Multi-Unit Rate: 10 spaces• New remaining restaurant space: 34 spaces <p>Total: 10 + 34 = 44 spaces</p>

Under the previous Zoning By-law 85-1 parking regulations, on which the site was originally built, increased parking requirements would not have applied.

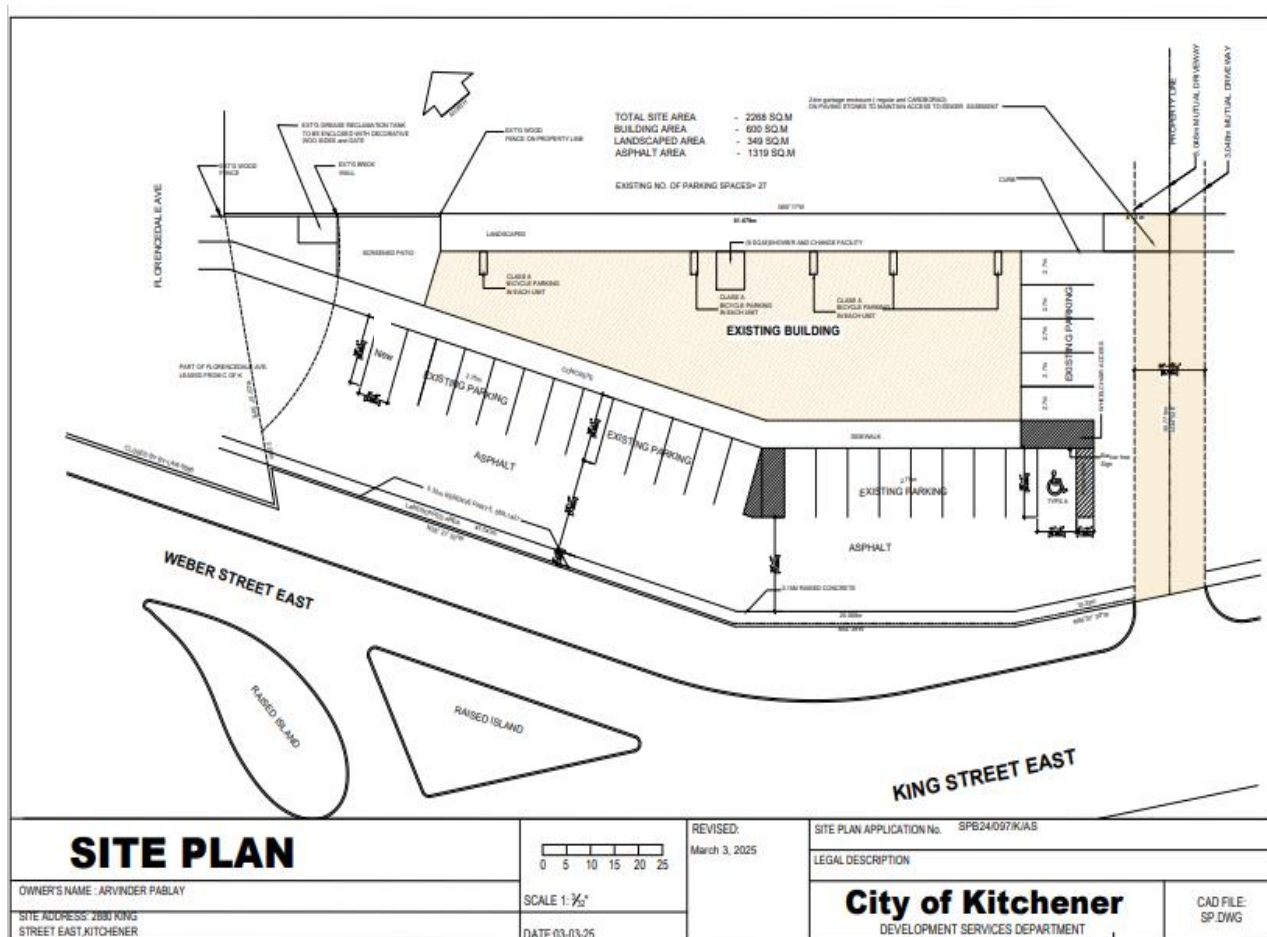
Due to site constraints, there is insufficient space to provide the required number of parking spaces required by Zoning By-law 2019-051 Section 5.6, table 5-5 (3) a. As a result of the increased parking requirement, due to the addition of a new restaurant use

and insufficient space, the applicant is seeking a minor variance to recognize the existing parking supply.

Notice of Minor Variance Application

Upon further review of the parking requirements and discussion with Transportation Planning staff, it was determined that based on the proposed new restaurant use in the building, the parking requirement is in fact 44 parking spaces and not the 35 parking spaces that was advertised. No further notice is deemed to be required as the request to recognize 27 parking spaces has not changed.

The applicant has submitted site plan application SPB24/097/K/AS and it is currently under review. Through the review of the Minor Variance Application, a Parking Justification Study has been requested by Transportation Services staff. The Site Plan Application will be put on hold until such time as the Minor Variance Application is considered.



Planning Staff conducted a site visit on February 27, 2025



Figure 3: Existing Site Conditions as of February 27, 2025

REPORT:

Planning Comments:

In accordance with the comments of Transportation Services Staff below, Planning staff is recommending a deferral of Minor Variance Application A2025-021 for 6 months, or sooner, to allow the Applicant time to prepare a Parking Justification Study.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

No comments or concerns.

Engineering Division Comments:

No comments or concerns.

Parks and Cemeteries/Forestry Division Comments:

No comments or concerns.

Transportation Planning Comments:

City Transportation Staff recommends a Parking Study is prepared by the Applicant to support the application. Based on a high-level internal review of expected parking demand, City Transportation Staff expect that the expected parking demand will be unable to be accommodated within the site and the demand may be greater than the by-law requirement.

It is noted that in multi-unit commercial buildings, a lower parking supply can be accommodated as the various functions will have peak parking demands at different times. An accounting or doctor's office will have a different peak than a restaurant. Therefore, the site does not need to accommodate the total peak parking demands of each use at the same time.

However, restaurants generate very large traffic volumes and have a greater parking demand per square metre compared to other land uses. If the building is primarily occupied by restaurant land uses, the restaurant parking rate should be applied so parking can be sufficiently accommodated on site.

Due to the interconnected nature of the site with adjacent private developments, City Transportation staff advise that any excess parking demand is currently/may be burdened by adjacent developments in the near term. In the future, if the adjacent properties redevelop or in a dispute, access to these spaces may not be possible. While excess parking can be accommodated on Centreville Street, visitors new to the site may not be familiar with how to access the roadway unless they are familiar with the area.

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*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

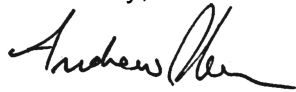
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 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 5

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-077

SUBJECT: Minor Variance Application A2025-022 – 25 Haldimand Street

RECOMMENDATION:

That Minor Variance Application A2025-022 for 25 Haldimand Street requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.1.d) i) to permit parking between the façade and the front lot line whereas parking is not permitted in this location;
- ii) Section 6.1.2 a) to permit a parking requirement of 52 parking spaces instead of the minimum required 53 parking spaces;
- iii) Section 6.1.2. b) vi) A) to permit a visitor parking requirement of 6 spaces instead of the minimum required 8 visitor parking spaces; and,
- iv) Section 42.2.1 to permit a Floor Space Ratio (FSR) of 0.55 whereas 0.6 is required.

AND the following sections of Zoning By-law 2019-051:

- i) Section 5.3.3. b) i) to permit parking in the front and exterior side yards whereas parking is not permitted in these locations.
- ii) Section 5.6. a), Table 5-5, to permit a parking requirement of 61 parking spaces instead of the minimum required 72 parking spaces;
- iii) Section 5.6. a), Table 5-5, to permit a visitor parking requirement of 6 visitor parking spaces instead of the minimum required 11 visitor parking spaces;
- iv) Section 5.6. a), Table 5-5, to permit a Class A bicycle parking space requirement of 32 Class A bicycle spaces instead of the minimum required 36 bicycle spaces;
- v) Section 5.6. a), Table 5-5, to permit an EV ready parking space requirement of 0 spaces instead of the minimum required 17 EV ready parking spaces;
- vi) Section 19, Site-Specific Provision (251) to permit a Floor Space Ratio (FSR) of 1.0 whereas 0.75 is required; and,

vii) Section 19, Site-Specific Provision (251) to permit a maximum building height of 12 metres instead of the maximum permitted 11.5 metres.

to permit the development of the property located at 25 Haldimand Street in accordance with Site Plan Application SPF24/094/F/EW, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make a recommendation regarding the minor variance application for 25 Haldimand Street.
- The key finding of this report is that the variances meet the four tests of the *Planning Act* and approval is recommended.
- 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 southwestern area of the City, east of Fischer-Hallman Road, bordered by Haldimand Street and Broadacre Drive. The subject property is currently vacant and is part of the greater “Wallaceton” subdivision, being Phase 6 of the development.



FIGURE 1: THE SUBJECT PROPERTY (PHOTO TAKEN FEBRUARY 28, 2025)



FIGURE 2: AERIAL VIEW OF THE SUBJECT PROPERTY

The subject property is uniquely positioned with roughly half of the property being within the Rosenberg Secondary Plan area and Zoning By-law 85-1 (the western side of the property), and the other half of the property being outside the Secondary Plan area and is under Zoning By-law 2019-051 (the eastern side of the property).

The western side of the subject property is identified as 'Urban Corridor' on Map 2 – Urban Structure, 'Corridor' on Map 2a – Rosenberg Secondary Plan Community Structure Plan and is designated 'Medium Density Residential Two' on Map 22e – Rosenberg Secondary Plan Land Use Plan; the eastern side of 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.

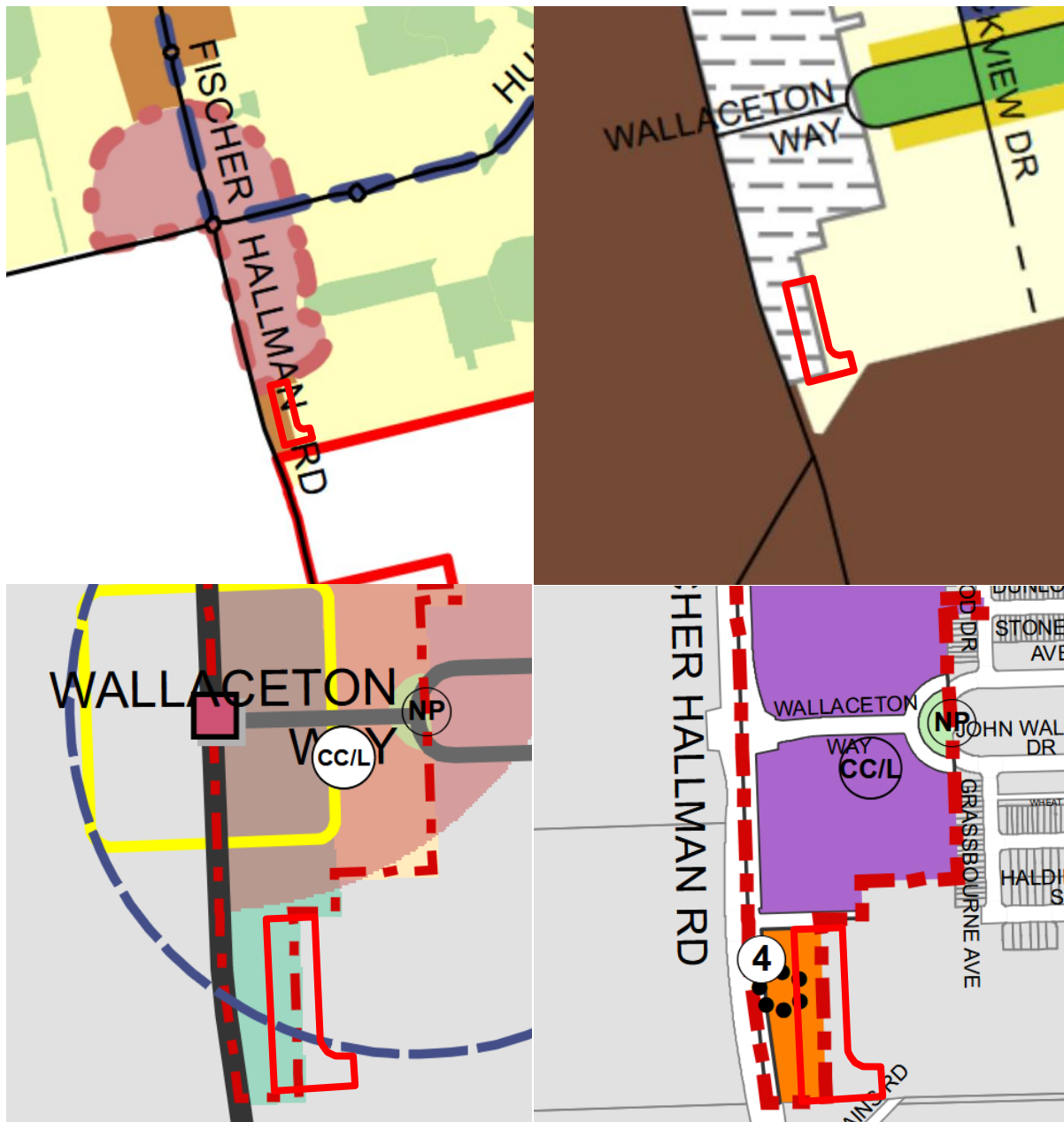


FIGURE 3: OFFICIAL PLAN DESIGNATIONS (TOP LEFT: MAP 2, TOP RIGHT: MAP 3, BOTTOM LEFT: MAP 22a, BOTTOM RIGHT: MAP 22e)

The western side of the subject property is zoned 'Residential Eight Zone (R-8 425U, 467U, 67H, 737R)' in Zoning By-law 85-1, and the eastern side of the subject property is zoned 'Low Rise Residential Five' Zone (RES-5 (251), (252), (253))' in Zoning By-law 2019-051.

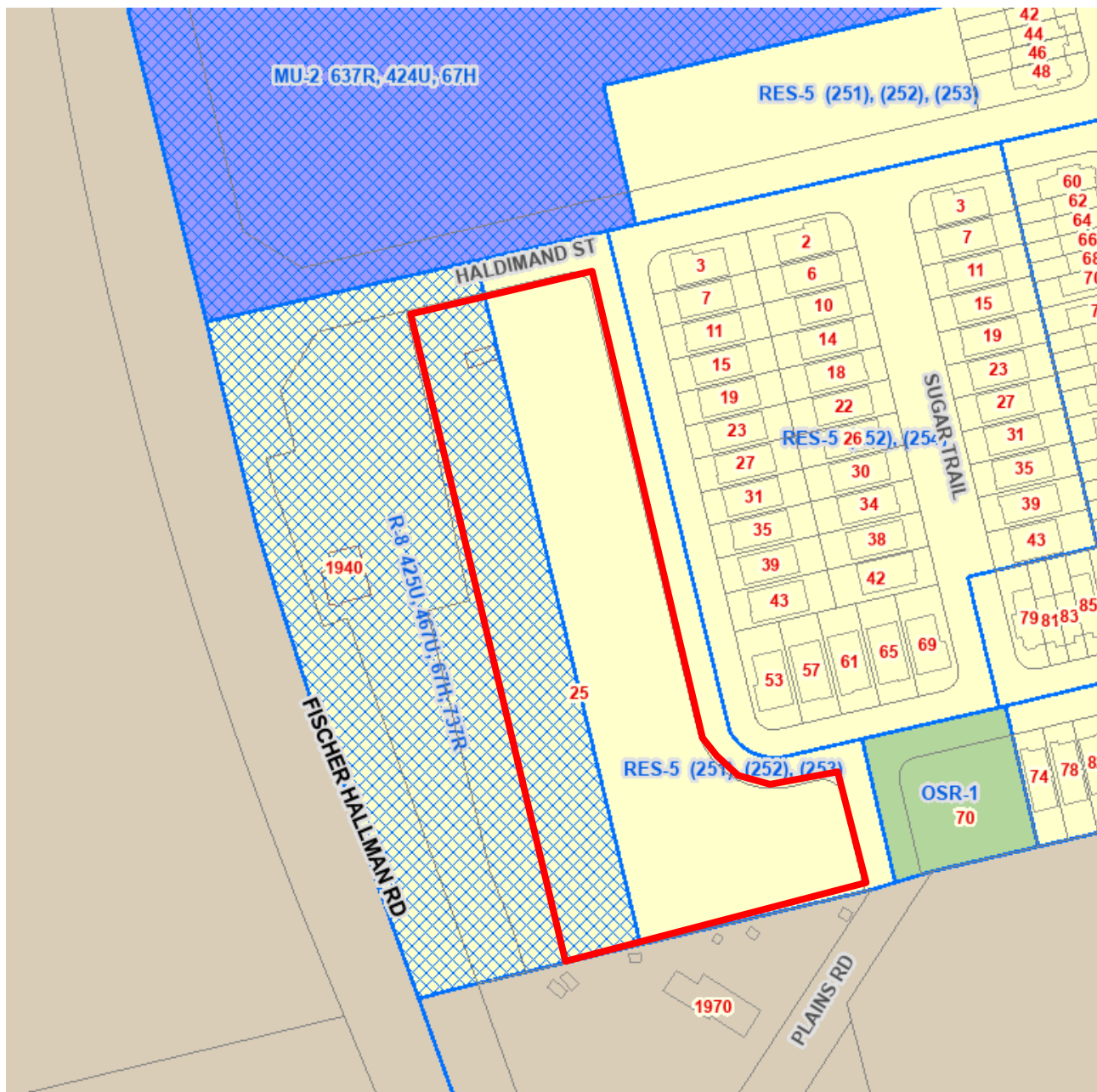


FIGURE 4: ZONING

This dual zoning results in a number of variances being required to facilitate development, as the provisions of each Zoning By-law are applied to the land they cover, regardless of the subject property being a single parcel. For example, the western side of the subject property is planned for 30 dwelling units. The 'R-8' zone in place on this area of the subject property is then applied to just these 30 units (i.e. Parking requirements for 30 units, the Floor Space Ratio of these units, etc.).

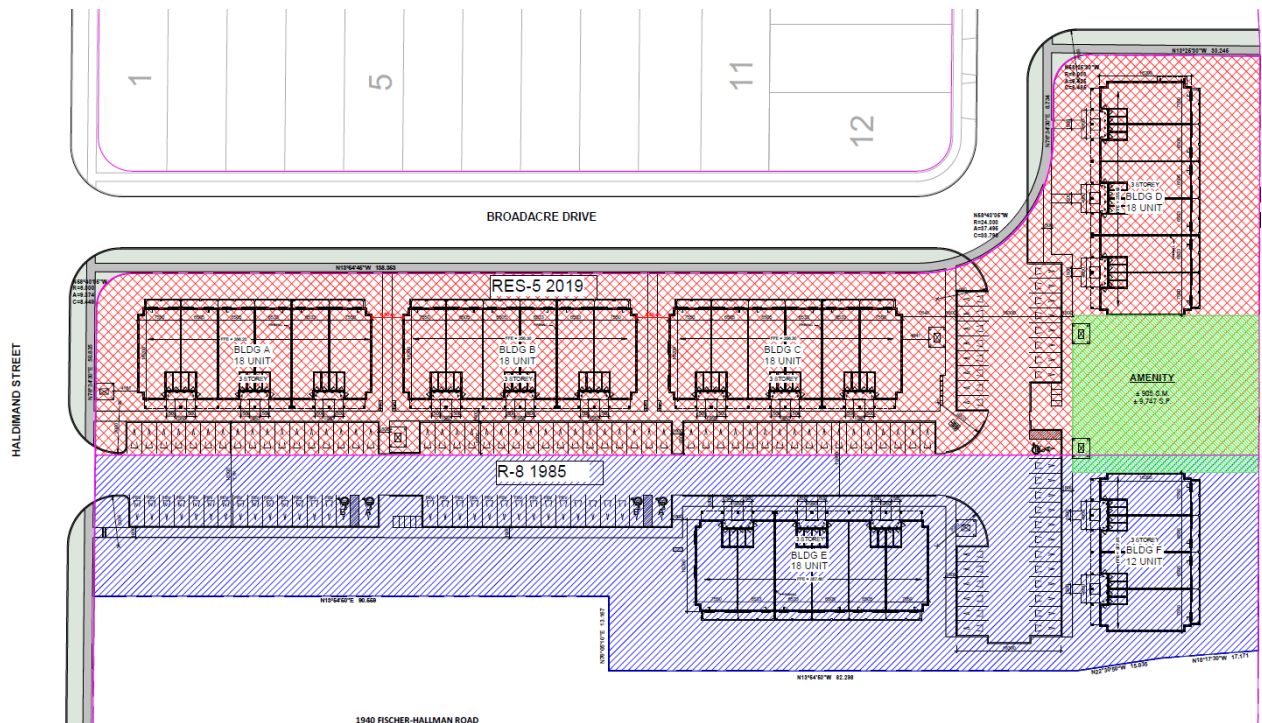


FIGURE 5: SITE PLAN AND ZONING BY-LAW OVERLAY

The purpose of the application is to facilitate the development of the subject property for 102 stacked townhouse units, in accordance with Site Plan Application file SPF24/094/F/EW.

REPORT:

Planning Comments:

Due to the number of variances requested, and their need being almost entirely due to the dual zoning of the subject property, the variances will be reviewed, where appropriate, in a collective manner rather than one-by-one. 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

Considering the subject property as a whole, the parking arrangement proposed is consistent with policy direction, being an adequate supply on a site wide basis and generally located internal to the site and away from public view.

Two variances have maximums established in the Official Plan: Floor Space Ratio (FSR) and building height. Policy 15.D.3.11 of the Official Plan states that within lands designated Low Rise Residential, the maximum FSR is 0.75 and cannot be increased without an Official Plan Amendment. This land use designation applies to only the eastern half of the subject property. The western half of the subject property is designated Medium Density Residential Two in the Rosenberg Secondary Plan, which establishes a minimum FSR of 0.6 and maximum of 2.0. The eastern side of the subject property proposes an

FSR of 1.0, while the western side of the subject property proposes 0.55. Based on the total site area and not the land use designations, the total FSR is 0.77.

“On paper”, the site plan could be adjusted to have each side of the subject property comply with the FSR requirements of the respective land use designations; however, this would likely be a detriment to the function of the site as a whole and design as a single property. Considering the minimums and maximums of the two designations, the requested 0.77 FSR across the entire site is an appropriate compromise of the 2.0 and is in keeping with the general intent of the Official Plan.

Regarding building height, Low Rise Residential policy 15.D.3.12 establishes that no building will exceed 3 storeys or 11 metres in height, with relief being considered on a site-by-site basis. The subject property is subject to a site-specific provision (251) that permits building heights of 11.5 metres. Increased building heights are to be “*compatible with the built form and physical character of the neighbourhood*”. The proposed built form is consistent with the other stacked townhouses located in the Wallacetown development and is in general compatible with the single detached and street townhouse dwellings located in the immediate area, which are also separated by a municipal road. The subject property features a grade change upwards towards Fischer-Hallman Road, which will minimize transition impacts on the existing heritage property adjacent to the subject property.

Overall, the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Several of the variances requested are resolved when reviewing the site as a whole. For example, although a variance is requested to provide zero EV ready spaces on the lands zoned ‘RES-5’, the number of EV ready spaces required are provided on the land zoned ‘R-8’.

If the subject property was entirely under Zoning By-law 85-1, two variances would be required: a reduced parking rate where 1.5 parking spaces per dwelling unit would be required and permitting parking between the façade and front lot line. If the subject property was entirely under Zoning By-law 2019-051, three variances would be required: building height, parking being permitted in the front and exterior side yard, and the maximum FSR.

The consistent variances between the two Zoning By-laws is the location of parking; being between the façade and front lot line or being in the front and exterior side yards. As this is the only consistent variance, logically it would be the variance that may not be consistent with the general intent of the Zoning By-laws.

The intent of these provisions is to keep parking areas internal to a site and away from public view. The following figure outlines the parking spaces in question, with the red box being Zoning By-law 81-5, and the blue box being Zoning By-law 2019-051. As illustrated, the “red” parking spaces are in the between the façade and front lot line only on the Zoning By-law 85-1 land. Considering the entire proposed development, only a portion of the parking space closest to the road would be between the façade and front lot line. Both outlined areas meet the intent of parking being generally away from the public realm and view.

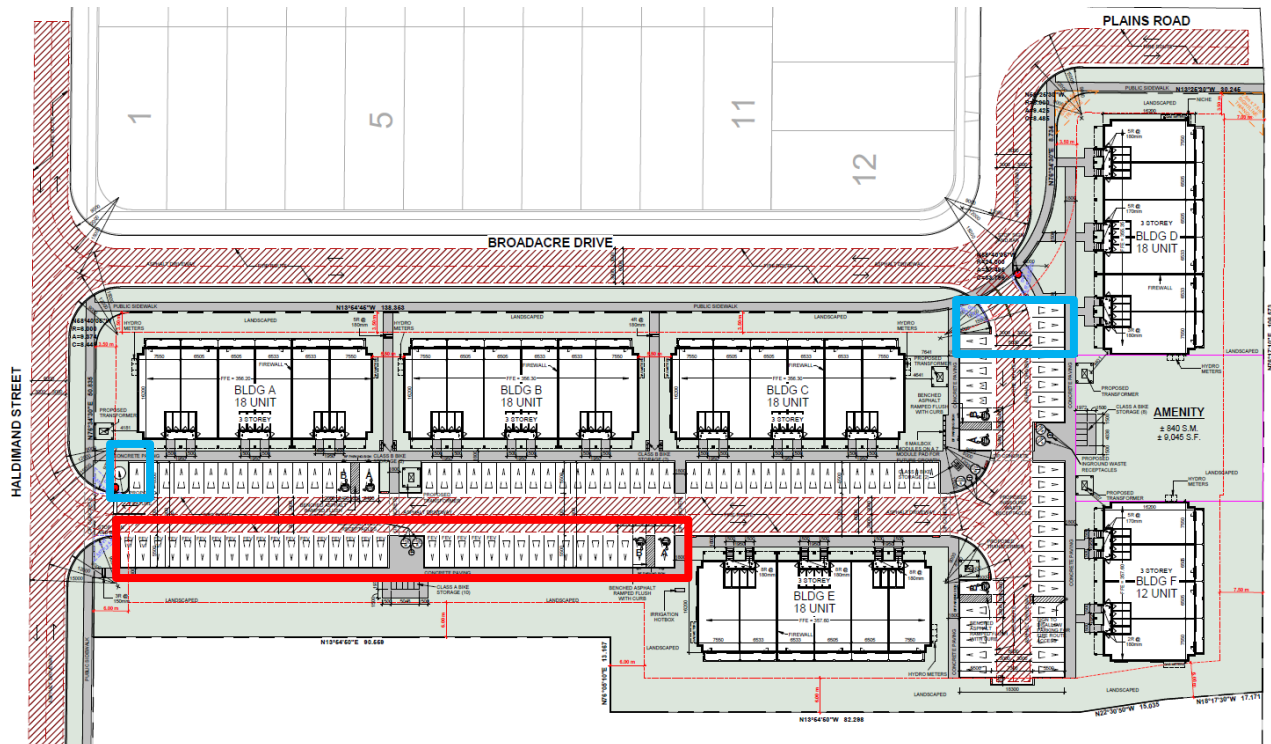


FIGURE 6: LOCATION OF OFFENDING PARKING SPACES

Overall, the requested variances meet the general intent of the Zoning By-laws.

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

Although the number of variances may suggest that the application is not minor, the need for the variances is largely technical in nature due to the dual zoning of the subject property. A primary method to assess if variances are minor is to consider the impact on nearby properties.

The subject property is part of a larger, comprehensively planned subdivision, featuring a mix of single detached, street townhouse, and stacked townhouse dwellings. The built form proposed and provisions thereof are consistent with those observed in the area. An adequate amount of parking is provided and is generally internal to the subject property.

Considering the impact of the variances on a site wide basis, the effects of the variances are minor in nature.

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

The variances facilitate the orderly development of the subject property, a vacant lot, introducing a stacked townhouse development that implements the Official Plan. The variances resolve a complicated land use framework that would feasibly require variances for any development consistent with the Official Plan to occur.

The variances are desirable for the appropriate development and use of the subject property.

Environmental Planning Comments:

No natural heritage in this part of DP 30T- 07205. Trees only pre-existed at the south p/l. Several immature Wab / 1 hickory were approved for removal as part of the DVP for the subdivision due to grading constraints. Trees on adjacent property to the south and on 1940 FH to west are to be protected.

Heritage Planning Comments:

The subject property is located adjacent to 1940 and 1970 Fischer Hallman Road, which are both listed as non-designated properties of cultural heritage value or interest on the Municipal Heritage Register. This property is subject to an active planning application involving 1940 Fischer Hallman Road. Staff have no concerns regarding the requested parking and FSR variances as no impacts to the adjacent heritage properties are anticipated. With regards to the requested height variance, staff do not think there will be an adverse impact to the adjacent heritage resources due to the topography of the adjacent sites, and location and separation of the heritage resources. Further, the proposed stacked town homes remain three storeys.

Building Division Comments:

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

Engineering Division Comments:

Engineering has no comments.

Parks and Cemeteries/Forestry Division Comments:

All Parks concerns will be addressed through SPF24/094/F.

Transportation Planning Comments:

City Transportation staff are supportive of the variances regarding reductions to the parking rate, Class A Bicycle Parking Spaces, Visitor Parking Space, and EV Ready Spaces, conditional to the regularly required rate of Class A Bicycle Parking Spaces, Visitor Parking Space, and EV Ready Spaces being provided in full on-site, rather than on the land of their respective zoning category.

Region Comments:

No concerns.

GRCA Comments:

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

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 and 2019-051*

ATTACHMENTS:

Attachment A – Proposed Site Plan

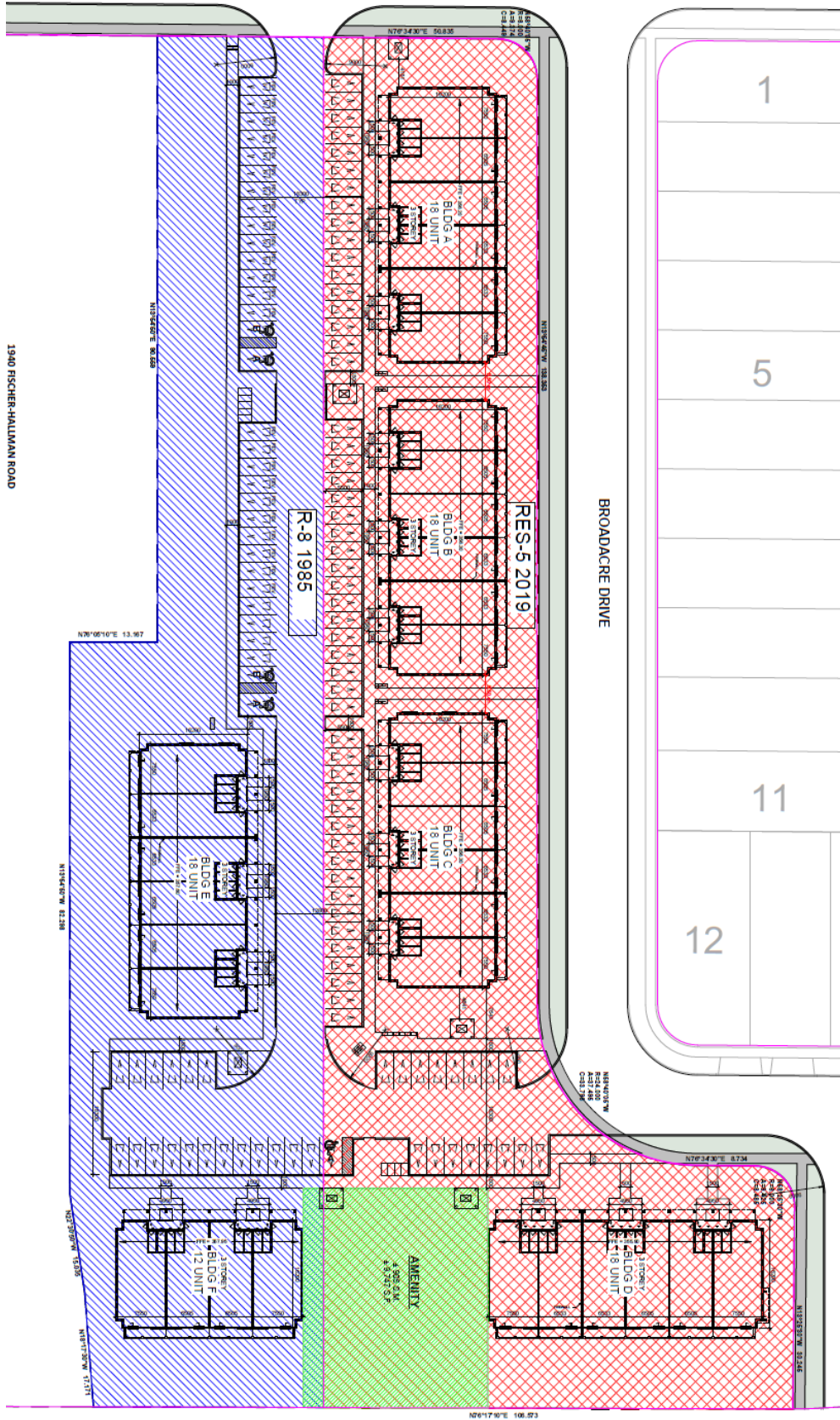
Attachment B – Site Plan with Zoning Overlay

HALDIMAND STREET



ATTACHEMENT B – SITE PLAN WITH ZONING OVERLAY

HALDIMAND STREET



March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

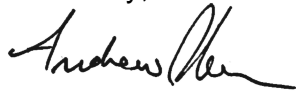
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Maitland Graham, Student Planner, 519-783-7879

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-113

SUBJECT: Minor Variance Application A2025-023 – 140 Byron Avenue

RECOMMENDATION:

That Minor Variance Application A2025-023 for 140 Byron Avenue requesting relief from Section 4.12.3 e) of Zoning By-law 2019-051 to permit an Additional Dwelling Unit (Detached) to have a building footprint of 93.8 square metres instead of the maximum permitted 80 square metres, to facilitate the addition of an Additional Dwelling Unit (ADU)(Detached) to an existing Additional Dwelling (ADU)(Detached) in the rear yard for a total of 4 dwelling units on the subject property, generally in accordance with drawings prepared by Arcadia Home Design Ltd., January 31, 2025, BE APPROVED, subject to the following conditions:

1. That the Owner provides confirmation, to the satisfaction of the Director of Engineering Services, that the existing services can support the proposed additional demand prior to an application for a Building Permit being received. If the demand cannot be supported, the Owner shall make an Application through the Off-Site Works Process, to the satisfaction of the Director of Engineering Services.
2. That the Owner acknowledges that any new driveways or widenings to existing driveways are to be built to City of Kitchener standards and that the Owner confirms, to the satisfaction of the Director of Engineering Services, if an application for a Curb Cutting/Driveway Widening Permit is required prior to an application for a Building Permit being received.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application requesting an Additional Dwelling (Detached) building footprint of 93.8 square metres rather than the required 80 square metres.

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

BACKGROUND:

The subject property is located on the north side of Byron Avenue in the Vanier neighbourhood, which is predominantly comprised of low rise detached dwellings



Figure 1 – Aerial Photo of the Subject Property.

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

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

The purpose of the application is to request relief from Section 4.12.3 e) of Zoning By-law 2019-051 to permit an Additional Dwelling (Detached) building footprint of 93.8 square metres rather than the maximum required 80 square metres. Approval of the variance will allow for the development of an Additional Dwelling Unit (Detached) for a total of four dwelling units on the subject property.

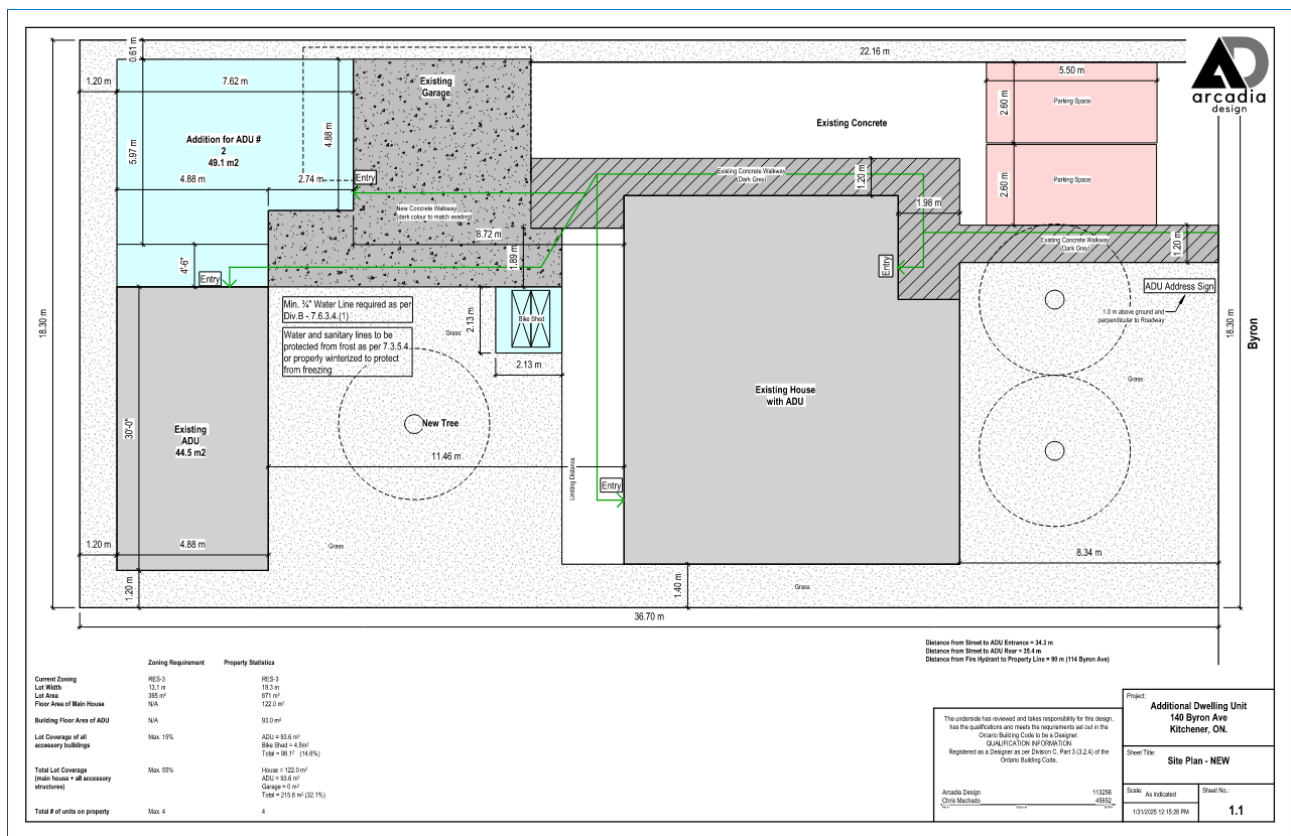


Figure 2 – Proposed Site Plan

Planning Staff conducted a site visit on February 25, 2025



Figure 3 – Site Photo of 140 Byron Avenue



Figure 4 – Existing rear yard where the Additional Dwelling (Detached) is proposed, existing garage shown in photo will be removed.



Figure 5 – Existing Additional Dwelling (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 subject property is designated 'Low Rise Residential' on Map 3 – Land Use. 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. Official Plan policy 4.C.1.6. mentions that the City will identify and encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure. The requested increase in building footprint to facilitate the construction of an additional dwelling unit, totalling four dwelling units on the subject property, identifies an infill opportunity, promotes intensification and better use of existing infrastructure, therefore maintaining the general intent of the Official Plan.

General Intent of the Zoning By-law

The purpose of the Additional Dwelling (Detached) building footprint requirement is to ensure that the Detached ADU is secondary to the primary dwelling in size, new dwelling units provide sufficient living space while remaining compliant with zoning by-law regulations and maintaining sufficient amenity space on the property. Planning Staff is of the opinion that the proposed 93.8 square metre footprint is a minor increase in footprint size while still meeting other by-law regulations and maintaining adequate amenity space in the rear side yard. In the opinion of Planning Staff, the requested variance to permit an increase of Additional Dwelling (Detached) building footprint to facilitate the development of a fourth dwelling unit on the property maintains the general intent of the Zoning By-law.

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

Planning Staff is of the opinion that the requested variance of 93.8 square metres is minor, as there is not significant increase in size beyond the required 80 square metres, the proposed Additional Dwelling (Detached) will be replacing the footprint of an existing accessory structure, and there are not any expected significant adverse impacts to the character of the neighbourhood.

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

Planning Staff is of the opinion that the variance to increase the maximum building footprint for Additional Dwelling (Detached) is appropriate for the desirable use of the lands as it will facilitate a greater variety of dwelling units while maintaining the low-rise residential character of the neighbourhood. Planning Staff also recognize that allowance of the variance will contribute to the housing supply of the city, supports the City's Housing Pledge and is of good land use practices.

Environmental Planning Comments:

No environmental comments or concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

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

Engineering Division Comments:

- That the Owner provides confirmation, to the satisfaction of the Director of Engineering Services, that the existing services can support the proposed additional demand prior to an application for a Building Permit being received. If the demand cannot be supported, the Owner shall make an Application through the Off-Site Works Process, to the satisfaction of the Director of Engineering Services.
- That the Owner acknowledges that any new driveways or widenings to existing driveways are to be built to City of Kitchener standards and that the Owner confirms, to the satisfaction of the Director of Engineering Services, if an application for a Curb Cutting/Driveway Widening Permit is required prior to an application for a Building Permit being received.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority Comments:

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

Region of Waterloo Comments:

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*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

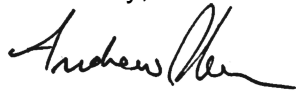
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 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: March 4, 2025

REPORT NO.: DSD-2025-116

SUBJECT: Minor Variance Application A2025-024 – 507 Stirling Ave. S.

RECOMMENDATION:

A. Minor Variance Application A2025-024 – 507 Stirling Avenue South

That Minor Variance Application A2025-024 for 507 Stirling Avenue South requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.1 d), to permit an accessory structure to have a building height, to the underside of the fascia, of 4 metres instead of the maximum permitted 3 metres;
- ii) Section 7.3, Table 7-2, to permit a lot coverage of 18% instead of the maximum permitted 15%;

to facilitate the construction of a new accessory building and Additional Dwelling Unit (ADU)(Detached) in the rear yard of the subject property generally in accordance with drawings prepared by KS Consulting & Design, dated January 30, 2025, BE APPROVED, subject to the following conditions:

1. That the Owner provides confirmation, to the satisfaction of the Director of Engineering Services, that the existing services can support the proposed additional demand prior to an application for a Building Permit being received. If the demand cannot be supported, the Owner shall make an Application through the Off-Site Works Process, to the satisfaction of the Director of Engineering Services.
2. That the Owner acknowledges that any new driveways or widenings to existing driveways are to be built to City of Kitchener standards and that the Owner confirms, to the satisfaction of the Director of Engineering Services, if

an application for a Curb Cutting/Driveway Widening Permit is required prior to an application for a Building Permit being received.

3. That the Owner shall:

- a) Prepare a Tree Preservation Plan for the Subject Lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans and City's Director, Parks and Cemeteries, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of Demolition and/or Building Permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and/or compensation measures.**
- b) That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans**

B. Minor Variance Application A2025-024 – 507 Stirling Avenue South

That Minor Variance Application A2025-024 for 507 Stirling Avenue South requesting relief from the following section of Zoning By-law 2019-051:

- i) Section 4.12.3 n) to permit a required unobstructed walkway of 1.1 metres to share a driveway whereas the by-law does not permit this;**

to facilitate the construction of a new Additional Dwelling Unit (ADU)(Detached) in the rear yard of the subject property generally in accordance with drawings prepared by KS Consulting & Design, dated January 30, 2025, BE REFUSED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit the construction of a new accessory building and Additional Dwelling Unit (ADU)(Detached) in the rear yard
- The key finding of this report is that two of the three requested minor variances meet all four tests of the Planning Act. The variance for the shared unobstructed walkway and the driveway does not meet all four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north-east side of Stirling Avenue South and Lorne Avenue. It is in the Southdale neighbourhood which is primarily comprised of low-rise residential uses.



Figure 1: Location Map – 507 Stirling Avenue South (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 is to review a minor variance application to facilitate the construction of a new accessory building and Additional Dwelling Unit (ADU)(Detached) in the rear yard of the subject property. The applicant is seeking three variances:

1. The requested variance to permit a 1.1 metre wide shared walkway is to provide access to the ADU over the driveway. Planning staff advised the applicant to relocate the walkway to the other side of the primary dwelling to meet zoning requirements. Despite the advice, the applicant indicated that they wanted to proceed with the minor variance application to avoid relocating the air conditioner and gas meter in this side yard.
2. The variance to permit 4 metres fascia height is requested to accommodate the height of the proposed accessory building.
3. The variance to permit a lot coverage of 18% is to facilitate the construction of both the ADU and the accessory building as the combined lot coverage exceeds the permitted lot coverage.

Variance for 4m fascia height

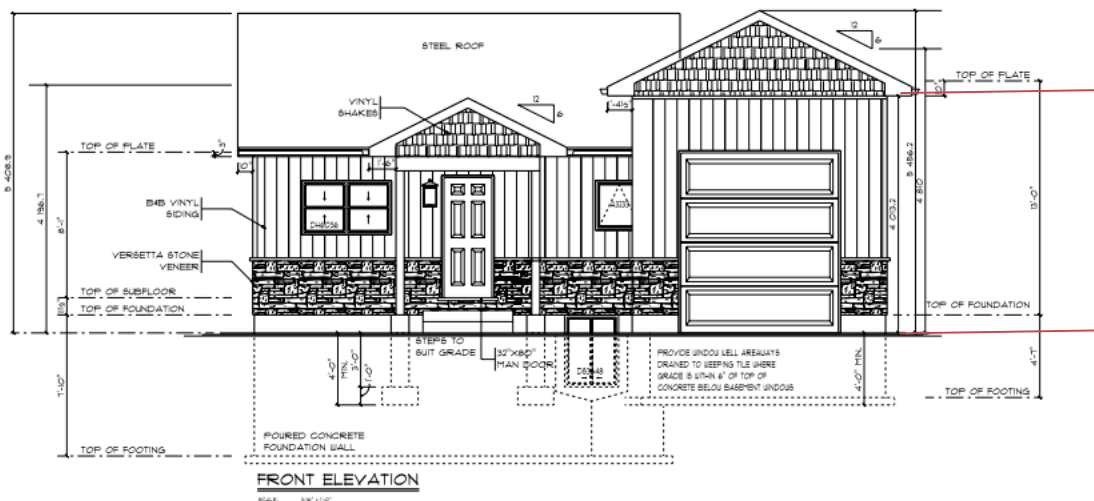


Figure 2: Requested Variance for Accessory Building

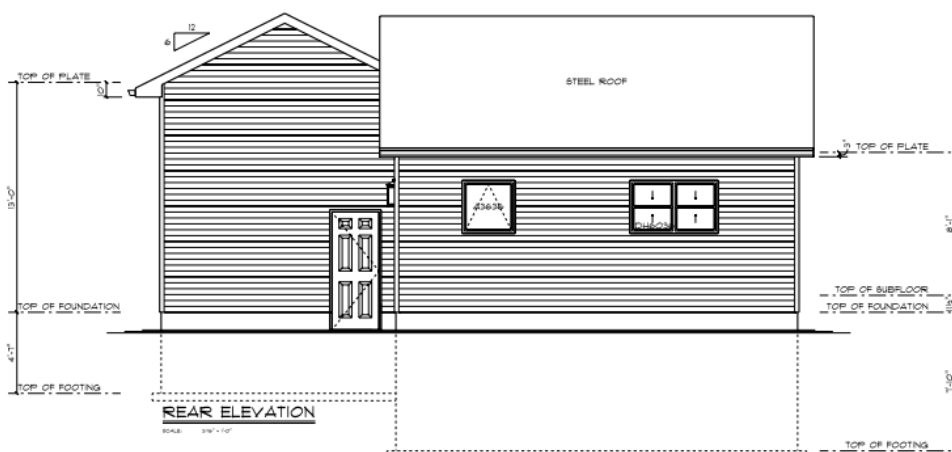


Figure 3: Rear Elevation of Proposed Structures

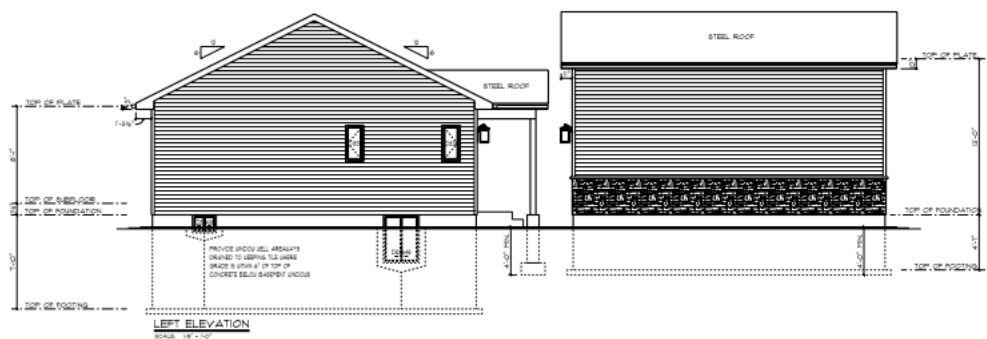


Figure 4: Left Elevation of Proposed Structures

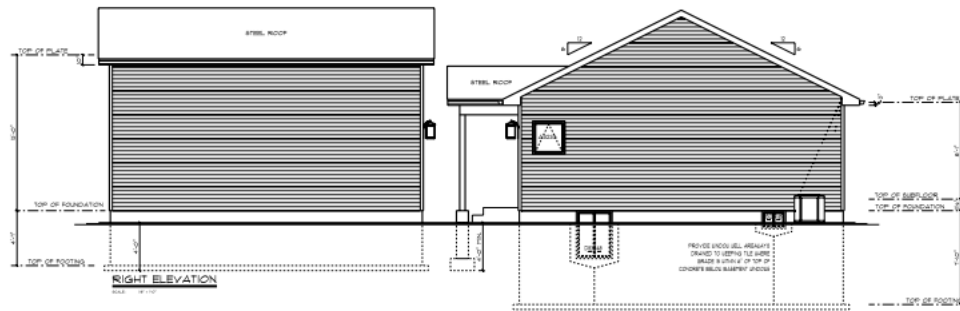


Figure 5: Right Elevation of Proposed Structures

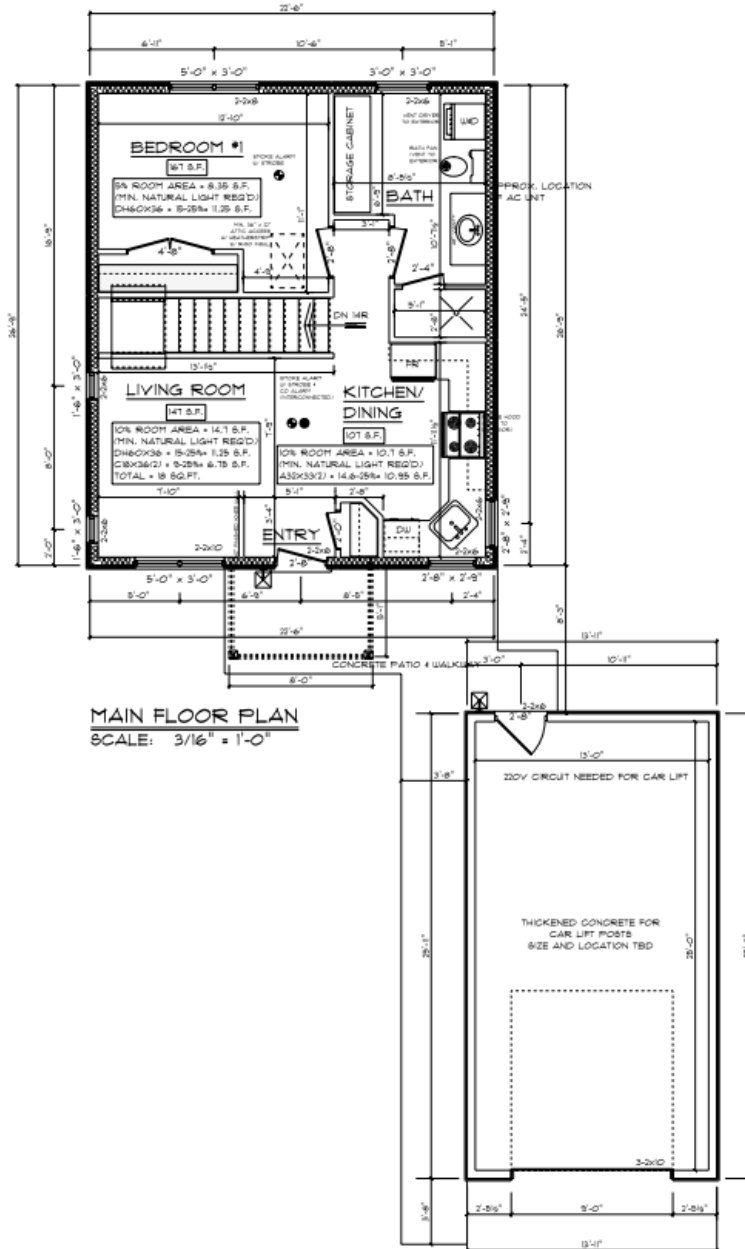


Figure 6: Floor Plan of Proposed Structures



Figure 9: Proposed Shared Walkway and Driveway (West Side)



Figure 10: East Side Interior Side Yard



Figure 11: Rear Yard of the 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

Variance for the Walkway

Urban Design Policies 11.C.1.14 and 11.C.1.15 Section 11 of the City's Official Plan emphasize community and site design to prioritize efficient emergency response, fire prevention and public safety.

- 11.C.1.14. Where feasible and in compliance with the other policies of this Plan, the City will ensure that the efficiency of emergency medical, fire, and

police services be considered in the design of communities, neighbourhoods and individual sites.

- 11.C.1.15. Development applications will be reviewed to ensure that they are designed to accommodate fire prevention and timely emergency response.

Also, the City's Urban Design Manual prioritize pedestrian safety by mitigating potential conflicts with pedestrians and vehicles. The proposed 1.1 metre walkway is proposed to be shared with the driveway will not be unobstructed and may block emergency services access. Given this potential conflict, this variance will not meet the intent of the Official Plan.

Variances for the Accessory Building – Fascia Height and Lot Coverage

The subject property is designated 'Low Rise Residential' in the City's Official Plan. This land use designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing and building types. The proposed accessory building use of the property conforms to the land use designation and is a desirable addition to a residential property. It is the opinion of staff the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Variance for the Walkway

The general intent of the Zoning By-law requiring unobstructed walkway is to ensure safe, accessible, and efficient movement for occupants of the ADU and emergency services can access the site efficiently. This includes ensuring that pathways are clear of physical obstacles, such as parked vehicles, debris, or structures, so people can walk freely without risk of injury. The provided walkway is not unobstructed, the Zoning By-law definition which states that the walkway must be "...unencumbered by obstructions including but not limited to: stairs, decks and porches (except those which form part of the path of travel to the principal entrance); parking spaces; driveways;..." In this case, parking spaces and the driveway encumber the walkway. Staff is in opinion that the proposed variance does not meet the general intent of the Zoning By-law.

Variance for the Accessory Building Fascia Height

The intent of the maximum height to the underside of the fascia is to ensure that accessory building is not excessive in height and to ensure neighbouring properties do not have adverse impacts from large rear yard structures. The accessory building will be used strictly for vehicle storage, ensuring that it will not create any privacy concern to the neighbouring properties. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

Variance for Increased Lot Coverage for Accessory Building and Additional dwelling Unit (ADU) (Detached)

The intent of the maximum lot coverage is to ensure that accessory buildings remain secondary to the primary building. If you combine the lot coverage of both the accessory building and the ADU it exceeds the maximum permitted 15% as per Section 7.3, Table 7-2 by 3% or 15 square metres. Despite the combined exceeded lot coverage, the size of

the accessory building and ADU is under the maximum permitted building footprint of 80 square metres. Staff is of opinion that the variance meets the general intent of the Zoning By-law by remaining secondary and accessory to the primary building.

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

Variance for the Walkway

Staff is in opinion that the effects of the variance are not minor in nature. The shared driveway obstructs the walkway, making it inaccessible for emergency vehicles causing a safety issue. As a result of the variance, there will be a conflict between pedestrian and vehicle use as neither walkway nor the driveway will be able to function independently.

Variance for the Accessory Building Fascia Height

The effects of the variance is minor in nature as there are no significant impact on the neighbouring properties. The accessory building with the proposed increased fascia height maintains a sufficient setback of 11.6 metres from the rear lot line which mitigates privacy concerns for the neighbouring properties as well as no windows to overlook the neighbouring property while using the accessory building.

Variance for Increased Lot Coverage for Accessory Building and Additional dwelling Unit (ADU) (Detached)

The variance is minor in nature. The combined 15 square metres increased lot coverage is not noticeable when compared to the overall size of the structures relative to the lot. The ADU and garage are located at the far rear of the property. The increased lot coverage is not noticeable from the streetscape and does not impact the visual appearance of the neighbourhood.

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

Variance for the Walkway

The variance is not desirable for the use of the land. The design creates a conflict between pedestrian and vehicle on site and fails to support a walkable community without providing an unobstructed connection to the street. Occupants and emergency services will not be able to navigate safely which compromises the usability of the land.

Variance for the Accessory Building Fascia Height

The variance is appropriate for the development and use of the land as it will increase the usability of the accessory building on the subject property. The increased fascia height will allow the accessory building to be more functional and allow for efficient storage of vehicles.

Variance for Increased Lot Coverage for Accessory Building and Additional dwelling Unit (ADU) (Detached)

The variance for an increased lot coverage is desirable and appropriate use of the land as it facilitates the construction of an accessory building and an additional dwelling unit (ADU). The increased lot coverage will allow for efficient vehicle storage and improve the usability of the land by accommodating the ADU which contributes to the overall functionality and usability of the property.

Fire Services Comments:

With no legal mechanism to enforce no-parking in the driveway where the walkway is proposed to be located, fire would not support the combined walkway and driveway. The proposal does not comply with the Emergency Services Policy because the ADU is approximately 37 metres from the principal entrance, whereas the emergency service policy restricts this distance to a maximum of 30 metres for dwelling units with direct access to the outside from the unit. If the exit/principal entrance is shared by two or more units that distance is reduced to 15 metres.

Environmental Planning Comments:

No natural heritage. Trees may be impacted in the rear yard by ADU construction. Accordingly, it is recommended that the standard Tree Management Condition be added as a Condition of the Minor Variance Application to ensure there are no negative impacts to trees on adjacent properties.

1. That the Owner shall:

- a) Prepare a Tree Preservation Plan for the Subject Lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans and City's Director, Parks and Cemeteries, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of Demolition and/or Building Permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
- b) That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

1. That the Owner provides confirmation, to the satisfaction of the Director of Engineering Services, that the existing services can support the proposed additional demand prior to an application for a Building Permit being received. If the demand cannot be supported, the Owner shall make an Application through the Off-Site Works Process, to the satisfaction of the Director of Engineering.
2. That the Owner acknowledges that any new driveways or widenings to existing driveways are to be built to City of Kitchener standards and that the Owner confirms, to the satisfaction of the Director of Engineering Services, if an application for a Curb

Cutting/Driveway Widening Permit is required prior to an application for a Building Permit being received.

Parks and Cemeteries/Forestry Division Comments:

No comments or concerns.

Transportation Planning Comments:

Transportation Services does not support the proposed garage or parking space location at the rear of the property. Vehicles accessing the parking space or garage must drive over the walkway, and occupants may not be aware to keep this walkway unobstructed of parked vehicles. Obstructions of the walkway may block emergency services accessing the ADU.

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*

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

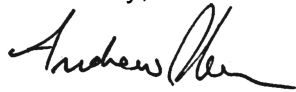
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Eric Schneider, Senior Planner, 519-783-8918

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-130

SUBJECT: Minor Variance Application A2025-025 – 93-95 Kinzie Avenue

RECOMMENDATION:

That Minor Variance Application A2025-025 for 93-95 Kinzie Avenue requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.6, Table 5-5-1, to permit 2 parking spaces for a Semi-Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) instead of the required 3 parking spaces;
- ii) Section 7.3, Table 7-2, to permit a front yard setback of 4.6 metres instead of the required 7.8 metres based on established front yard setbacks of adjacent dwellings;
- iii) Section 7.3, Table 7-2, to permit rear yard setback of 3 metres instead of the minimum required 7.5 metres; and

to facilitate the redevelopment of the lands with a new Semi-Detached Dwelling, each side containing 2 Additional Dwelling Units (ADU) (Attached), generally in accordance with drawings prepared by Chris Fernandes Design Corp., dated August 16, 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 constructing a new Semi-Detached Dwelling, each side containing 2 Additional Dwelling Units (ADU) (Attached).
- 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:



Figure 1: Location Map

The subject property is located on the corner of Kinzie Avenue and Walker Street. The lands previously contained a single detached dwelling that was demolished due to fire damage in 2024. The lands are currently vacant.

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 (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of new Semi-Detached Dwelling, each side containing 2 Additional Dwelling Units (ADU) (Attached).

In October 2022, the Committee of Adjustment approved minor variance application A2022-125 to permit the construction of a Semi-Detached Dwelling, each side containing 1 Additional Dwelling Unit (ADU) (Attached). The applicant is now proposing Semi-Detached Dwellings, each side containing 2 Additional Dwelling Units (ADU) (Attached).

The drawing submitted with the application form showed a driveway for the proposed lot at 93 Kinzie Avenue within the Corner Visibility Triangle (CVT). The applicant revised the drawing to shift the driveway location outside of the CVT. No changes to the building footprint or requested variances are required.



Figure 2: View of Vacant site from Walker Street



Figure 3: View of Vacant site from Kinzie Avenue

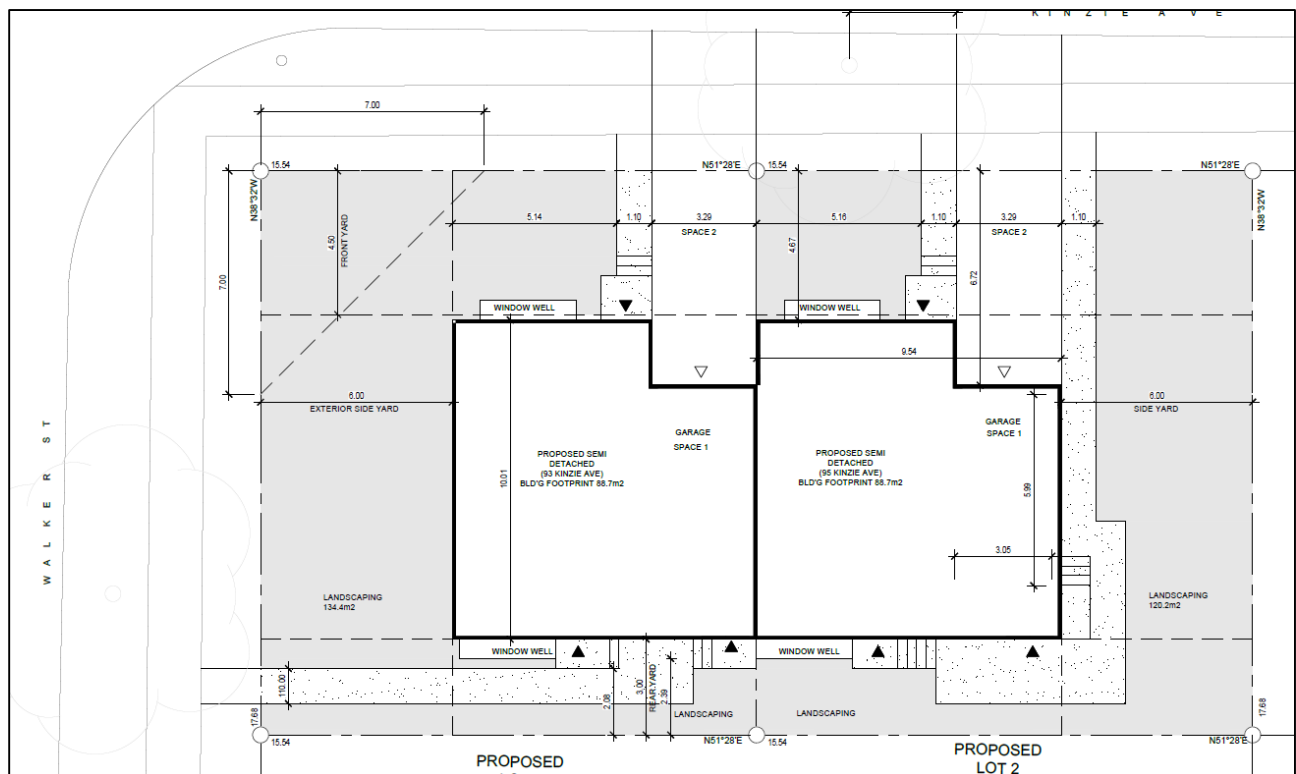


Figure 4: Concept Plan (Revised Driveway to be outside of CVT)

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The intent of the Low Rise Residential land use designation is to accommodate a range of low density housing types, including Semi Detached Dwellings with up to 3 Additional Dwelling Units (ADU). 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, 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

Front Yard Setback

The intent of the regulation that requires a minimum front yard setback based on established front yards of adjacent dwellings is to preserve consistent building walls along street lines in established neighbourhoods. The subject lands are located on a corner of a short block (<100 metres) and there are just 3 interior lots on Kinzie Avenue between Walker Street and Guerin Avenue. Buildings located on corner lots can often have building setbacks inconsistent with adjacent dwellings based on which street line the front yard is

oriented towards, which can vary from property to property. Staff acknowledge that the differences between the front yard setback and the exterior yard setback can vary based on building typology, street orientation, location of on street utilities and other City assets such as street trees, etc. Staff are of the opinion that the proposed front yard setback of 4.6 metres will generally be consistent with established neighbourhood street lines and building setbacks, and therefore the variance meets the general intent of the Zoning By-law.

Rear Yard Setback

The intent of the regulation that requires a minimum rear yard setback of 7.5 metres is to provide for adequate building separation and on-site amenity space. In regard to building separation, the construction of a semi-detached dwelling on the subject lands would orient the proposed rear yards to face the lands at 124 Walker Avenue, currently developed as a Semi-Detached Dwelling. This shared property line represents the interior side yard for 124 Walker Avenue, and staff acknowledge that interior side yard building separation is typically much lesser than rear yard separation. In regard to on-site amenity space, the applicant has proposed to provide large side yard spaces (6+ metres) that provide for adequate, functional amenity spaces. Staff is of the opinion that the proposed variance meets the general intent of the Zoning By-law.

Parking Reduction

The intent of the regulation that requires 3 parking spaces for a semi-detached dwelling with 2 additional dwelling units (ADU) is to provide for adequate vehicle storage on site. The proposed layout includes one parking space in the garage and one space in the driveway. The site was redesigned to single car driveways rather than two-car driveways in order to preserve an existing street tree on Kinzie Avenue. Staff are of the opinion that the 2 proposed parking spaces are sufficient to provide adequate vehicle storage on site due to the unit typology and the access to existing transit. The site is well served by GRT stops on Weber Street, a 350 metre distance that provides east and west service to connecting terminals with region-wide access. Staff are of the opinion that the proposed 2 parking space per semi-detached dwelling with 2 additional dwelling units (attached) can provide sufficient vehicle storage on-site and therefore the requested variance meets the general intent of the Zoning By-law.

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

Staff have evaluated the requested variances for the proposed development and are of the opinion that the proposed development can function and be compatible with the abutting lands and surrounding neighbourhood. Staff are of the opinion that the requested variances will not cause adverse impacts to abutting lands and that any 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 requested variances will enable the corner property to be redeveloped with a use and building typology that is similar in scale, use and function to the surrounding low-rise uses on Kinzie Avenue and Walker Street. The variances will allow for a functional and appropriate use of the site and therefore Staff are of the opinion that the variances are desirable for the use of the lands.

Environmental Planning Comments:

No environmental planning concerns.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the new semi-detached dwelling with 2 additional attached dwelling units.

Engineering Division Comments:

Engineering has no comments.

Parks and Cemeteries/Forestry Division Comments:

The applicant has worked with Planning staff to prepare a revised site layout that would provide better protection for the existing City-owned street trees but results in additional requested variances. It is expected that all City owned tree assets will be fully protected to City standards throughout demolition and construction as per Chapter 690 of the current Property Maintenance By-law. A Tree Protection and Enhancement Plan (TPEP) showing full protection for the existing City trees is required as part of the Building Permit and/or Driveway Widening/Curb Cut permit application to be approved by the Director of Parks and Cemeteries. Grading and Servicing plans should accompany the submission.

Please clearly indicate the location of tree trunks, dripline and offsets to proposed Tree Protection Fencing and construction work zone. Securities for protected trees and/or compensation for removed trees may be required. Clearance from the Director of Parks and Cemeteries for the approval of the Tree Protection and Enhancement Plan and any necessary compensation is required prior to the issuance of a Demolition Permit or Building Permit.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Enova Comments:

The builders/developers will need to maintain the minimum clearances as outlined by Enova's attached drawing as per Attachment B.

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.

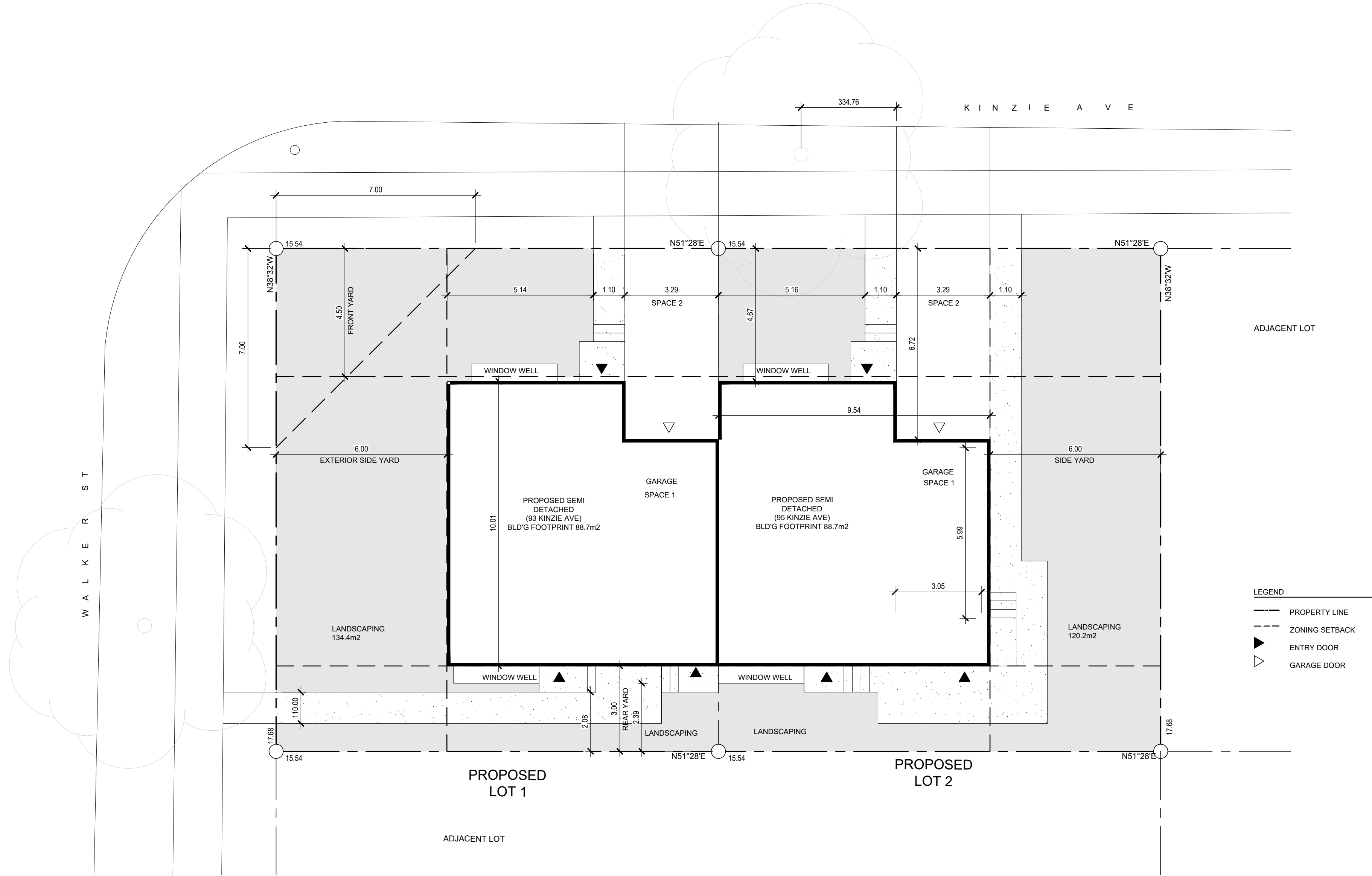
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2022-457 (A2022-125)*

ATTACHMENTS:

Attachment A – Concept Plan (Revised Driveway outside of CVT)
Attachment B – Enova Diagram for Clearance

Do not scale drawings. Contractors must check and verify all dimensions and report any discrepancies to Chris Fernandes Design Corp. before proceeding with the work. All documents remain the property of Chris Fernandes Design Corp. Unauthorized use, modification, and/or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner. The materials contained herein reflect the Consultant's best judgment in light of the information available to him at the time of preparation. Any use which a third party makes of the Contract Documents, or any reliance on or decisions to be made based on them are the responsibility of such third parties. The Consultant accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the Contract Documents.



MUNICIPAL ADDRESS: 93 KINZIE AVE. (EXISTING LOT 1)

BASED ON REFERENCE PLAN
PART OF LOTS 104, 105, 106, 107
REG. PLAN 308
CITY OF KITCHENER.
LAND SURVEY BY J. DOUGLAS ANSLEY

ZONING:	RES-4	
	REQUIRED	PROVIDED
MINIMUM LOT AREA:	235m ² (2529.5.6ft ²)	274.8m ² (2957.9ft ²)
MINIMUM CORNER LOT WIDTH:	12.8.0m (ft)	15.4m (50.5ft)
MINIMUM FRONT YARD:	4.5m (14.7ft)	4.67m (15.3ft)
MINIMUM EXTERIOR SIDE YARD:	6.0m (19.6ft)	6.0m (19.6ft)
MINIMUM INTERIOR SIDE YARD:	n/a	n/a
MINIMUM REAR YARD:	7.5m (24.6ft)	3.0m (9.8ft)
MAXIMUM LOT COVERAGE:	55%	88.7m ² / 274.8m ² 32.3%
MAXIMUM BUILDING HEIGHT:	11.0m (36ft)	9.3m (30.5ft)
MAXIMUM NO. OF STOREYS:	3	2

MUNICIPAL ADDRESS: 95 KINZIE AVE (PROPOSED LOT 2)

BASED ON REFERENCE PLAN
PART OF LOTS 104, 105, 106, 107
REG. PLAN 308
CITY OF KITCHENER.
LAND SURVEY BY J. DOUGLAS ANSLEY

ZONING:	RES-4	
	REQUIRED	PROVIDED
MINIMUM LOT AREA:	235m ² (2529.5.6ft ²)	274.8m ² (2957.9ft ²)
MINIMUM LOT WIDTH:	9m (ft)	15.4m (50.5ft)
MINIMUM FRONT YARD:	4.5m (14.7ft)	4.67m (15.3ft)
MINIMUM EXTERIOR SIDE YARD:	6.0m (19.6ft)	N/A
MINIMUM INTERIOR SIDE YARD:	1.2m (3.9ft)	6.0m (19.6ft)
MINIMUM REAR YARD:	7.5m (24.6ft)	3.0m (9.8ft)
MAXIMUM LOT COVERAGE:	55%	88.7m ² / 274.8m ² 32.3%
MAXIMUM BUILDING HEIGHT:	11.0m (36ft)	9.3m (30.5ft)
MAXIMUM NO. OF STOREYS:	3	2

PROJECT NORTH		TRUE NORTH	
No.	Date	Revision	
1	2024.10.17	ISSUED FOR PERMIT	
2	2025.01.30	ISSUED FOR MV	



CHRIS FERNANDES
DESIGN CORP.

33 McDougall Road, Waterloo, ON, N2L 2B4 - www.cfdesigncorp.com

Client:

MATT
PHIPPS

Project Title:

KINZIE
SEMI

95 KINZIEAVE KITCHENER, ON.

Drawings:

SITE PLAN

Scale:
1/4" = 1'-0"

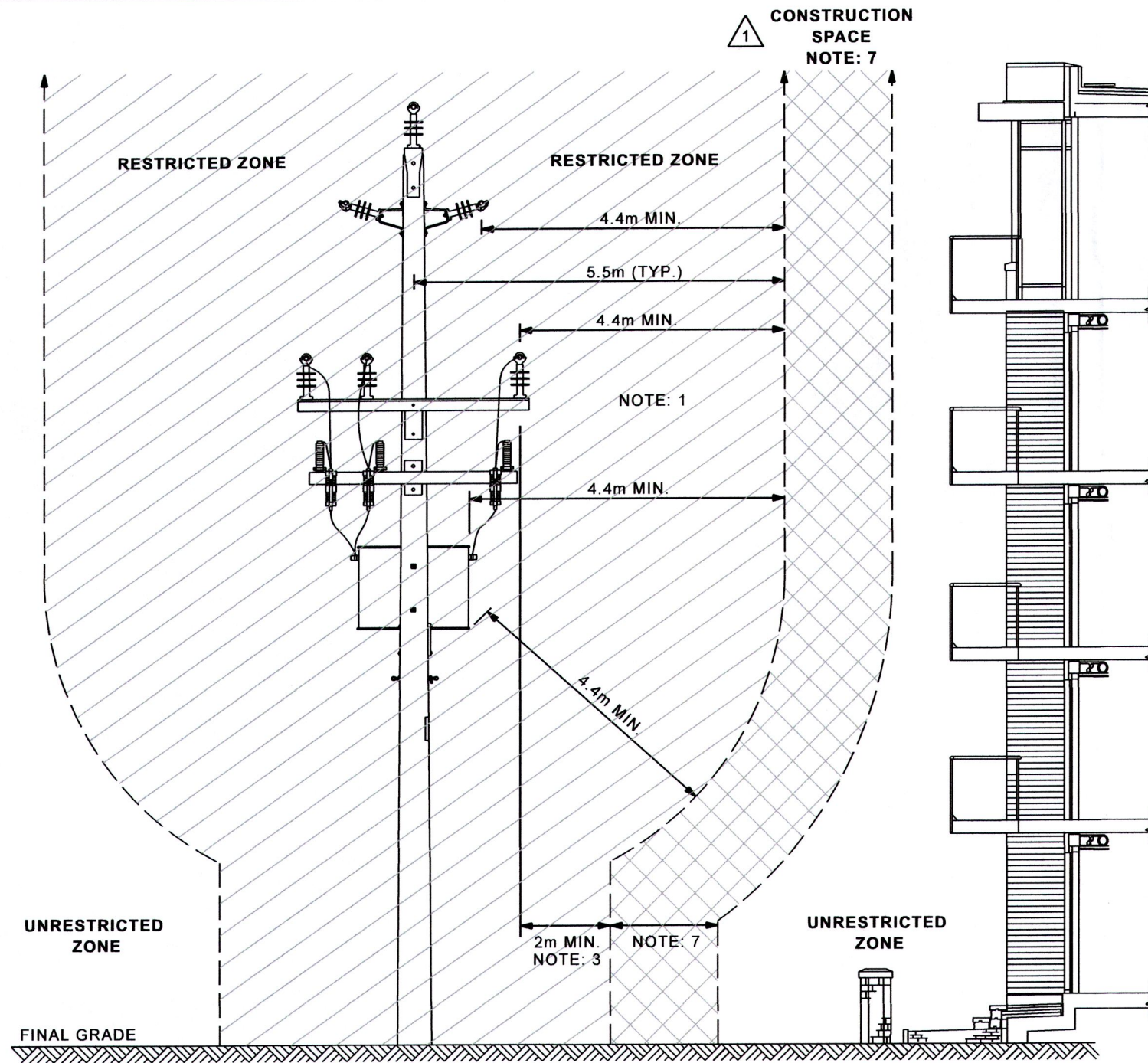
Date:
2024.08.16

Drawn By:
CF

Project No:
14_24

Drawing No.:

A0.0



- NOTES:**
1. NO PERMANENT BUILDING OR STRUCTURE SHALL BE PLACED WITHIN 4.4 METRES MEASURED RADIALLY FROM ANY PRIMARY VOLTAGE CONDUCTOR OR EQUIPMENT, MEASURED FROM THE CLOSEST PRIMARY CONDUCTOR (AT REST) TO THE CLOSEST POINT OF THE BUILDING OR STRUCTURE.
 2. A MINIMUM HORIZONTAL SEPARATION OF 1.6 METRES FROM THE BUILDING OR STRUCTURE TO THE SECONDARY CONDUCTOR (<750V) SHALL BE MAINTAINED, UNLESS THE SECONDARY CONDUCTORS ARE ATTACHED TO THE BUILDING (EG. A SERVICE CONDUCTOR).
 3. NO PERMANENT BUILDING OR STRUCTURE SHALL BE PLACED OR CONSTRUCTED WITHIN 2 METRES HORIZONTAL SEPARATION FROM THE OUTERMOST OVERHEAD PRIMARY CONDUCTOR (AT REST).
 4. ZERO VOLTAGE SUPPORT WIRES (I.E. SPAN GUYS) MAY CROSS OVER THE CUSTOMER'S STRUCTURE AND SHALL MAINTAIN AT LEAST 2.5 METRES VERTICAL CLEARANCE TO THE CLOSEST PART OVER THE BUILDING STRUCTURE.
 5. CONTACT ENOVA TO DETERMINE SPECIFIC CLEARANCES APPLICABLE TO YOUR PROJECT.
 6. CALCULATED CLEARANCES ARE BASED ON CONDUCTORS AT MAXIMUM SWING POSITION, CSA STD C22.3 NO. 1-15 TABLE 12, AND THE ONTARIO HEALTH AND SAFETY ACT (OHSa).
 7. CONSTRUCTION SPACE IS TO ACCOMMODATE SCAFFOLDING, SKYJACKS, WINDOW CLEANING, ETC. THERE SHALL BE NO ENCROACHMENT INTO THE RESTRICTED ZONE DURING CONSTRUCTION OR BUILDING MAINTENANCE. ENOVA WILL NOT PROVIDE COVER UP OR ISOLATION OF ITS ENERGIZED PRIMARY CONDUCTORS THAT LIE ALONG A CONSTRUCTION SITE.

2	CONSTRUCTION SPACE DIMENSIONS REMOVED. NOTE 7 MODIFIED	JULY 7/23 B.M.
1	CONSTRUCTION SPACE ADDED. NOTES REVISED.	JULY 7/23 B.M.
REV No.	DESCRIPTION	DATE & INITIALS



CLEARANCES TO ADJACENT STRUCTURES
8.32KV - 27.6KV

DRAWN	B. BIN	JUL. 21/20	SCALE NONE
DESIGNED	S. WANG	JUNE 18/2021	D11111
CHECKED	S.W.		
APPROVED	G.A. CAMERON	JUNE 24/21	
FILE No.	6061-91-1		

Enova Power Corp.
Certificate of Approval

The installation work covered by this document meets the safety requirements of Section 4 of Ontario Regulation 22/04.

Name of P.Eng.: Shawn Wang

Signature: [Signature]

Date: Jan 4, 2024

REV. 2 APPROVED: [Signature] Jan. 10, 2024

REV. 1 SEALED BY X. WANG ON JULY 20/23

REV. 0 SEALED BY X. WANG ON JUNE 23/21

PREVIOUS SEALED REVISIONS

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', written in a cursive style.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

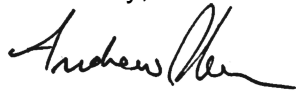
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Ricardo Ruiz](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review – March 18, 2025 Meeting
Date: Friday, February 28, 2025 11:53:06 AM
Attachments: [11111.pdf](#)

Hi Connie,
Enova's only concern with the recent Committee of Adjustment Applications is for 93-95 Kinzie Ave & 165 Fairway Rd N. The builders/developers will need to maintain the minimum clearances as outlines by Enova's attached drawing.

Thanks,

Ricardo Ruiz (he/him) C.E.T. | Distribution Design Supervisor

Office Number: 226-896-2200 Ext. 6304
Mobile Number: 519-497-6221
ricardo.ruiz@enovapower.com
www.enovapower.com

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: February 21, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review – March 18, 2025 Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, March 18, 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, March 3, 2025.

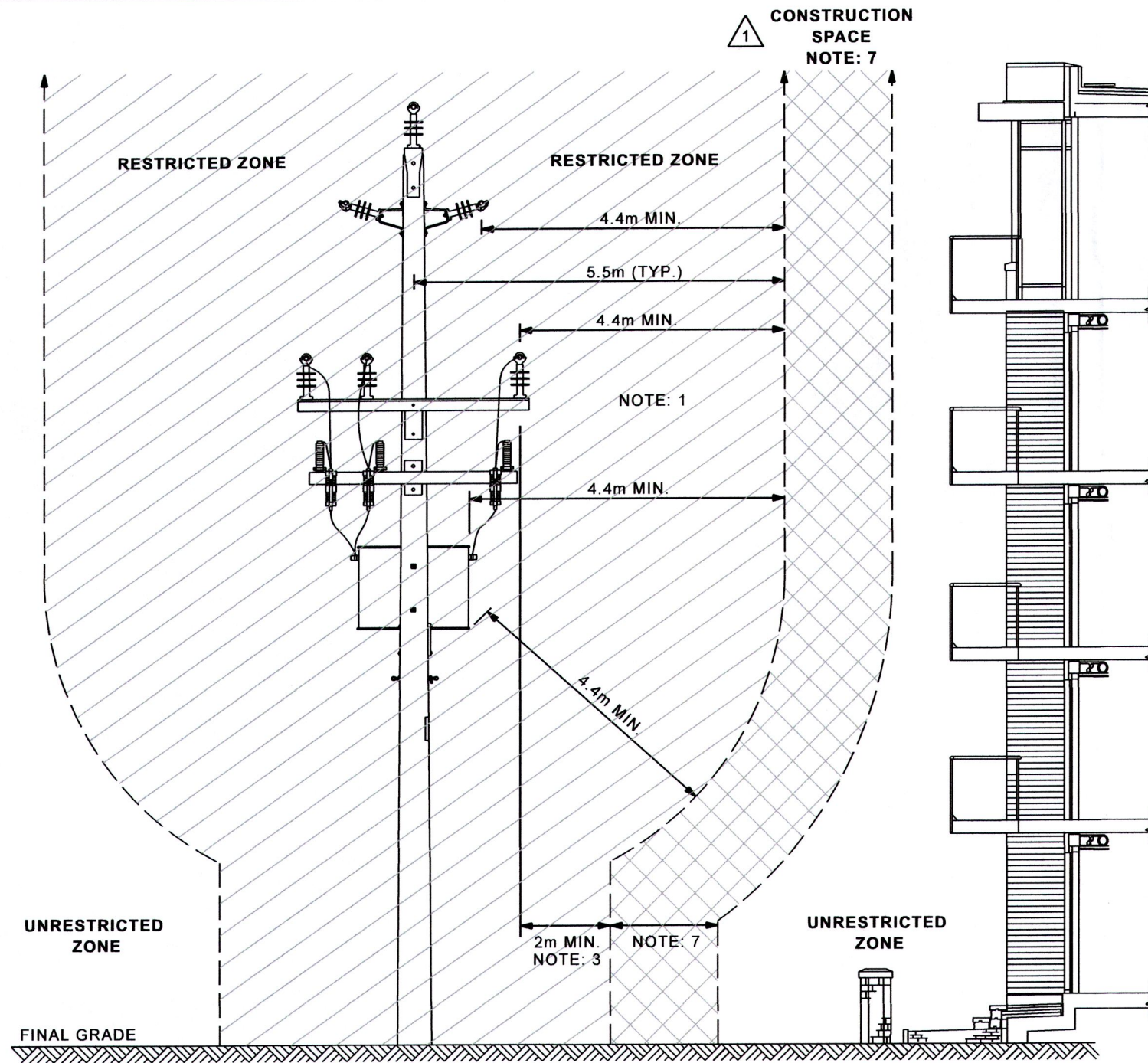
If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen

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

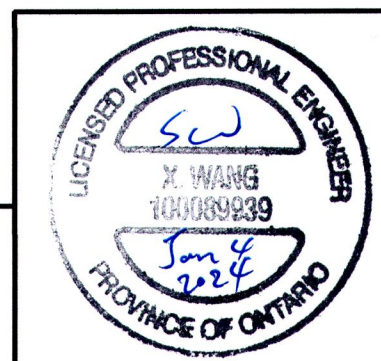


This correspondence is directed in confidence solely to the addressees listed above. It may contain personal or confidential information and may not otherwise be distributed, copied or used by the intended recipient. If you are not the intended recipient, please delete the e-mail and any attachments and notify the sender immediately. Click on the link to read the additional disclaimer: <https://enovapower.com/disclaimer>



- NOTES:**
- 1. NO PERMANENT BUILDING OR STRUCTURE SHALL BE PLACED WITHIN 4.4 METRES MEASURED RADIALLY FROM ANY PRIMARY VOLTAGE CONDUCTOR OR EQUIPMENT, MEASURED FROM THE CLOSEST PRIMARY CONDUCTOR (AT REST) TO THE CLOSEST POINT OF THE BUILDING OR STRUCTURE.
 - 2. A MINIMUM HORIZONTAL SEPARATION OF 1.6 METRES FROM THE BUILDING OR STRUCTURE TO THE SECONDARY CONDUCTOR (<750V) SHALL BE MAINTAINED, UNLESS THE SECONDARY CONDUCTORS ARE ATTACHED TO THE BUILDING (EG. A SERVICE CONDUCTOR).
 - 3. NO PERMANENT BUILDING OR STRUCTURE SHALL BE PLACED OR CONSTRUCTED WITHIN 2 METRES HORIZONTAL SEPARATION FROM THE OUTERMOST OVERHEAD PRIMARY CONDUCTOR (AT REST).
 - 4. ZERO VOLTAGE SUPPORT WIRES (I.E. SPAN GUYS) MAY CROSS OVER THE CUSTOMER'S STRUCTURE AND SHALL MAINTAIN AT LEAST 2.5 METRES VERTICAL CLEARANCE TO THE CLOSEST PART OVER THE BUILDING STRUCTURE.
 - 5. CONTACT ENOVA TO DETERMINE SPECIFIC CLEARANCES APPLICABLE TO YOUR PROJECT.
 - 6. CALCULATED CLEARANCES ARE BASED ON CONDUCTORS AT MAXIMUM SWING POSITION, CSA STD C22.3 NO. 1-15 TABLE 12, AND THE ONTARIO HEALTH AND SAFETY ACT (OHSa).
 - 7. CONSTRUCTION SPACE IS TO ACCOMMODATE SCAFFOLDING, SKYJACKS, WINDOW CLEANING, ETC. THERE SHALL BE NO ENCROACHMENT INTO THE RESTRICTED ZONE DURING CONSTRUCTION OR BUILDING MAINTENANCE. ENOVA WILL NOT PROVIDE COVER UP OR ISOLATION OF ITS ENERGIZED PRIMARY CONDUCTORS THAT LIE ALONG A CONSTRUCTION SITE.

2	CONSTRUCTION SPACE DIMENSIONS REMOVED. NOTE 7 MODIFIED	JULY 7/23 B.M.
1	CONSTRUCTION SPACE ADDED. NOTES REVISED.	JULY 7/23 B.M.
REV No.	DESCRIPTION	DATE & INITIALS



Enova Power Corp.
Certificate of Approval

The installation work covered by this document meets the safety requirements of Section 4 of Ontario Regulation 22/04.

Name of P.Eng.: Shawn Wang
Signature: _____
Date: Jan 4, 2024

REV. 2 APPROVED: <u>[Signature]</u> Jan. 10, 2024
REV. 1 SEALED BY X. WANG ON JULY 20/23
REV. 0 SEALED BY X. WANG ON JUNE 23/21
PREVIOUS SEALED REVISIONS

CLEARANCES TO ADJACENT STRUCTURES
8.32KV - 27.6KV

DRAWN	B. BIN	JUL. 21/20	SCALE NONE
DESIGNED	S. WANG	JUNE 18/2021	D11111
CHECKED	S.W.		
APPROVED	G.A. CAMERON	JUNE 24/21	
FILE No.	6061-91-1		

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Sheryl Rice Menezes, Senior Planning Technician,
519-783-8944

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 6, 2025

REPORT NO.: DSD-2025-126

SUBJECT: Minor Variance Application A2025-026 – 250 Frederick St

RECOMMENDATION:

That Minor Variance Application A2025-026 for 250 Frederick Street requesting relief from the following sections of Zoning By-law 85-1:

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

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

REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of common amenity space on the top floor of a high-rise apartment building to be converted into four residential dwelling units with reduced parking requirements for overall parking and visitor parking spaces.
- The key finding of this report is that the requested minor variances meet all the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.



Figure 1: Aerial photo

BACKGROUND:

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

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

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

The purpose of the application is to permit two variances for parking to enable the conversion of existing common space on the top floor (17th floor) to four dwelling units. The common space is on the 17th floor, the top floor, and was originally designed as recreation area with a sauna room and a hobby room. The owner would like to use these unutilized vacant rooms to provide additional rental dwelling units for the community. It is noted that the basement and parking levels in the building have storage lockers and laundry facilities.

Site Plan Application SP24/032/F/SRM has received '*Conditional Approval*' for the four proposed additional dwelling units. The plan was primarily prepared to identify the required Visitor and Barrier Free parking spaces. The conditional Site Plan drawing, as well as two levels of underground parking garage plans, are attached to this staff report.

The owner previously applied for the same parking variances at a previous Committee of Adjustment meeting, July 16, 2024. Previous staff report, DSD-24-322, supported the parking variances. However, delegates attended the meeting with concerns. The Committee ultimately refused the application.

Staff visited the site for this 2025 application on February 28, 2025.

REPORT:

Planning Comments:

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

General Intent of the Official Plan

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

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. It is noted that minor variance A209/86 (1986) granted permission for 107 units to have 106 parking spaces (under Bylaw 4830). Then in 2012 (Bylaw 85-1), one additional unit was added for a total of 107 spaces required. There were 117 spaces provided at that time as well.

The current zoning, 'R-9', is within By-law 85-1 which has existed since 1994 on this property. This zoning requires the proposed total of 112 dwelling units to have 140 parking spaces (1.25 parking spaces per dwelling unit) and 28 visitor parking spaces (20% of the required parking). It is noted that the property will be rezoned in the future into the newest City Zoning By-law 2019-051.

In the new by-law, 2019-051, the parking requirement for 112 units would be 1 space per dwelling unit resulting in 112 spaces being required; as well as 12 visitor parking spaces for a total of 124 required parking spaces. This is substantially less parking than currently required and is closer to the 117 spaces proposed in the Site Plan.



Figure 3: View of property from street.

Currently, there are no visitor parking spaces on site as this was not a requirement when the building was constructed in 1968. By providing eight visitor spaces on the surface outside the property will ensure demarcated and dedicated parking spaces for visitors. Staff note that the property is one block from the Strategic Growth Area which has no minimum parking requirement. The property is on a bus route and just outside the 800 metres to an LRT station. Transportation Planning staff support the proposed parking variance.

It is noted that 5 barrier-free parking spaces are required (under both by-laws) and that 5 barrier-free spaces are proposed. There is no variance required for these spaces. Accordingly, the variances will meet the general intent of the Zoning By-law.

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

As noted above, the proposed parking reduction is closer to what will be required when the property is rezoned under By-law 2019-051 which would be 124 spaces. The property is close to public transportation and within walking distance to the city's downtown area. The owner has also noted on the Site Plan that vertical bicycle parking will be provided on the ground floor adjacent to the building. It is also noted that the applicant has provided comments in Appendix 5 of his application that notes a study by Paradigm Transportation Solutions concludes that the existing 117 spaces are 'expected to be sufficient for the

proposed development'. As noted previously, City Transportation have advised that they have no concerns. Staff are of the opinion that the parking variances are minor.

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

The common amenity space on the top floor was originally a recreation area with a sauna and hobby room and viewed to be unutilized vacant area by the current owner. There does exist a landscaped area with a picnic table in the north-east corner of the property as shown on the ground level of the Site Plan.

The addition of dwelling units is a gentle intensification of the existing residential building on the subject property and supports the City Housing Pledge in the supply more residential rental units.

The proposed parking are desirable for the appropriate development and can be considered minor and meeting the intent of both Official Plan and Zoning By-law.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

The property municipally addressed as 250 Frederick Street does not have any heritage status. However, the subject property is located within the Central Frederick Neighborhood Cultural Heritage Landscape (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. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

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

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

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

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No comments.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

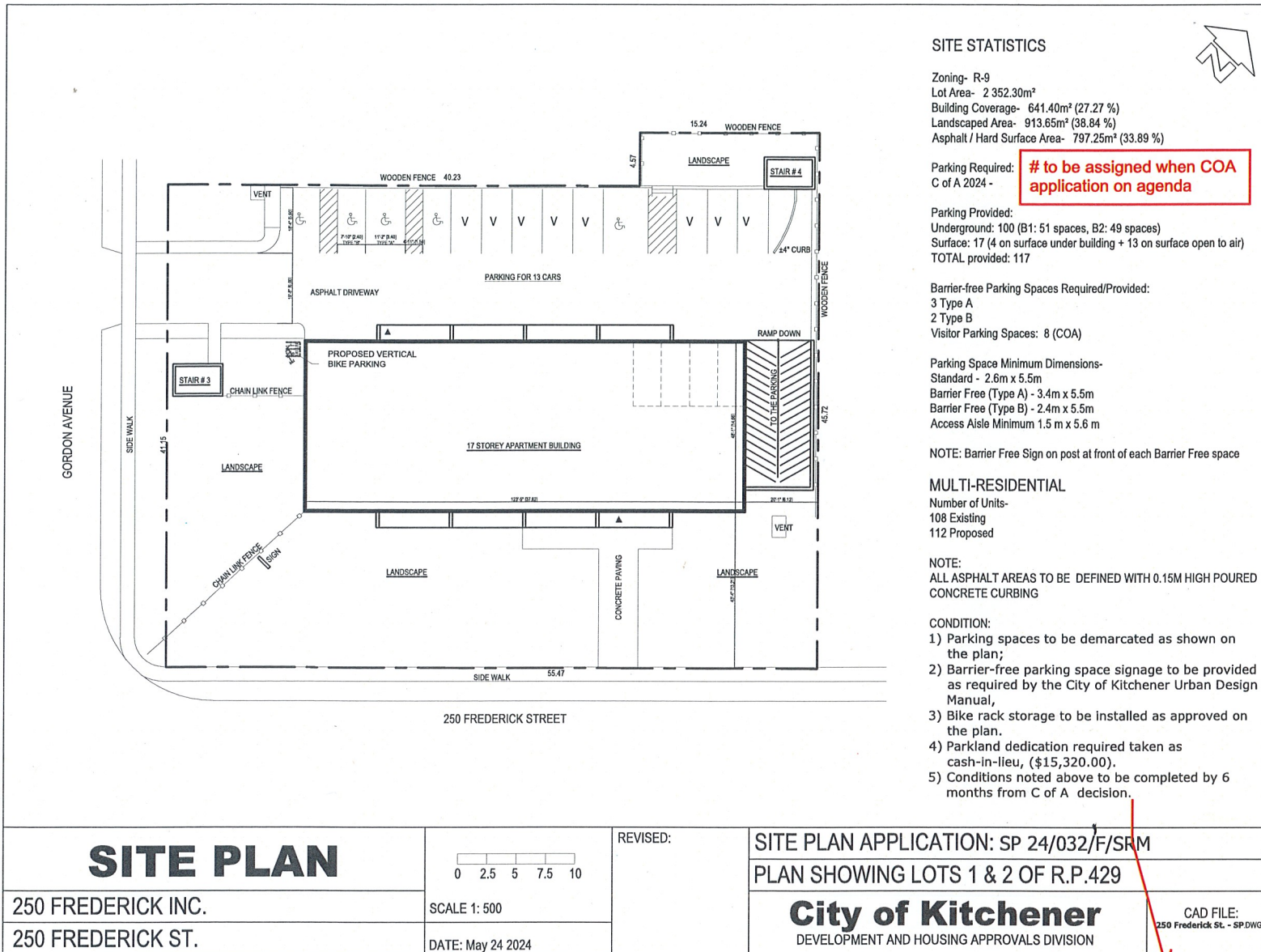
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *Minor variance application A2024-052*

ATTACHMENTS:

Attachment A – Site Plan (Conditionally Approved)

Attachment B - Underground garage parking plan (2 levels)



SITE STATISTICS

Zoning- R-9
Lot Area- 2 352.30m²
Building Coverage- 641.40m² (27.27 %)
Landscape Area- 913.65m² (38.84 %)
Asphalt / Hard Surface Area- 797.25m² (33.89 %)

Parking Required: **# to be assigned when COA application on agenda**
C of A 2024 -

Parking Provided:
Underground: 100 (B1: 51 spaces, B2: 49 spaces)
Surface: 17 (4 on surface under building + 13 on surface open to air)
TOTAL provided: 117

Barrier-free Parking Spaces Required/Provided:
3 Type A
2 Type B
Visitor Parking Spaces: 8 (COA)

Parking Space Minimum Dimensions-
Standard - 2.6m x 5.5m
Barrier Free (Type A) - 3.4m x 5.5m
Barrier Free (Type B) - 2.4m x 5.5m
Access Aisle Minimum 1.5 m x 5.6 m

NOTE: Barrier Free Sign on post at front of each Barrier Free space

MULTI-RESIDENTIAL

Number of Units-
108 Existing
112 Proposed

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

CONDITION:

- 1) Parking spaces to be demarcated as shown on the plan;
- 2) Barrier-free parking space signage to be provided as required by the City of Kitchener Urban Design Manual;
- 3) Bike rack storage to be installed as approved on the plan.
- 4) Parkland dedication required taken as cash-in-lieu, (\$15,320.00).
- 5) Conditions noted above to be completed by 6 months from C of A decision.



CITY OF KITCHENER
DEVELOPMENT AND HOUSING
APPROVALS DIVISION

SITE PLAN APPROVAL
PURSUANT TO SECTION 41
OF THE PLANNING ACT

Garett Stevenson
Signed with Consigno Cloud (2024/06/10)
Verify with verifio.com or Adobe Reader.



DATE

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

Ludmila Karakulov
Signed with Consigno Cloud (2024/06/10)
Verify with verifio.com or Adobe Reader.

notarius

DATE:

CAD FILE:
250 Frederick St. - SP.DWG

SITE PLAN APPLICATION: SP 24/032/F/SRM
PLAN SHOWING LOTS 1 & 2 OF R.P.429

City of Kitchener
DEVELOPMENT AND HOUSING APPROVALS DIVISION

REVISED:

SITE PLAN

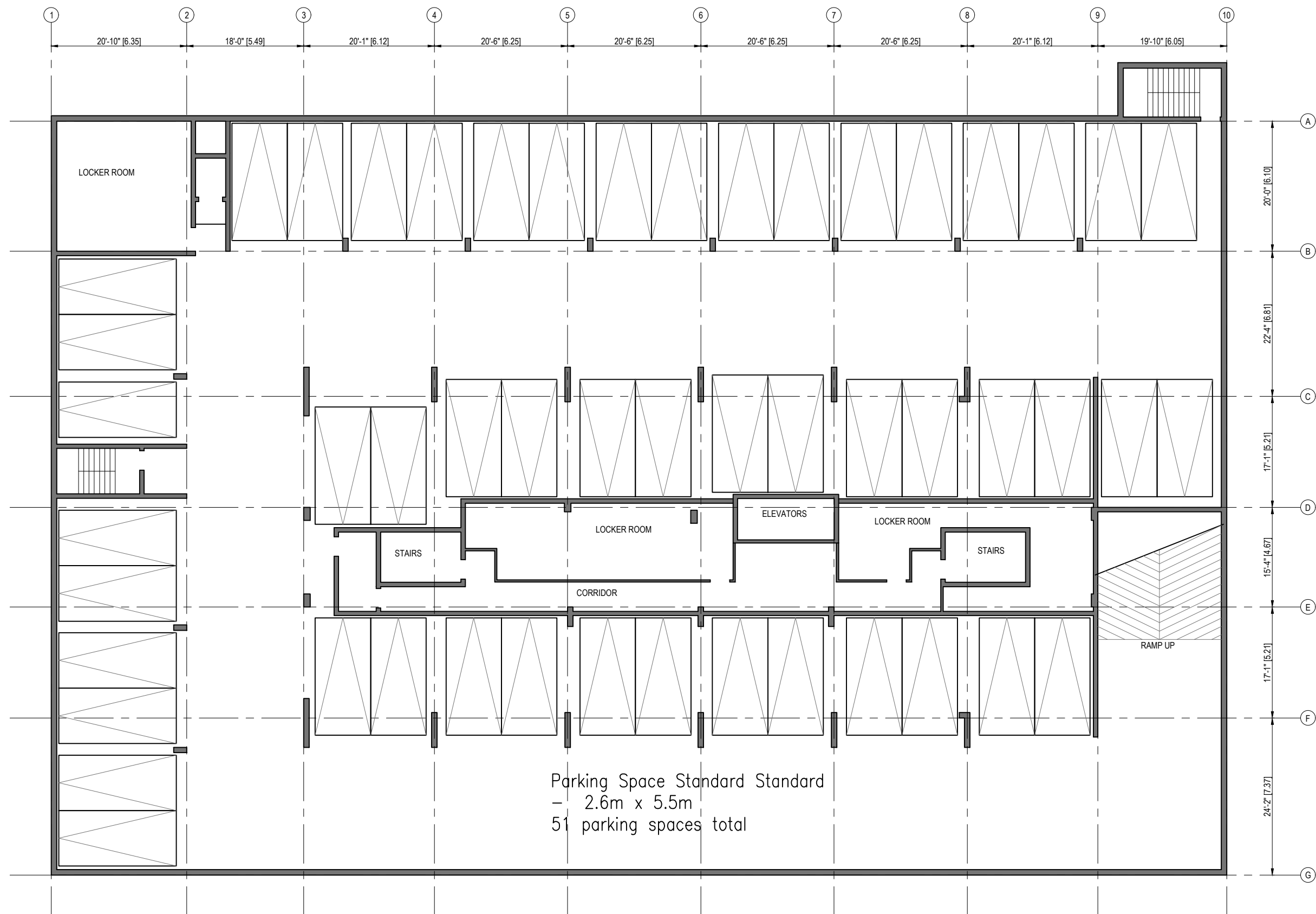
250 FREDERICK INC.
250 FREDERICK ST.

0 2.5 5 7.5 10

SCALE 1: 500

DATE: May 24 2024

Exact date to be noted when COA application approved



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

STAMP:



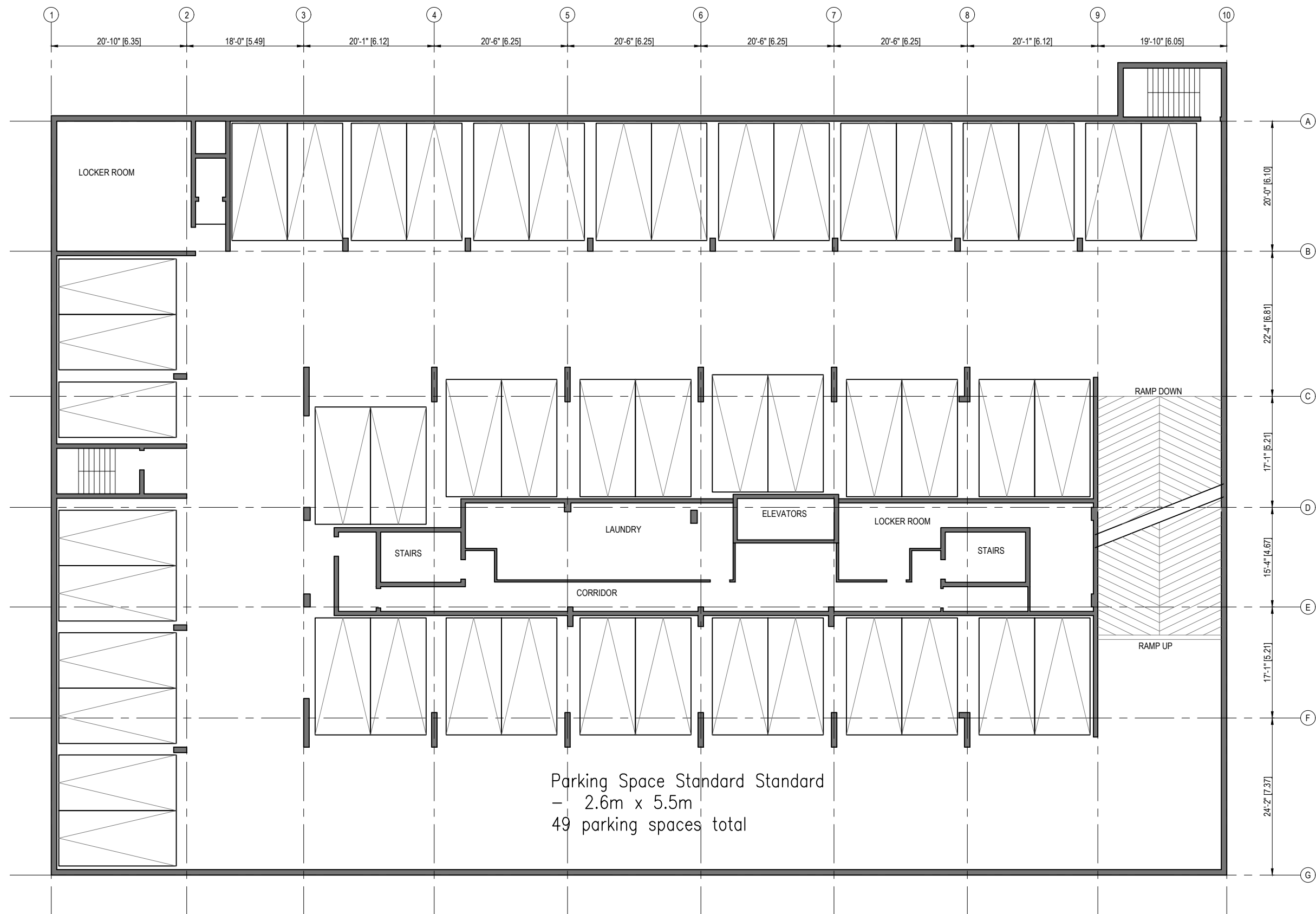
GPF Design Service Inc.

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

PROJECT: 250 Frederick St,
Kitchener, ON

SHEET TITLE: Parking Level - B1

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



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

STAMP:

GPF Design Service Inc.

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

PROJECT: 250 Frederick St,
Kitchener, ON

SHEET TITLE: Parking Level - B2

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

A1.05

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

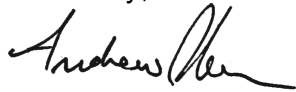
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-124

SUBJECT: Consent Application B 2024-006 – 142 Carson Drive

RECOMMENDATION:

That Consent Application B 2024-006 requesting consent to sever a parcel of land having a lot width of 18 square metres, a lot depth of 46.8 metres and a lot area of 859 square metres, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
5. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.

6. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.
7. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
8. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
9. That at the sole option of the City's Director, Development and Housing Approvals, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director, Development and Housing Approvals, which shall include the following:
 - a) That the Owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
 - b) The Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.
 - c) The Owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.
10. That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
11. That the Owner shall:
 - a) Complete a Building Code Assessment for the existing dwelling proposed to be retained on the Retained Parcel of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing buildings' wall face, and shall include recommendations such as closing in of openings

pending spatial separation calculation results.

- b) Obtain a Building Permit for any remedial work/ upgrades required by the Building Code Assessment.

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

REPORT HIGHLIGHTS:

- The purpose of this report is to review a severance application to permit the creation of a new parcel of land.
- The key finding to this report is the proposed severance meets Provincial, Regional and City policies and is being recommended for approval subject to conditions.
- 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 Carson Drive, near the intersection of Carson Drive and Natchez Road. The existing property contains a single detached dwelling. The applicant proposes to sever the lot so that 1 new residential lot is created.



Figure 1: Location Map: 142 Carson Drive

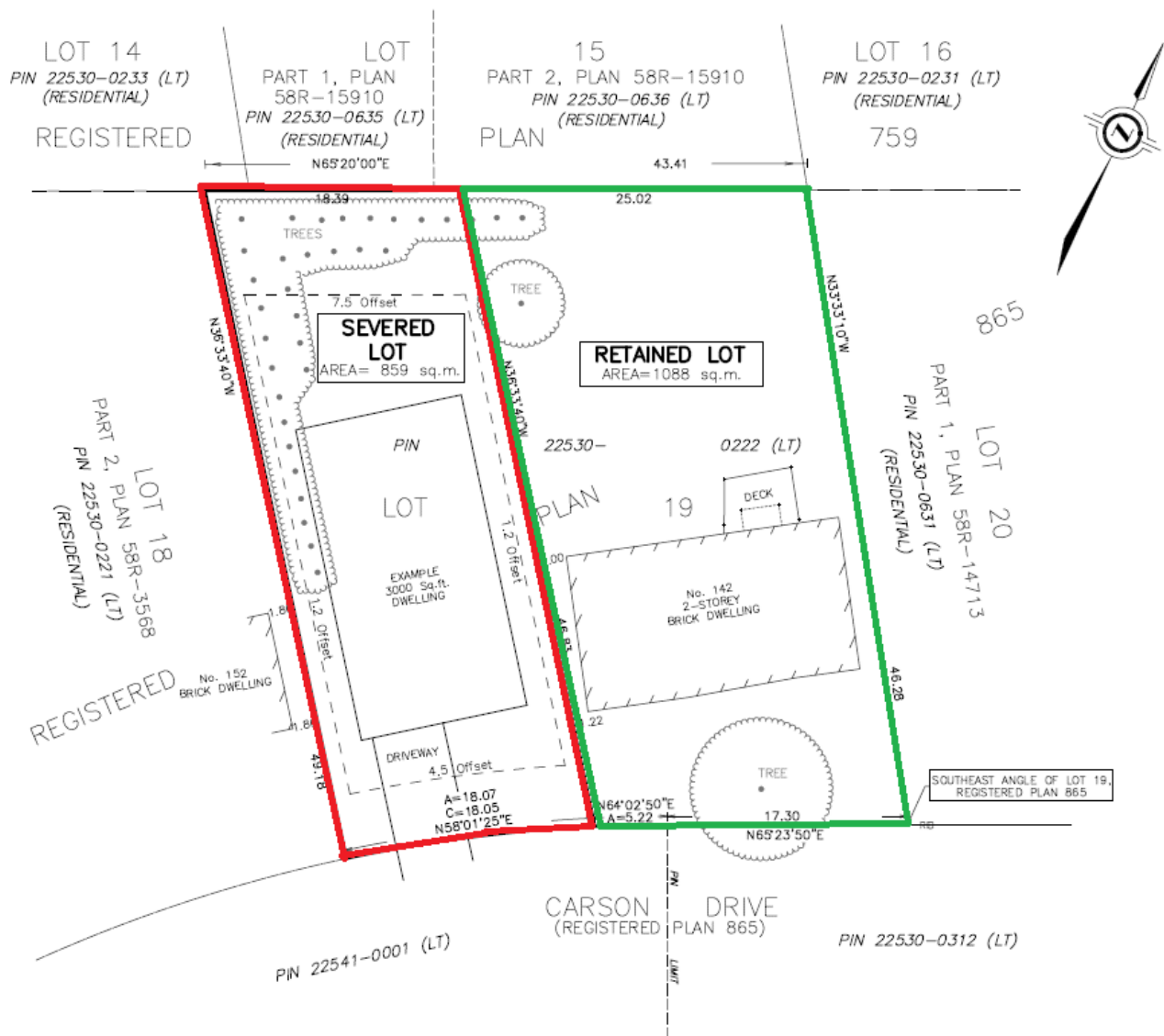


Figure 2: Proposed lot fabrics

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

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

The purpose of the application is to sever an existing lot to create two (2) lots. The retained lands will contain an existing single detached dwelling, while the severed lands are proposed to be residential, but specifics of the residential use, are not known at this time.



Figure 3: Existing building and existing conditions

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 infill severance applications are consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) 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.

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. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional polices 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. Staff are satisfied that the proposed severance applications adhere to these policies and conforms to the ROP.

City's Official Plan (2014)

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

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

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

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

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Two Zone' (RES-2) in Zoning By-law 2019-051. The lot fabric created exceeds all lot minimum requirements, and future development will be required to meet all zoning regulations.

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. The severed lands front onto an established public street and are serviced with municipal services. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

Environmental Planning Comments:

Require the standard condition for consent to enter into an agreement to complete a Tree Preservation /Enhancement Plan prior to any demolition/building permit/grading/servicing etc. on both the severed and retained parcels.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

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 addresses such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.
2. A Building Permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment.

Engineering Division Comments:

- 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 katie.wood@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. Every effort is to be made to avoid impacting existing City owned trees in the right-of-way.
- 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 and Cemeteries/Forestry Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **\$11,862**. Park Dedication is calculated at 5% of the new development lots only, with a land valuation

calculated by the lineal frontage of 18 metres at a land value of \$36,080 per frontage meter with a per unit cap of \$11,862.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The owner/applicant is proposing consent to sever for lot creation; Severed lot being 859 sqm area, 18 metre frontage; and Retained lot being 1088 sqm area and 22.5 metre frontage. The retained lands contain residential dwelling and private well (for exclusive use). The severed lands are vacant. The consent will facilitate the redevelopment of the severed lot under separate ownership (no development proposed through consent).

In the Regional Official Plan, the lands are within the Delineated Built-Up Area and Urban Area boundary. The lands are designated 'Low Rise Residential' in the City's Official Plan and zoned 'RES-2'.

Threats Inventory Database

The following information is provided until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality.

On review of the Threat Inventory Database there are no records for the site. High threat on adjacent property at 15 Rothsay Ave (FIX-A-CHIP INC - Other Machinery and Equipment Industries n.e.c.).

Regional Consent Review Fee

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

In summary, Regional Staff have 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.

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 2019-051*



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
March 3, 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: B2025-006 to B2025-008
Committee of Adjustment Hearing March 18, 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.

AM File No: B 2025-006

Address: 142 Carson Dr

Description: Lot 19, Plan 865

Owner: Anne Kofler

Applicant: Soya Kofler (POA)/ Monica Szever (POA)

The owner/applicant is proposing consent to sever for lot creation; Severed lot being 859 sqm area, 18.05m frontage; and Retained lot being 1088 sqm area and 22.52m frontage. The retained lands contain residential dwelling and private well (for exclusive use). The severed lands are vacant. The consent will facilitate the redevelopment of the severed lot under separate ownership (no development proposed through consent).

In the Regional Official Plan, the lands are within the Delineated Built-Up Area and Urban Area boundary. The lands are designated Low Rise Residential in the City's Official Plan and zoned RES-2.

Threats Inventory Database

The following information is provided until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality.

On review of the Threat Inventory Database there are no records for the site. High threat on adjacent property at 15 Rothsay Ave (FIX-A-CHIP INC - Other Machinery and Equipment Industries n.e.c.).



Regional Consent Review Fee

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 approval.

In summary, Regional Staff have 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.

AM File No: B 2025-007 and B 2025-008

Address: 13 Chicopee Park Court (lot 3)/ 11a & b Chicopee Park Court (lot 2)

Description: PLAN 959 PT LOT 50 RP 58R20258 PT 3/ PT 2

Owner: Trevex Developments c/o Basmattie (Shaline) Anghad

Applicant: Urban Insights Inc c/o Marko Micic & Ryan Mounsey

The owner/applicant is proposing consent to sever for lot boundary adjustment.

The proposed variances and consent applications build on consent approvals (B2020-027&028) which severed a single lot into three lots (Parts 1, 2, and 3 on 58R-20258). An updated development proposal proposes part 3 be developed as a single detached dwelling (triplex), and parts 1 and 2 developed with a semi-detached dwelling (sharing a common party wall) such that each lot will contain a four-plex.

The proposed lot configuration is as follows:

Site Area (sm)	Lot 1 (Severed)	Lot 2 (Severed)	Lot 3 (Retained)
Use	Semi-detached (3 ADU's)		Single (2 ADU's)
Lot Area	377.6	374.4 sm	281.1 sm
Lot Frontage	10.5	10.5	8.018

In the Regional Official Plan, the lands are within the Delineated Built-Up Area and Urban Area boundary. The lands are designated Low Rise Residential in the City's Official Plan and zoned RES-4.

Threats Inventory Database

The following information is provided until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality. On review of the Threat Inventory Database the following information is available:

B2025-0059 - 11a & 11b Chicopee Park Court: No records for the site. Two low threats on adjacent property at 203 Fairway Rd N (BRAINY TOYS INC. - Toys, Novelties and Fireworks, Wholesale) and (KING J L DECORATORS LIMITED - Painting and Decorating Work).

B2025-0056 - 13 Chicopee Park Crt: No records for the site. Two low threats on adjacent property at 203 Fairway Rd N (BRAINY TOYS INC. - Toys, Novelties and Fireworks, Wholesale) and (KING J L DECORATORS LIMITED - Painting and Decorating Work).



Environmental Noise

It is the responsibility of the developer to ensure the proposed development is not impacted by anticipated transportation noise from Fairway Road (RR#53) and River Road (RR#56). While an environmental noise study for the proposed development would normally be required, Corridor Development would waive this requirement in lieu of the applicant entering into an agreement with the Region of Waterloo to implement a Noise Warning Clause.

The Region will require the following as a condition of consent approval:

1. That the owner/applicant enter into a registered development agreement with the Region of Waterloo for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations.
 - a. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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 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 approval.

In summary, Regional Staff have 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/applicant enter into a registered development agreement with the Region of Waterloo, for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations.
 - a. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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.*

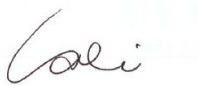
General Comments

Any submission requirements may be subject to peer review, at the owner/ Owner/Developer's expense as per By-law 24-052. 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 blue ink, appearing to read 'Erica', is positioned above a faint rectangular stamp.

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



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

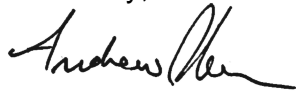
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [LANDUSEPLANNING](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Kitchener - 142 Carson Drive - B 2025-006
Date: Thursday, March 13, 2025 1:17:02 PM

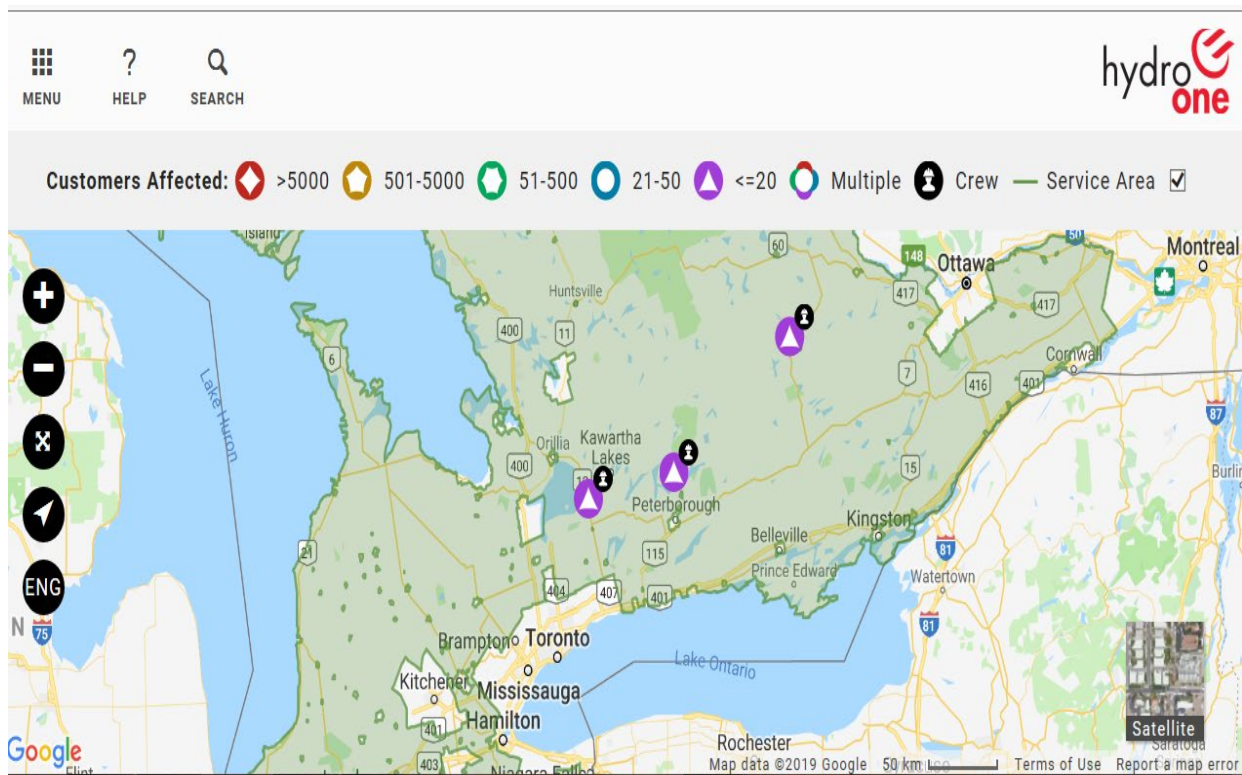
Hello,

We are in receipt of your Application for Consent, B 2025-006 dated 2025-02-21. 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,

Land Use Planning Department
Hydro One Networks Inc.
Email: LandUsePlanning@HydroOne.com

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 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: March 3, 2025

REPORT NO.: DSD-2025-125

SUBJECT: Minor Variance Application A2025-027 - 13 Chicopee Park Court
Consent Application B2025-007 - 13 Chicopee Park Court
Consent Application B2025-008 - 11a and 11b Chicopee Park Court

RECOMMENDATION:

A. Minor Variance Application A2025-027 – 13 Chicopee Park Court

That Minor Variance Application A20025-027 for 13 Chicopee Park Court requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.2 g) to permit a lot width of 8 metres instead of the minimum required 10.5 metres;
- ii) Section 5, Table 5-5-1, to permit 2 parking spaces instead of the minimum required 3 parking spaces; and
- iii) Section 7.3, Table 7-2, to permit a rear yard setback of 7.2 metres instead of the minimum required 7.5 metres;

to facilitate the construction of a Single Detached Dwelling with 2 Additional Dwelling Units (ADU) (Attached) (Triplex) generally in accordance with drawings prepared by Euclid Santos, dated January 20, 2025, BE APPROVED.

B. Consent Application B2025-007 – 13 Chicopee Park Court

That Consent Application B2025-007 for 13 Chicopee Park Court (Part 3, 58R-20258) requesting consent to sever a parcel of land having a width of 1.6 metres on Chicopee Park Court, a lot depth of 35.6 metres and an area of 61.8 square metres to convey as a lot addition to 11b Chicopee Park Court (Part 2, 58R-20258) in

accordance with a plan prepared by Guenther Rueb Surveying revised dated January 20, 2025, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2025-027 receive final approval.
2. That Consent Application B2025-008 receive final approval.
3. 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.
4. 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.
5. 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.
6. 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.
7. That the Owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

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

8. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Manager, Development Approvals.
9. That the Owner obtains a Demolition Permit, for the existing detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.

10. That the Owner/Developer submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
11. That the owner/applicant enter into a registered development agreement with the City of Kitchener for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and lease/rental agreements and condominium declarations:

“Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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”.

C. Consent Application B2025-008 – 11b Chicopee Park Court

That Consent Application B2025-008 for 11b Chicopee Park Court (Part 2, 58R-20258) requesting to sever a parcel of land having a width of 0.8 metres, a depth of 35.8 metres long and an area of 31 square metres, to convey as a lot addition to 11a Chicopee Park Court (Part 1, 58R-20258) to facilitate the development of Semi-Detached Dwelling with 3 Additional Dwelling Units (ADU)(Attached) in accordance with a plan prepared by Guenther Rueb Surveying revised dated January 20, 2025, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2025-027 receive final approval.
2. That Consent Application B2025-007 receive final approval.
3. 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.
4. 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.
5. 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.
6. 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.

7. That the Owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

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

8. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Manager, Development Approvals.
9. That the Owner obtains a Demolition Permit, for the existing detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.
10. That the Owner/Developer submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
11. That the owner/applicant enter into a registered development agreement with the City of Kitchener for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations:

"Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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".

REPORT HIGHLIGHTS:

- The purpose of this report is to assess a request for consent as lot additions to existing lotting fabric and a minor variance to facilitate the development of a semi- and single detached dwelling with 3 and 2 attached dwelling units, respectively.
- The key finding of this report is that staff are of the opinion the consent and minor variance applications represent 'good planning' and recommend their 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 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 Chicopee Park Court (see Figure 1).

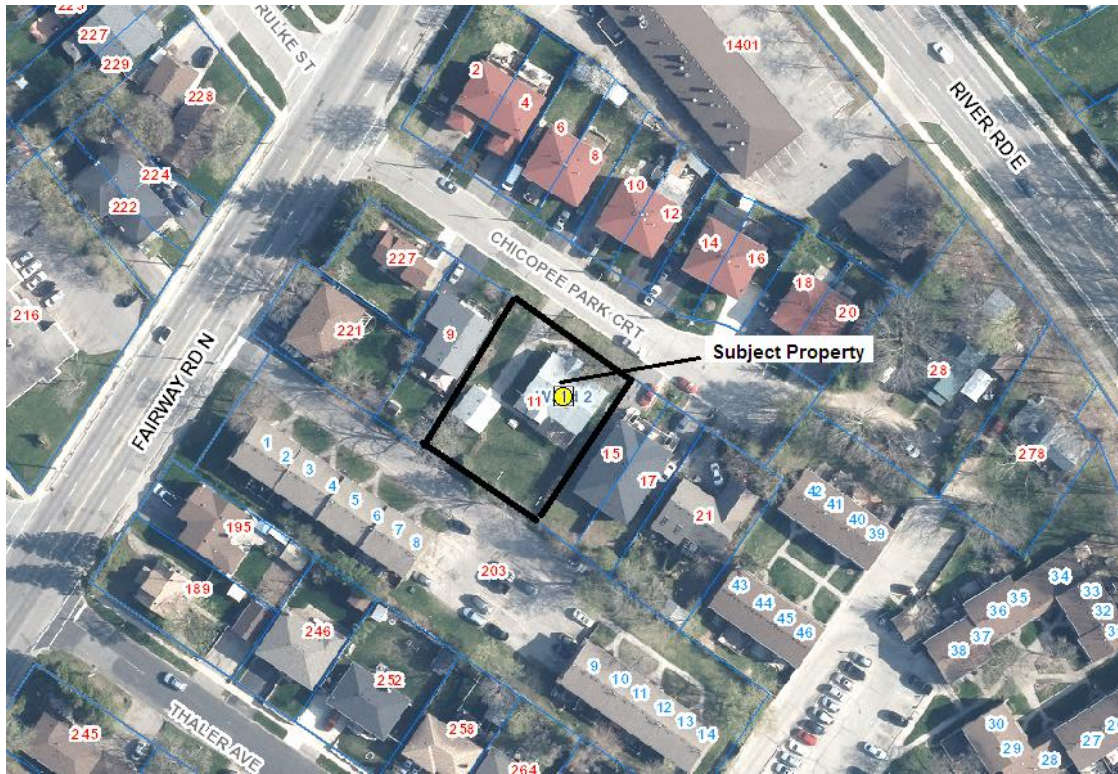


Figure 1 – Aerial Photo of Subject Property

Chicopee Park Court is a dead-end street that has a single point of access from the east side of Fairway Road just south of River Road. The street contains a variety of low-rise residential building forms with varying lot sizes.

In 2018, Consent Applications B2018-119 and B2018-120 were submitted requesting to sever 2 lots and retain one lot for residential purposes and were approved by the Committee of Adjustment. These decisions lapsed.

The applicant re-applied with new Consent Applications B2020-027 and B2020-028. They were subsequently approved, and the consent plan to implement these decisions was registered as 58R-20258 – see Figure 2. Reference Plan 58R-20258 comprises 3 lots with 9.6 metre frontages, approximately 35 metres of depth and areas of approximately 345 square metres. The intent was to remove the existing detached dwelling and re-develop each lot with a duplex dwelling. The existing dwelling has not been demolished but is presently vacant.

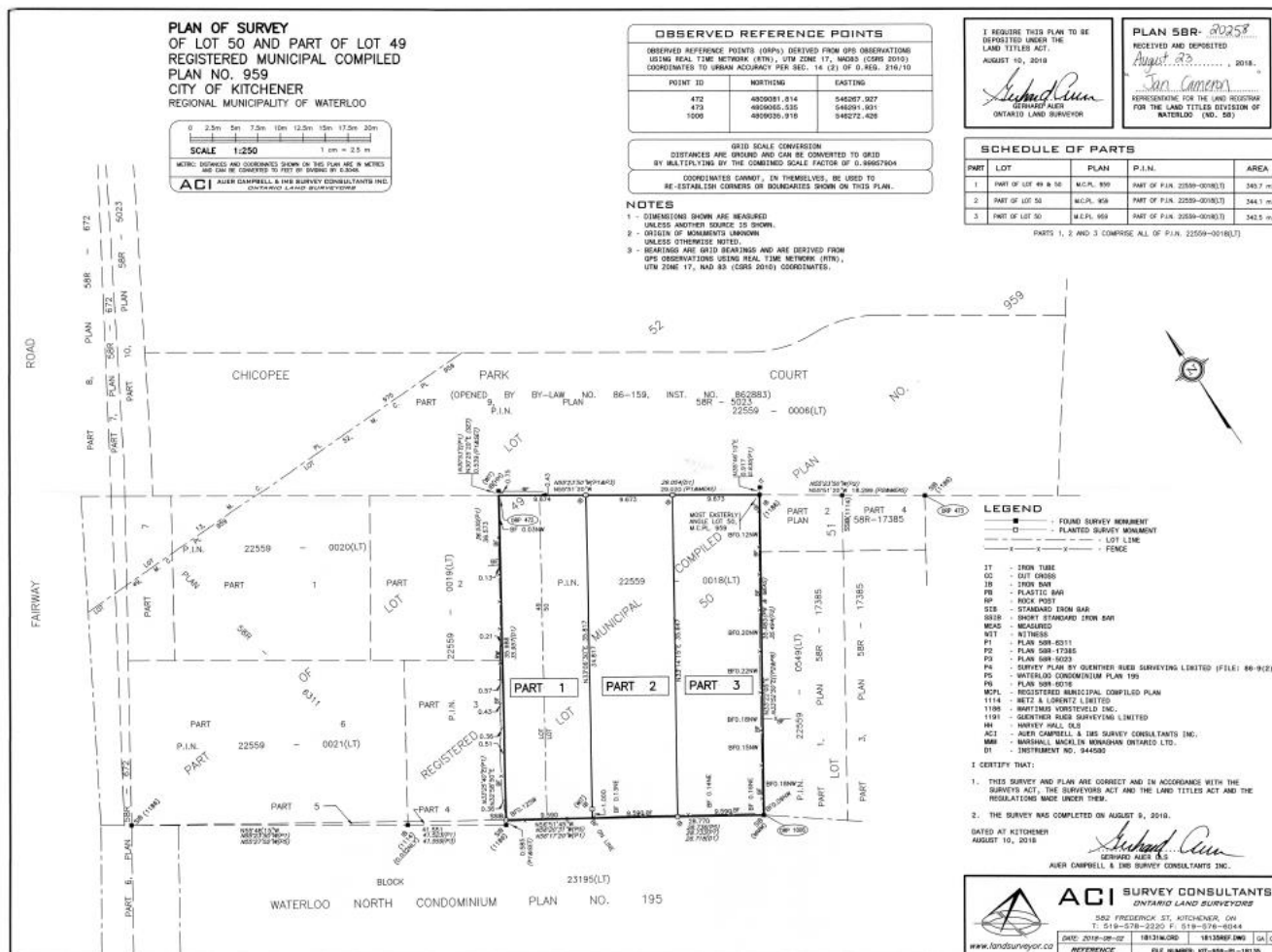


Figure 2 – Lotting Fabric on Reference Plan 58R-20258

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

The purpose of these consent applications is to re-configure the lotting fabric of 58R-20258 through two lot additions as shown on Figure 3 below. These lot additions are being proposed to create lot sizes to support a semi-detached dwelling with accessory dwelling units as pictured on Figure 4 on 11a and 11b Chicopee Park Court while retaining a lot for a single detached dwelling and 2 accessory units on 13 Chicopee Park Court. A minor variance application has been submitted for 13 Chicopee Park Court. It is to approve a lot width of 8 metres for a single detached dwelling with 2 additional units and to permit a reduced rear yard setback of 7.2 metres and 2 parking spaces rather than the required 3 parking spaces.

A site visit occurred on February 27, 2025 – see Figure 5.

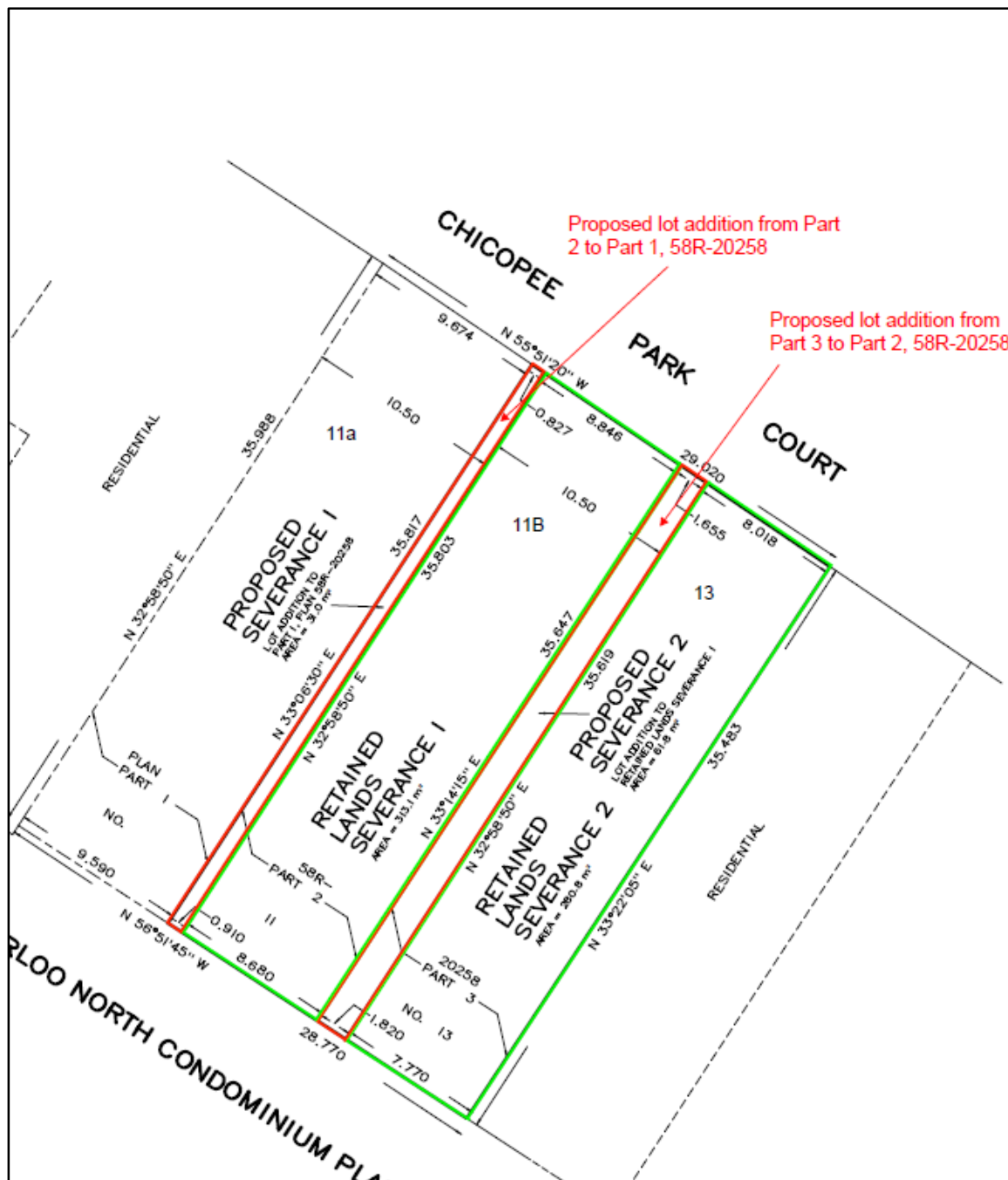


Figure 3 – Lot Addition Consent Plan

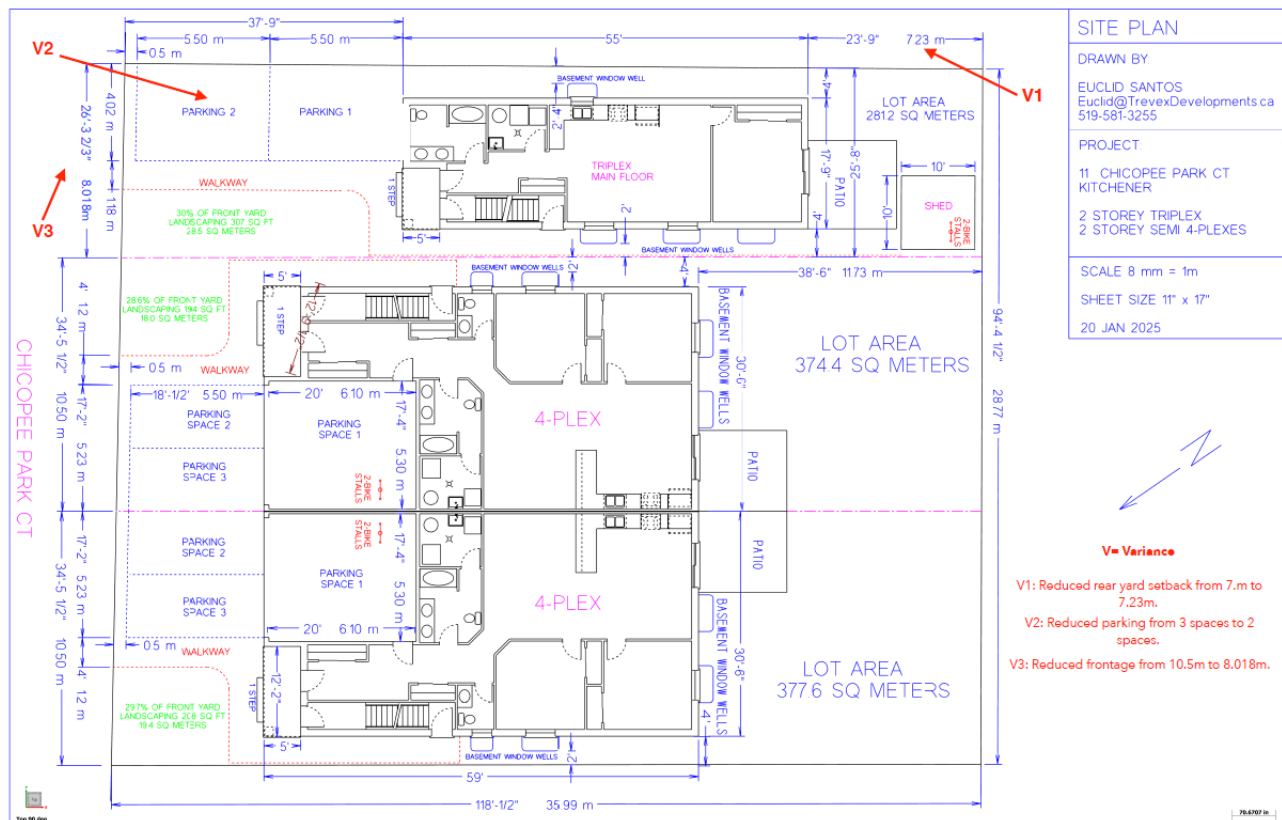


Figure 4 – Proposed Semi and Single Detached Dwelling Location Plan



Figure 5 – Photo of Subject Property

REPORT:

Planning Comments Minor Variance Application A2025-027:

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 is to support a variety of low-rise residential building forms providing those built forms are compatible with surrounding context and any impacts mitigated appropriately through design measures in accordance with criteria outlined in 4C.1.24. A semi and single-detached dwelling with additional dwelling units are compatible building forms given the designation of the property, scale and massing, functionality and servicing of the proposal, and variety of building forms and lot sizes generally found in this area. Therefore, staff opine the intent of the Official Plan is maintained.

General Intent of the Zoning By-law

Variance for a Reduced Lot Width

The intent of the lot width regulation is to ensure a lot is wide enough to support a use that can provide an appropriate amenity area, landscaped area and having enough parking spaces. The applicant's plan shown on Figure 4 demonstrates that a single detached dwelling with 2 additional dwelling units on an 8-metre-wide lot can function adequately in this context given the lot area exceeds the by-law regulation. The plan further demonstrates there is sufficient amenity and landscaped areas and can provide parking for 2 spaces in tandem. Therefore, the intent of the by-law is being maintained in staff's opinion.

Variance for a Reduced Rear Yard Setback

The intent of a rear yard setback is to ensure there is adequate separation from abutting properties and there is space for a private amenity area. A 7.2 metre rear yard in the opinion of staff maintains the intent of the regulation and is considered a minor reduction.

Variance for a Parking Reduction

The intent of parking regulations is to ensure there is adequate parking on-site and to avoid spillover onto the street. The driveway is long enough to provide for a 2 tandem spaces and staff do not support a driveway widening for a required third space. A reduction in one space is supportable given location and proximity to public transportation on Fairway Road. Transportation Planning has no concerns with the proposed reduction of one space.

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

In the opinion of staff, the variances are minor. In this context, a single detached dwelling with an 8 metre lot width functions adequately as the length of the lot allows flexibility to minimize the effects of a slight rear yard reduction. A parking reduction is minor in that the property is within walking distance to Fairway Road which has a direct bus route to Fairview Mall and a commercial plaza located at the corner of River Road and Fairway Road.

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

The variances are appropriate for the appropriate development and use of the lands in the opinion of staff. A single detached dwelling with 2 additional dwelling units is a compatible building form given context and policy direction, is functional and serviceable and will provide additional housing needed to help address the City's housing crisis.

Planning Comments Consent Applications B2025-007 and B2025-008:

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 related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) 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.

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. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical and community infrastructure required for the proposed residential development, including transportation networks, municipal water 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. Staff are satisfied that the proposed severance applications adhere to these policies and conforms to the ROP.

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 Official Plan.

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

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

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

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

Zoning By-law 2019-051

The subject properties are zoned as ‘Low Rise Residential Four Zone (RES-4)’. The purpose of this zone is to accommodate a range of low-density dwelling types that allow up to four dwelling units on a range of lot sizes in low rise areas on a lot that is a minimum of 10.5 metres in width.

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 re-configuration of existing lots of record through the proposed lot additions 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. The lands front onto an established public street and are serviced with municipal services. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

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 permits for the new residential dwelling units are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

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

Engineering Division Comments:

No concerns with the Minor Variance or Consents. 13, 11a, and 11b Chicopee Park Court submitted Consent Applications in 2018 and 2020. The applicants satisfied the conditions in 2020 and received an off-site works permit for the servicing in the ROW. The money was received by the City in 2021, and the permit was issued in that same year. This permit does not expire so they can still use it for this consent process if nothing is changing.

Parks/Operations Division Comments:

The trees located on the front yard of #13 Chicopee Park Court are private trees. Parkland Dedication is not required for the proposed lot additions.

Transportation Planning Comments:

Transportation Services have no concerns with these applications.

Region of Waterloo Comments:

No concerns but has requested a Regional fee of \$350.00 per application as a condition of consent approval.

It is the responsibility of the developer to ensure the proposed development is not impacted by anticipated transportation noise from Fairway Road (RR#53) and River Road (RR#56). While an environmental noise study for the proposed development would normally be required, Corridor Development would waive this requirement in lieu of the applicant entering into an agreement with the Region of Waterloo to implement a Noise Warning Clause.

The Region will require the following as a condition of consent approval:

1. That the owner/applicant enter into a registered development agreement with the Region of Waterloo for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations.

"Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *Consent Application Reports B2018-119, B2018-120 and B2020-027, B2020-028*



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
March 3, 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: B2025-006 to B2025-008
Committee of Adjustment Hearing March 18, 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.

AM File No: B 2025-006

Address: 142 Carson Dr

Description: Lot 19, Plan 865

Owner: Anne Kofler

Applicant: Soya Kofler (POA)/ Monica Szever (POA)

The owner/applicant is proposing consent to sever for lot creation; Severed lot being 859 sqm area, 18.05m frontage; and Retained lot being 1088 sqm area and 22.52m frontage. The retained lands contain residential dwelling and private well (for exclusive use). The severed lands are vacant. The consent will facilitate the redevelopment of the severed lot under separate ownership (no development proposed through consent).

In the Regional Official Plan, the lands are within the Delineated Built-Up Area and Urban Area boundary. The lands are designated Low Rise Residential in the City's Official Plan and zoned RES-2.

Threats Inventory Database

The following information is provided until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality.

On review of the Threat Inventory Database there are no records for the site. High threat on adjacent property at 15 Rothsay Ave (FIX-A-CHIP INC - Other Machinery and Equipment Industries n.e.c.).



Regional Consent Review Fee

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 approval.

In summary, Regional Staff have 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.

AM File No: B 2025-007 and B 2025-008

Address: 13 Chicopee Park Court (lot 3)/ 11a & b Chicopee Park Court (lot 2)

Description: PLAN 959 PT LOT 50 RP 58R20258 PT 3/ PT 2

Owner: Trevex Developments c/o Basmattie (Shaline) Anghad

Applicant: Urban Insights Inc c/o Marko Micic & Ryan Mounsey

The owner/applicant is proposing consent to sever for lot boundary adjustment.

The proposed variances and consent applications build on consent approvals (B2020-027&028) which severed a single lot into three lots (Parts 1, 2, and 3 on 58R-20258). An updated development proposal proposes part 3 be developed as a single detached dwelling (triplex), and parts 1 and 2 developed with a semi-detached dwelling (sharing a common party wall) such that each lot will contain a four-plex.

The proposed lot configuration is as follows:

Site Area (sm)	Lot 1 (Severed)	Lot 2 (Severed)	Lot 3 (Retained)
Use	Semi-detached (3 ADU's)		Single (2 ADU's)
Lot Area	377.6	374.4 sm	281.1 sm
Lot Frontage	10.5	10.5	8.018

In the Regional Official Plan, the lands are within the Delineated Built-Up Area and Urban Area boundary. The lands are designated Low Rise Residential in the City's Official Plan and zoned RES-4.

Threats Inventory Database

The following information is provided until such time as access to the Threat Inventory Database (TID) has been transferred to the Area Municipality. On review of the Threat Inventory Database the following information is available:

B2025-0059 - 11a & 11b Chicopee Park Court: No records for the site. Two low threats on adjacent property at 203 Fairway Rd N (BRAINY TOYS INC. - Toys, Novelties and Fireworks, Wholesale) and (KING J L DECORATORS LIMITED - Painting and Decorating Work).

B2025-0056 - 13 Chicopee Park Crt: No records for the site. Two low threats on adjacent property at 203 Fairway Rd N (BRAINY TOYS INC. - Toys, Novelties and Fireworks, Wholesale) and (KING J L DECORATORS LIMITED - Painting and Decorating Work).



Environmental Noise

It is the responsibility of the developer to ensure the proposed development is not impacted by anticipated transportation noise from Fairway Road (RR#53) and River Road (RR#56). While an environmental noise study for the proposed development would normally be required, Corridor Development would waive this requirement in lieu of the applicant entering into an agreement with the Region of Waterloo to implement a Noise Warning Clause.

The Region will require the following as a condition of consent approval:

1. That the owner/applicant enter into a registered development agreement with the Region of Waterloo for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations.
 - a. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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 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 approval.

In summary, Regional Staff have 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/applicant enter into a registered development agreement with the Region of Waterloo, for both severed and retained lands, to include the following clause noise warning clause in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations.
 - a. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road (RR#53) and River Road (RR#56) 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.*

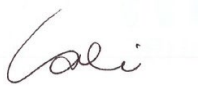
General Comments

Any submission requirements may be subject to peer review, at the owner/ Owner/Developer's expense as per By-law 24-052. 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', is written in blue ink. The signature is positioned to the left of a faint, rectangular blue stamp.

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

March 4, 2025

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 March 18, 2025, City of Kitchener

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

- 1) A 2025 – 013 – 160 Grand River Boulevard - No Concerns
- 2) A 2025 – 014 – 51 Meadowridge Street - No Concerns
- 3) A 2025 – 015 – 1180 Union Street - No Concerns
- 4) A 2025 – 016 – 45-53 Courtland Avenue East - No Concerns
- 5) A 2025 – 017 – 1157 & 1175 Weber Street East- No Concerns
- 6) A 2025 –018 - 60 Wellington Street North - No Concerns
- 7) A 2025 – 019 - 114 Madison Avenue South- No Concerns
- 8) A 2025 – 020 - 15 Palace Street - No Concerns
- 9) A 2025 - 021 - 2880 King Street East – No Concerns
- 10)A 2025-022 - 25 Haldimand Street - – No Concerns
- 11)A 2025-023 - 140 Byron Avenue – No Concerns
- 12)A 2025-024 - 507 Stirling Avenue South– No Concerns
- 13)A 2025-025 - 93-95 Kinzie Avenue– No Concerns
- 14)A 2025-026 - 250 Frederick Street – No Concerns
- 15)A 2025-027- 13 Chicopee Park Court – No Concerns
- 16)A 2024-096 - 165 Fairway Road North – No Concerns

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

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

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

Yours Truly,

A handwritten signature in black ink, appearing to read 'T. Kinear', is positioned below the 'Yours Truly,' text.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



March 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 – March 18, 2025

Applications for Minor Variance

A 2024-096 165 Fairway Road North
A 2025-013 160 Grand River Boulevard
A 2025-014 51 Meadowridge Street
A 2025-015 1180 Union Street
A 2025-016 45-53 Courtland Avenue East
A 2025-017 1157-1175 Weber Street East
A 2025-018 60 Wellington Street North
A 2025-019 114 Madison Avenue South
A 2025-020 15 Palace Street
A 2025-021 2880 King Street East
A 2025-022 25 Haldimand Street
A 2025-023 140 Byron Avenue
A 2025-024 507 Stirling Avenue South
A 2025-025 93-95 Kinzie Avenue
A 2025-026 250 Frederick Street
A 2025-027 13 Chicopee Park Court

Applications for Consent

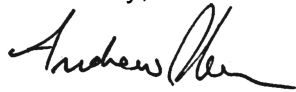
B 2025-006 142 Carson Drive
B 2025-007 13 Chicopee Park Court
B 2025-008 11a & 11b Chicopee Park Court

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [LANDUSEPLANNING](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Kitchener - 11a and 11b Chicopee Park Court - B 2025-008
Date: Thursday, March 13, 2025 1:19:52 PM

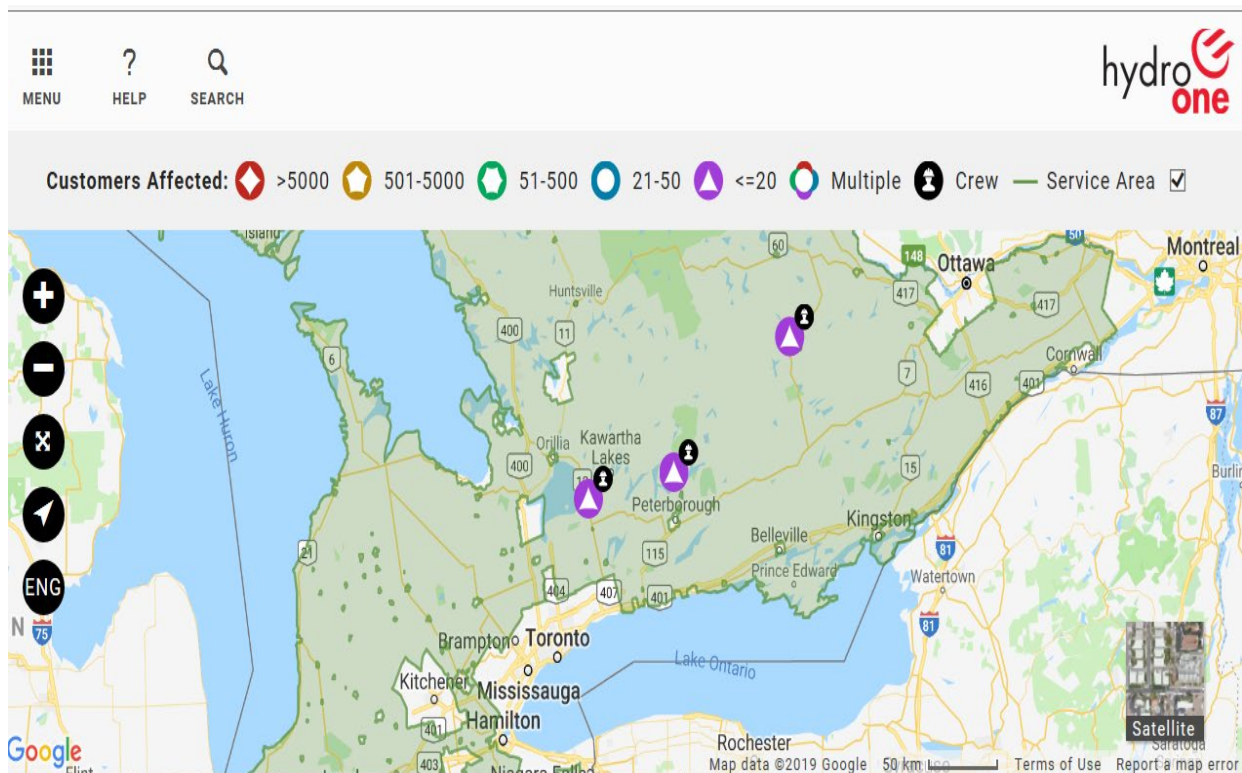
Hello,

We are in receipt of your Application for Consent, B 2025-008 dated 2025-02-21. 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,

Land Use Planning Department
Hydro One Networks Inc.
Email: LandUsePlanning@HydroOne.com

From: [LANDUSEPLANNING](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Kitchener - 13 Chicopee Park Court - B 2025-007
Date: Thursday, March 13, 2025 1:18:24 PM

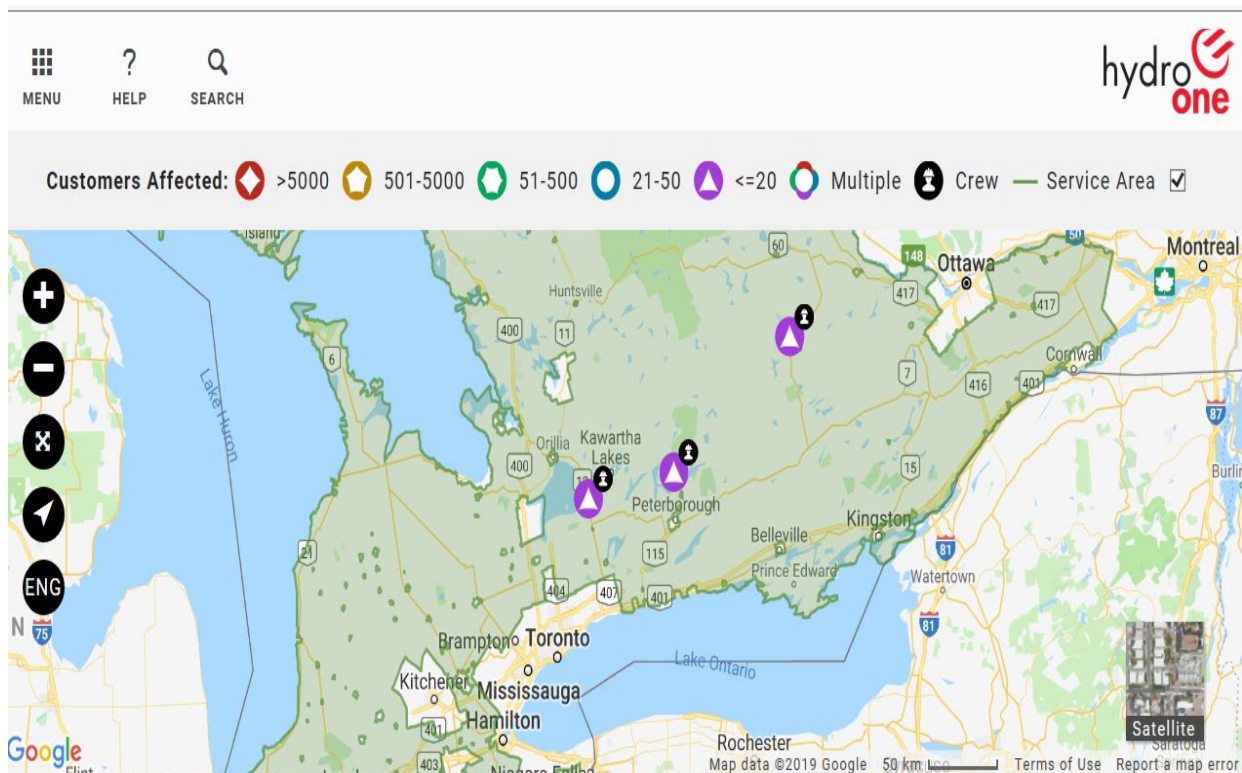
Hello,

We are in receipt of your Application for Consent, B 2025-007 dated 2025-02-21. 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,

Land Use Planning Department
Hydro One Networks Inc.
Email: LandUsePlanning@HydroOne.com