



Committee of Adjustment Agenda

Tuesday, July 15, 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, JULY 15, 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 B 2024-031 - 829 Stirling Avenue South 5

Requesting consent to sever a parcel of land having a width of 7.9m, a depth of 45.7m and an area of 362.3 sq.m. The retained land will have a width of 7.9m, a depth of 45.7m and an area of 362.3 sq.m. The severance will allow each half of a semi-detached dwelling to be dealt with independently.

6. NEW BUSINESS

6.1 A 2025-062 - 124 Tupper Crescent, DSD-2025-300 31

Requesting a minor variance not to provide a 1.8m high 'Visual Barrier' adjacent to a low-rise residential zone whereas the Zoning By-law requires a 1.8m high Visual Barrier in this location to facilitate the development of 25 units within the existing building in accordance with Site Plan Application SP24/049/T/AP.

6.2 A 2025-063 - 55 Shoemaker Street, DSD-2025-308 44

Requesting a minor variance to permit a parking rate of 44 parking spaces (1 parking space per 66 sq.m. of the Ground Floor Area) for a multiple unit building rather than the minimum required 81 parking spaces (1 parking space per 35 sq.m. of the Ground Floor Area) to recognize the existing parking provision for the building on the subject property.

6.3 A 2025-064 & A 2025-065 - 82 Brunswick Avenue, DSD-2025-303 79

Requesting minor variances to permit a parking requirement of 1 parking space rather than the minimum required 2 parking spaces; and, to permit a rear yard setback of 5.6m rather than the minimum required 7.5m to facilitate the development of a detached dwelling with 3 dwelling units on the future severed lot; and, requesting minor variances to permit a parking requirement of 1 parking space rather than the minimum required 2 parking spaces; and, to permit a rear yard setback of 7m rather than the minimum required 7.5m to facilitate the development of a detached dwelling with 3 dwelling units on the future retained lot.

6.4 A 2025-066 - 508 New Dundee Road, DSD-2025-306 122

Requesting minor variances to permit a driveway to be comprised of grass rather than a hard surface material; and, to permit the driveway not to be of a distinguishable material to facilitate the construction of a detached garage for motor vehicles.

6.5 A 2025-067 & A 2025-068 - 38 Fifth Avenue (Units A & B), DSD-2025-311 135

Requesting minor variances to permit a driveway width of 1.5m rather than the minimum required 2.6m; to permit a driveway width of 8.5m in the rear yard rather than the maximum permitted 8m; to permit a Semi-Detached Dwelling where the Semi-Detached Dwelling units are divided

vertically by a shared driveway and common wall above the driveway extending to the roofline; and, to permit a maximum building height of 11.5m rather than the maximum permitted 11m to facilitate the development of a semi-detached dwelling on each lot, each half of the semi-detached dwellings having 4 dwelling units.

6.6 A 2025-069 & A 2025-070 - 439 Alice Avenue (Units A & B), DSD-2025-314

151

Requesting minor variances to permit a driveway leading to an attached garage to be setback 0.1m from the southern side lot line rather than minimum required 1.2m; to permit a front yard setback of 5.2m rather than the minimum required 9.5m; to permit a northerly side yard setback of 0m rather than the minimum required 1.2m; to permit a southerly side yard setback of 1m rather than the minimum required 1.2m to facilitate the development of a semi-detached dwelling, each half having 3 dwelling units (left semi-detached dwelling - Unit A).

Requesting minor variances to permit 1 parking space rather than the minimum required 2 parking spaces; to permit a corner lot width of 9.3m rather than the minimum required 12m; to permit a front yard setback of 3m rather than the minimum required 9.5m; to permit a southerly interior side yard setback of 0m rather than minimum required 1.2m; and, to permit an exterior side yard setback of 2.5m rather than the minimum required 4.5m to facilitate the construction of a semi-detached dwelling, each half having 3 dwelling units (right semi-detached dwelling - Unit B).

6.7 B 2025-021 - 546 Courtland Avenue East, DSD-2025-301

167

Requesting consent to sever a triangular-shaped parcel of land from the rear of the property, measuring 8.1m by 9.1m by 3m, having an area of 11.9 sq.m., shown as Part 2 on the Draft Reference Plan attached to the application, and to convey it as a lot addition to the property municipally addressed as 265 Bedford Road.

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 27th day of June, 2025.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment

REPORT TO: Committee of Adjustment

DATE OF MEETING: November 19, 2024

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

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

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: November 6, 2024

REPORT NO.: DSD-2024-482

SUBJECT: Consent Application B2024-031 – 829 Stirling Avenue South

RECOMMENDATION:

That Consent Application B2024-031 for 829 Stirling Avenue South requesting consent to sever a parcel of land having a lot width of 7.9 metres, a lot depth of 45.7 metres and a lot area of 362.3 square metres, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the Owner 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 the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of 11,862.00.
10. That the Owner make arrangements regarding financial compensation of \$5,000 for the removal of the City-owned street tree, to the satisfaction of the City's Director, Parks and Cemeteries.
11. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.
12. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a consent application to sever a parcel of land to permit each half of a new semi-detached duplex dwelling to be dealt with independently.
- 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 within close proximity to the intersection of Stirling Avenue South and Avalon Street, and directly north of Highway 7/8. The neighbourhood is comprised of a mix of low and mid-rise residential uses.

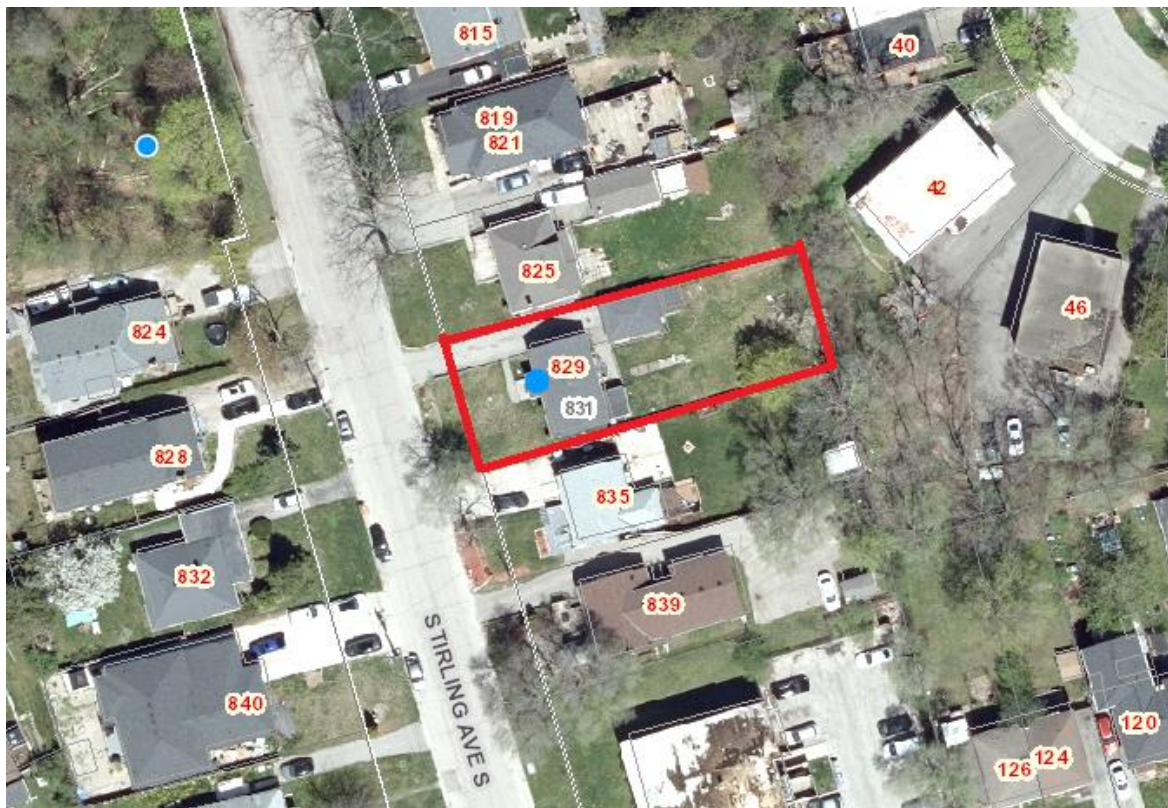


Figure 1: Location Map – 829 Stirling Avenue South



Figure 2: Existing building – 829 Stirling Avenue South

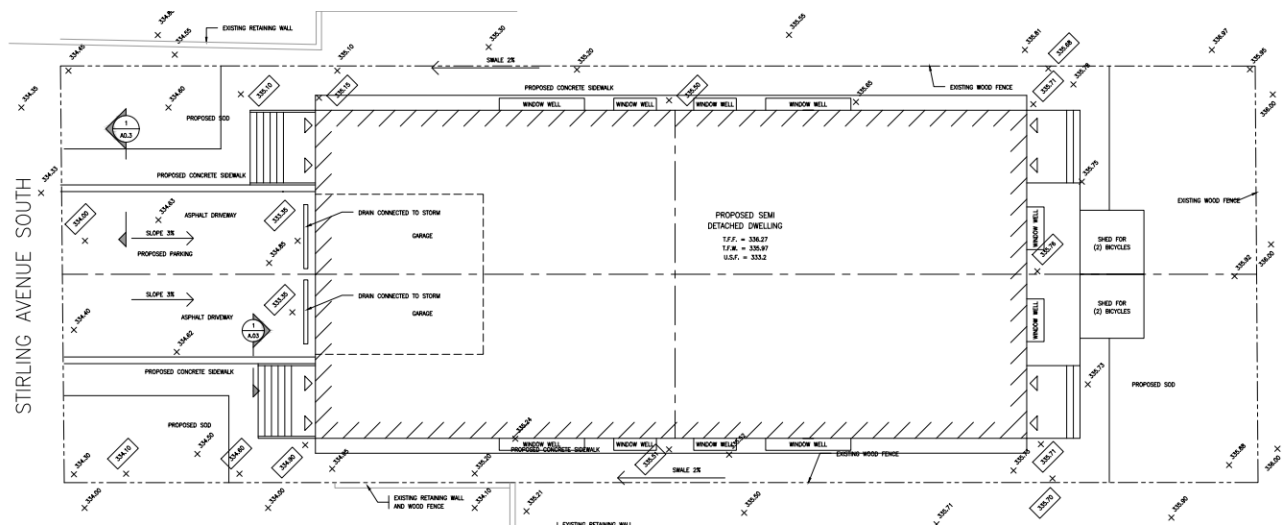
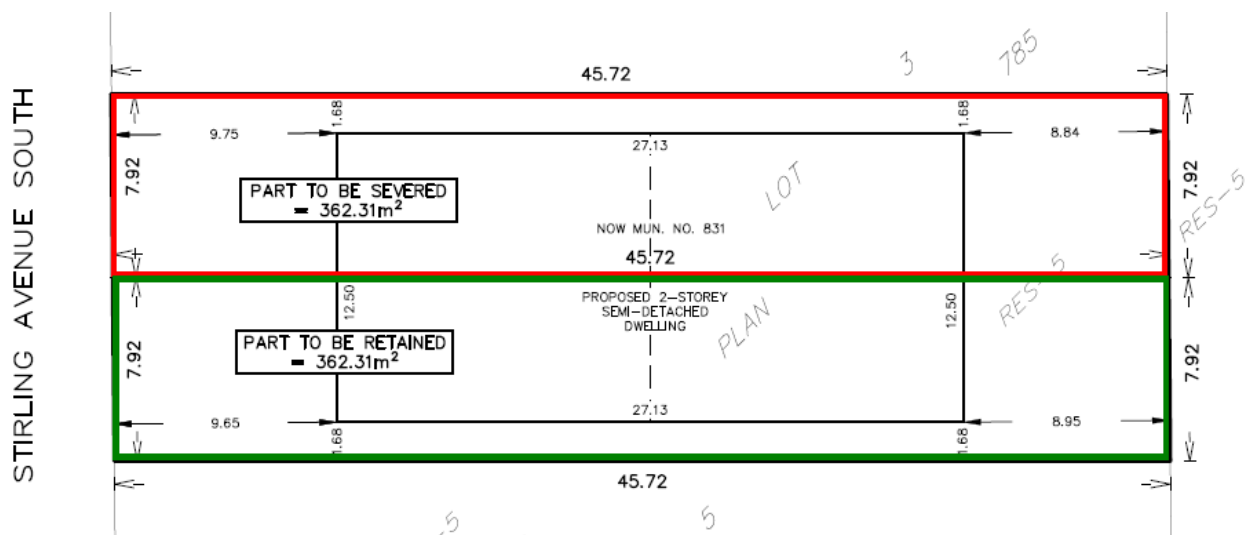
The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

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

The purpose of the application is to review a consent application to sever a parcel of land to permit each half of a new semi-detached duplex dwelling to be dealt with independently.

The severed lot would have a lot width of 7.9 metres, a lot depth of 45.7 metres and an area of 362.3 square metres, while the retained lot would have a lot width of 7.9 metres, a lot depth of 45.7 metres and an area of 362.3 square metres. In this case, the whole of the semi-detached duplex dwelling will be constructed on an existing lot and each semi-detached duplex dwelling unit has been designed to be located on a separate lot.

Furthermore, the applicant has already applied for a building permit, demolition permit, and has obtained demolition control and a zoning occupancy certificate for the proposed new residential dwellings. Staff are in a position to support the application moving forward.



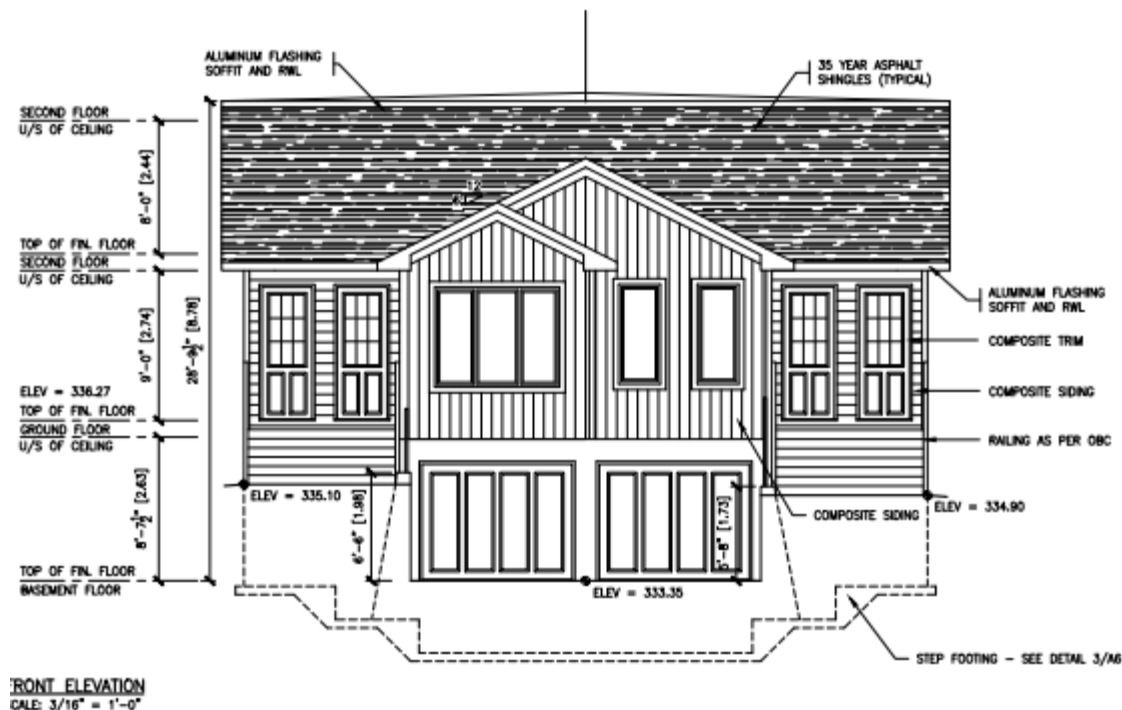


Figure 5: Proposed Front Elevations – Semi-detached duplex dwelling

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)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 2.2.1 of the PPS promotes providing an appropriate range and mix of housing options and densities to meet projected needs of current and future residents, and sets out a policy framework for sustainable healthy, liveable, and safe communities. The PPS promotes all housing options required to meet the social, health, economic and well being requirements of current and future residents, and all types of residential intensification while promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities. It also supports the use of active transportation and requiring transit supportive development.

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of two new lots for the new semi-detached duplex dwelling that are compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. Therefore, Staff are of the opinion that this proposal is consistent with the PPS.

Regional Official Plan (ROP):

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

City's Official Plan (2014)

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

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

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

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

The proposed lot width and lot area of the proposed severed and retained lots meets the minimum 'RES-5' zone lot width and lot area requirements. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the

lands and compatible with the surrounding neighbourhood which is developed with low rise residential uses with lot sizes that vary in width, depth, and area. The subject lands front onto a public street and full services are available. There are no natural heritage features that would be impacted by the proposed consent application.

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

Zoning By-law 2019-051

The property is zoned 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051. The 'RES-5' zones permit a range of low-rise residential dwelling types including single detached, semi-detached and multiple dwellings. The whole of the semi-detached duplex dwelling meets the 'RES-5' zone requirements and each half of the semi-detached duplex dwelling will comply as well.

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. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding community. There are existing schools within the neighbourhood. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is good planning and in the public interest.

Environmental Planning Comments:

No natural heritage features/functions, therefore no Environmental planning concerns.

Heritage Planning Comments:

No heritage planning comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to niall.melanson@kitchener.ca.

- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.

Parks/Operations Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **\$11,862.00**. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 7.92 metres at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

If the lot is *not severed* parkland dedication calculations will be assessed at each building permit and reflect the number of approved units and overall lot area.

There is an existing City-owned street tree along the Stirling Ave S frontage and Forestry staff have agreed that the tree may be removed. **\$5,000.00** in Urban Forest Compensation is required for the removal of this tree prior to final approval of the Consent or issuance of the Building Permits. The owner has been advised of these fees and requirement.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No regional comments or concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

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

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan (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: D20-20/24 KIT
November 4, 2024

VIA EMAIL

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

**Re: Comments on Consent Applications:
B 2024-029 to B 2024-36 exclusively
Committee of Adjustment Hearing November 19, 2024
City of Kitchener**

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

B 2024-029**62 Fourth Ave****PLAN 254 PT LOT 75 PT LOT 76****Owner: Ken Hodgins****Application: Jon O'Malley**

The applicant/owner proposes consent to sever existing residential parcel to create a new lot; the proposed lots being equal in dimension: 7.62m width, 40.37m depth, and 307.62 sqm area. A building permit has been issued for the construction of a duplex semi-detached dwelling, and the consent would facilitate the conveyance of each dwelling on separate lots.

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

Environmental Noise

At this location, the proposed development may encounter traffic noise sources due to Highway 7 and Highway 8. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements. The Regional process for this requirement can be provided upon request.

In lieu of an Environmental Noise Study, the Region will require as a condition of consent approval that the owner/applicant enter into a registered Development Agreement with the City of Kitchener to implement the following noise mitigation measures:

- a) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the retained and severed lots:
 - (i) "Purchasers/tenants are advised that sound levels due to increasing road traffic 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 Environment, Conservation and Parks."

Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act and Wellhead Protection Sensitivity Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

Regional Review Fees

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

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

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

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

1. That the Owner/Applicant submit the Section 59 Notice to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of offer of purchase/sale and lease/rental for all dwelling units on the retained and severed lots, to the satisfaction of the Region:
 - i. Purchasers/tenants are advised that sound levels due to increasing road traffic 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.

B 2024-030

630 Benninger Dr

BLOCK 132, PLAN 58M-642

Owner: Aactiva Holdings Inc

Applicant: MHBC (Rachel Wolff)

The applicant/owner proposes consent to create an access easement over the internal roadway in Unit 2, in favour of Units 3-9, within WVLCP 782 (as illustrated on Parts 1 and 2 on Plan . 58R-21439). The access easement will provide Units 3 through 9 with legal access to and from Benninger Drive, and facilitate redevelopment of the site in accordance with approved Site Plan SP21/017/B/CD. Originally, the road was planned to be registered as common element within a standard plan of condominium. However, this is no longer possible as the owners have decided not to proceed with said registration of Units 1 through 9.

The subject lands are within the Urban Area Boundary and designated Greenfield Area in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential/ Mixed Use in the City's Official Plan (Map 3 – Land Use) and zoned Mix-1.

Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act, and Wellhead Protection Sensitivity Area and Groundwater Recharge Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

Regional Review Fees

Regional Staff received the required consent review fee of \$350 on November 1, 2024.

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

1. That the Owner/Applicant submit the Section 59 Notice to the Regional Municipality of Waterloo.

B 2024-031

829 Stirling Ave S

PT LT 3 PL 785 KITCHENER AS IN 876791

Owner: KK Holding Inc

Applicant: Venkata Thamma

The applicant/owner proposes consent to sever existing residential parcel to create a new lot, each lot being equal in dimension: 7.92m width, 45.72m depth, and 362.31sqm area. The consent will facilitate the redevelopment of the subject site with construction of a duplex semi-detached dwelling on each lot.

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

Environmental Noise

At this location, the proposed development may encounter noise sources due to Hwy 7 and Hwy 8. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

In lieu of an Environmental Noise Study, the Region will require as a condition of consent approval that the owner/applicant enter into a registered Development Agreement with the City of Kitchener to implement the following noise mitigation measures:

- a) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the retained and severed lots:
 - (i) "Purchasers/tenants are advised that sound levels due to increasing road traffic 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 Environment, Conservation and Parks."

Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act and Wellhead Protection Sensitivity Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

Regional Review Fees

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

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

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

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

1. That the Owner/Applicant submit the Section 59 Notice to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following warning clauses in all agreements of purchase and sale and/or rental agreements for all dwelling units on the retained and severed lots:
 - i) “Purchasers/tenants are advised that sound levels due to increasing road traffic 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 Environment, Conservation and Parks.”

B 2024-032/ B 2024-033**75 Otterbein Rd (severed/retained)****PLAN 58M654 BLK 1****Owner: Nitin Jain / KOLB CREEK LAND CORP****Applicant: MHBC (Dave Aston)**

The applicant/owner is proposing consent to create a number of reciprocal easements for access, infrastructure and maintenance. The consent will facilitate redevelopment of the site in accordance with Site Plan SP22/078/O/ES (approved in principle). The proposed easements are as follows: Part 2 and 5 (access and servicing); Part 6 and 7 (servicing and drainage).

The applicant notes that the current consent applications represent a resubmission of B2023-039, the difference being that more information is provided on the applicable parts, while the severance plan remains the same. B2023-040 created the two parcels (conditionally approved with lapsing date of October 27, 2025), while B2023-039 had proposed associated easements.

The applicant states that the consent applications will facilitate the creation of two separate condominiums that function as a single cohesively planned development, while satisfying construction, phasing, and financing concerns. The site is planned to be developed with two 6-storey apartment buildings (48 units each) and three townhouse blocks (57 units), for a total of 153 units, including common amenity areas, private access roads, and surface parking (169 spaces).

The subject lands are within the Urban Area Boundary and designated Greenfield Area in the Regional Official Plan (Map 1, 2). The subject lands are designated Medium-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-6.

Salt Management Plan (Advisory)

The property is in a vulnerable area under the 2022 Grand River Source Protection Plan, but not within the area where Risk Management Plan or prohibition policies implemented by the Region of Waterloo apply.

The owner/applicant is advised that a Salt Management Plan (SMP) is required to be submitted for review and approval by the Region as through the related Site Plan application.

Airport Zoning Regulations (Advisory)

The parcel is within the Airport Zoning Regulations (AZR) with an allowable elevation of 356.5m ASL, which is roughly 37m above existing ground. Any cranes used onsite is expected to exceed this height limitation and would therefore require an exemption to the AZR. Note that an aeronautical assessment had previously been completed for 50 Otterbein Road, showing an allowable height of 393m ASL. Development height was below this elevation, and so the airport approved of the exemption.

The developer is required to submit a Land Use Assessment to Nav Canada for the building and any cranes, and obtain a letter of no objection to the satisfaction of the Region. <https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>

If an AZR exemption is required (any obstacles above 356.5m ASL), then the developer will also need to submit an Aeronautical Assessment Form to Transport Canada and comply with all requirements. <https://tc.canada.ca/en/aviation/general-operating-flight-rules/marking-lighting-obstacles-air-navigation>

Regional Review Fees

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

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

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

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

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

B 2024-034/ B2024-035

70 Rutherford Dr/ 74 Rutherford Dr

PART LOT 7 PLAN 742 BEING PARTS 1-4 ON PLAN 58R-21514

Owner: Pero/Mirjana Perencevic

Applicant: Bobicon Ltd (Boban Jokanovic)

The owner/applicant is proposing consent to create reciprocal easements for access to parking lot. The subject lands were severed into two lots through approved consent B2022-003. A reciprocal easement was not required at that time.

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

Regional Review Fees

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

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

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

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

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

B 2024-036

73 Fourth Ave

LT 95 PL 254 TWP OF WATERLOO

Owner: Nikola Vrzic

Applicant: Bobicon Ltd (Boban Jokanovic)

The owner/applicant is proposing consent to sever existing residential lot to create new residential lot. The retained and severed lots being equal in dimension; 10.058m width, 40.279m depth, and 405.126sqm area. The consent will facilitate the redevelopment of the new lot with a detached duplex dwelling. Frontage and access on Fourth Ave for both lots is proposed.

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

Environmental Noise

At this location, the proposed development may encounter traffic noise sources due to Highway 7 and Highway 8. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

In lieu of an Environmental Noise Study, the Region will require as a condition of consent approval that the owner/applicant enter into a registered Development Agreement with the City of Kitchener to implement the following noise mitigation measures:

- a) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the retained and severed lots:
 - (i) "Purchasers/tenants are advised that sound levels due to increasing road traffic 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 Environment, Conservation and Parks."

Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act and Wellhead Protection Sensitivity Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for

further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

Regional Review Fees

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

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

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

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

1. That the Owner/Applicant submit the Section 59 Notice to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
3. That the Owner/Applicant enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of offer of purchase/sale and lease/rental for all dwelling units on the retained and severed lots, to the satisfaction of the Region:
 - i. Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

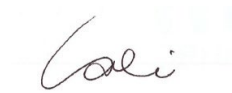
General Comments

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

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

Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Thank you,

A handwritten signature in dark ink, appearing to read "Erica", is positioned above a faint, light blue rectangular stamp.

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



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



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

Grand River Conservation Authority (GRCA) staff have 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: [AMIN Pransav](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Kitchener - 829 Stirling Avenue South - B 2024-031
Date: Wednesday, November 6, 2024 4:53:33 PM
Attachments: [image001.png](#)

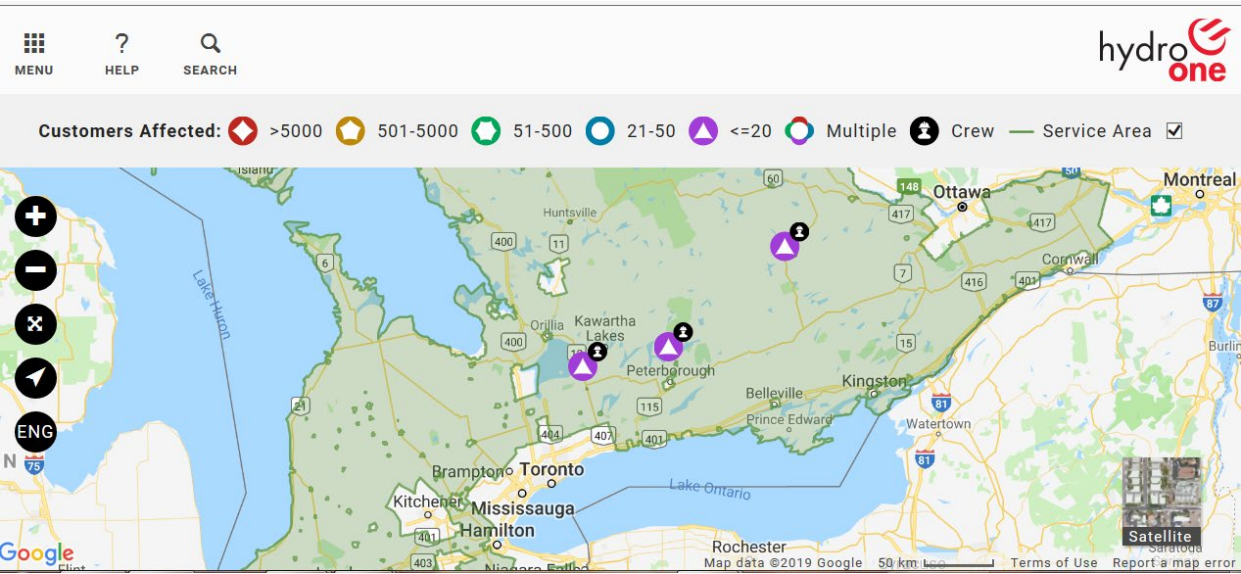
Hello,

We are in receipt of your Application for Consent, B 2024-031 dated October 25th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

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

To confirm if Hydro One is your local distributor please follow the following link:
[Stormcentre \(hydroone.com\)](#)

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



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

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

Thank you,

Dennis De Rango
Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

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

PREPARED BY: Jade McGowan, Student Planner, 519-707-4759

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: July 2, 2025

REPORT NO.: DSD-2025-300

SUBJECT: Minor Variance Application A2025-062 – 124 Tupper Crescent

RECOMMENDATION:

That Minor Variance Application A2025-062 for 124 Tupper Crescent requesting relief from Section 5.3 a) of Zoning By-law 2019-051, to not require a visual barrier to be provided and maintained between a parking lot and a lot line abutting a residential zone, whereas a minimum 1.8 metre high visual barrier is required in this location, to facilitate the addition of 2 new dwelling units within the existing building for a total of 25 dwelling units, in accordance with Site Plan Application SP24/049/T/AP, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval of a Minor Variance Application for relief from parking space and parking lot provisions related to visual barriers abutting a residential zone.
- The key finding of this report is that the requested variance meets the 4 tests of the Planning Act
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the southeast corner of Tupper Crescent and Confederation Drive, in the Heritage Park Planning Community. The property currently contains a three-storey multiple dwelling and associated paved parking lot at the rear of

the building. The lands immediately surrounding the subject property are comprised of low rise and high rise residential uses, including detached dwellings a multiple dwellings. It should be noted that the three (3) properties that directly abut the rear yard parking lot contain multi-storey multiple dwellings, as follows:

- 301 Heritage Drive: 6-storeys
- 144 Confederation Drive: 5-storeys
- 116 Tupper Cres: 3-storeys



Figure 1: Location Map 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 property is subject to Site Plan Application SP24/049/T/AP, which was conditionally approved July 26th, 2024. The Site Plan Application is to convert the three storey multiple dwelling building from 23 dwelling units to 25 dwelling units within the interior of the existing building (i.e., creating 2 new dwelling units).

The purpose of the Minor Variance Application is to request relief for there not to be a visual barrier around the existing parking lot adjacent to a residential zone, where a 1.8 metre visual barrier is required. The visual barrier is required to bring the property into compliance with current zoning regulations with the addition of 2 new dwelling units. Relief is required as a Bell easement is located on the subject property and the provision of a visual barrier would otherwise impede access to the utilities within the easement. The easement projects approximately 1.5 metres (5 feet) onto the property along the

southeastern interior side lot line and approximately 1.2 metres (4 feet) along the northeastern interior side lot line.

It should be noted that the visual barrier is shown on the approved Site Plan drawing (Figure 2) and will be amended to remove the visual barrier, subject to Committee's decision on the subject Minor Variance Application.

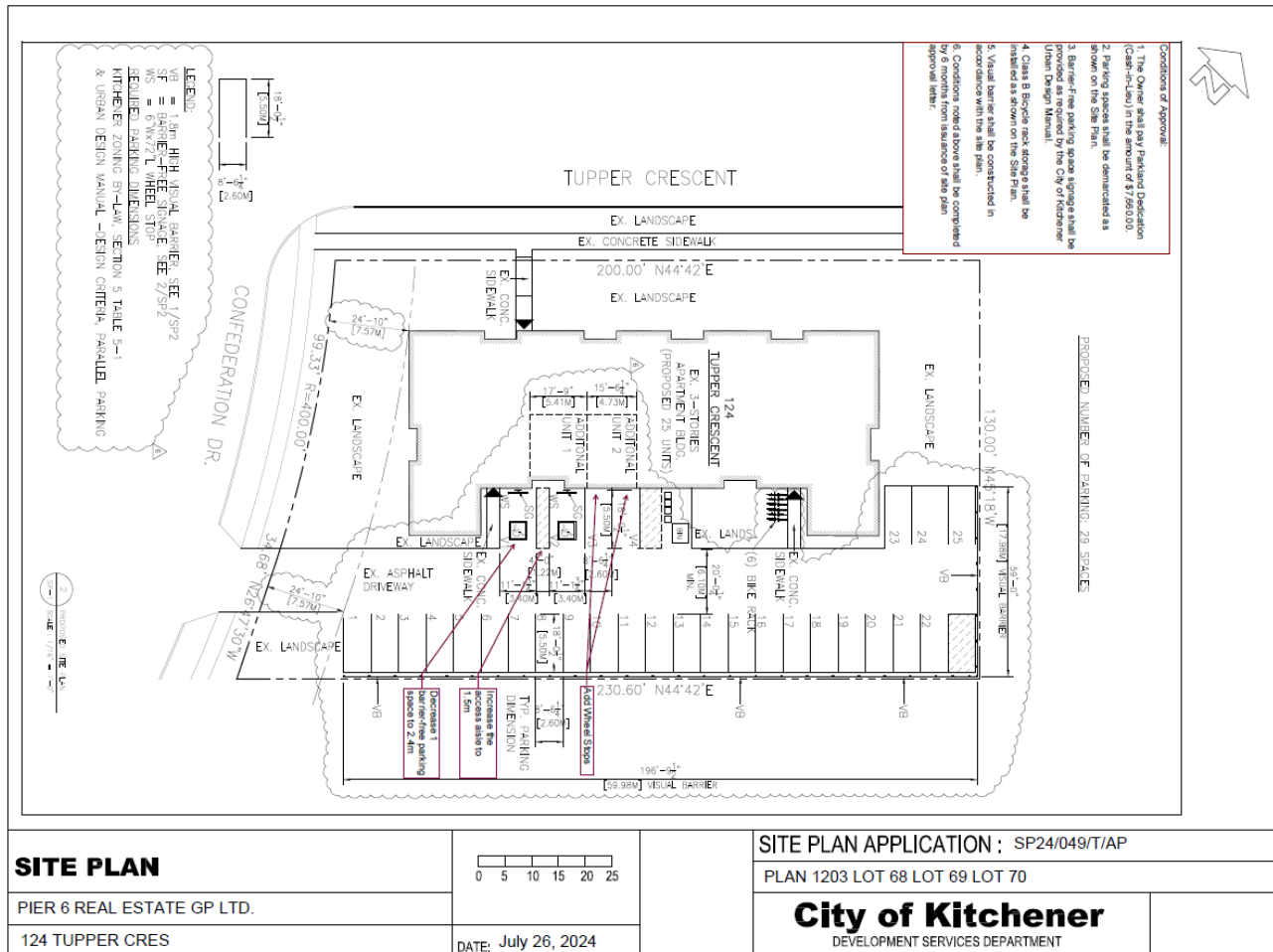


Figure 2: Site Plan

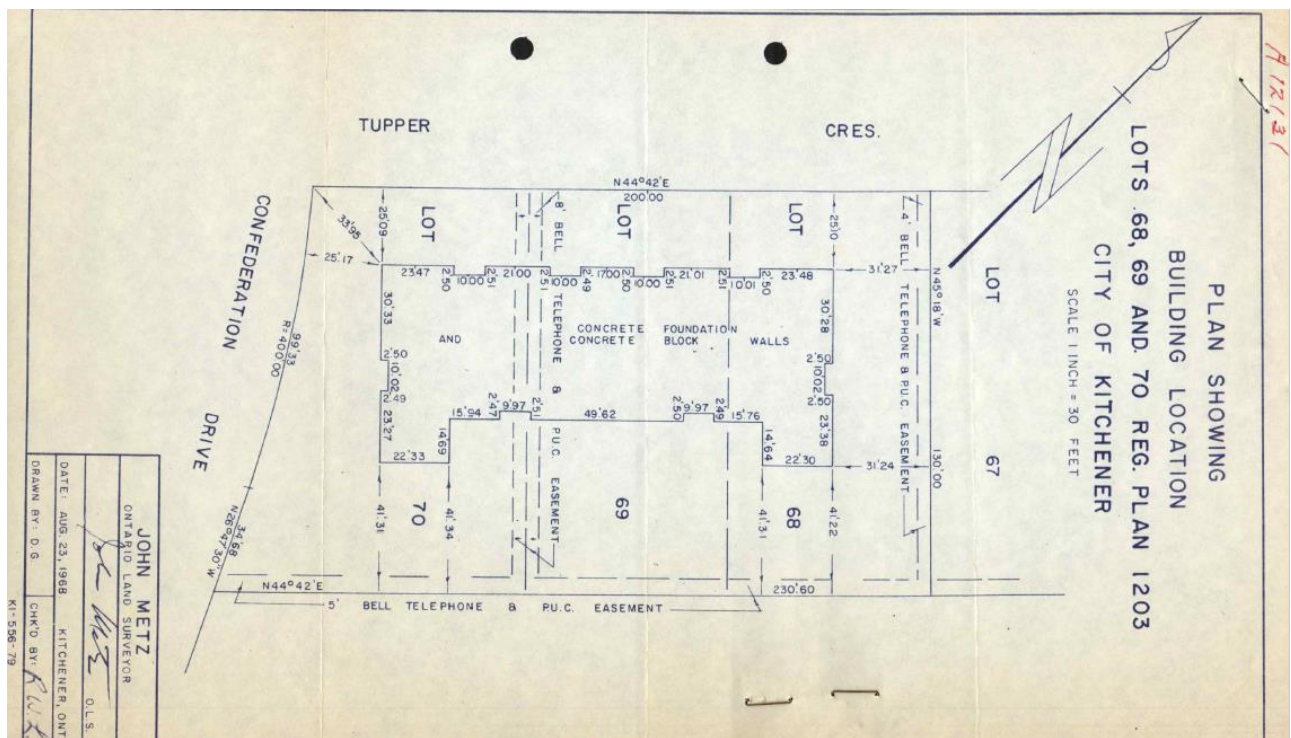


Figure 3: Property Survey Showing the Bell Easements

Planning Staff visited the site on June 25, 2025.



Figure 4: Street View of 124 Tupper Crescent



Figure 5: Rear parking lot and landscaped area on the abutting property

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' in the Official Plan. The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types, including the existing multiple dwelling use. The Low Rise Residential designation encourages the mixing and integrating of different forms of housing to achieve and maintain a low rise built form.

Section 15.D.3.4 of the Official Plan also provides direction that *additions and/or modifications to existing residential buildings in predominantly low density neighbourhoods should be compatible with and respect the massing, scale, design and physical character of the established neighbourhood and have both appropriate landscaped areas and parking areas provided on site.*

The requested variance to allow for no visual barrier will facilitate the construction of two new dwelling units within the existing building, which maintains a low-rise form of development and is compatible with the neighbourhood scale and design. Therefore, Planning Staff are satisfied that the variance maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the visual barrier regulation is to ensure that parking lots are adequately screened and buffered from adjacent residential uses.

Section 5.3(a) of the Zoning By-law states that where a parking lot is situated on a lot and abuts a residential zone, a visual barrier shall be provided and maintained between the parking lot and such abutting residential zone lot line in accordance with Section 4.18, which states that where a visual barrier is required it shall be a minimum height of 1.8 metres.

The visual barrier minor variance is required because of a Bell easement along both the rear lot line and the interior side lot line. Installing a visual barrier in these areas would obstruct access to the utilities within the easement. The property maintains a minimum of approximately 10 metres of landscaped area between the parking lot and the neighbouring multiple dwellings on two different properties along the rear lot line to the southeast. To the northeast, there is approximately 4 metres of landscaped buffer between the parking lot and the abutting property. This landscaping provides an adequate buffer between the parking lot and the neighboring residential uses.

It should be noted that there is a chain link fence along the eastern portion of the southeastern interior side lot line, however this fence is located on the abutting property.

Planning Staff are satisfied that the variance meets the general intent of the Zoning By-law.

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

The proposed relief will not result in any substantial negative impact on neighboring properties. As such, Planning Staff are of the opinion that the effects of the requested variance is minor in nature.

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

The requested variance would facilitate the construction of two additional dwelling units within the existing multiple dwelling, providing a form of gentle intensification. It will also allow unobstructed access to the existing Bell easement. As such, Planning Staff are of the opinion that the requested variance is desirable and appropriate for the subject property.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

No concerns.

Engineering Division Comments:

No concerns.

Parks Planning Comments:

Parkland dedication is not required for this application as it will be charged to the Applicant during the Site Plan Application Process. Parkland dedication of \$7,660.00 will be required.

Transportation Planning Comments:

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *Approved Site Plan Application SP24/049/T/AP*



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

June 24, 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 June 15, City of Kitchener

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

- 1) A 2025 – 062 – 124 Tupper Crescent – No Concerns
- 2) A 2025 – 063 – 55 Shoemaker Street – No Concerns
- 3) A 2025 – 064 – 82 Brunswick Avenue (Future Severed) – No Concerns
- 4) A 2025 – 065 – 82 Brunswick Avenue (Future Retained) – No Concerns
- 5) A 2025 – 066 – 508 New Dundee Road – No Concerns
- 6) A 2025 – 067 – 38 Fifth Avenue (Side A) – No Concerns
- 7) A 2025 – 068 – 38 Fifth Avenue (Side B) – No Concerns
- 8) A 2025 – 069 – 439 Alice Avenue (Side A) – No Concerns
- 9) A 2025 – 070 – 439 Alice Avenue (Side B) – 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,

JFalshaw CM

Joshua Beech Falshaw

Transportation Planner

jbeechfalshaw@regionofwaterloo.ca



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 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 5

DATE OF REPORT: July 2, 2025

REPORT NO.: DSD-2025-308

SUBJECT: Minor Variance Application A2025-063 – 55 Shoemaker Street

RECOMMENDATION:

That Minor Variance Application A2025-063 for 55 Shoemaker Street requesting relief from Section 5.6 a), Table 5-5, of Zoning By-law 2019-051 to permit a parking requirement of 44 parking spaces (1 parking space per 66 square metres of GFA) for a multi-unit building, with a maximum of 800 square metres to be used as a 'Fitness Centre', instead of the minimum required 81 parking spaces (1 parking space per 35 square metres of GFA), to recognize the existing parking provision for the existing building, in accordance with Site Plan Application SPB25/027/S, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to recognize the existing parking provision for the existing building to allow for units to be occupied with various permitted uses.
- The key finding of this report is that the requested variance meets the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted 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 Shoemaker Street and is within the City's Trillium Industrial Park.



Figure 1: Location Map

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

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

There are no physical changes to the existing building and site. The purpose of the application is to facilitate the tenancy of vacant units within the existing building with various permitted uses of the EMP-4 zone. The existing building contains 14 units with a variety of uses. The turnover of units and the aggregate calculation of the parking requirement based on different parking rates applied to each use results in a variable required parking rate for the site in total. The applicant is seeking relief from the multi-use parking rate to establish a parking requirement for the existing building and parking area.

The applicant has submitted Site Plan Application SPB25/027/S which is under review. Should the Minor Variance application be approved, Staff can finalize the Site Plan Application process (Stamp Plan B).



Figure 2: View of Existing Building and Parking Area (June 27, 2025)



Figure 3: Site Plan Drawing (Urban Solutions Planning & Land Development)

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The intent of the Business Park Employment land use designation is to protect and preserve industrial employment areas for current and future uses and to provide opportunities for a diversified economic base by maintaining a range and choice of suitable sites for industrial employment uses which support a wide range of economic activities and ancillary uses and take into account market trends and the needs of existing and future businesses. The requested variance meets the general intent of the Official Plan by allowing for the continued use of the site, building, and parking area by allowing a wide range of permitted uses to locate within the existing vacant units. In the opinion of Staff, the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation that requires 1 parking space per 35 square metres of gross floor area for multi-unit buildings is to ensure that there is adequate storage for motor vehicles on site.

The applicant has submitted a Parking Study prepared by Paradigm Transportation Solutions Limited (attached as Attachment 2) that estimates the site's future parking demand and recommends measures to support the parking supply. A parking survey was completed to evaluate current demand, and industry standard ITE Parking generation data was analysed as part of the parking study. The study recommends limiting a Fitness Centre use of the building to 800 square metres, which has been included in this report's recommendation section. Transportation Services Staff have reviewed the study and find it satisfactory.

Staff are of the opinion that the current parking supply is sufficient to provide for adequate storage for motor vehicles 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?

The site is expected to accommodate parking needs on site. Should parking demand exceed available supply, on-street parking is available on Shoemaker Street within a short walking distance. The effects of the requested variance are considered minor in the opinion of Planning Staff.

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

No physical changes are proposed to the existing building and parking area. The requested variance will facilitate the use of vacant units within the existing building and is considered appropriate for the use of the building and lands in the opinion of Planning Staff.

Environmental Planning Comments:

No natural heritage features/functions, or Tree Management Policy compliance issues on site. No site development proposed. No concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

City Staff agree with the conclusions of the provided Parking Study, which indicates that the existing parking lot is expected to continue accommodating the parking demand generated by the site, even with the future uses proposed in Unit 14.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act
- Provincial Planning Statement (PPS 2024)
- Regional Official Plan

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

ATTACHMENTS:

Attachment A – Site Plan

Attachment B – Parking Study (Paradigm Transportation Solutions, May 22, 2025)

2025-05-22
Project: (250318)

Matthew Nisker
Bellair (Shoemaker) Inc.

RE: 55 SHOEMAKER STREET, KITCHENER, ON PARKING STUDY

Paradigm Transportation Solutions Limited (Paradigm) was retained to conduct this Parking Study (PS) for an existing multi-unit commercial building located at 55 Shoemaker Street in the City of Kitchener, Ontario. **Figure 1** (attached) illustrates the site location.

Propose and Scope

The scope of this parking study includes:

- ▶ Reviewing Zoning By-Law requirements in the City of Kitchener;
- ▶ Estimating the site's future parking demand based on the existing parking demand and industry publications; and
- ▶ Recommending preferred measures (if any) to support the parking supply.

Development Description

The property owner is proposing no physical changes to the existing multi-unit commercial building with a Gross Floor Area (GFA) of 2,880.06 m². The plaza is currently operating with units 1-12 occupied by a range of permitted uses, including manufacturing and warehouse uses. Unit 10 is proposed to host a pet aquamation business. Unit 13 is occupied by a fitness studio and Unit 14 is currently vacant and is proposed to host a fitness studio. No changes are proposed to the remaining occupied units. Vehicle access is provided via an existing all-moves driveway connection to Shoemaker Street. **Figure 2** (attached) illustrates the site plan.

Proposed Parking Supply

A total parking supply of 44 spaces is provided. The supply does not meet City of Kitchener zoning requirements as currently planned.

Zoning By-Law Requirements

The proposed development is subject to Zoning By-law (ZBL) 2019-051 for the City of Kitchener.

Under ZBL 2019-051¹, every 35 m² of GFA for a multi-unit commercial building needs 1 parking space. Therefore, a total of 83 spaces would be required on-site representing a shortfall of 39 spaces.

The proposed minor variance for the site is to permit a minimum Multi-Unit Parking Rate of 1 space per 66 m² of GFA inclusive of Manufacturing and Warehouse uses, provided a maximum of 800 m² is occupied by a Fitness Centre.

Estimated Parking Demand

Existing Parking Survey

To better understand the actual parking demand that can be expected for the occupied units on-site, a parking demand survey has been completed for the existing uses. **Appendix A** contains the existing parking demand survey data.

The parking demand survey was completed on Tuesday, May 13th, 2025, from 12:00 AM to 12:00 AM and summarized in 15-minute intervals. The survey results show a peak demand of 30 spaces at 2:15 PM.

With an existing parking supply of 44 spaces, this represents a surplus of 14 parking spaces. This reflects the parking demand for 2,081 m² of manufacturing and warehouse uses (units 1-12) and 353 m² fitness studio (Unit 13), and Unit 14 vacant.

ITE Parking Generation

The ITE Parking Generation Manual (6th Edition)² provides data on surveys across the USA and Canada of peak parking demand of different land uses.

The forecast parking demand has been estimated using Land Use Code (LUC) 492 (Health/Fitness Club). **Appendix B** contains the ITE parking generation data.

Table 1 summarizes the ITE forecast maximum parking demand for the proposed fitness studio in unit 14.

¹ City of Kitchener Zoning By-law 2019-051, Section 5 – Parking, Loading, and Stacking

² Institute of Transportation Engineers. *Parking Generation Manual*, 6th ed., (Washington, DC: ITE, 2023).

TABLE 1: ESTIMATED PARKING DEMAND – ITE RATES

LUC	GFA	Forecast Demand	
		Rate	Spaces
492	4.80 ft ² /1000	Average = 5.20	25

Based on ITE rates, a maximum parking demand of 25 parking spaces is forecast for the proposed fitness centre in unit 14. Based on an existing parking supply of 14 spaces left over from existing uses, this results in a potential shortfall of 11 spaces.

As indicated by the ITE time of day parking distribution (hourly data) for LUC 492, the parking demand peaks at 6:00 PM, which does not align with the peak of the existing occupied units (2:00 PM). At 6:00 PM the existing occupied units have a demand of 17 spaces, leaving 27 spaces available for the new fitness studio.

Based on information provided by the future tenant of Unit 14, fitness classes are proposed to be offered in the evening, after 6:00 PM with a maximum of 30 attendees on the busiest evening (once a week). The observed parking demand shows excess capacity in the range of 27 to 44 spaces between 6:00 PM and 11:00 PM

Shared Parking Demand

Shared parking is a form of parking management that can allow parking spaces to be shared by more than one user group. As indicated by the times of day for peak parking noted in the existing parking demand survey and the ITE parking generation data, there could be opportunities to share parking spaces between the proposed unit 14 fitness studio and the existing uses without exceeding the existing parking supply of 44 spaces.

Figure 3 (attached) illustrates the shared parking demand profile between the proposed unit 14 fitness studio (Added Demand) and the existing uses (Existing Demand) at 55 Shoemaker Street. It's noted that Unit 10 (pet aquamation) is not yet operating. Based on information provided by the owner is not anticipated to operate in the evenings and will compliment the demand of the other units.

Based on the existing parking demand survey at 55 Shoemaker Street and the ITE parking generation data for LUC 492 (average parking rate used), a maximum shared parking demand of 43 spaces at 4:00 PM is forecast. Based on an existing parking supply of 44 spaces, this represents a surplus of 1 space. It is noted that the hourly parking demand for the existing uses at 55 Shoemaker Street considered the maximum 15-minute parking demand in each hour. The peak at 4:00 PM is likely conservative given information provided by the future tenant and proposed schedule for classes.

Conclusions and Recommendations

The findings of this Parking Study are as follows:

- ▶ **Existing Parking Survey:** The parking demand survey from May 13th, 2025, at 55 Shoemaker Street (the site) indicates a peak parking demand of 30 spaces at 2:15 PM for the existing. The existing demand reduces in the evening to 17 vehicles or less after 6:00 PM (27 vacant parking spaces minimum)
- ▶ **Future Tenant:** the future tenant of Unit 14 is a fitness studio, operating evening classes after 6:00 PM with a maximum of 30 attendees.
- ▶ **ITE Parking Rates:** The ITE Parking Generation Manual indicates a maximum parking demand of 25 (average rate) spaces at 6:00 PM for the proposed Unit 14 fitness studio.
- ▶ **Shared Parking Demand:** Based on the existing parking demand survey at 55 Shoemaker Street and the ITE parking generation data for LUC 492 (average parking rate used), a maximum shared parking demand of 43 spaces at 4:00 PM is forecast.
- ▶ **Future Demand:** The parking supply at the plaza is forecast is supporting the demand of 2,081 m² of warehouse and manufacturing uses and up to 800 m² fitness studio uses.

Based on the findings of this study, the existing parking supply of 44 spaces is forecast to accommodate the future uses proposed in Unit 14 and the existing uses already operating.

Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Erica Bayley

P.Eng.

Senior Project Manager, Associate



Attachments





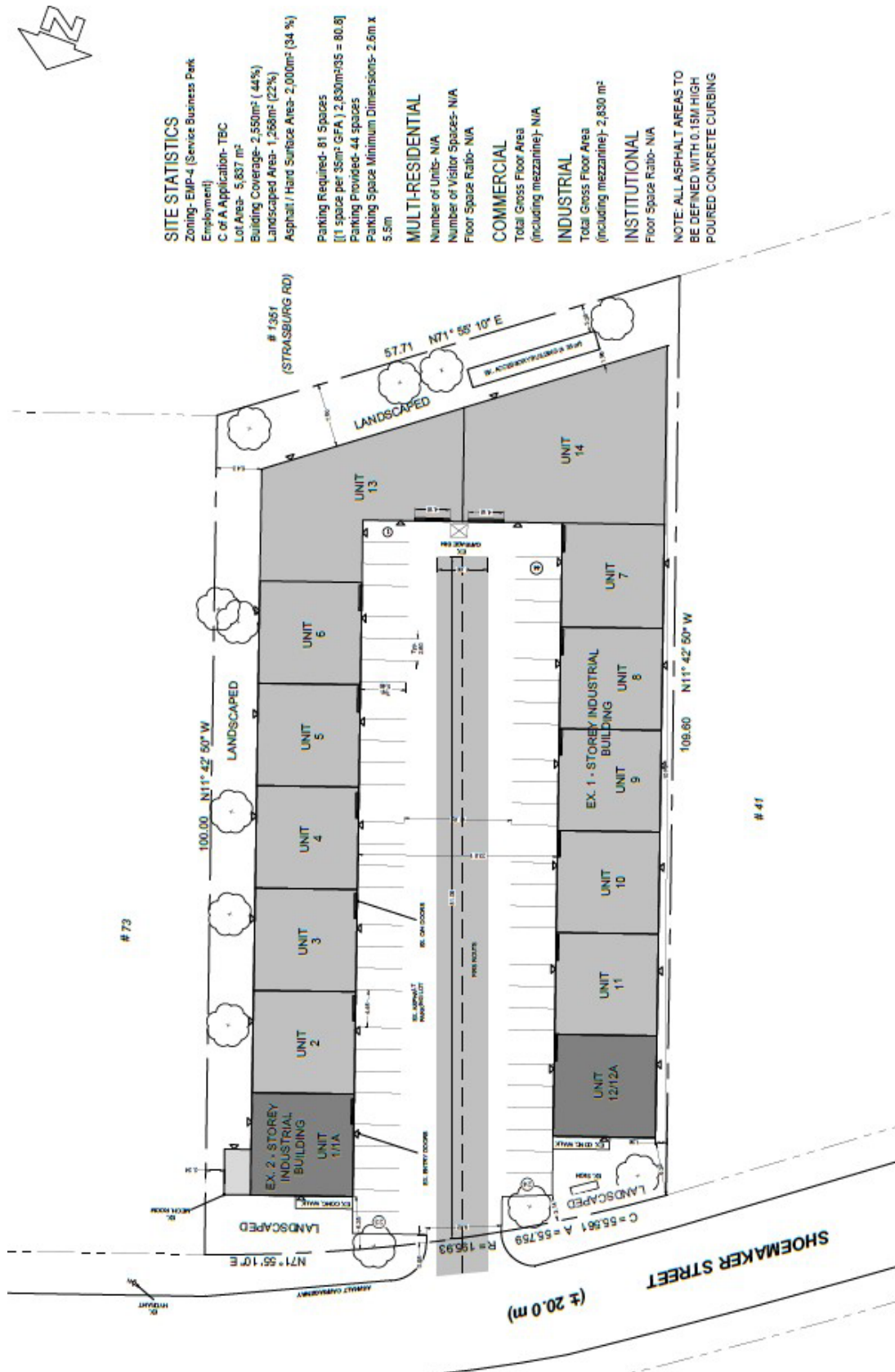
NTS
Image Source: "OnPoint Map Viewer," City of Kitchener,
<https://maps.kitchener.ca/OnPointExternal/RMap/Default.aspx#>.



Site Location

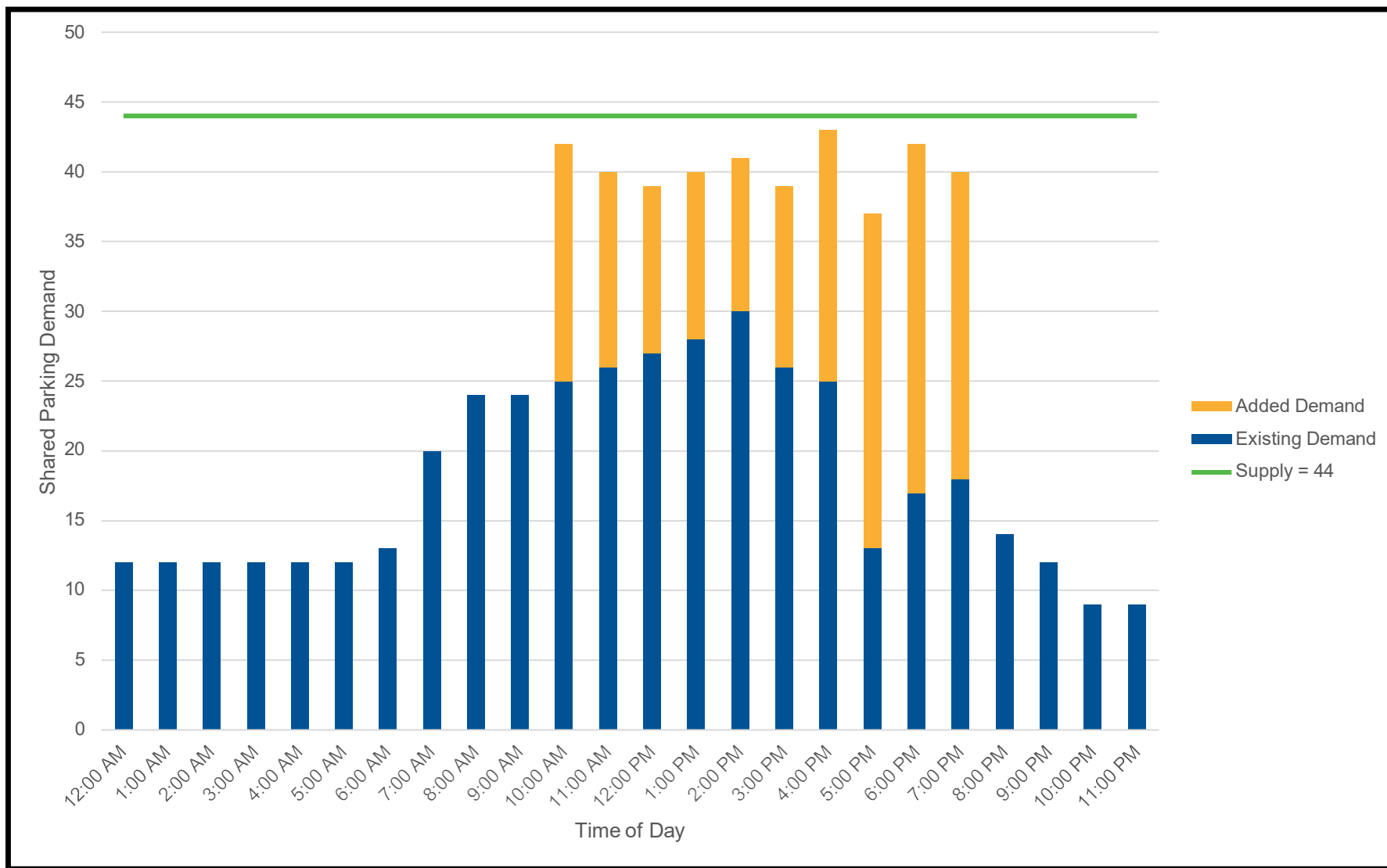
55 Shoemaker Street, Kitchener PS
250318

Figure 1



Site Plan

Figure 2



Appendix A

Existing Parking Demand Survey Data





Paradigm Transportation Solutions Limited
5A-150 Pinebush Rd

Cambridge, Ontario, Canada N1R 8J8
519-896-3163 cbowness@pts1.com

Count Name: 55 Shoemaker Street
Site Code: 250318
Start Date: 05/13/2025
Page No: 1

Turning Movement Data

Start Time	Shoemaker Street Eastbound					Shoemaker Street Westbound					55 Shoemaker Street Driveway Northbound					Int. Total
	Thru	Right	U-Turn	Peds	App. Total	Left	Thru	U-Turn	Peds	App. Total	Left	Right	U-Turn	Peds	App. Total	
12:00 AM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
12:15 AM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
12:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:15 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
1:30 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
1:45 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Hourly Total	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	3
2:00 AM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
2:15 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
2:30 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
2:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	1	0	0	0	1	0	3	0	0	3	0	0	0	0	0	4
3:00 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
3:15 AM	1	0	0	0	1	0	1	0	0	1	0	0	0	0	0	2
3:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	1	0	0	0	1	0	2	0	0	2	0	0	0	0	0	3
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1
4:45 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Hourly Total	2	0	0	0	2	0	0	0	0	0	0	0	0	1	0	2
5:00 AM	3	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3
5:15 AM	4	0	0	0	4	0	0	0	0	0	0	0	0	0	0	4
5:30 AM	11	0	0	0	11	0	1	0	0	1	0	0	0	0	0	12
5:45 AM	24	0	0	0	24	0	0	0	0	0	0	0	0	0	0	24
Hourly Total	42	0	0	0	42	0	1	0	0	1	0	0	0	0	0	43
6:00 AM	14	1	0	0	15	0	1	0	0	1	0	1	0	0	1	17
6:15 AM	16	0	0	0	16	1	4	0	1	5	0	0	0	0	0	21
6:30 AM	23	0	0	0	23	0	10	0	0	10	0	1	0	0	1	34
6:45 AM	48	1	0	0	49	0	9	0	1	9	0	0	0	0	0	58
Hourly Total	101	2	0	0	103	1	24	0	2	25	0	2	0	0	2	130
7:00 AM	19	0	0	0	19	0	22	0	0	22	0	1	0	0	1	42

7:15 AM	29	2	0	0	31	0	17	0	0	17	0	0	0	0	0	48
7:30 AM	29	3	0	0	32	0	24	0	0	24	0	0	0	0	0	56
7:45 AM	29	4	0	0	33	0	9	0	1	9	0	1	0	0	1	43
Hourly Total	106	9	0	0	115	0	72	0	1	72	0	2	0	0	2	189
8:00 AM	13	2	0	0	15	1	8	0	0	9	0	0	0	0	0	24
8:15 AM	15	0	0	0	15	1	8	0	0	9	0	0	0	0	0	24
8:30 AM	24	1	0	0	25	0	13	0	0	13	4	0	0	0	4	42
8:45 AM	15	4	0	0	19	0	9	0	0	9	1	1	0	0	2	30
Hourly Total	67	7	0	0	74	2	38	0	0	40	5	1	0	0	6	120
9:00 AM	18	3	0	0	21	0	14	0	1	14	2	0	0	1	2	37
9:15 AM	14	1	0	0	15	0	23	0	0	23	2	0	0	0	2	40
9:30 AM	11	1	0	0	12	0	12	0	0	12	2	0	0	0	2	26
9:45 AM	22	2	0	0	24	0	14	0	0	14	0	0	0	2	0	38
Hourly Total	65	7	0	0	72	0	63	0	1	63	6	0	0	3	6	141
10:00 AM	23	2	0	0	25	0	13	0	0	13	1	0	0	0	1	39
10:15 AM	8	1	0	0	9	1	16	0	0	17	3	1	0	0	4	30
10:30 AM	5	1	1	0	7	0	15	0	0	15	1	0	0	0	1	23
10:45 AM	12	1	0	1	13	2	16	0	0	18	1	1	0	0	2	33
Hourly Total	48	5	1	1	54	3	60	0	0	63	6	2	0	0	8	125
11:00 AM	16	4	0	0	20	0	11	0	0	11	1	1	0	0	2	33
11:15 AM	11	3	0	0	14	1	12	0	0	13	0	4	0	0	4	31
11:30 AM	10	0	0	0	10	1	18	0	0	19	1	0	0	1	1	30
11:45 AM	14	0	0	0	14	1	18	0	0	19	2	2	0	0	4	37
Hourly Total	51	7	0	0	58	3	59	0	0	62	4	7	0	1	11	131
12:00 PM	17	2	0	0	19	0	31	0	0	31	1	0	0	0	1	51
12:15 PM	20	1	0	0	21	2	23	0	0	25	0	0	0	0	0	46
12:30 PM	17	3	0	1	20	0	14	0	1	14	5	0	0	1	5	39
12:45 PM	17	0	0	0	17	2	9	0	0	11	2	2	0	2	4	32
Hourly Total	71	6	0	1	77	4	77	0	1	81	8	2	0	3	10	168
1:00 PM	18	1	0	0	19	2	16	0	1	18	2	2	0	1	4	41
1:15 PM	22	2	1	0	25	1	20	0	0	21	1	1	0	0	2	48
1:30 PM	19	1	0	0	20	0	10	0	0	10	0	0	0	0	0	30
1:45 PM	12	4	1	0	17	1	22	0	2	23	1	0	0	4	1	41
Hourly Total	71	8	2	0	81	4	68	0	3	72	4	3	0	5	7	160
2:00 PM	20	3	0	0	23	1	22	0	0	23	1	1	0	0	2	48
2:15 PM	13	2	0	0	15	0	10	0	0	10	3	1	0	0	4	29
2:30 PM	11	2	0	0	13	1	16	0	0	17	2	1	0	0	3	33
2:45 PM	20	1	0	0	21	1	10	0	0	11	3	1	0	2	4	36
Hourly Total	64	8	0	0	72	3	58	0	0	61	9	4	0	2	13	146
3:00 PM	11	2	0	0	13	1	28	0	0	29	4	1	0	0	5	47
3:15 PM	6	4	0	0	10	0	20	0	0	20	2	2	0	1	4	34
3:30 PM	14	0	0	1	14	2	32	0	0	34	2	0	0	1	2	50
3:45 PM	11	1	0	0	12	1	26	0	0	27	2	0	0	0	2	41
Hourly Total	42	7	0	1	49	4	106	0	0	110	10	3	0	2	13	172
4:00 PM	17	3	0	0	20	2	43	0	0	45	3	1	0	1	4	69
4:15 PM	8	0	0	0	8	1	32	0	0	33	5	2	0	0	7	48
4:30 PM	9	4	0	0	13	0	31	0	0	31	6	0	0	0	6	50
4:45 PM	11	0	0	0	11	0	20	0	0	20	5	0	0	0	5	36
Hourly Total	45	7	0	0	52	3	126	0	0	129	19	3	0	1	22	203
5:00 PM	14	1	0	0	15	0	48	1	0	49	0	0	0	0	0	64
5:15 PM	5	2	0	0	7	0	25	0	0	25	4	1	0	0	5	37
5:30 PM	3	0	0	0	3	0	8	0	0	8	0	0	0	0	0	11

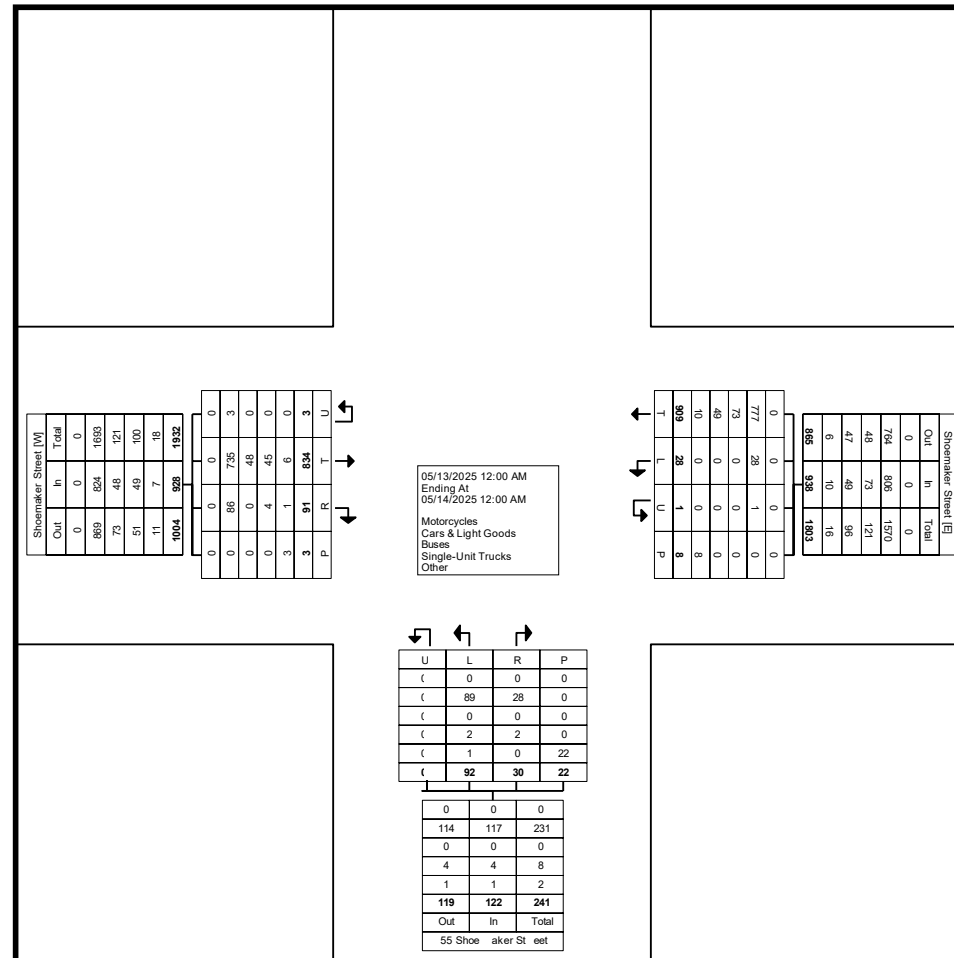
5:45 PM	3	2	0	0	5	0	8	0	0	8	1	0	0	0	1	14
Hourly Total	25	5	0	0	30	0	89	1	0	90	5	1	0	0	6	126
6:00 PM	5	0	0	0	5	0	9	0	0	9	0	0	0	2	0	14
6:15 PM	3	2	0	0	5	0	5	0	0	5	0	0	0	0	0	10
6:30 PM	5	4	0	0	9	0	10	0	0	10	1	0	0	0	1	20
6:45 PM	1	1	0	0	2	0	6	0	0	6	0	0	0	0	0	8
Hourly Total	14	7	0	0	21	0	30	0	0	30	1	0	0	2	1	52
7:00 PM	1	2	0	0	3	0	3	0	0	3	1	0	0	0	1	7
7:15 PM	2	0	0	0	2	1	4	0	0	5	1	0	0	0	1	8
7:30 PM	2	0	0	0	2	0	2	0	0	2	0	0	0	0	0	4
7:45 PM	0	2	0	0	2	0	3	0	0	3	6	0	0	0	6	11
Hourly Total	5	4	0	0	9	1	12	0	0	13	8	0	0	0	8	30
8:00 PM	1	0	0	0	1	0	1	0	0	1	1	0	0	0	1	3
8:15 PM	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	3
8:30 PM	1	0	0	0	1	0	0	0	0	0	1	0	0	0	1	2
8:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	4	0	0	0	4	0	2	0	0	2	2	0	0	0	2	8
9:00 PM	1	1	0	0	2	0	3	0	0	3	2	0	0	0	2	7
9:15 PM	1	0	0	0	1	0	1	0	0	1	2	0	0	0	2	4
9:30 PM	2	0	0	0	2	0	0	0	0	0	1	0	0	0	1	3
9:45 PM	1	0	0	0	1	0	1	0	0	1	0	0	0	0	0	2
Hourly Total	5	1	0	0	6	0	5	0	0	5	5	0	0	0	5	16
10:00 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
10:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 PM	1	1	0	0	2	0	2	0	0	2	0	0	0	0	0	4
10:45 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Hourly Total	3	1	0	0	4	0	2	0	0	2	0	0	0	0	0	6
11:00 PM	1	0	0	0	1	0	1	0	0	1	0	0	0	1	0	2
11:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
11:30 PM	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
11:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Total	1	0	0	0	1	0	5	0	0	5	0	0	0	2	0	6
Grand Total	834	91	3	3	928	28	909	1	8	938	92	30	0	22	122	1988
Approach %	89.9	9.8	0.3	-	-	3.0	96.9	0.1	-	-	75.4	24.6	0.0	-	-	-
Total %	42.0	4.6	0.2	-	46.7	1.4	45.7	0.1	-	47.2	4.6	1.5	0.0	-	6.1	-
Motorcycles	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0	0
% Motorcycles	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	-	-	0.0	0.0
Cars & Light Goods	735	86	3	-	824	28	777	1	-	806	89	28	0	-	117	1747
% Cars & Light Goods	88.1	94.5	100.0	-	88.8	100.0	85.5	100.0	-	85.9	96.7	93.3	-	-	95.9	87.9
Buses	48	0	0	-	48	0	73	0	-	73	0	0	0	-	0	121
% Buses	5.8	0.0	0.0	-	5.2	0.0	8.0	0.0	-	7.8	0.0	0.0	-	-	0.0	6.1
Single-Unit Trucks	45	4	0	-	49	0	49	0	-	49	2	2	0	-	4	102
% Single-Unit Trucks	5.4	4.4	0.0	-	5.3	0.0	5.4	0.0	-	5.2	2.2	6.7	-	-	3.3	5.1
Articulated Trucks	2	0	0	-	2	0	5	0	-	5	0	0	0	-	0	7
% Articulated Trucks	0.2	0.0	0.0	-	0.2	0.0	0.6	0.0	-	0.5	0.0	0.0	-	-	0.0	0.4
Bicycles on Road	4	1	0	-	5	0	5	0	-	5	1	0	0	-	1	11
% Bicycles on Road	0.5	1.1	0.0	-	0.5	0.0	0.6	0.0	-	0.5	1.1	0.0	-	-	0.8	0.6
Bicycles on Crosswalk	-	-	-	0	-	-	-	-	0	-	-	-	-	-	1	-
% Bicycles on Crosswalk	-	-	-	0.0	-	-	-	-	0.0	-	-	-	-	4.5	-	-
Pedestrians	-	-	-	3	-	-	-	-	8	-	-	-	-	21	-	-
% Pedestrians	-	-	-	100.0	-	-	-	-	100.0	-	-	-	-	95.5	-	-



Paradigm Transportation Solutions Limited
5A-150 Pinebush Rd

Cambridge, Ontario, Canada N1R 8J8
519-896-3163 cbowness@pts1.com

Count Name: 55 Shoemaker Street
Site Code: 250318
Start Date: 05/13/2025
Page No: 4



Turning Movement Data Plot



Paradigm Transportation Solutions Limited
5A-150 Pinebush Rd

Cambridge, Ontario, Canada N1R 8J8
519-896-3163 cbowness@pts1.com

Count Name: 55 Shoemaker Street
Site Code: 250318
Start Date: 05/13/2025
Page No: 5

Turning Movement Peak Hour Data (3:30 PM)

Start Time	Shoemaker Street Eastbound					Shoemaker Street Westbound					55 Shoemaker Street Driveway Northbound					Int. Total
	Thru	Right	U-Turn	Peds	App. Total	Left	Thru	U-Turn	Peds	App. Total	Left	Right	U-Turn	Peds	App. Total	
3:30 PM	14	0	0	1	14	2	32	0	0	34	2	0	0	1	2	50
3:45 PM	11	1	0	0	12	1	26	0	0	27	2	0	0	0	2	41
4:00 PM	17	3	0	0	20	2	43	0	0	45	3	1	0	1	4	69
4:15 PM	8	0	0	0	8	1	32	0	0	33	5	2	0	0	7	48
Total	50	4	0	1	54	6	133	0	0	139	12	3	0	2	15	208
Approach %	92.6	7.4	0.0	-	-	4.3	95.7	0.0	-	-	80.0	20.0	0.0	-	-	-
Total %	24.0	1.9	0.0	-	26.0	2.9	63.9	0.0	-	66.8	5.8	1.4	0.0	-	7.2	-
PHF	0.735	0.333	0.000	-	0.675	0.750	0.773	0.000	-	0.772	0.600	0.375	0.000	-	0.536	0.754
Motorcycles	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0	0
% Motorcycles	0.0	0.0	-	-	0.0	0.0	0.0	-	-	0.0	0.0	0.0	-	-	0.0	0.0
Cars & Light Goods	36	4	0	-	40	6	129	0	-	135	12	3	0	-	15	190
% Cars & Light Goods	72.0	100.0	-	-	74.1	100.0	97.0	-	-	97.1	100.0	100.0	-	-	100.0	91.3
Buses	10	0	0	-	10	0	1	0	-	1	0	0	0	-	0	11
% Buses	20.0	0.0	-	-	18.5	0.0	0.8	-	-	0.7	0.0	0.0	-	-	0.0	5.3
Single-Unit Trucks	3	0	0	-	3	0	1	0	-	1	0	0	0	-	0	4
% Single-Unit Trucks	6.0	0.0	-	-	5.6	0.0	0.8	-	-	0.7	0.0	0.0	-	-	0.0	1.9
Articulated Trucks	1	0	0	-	1	0	0	0	-	0	0	0	0	-	0	1
% Articulated Trucks	2.0	0.0	-	-	1.9	0.0	0.0	-	-	0.0	0.0	0.0	-	-	0.0	0.5
Bicycles on Road	0	0	0	-	0	0	2	0	-	2	0	0	0	-	0	2
% Bicycles on Road	0.0	0.0	-	-	0.0	0.0	1.5	-	-	1.4	0.0	0.0	-	-	0.0	1.0
Bicycles on Crosswalk	-	-	-	0	-	-	-	-	0	-	-	-	-	0	-	-
% Bicycles on Crosswalk	-	-	-	0.0	-	-	-	-	-	-	-	-	-	0.0	-	-
Pedestrians	-	-	-	1	-	-	-	-	0	-	-	-	-	2	-	-
% Pedestrians	-	-	-	100.0	-	-	-	-	-	-	-	-	-	100.0	-	-

Start Time	In	Out	Delta	Demand
12:00 AM	0	0	0	12
12:15 AM	0	0	0	12
12:30 AM	0	0	0	12
12:45 AM	0	0	0	12
1:00 AM	0	0	0	12
1:15 AM	0	0	0	12
1:30 AM	0	0	0	12
1:45 AM	0	0	0	12
2:00 AM	0	0	0	12
2:15 AM	0	0	0	12
2:30 AM	0	0	0	12
2:45 AM	0	0	0	12
3:00 AM	0	0	0	12
3:15 AM	0	0	0	12
3:30 AM	0	0	0	12
3:45 AM	0	0	0	12
4:00 AM	0	0	0	12
4:15 AM	0	0	0	12
4:30 AM	0	0	0	12
4:45 AM	0	0	0	12
5:00 AM	0	0	0	12
5:15 AM	0	0	0	12
5:30 AM	0	0	0	12
5:45 AM	0	0	0	12
6:00 AM	1	1	0	12
6:15 AM	1	0	1	13
6:30 AM	0	1	-1	12
6:45 AM	1	0	1	13
7:00 AM	0	1	-1	12
7:15 AM	2	0	2	14
7:30 AM	3	0	3	17
7:45 AM	4	1	3	20
8:00 AM	3	0	3	23
8:15 AM	1	0	1	24
8:30 AM	1	4	-3	21
8:45 AM	4	2	2	23
9:00 AM	3	2	1	24
9:15 AM	1	2	-1	23
9:30 AM	1	2	-1	22
9:45 AM	2	0	2	24
10:00 AM	2	1	1	25
10:15 AM	2	4	-2	23
10:30 AM	1	1	0	23
10:45 AM	3	2	1	24
11:00 AM	4	2	2	26
11:15 AM	4	4	0	26
11:30 AM	1	1	0	26
11:45 AM	1	4	-3	23
12:00 PM	2	1	1	24
12:15 PM	3	0	3	27
12:30 PM	3	5	-2	25
12:45 PM	2	4	-2	23
1:00 PM	3	4	-1	22
1:15 PM	3	2	1	23
1:30 PM	1	0	1	24
1:45 PM	5	1	4	28
2:00 PM	4	2	2	30
2:15 PM	2	4	-2	28
2:30 PM	3	3	0	28
2:45 PM	2	4	-2	26
3:00 PM	3	5	-2	24
3:15 PM	4	4	0	24
3:30 PM	2	2	0	24
3:45 PM	2	2	0	24
4:00 PM	5	4	1	25
4:15 PM	1	7	-6	19
4:30 PM	4	6	-2	17
4:45 PM	0	5	-5	12
5:00 PM	1	0	1	13
5:15 PM	2	5	-3	10
5:30 PM	0	0	0	10
5:45 PM	2	1	1	11
6:00 PM	0	0	0	11
6:15 PM	2	0	2	13
6:30 PM	4	1	3	16
6:45 PM	1	0	1	17
7:00 PM	2	1	1	18
7:15 PM	1	1	0	18
7:30 PM	0	0	0	18
7:45 PM	2	6	-4	14
8:00 PM	0	1	-1	13
8:15 PM	0	0	0	13
8:30 PM	0	1	-1	12
8:45 PM	0	0	0	12
9:00 PM	1	2	-1	11
9:15 PM	0	2	-2	9
9:30 PM	0	1	-1	8
9:45 PM	0	0	0	8
10:00 PM	0	0	0	8
10:15 PM	0	0	0	8
10:30 PM	1	0	1	9
10:45 PM	0	0	0	9
11:00 PM	0	0	0	9
11:15 PM	0	0	0	9
11:30 PM	0	0	0	9
11:45 PM	0	0	0	9

Appendix B

ITE Parking Generation Data



Land Use: 492 Health/Fitness Club

Description

A health/fitness club is a privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, a weight room, spa, lockers rooms, and a small restaurant or snack bar. This land use may also include ancillary facilities, such as a swimming pool, whirlpool, sauna, limited retail, and tennis, pickleball, racquetball, or handball courts. These facilities are membership clubs that may allow access to the general public for a fee.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (five study sites) and a Saturday (four study sites) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand	
	Weekday	Saturday
12:00–4:00 a.m.	—	—
5:00 a.m.	—	—
6:00 a.m.	—	—
7:00 a.m.	—	—
8:00 a.m.	—	76
9:00 a.m.	—	99
10:00 a.m.	65	100
11:00 a.m.	56	92
12:00 p.m.	48	78
1:00 p.m.	47	79
2:00 p.m.	43	71
3:00 p.m.	50	70
4:00 p.m.	72	67
5:00 p.m.	93	60
6:00 p.m.	100	56
7:00 p.m.	88	—
8:00 p.m.	—	—
9:00 p.m.	—	—
10:00 p.m.	—	—
11:00 p.m.	—	—

Additional Data

The average parking supply ratio for the five study sites with parking supply information is 8.1 spaces per 1,000 square feet GFA. The average peak parking occupancy at these five sites is 72 percent.

The sites were surveyed in the 1990s, the 2000s, the 2010s, and the 2020s in Arizona, California, New Jersey, New York, Oregon, and Virginia.

Source Numbers

164, 275, 430, 433, 435, 543, 606, 622

Health/Fitness Club (492)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

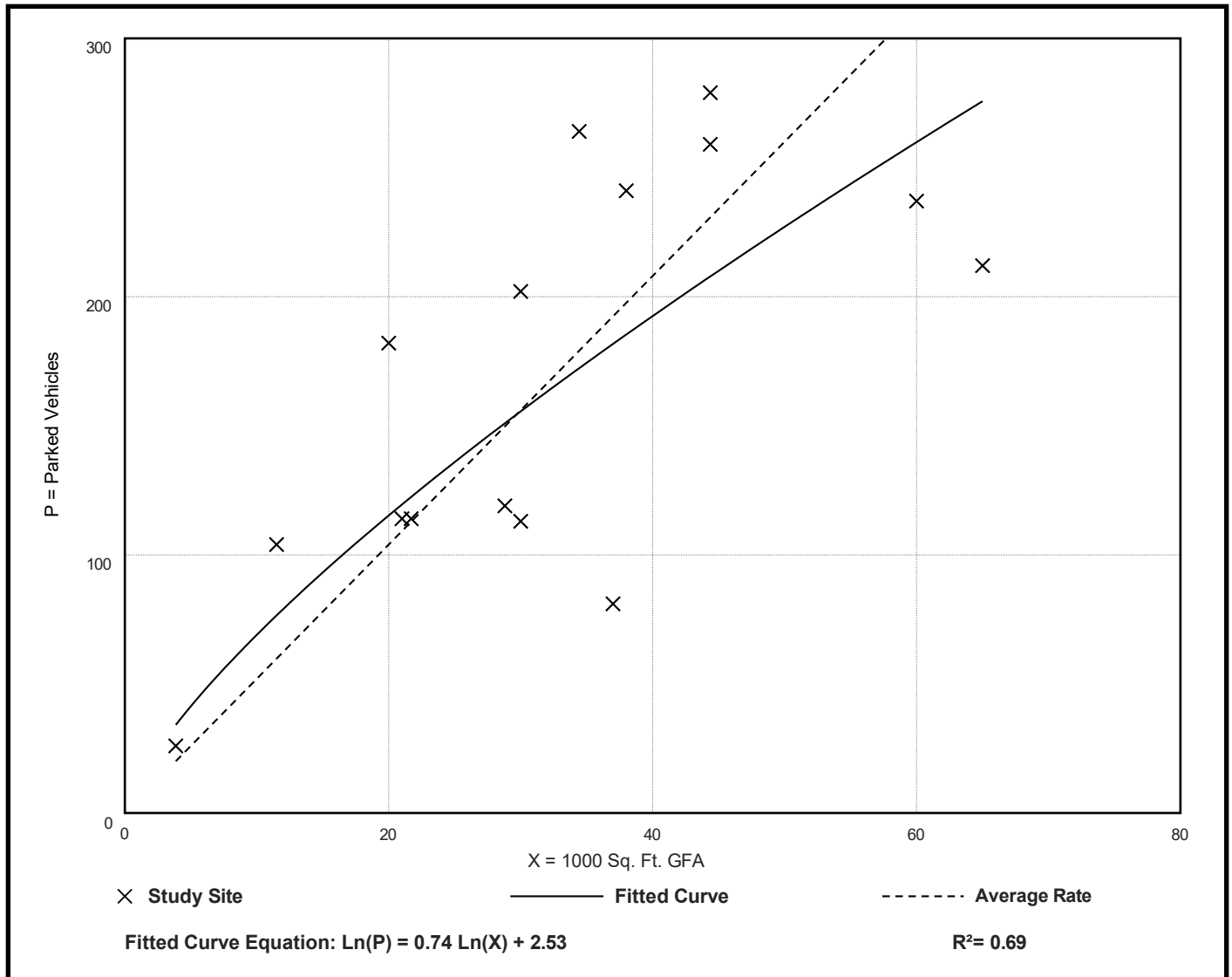
Number of Studies: 15

Avg. 1000 Sq. Ft. GFA: 33

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
5.20	2.19 - 9.10	4.45 / 8.49	***	1.90 (37%)

Data Plot and Equation



Health/Fitness Club (492)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

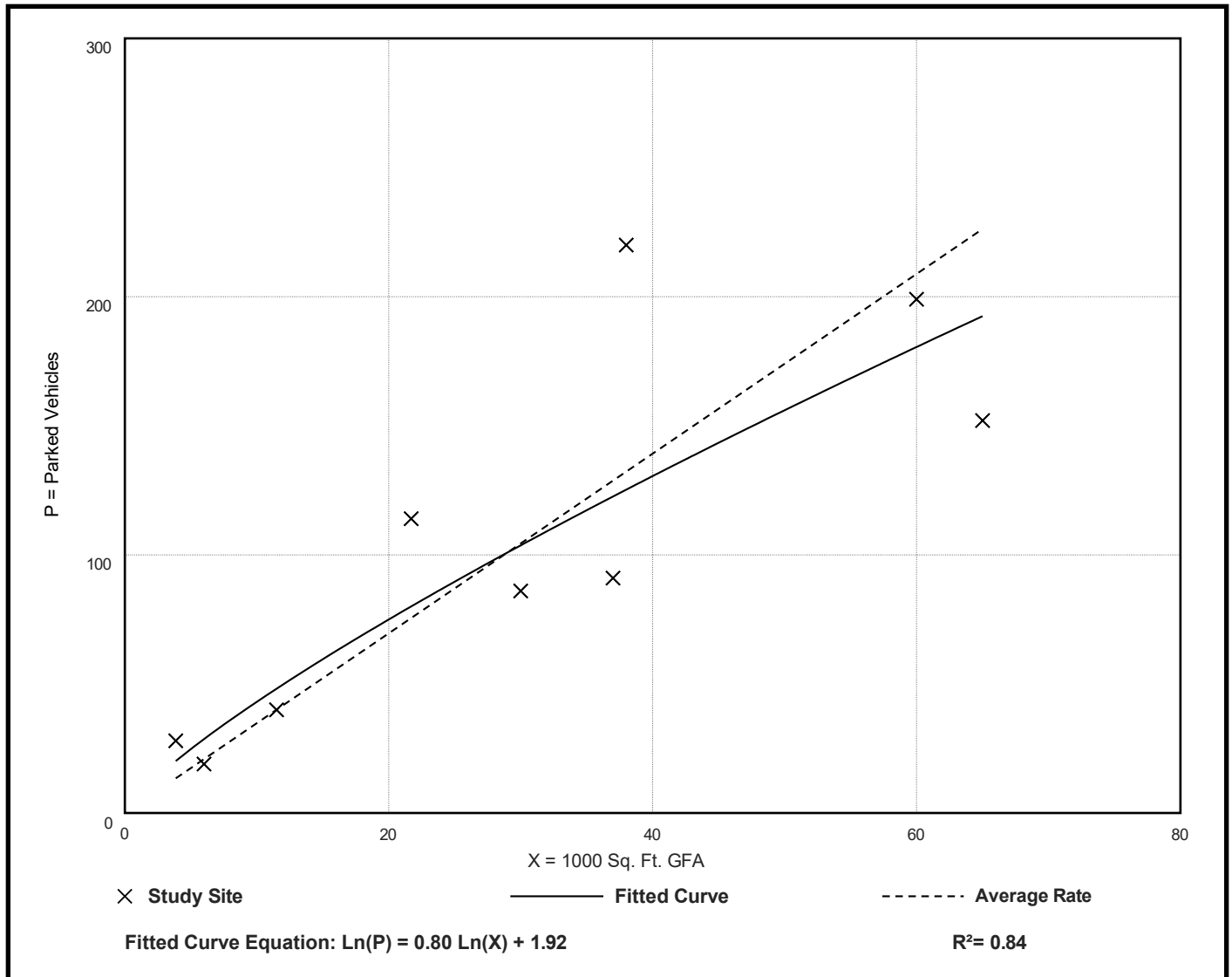
Number of Studies: 9

Avg. 1000 Sq. Ft. GFA: 30

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.48	2.34 - 7.25	2.96 / 6.52	***	1.38 (40%)

Data Plot and Equation



Health/Fitness Club (492)

Peak Period Parking Demand vs: Members (100s)

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Number of Studies: 2

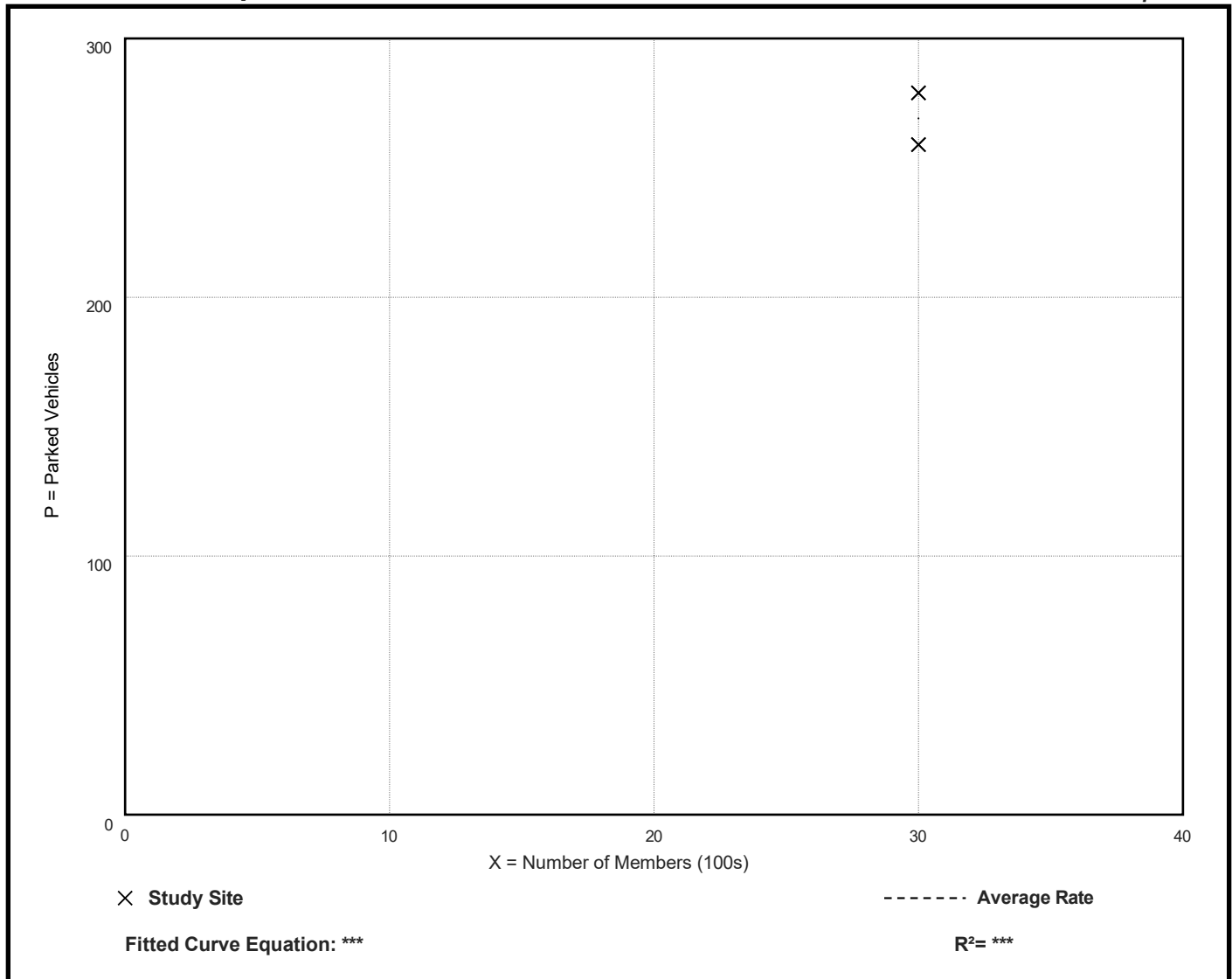
Avg. Num. of Members (100s): 30

Peak Period Parking Demand per 100 Members

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
8.97	8.63 - 9.30	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size





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

June 24, 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 June 15, City of Kitchener

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

- 1) A 2025 – 062 – 124 Tupper Crescent – No Concerns
- 2) A 2025 – 063 – 55 Shoemaker Street – No Concerns
- 3) A 2025 – 064 – 82 Brunswick Avenue (Future Severed) – No Concerns
- 4) A 2025 – 065 – 82 Brunswick Avenue (Future Retained) – No Concerns
- 5) A 2025 – 066 – 508 New Dundee Road – No Concerns
- 6) A 2025 – 067 – 38 Fifth Avenue (Side A) – No Concerns
- 7) A 2025 – 068 – 38 Fifth Avenue (Side B) – No Concerns
- 8) A 2025 – 069 – 439 Alice Avenue (Side A) – No Concerns
- 9) A 2025 – 070 – 439 Alice Avenue (Side B) – 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,

JFalshaw CM

Joshua Beech Falshaw

Transportation Planner

jbeechfalshaw@regionofwaterloo.ca



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

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

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: July 4, 2025

REPORT NO.: DSD-2025-303

SUBJECT: Minor Variance Application A2025-064 - 82 Brunswick Avenue
(Future Severed)
Minor Variance Application A2025-065 - 82 Brunswick Avenue
(Future Retained)

RECOMMENDATION:

A. Minor Variance Application A2025-064 – 82 Brunswick Avenue (Future Severed)

That Minor Variance Application A2025-064 for 82 Brunswick Avenue (Future Severed) requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6 a), Table 5-5-1, to permit a parking requirement of 1 parking space instead of the minimum required 2 parking spaces; and
- ii) Section 7.3, Table 7-3, to permit a rear yard setback of 5.6 metres instead of the minimum required 7.5 metres;

generally in accordance with drawings prepared by Southwood Homes, dated May 29, 2025, BE APPROVED subject to the following condition:

1. That the Owner shall submit a Plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans and the Director of Parks and Cemeteries, showing the following:
 - a) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - b) the location of any existing buildings or structures to be removed or relocated;
 - c) the proposed grades and drainage;
 - d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size,

- species and condition. If necessary, the plan shall include required mitigation and or compensation measures;
- e) the location of all City-owned street-tree(s) demonstrating protection and preservation of the City-owned tree(s);
- f) justification for any tree(s) to be removed;
- g) outline tree protection measures for trees to be preserved; and
- h) building elevation drawings.

B. Minor Variance Application A2025-065 – 82 Brunswick Avenue (Future Retained)

That Minor Variance Application A2025-065 for 82 Brunswick Avenue (Future Retained) requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6 a), Table 5-5-1, to permit a parking requirement of 1 parking space instead of the minimum required 2 parking spaces; and
- ii) Section 7.3, Table 7-3, to permit a rear yard setback of 7 metres instead of the minimum required 7.5 metres;

generally in accordance with drawings prepared by Southwood homes, dated May 29, 2025, BE APPROVED, subject to the following condition:

1. That the Owner shall submit a Plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans and the Director of Parks and Cemeteries, showing the following:
 - a) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - b) the location of any existing buildings or structures to be removed or relocated;
 - c) the proposed grades and drainage;
 - d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition. If necessary, the plan shall include required mitigation and or compensation measures;
 - e) the location of all City-owned street-tree(s) demonstrating protection and preservation of the City-owned tree(s);
 - f) justification for any tree(s) to be removed;
 - g) outline tree protection measures for trees to be preserved; and
 - h) building elevation drawings.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and make recommendations on Minor Variance Applications for future Severed and Retained Parcels proposed at 82 Brunswick Avenue to facilitate the creation of a Semi-Detached Dwelling with three dwelling units on each side.
- The key finding of this report is that the two Minor Variance Applications 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 applicant submitted previous Minor Variance Applications for the subject property (Minor Variance Applications A2025-043 and A2025-044), which were ultimately refused by the Committee at the May 20th, 2025, meeting. Since this meeting, the applicant has revised the plan, now proposing two (2) Additional Dwelling Units on each property, rather than three (3) ADUs, for a total of 3 dwelling units on each half, and requests a parking reduction rather than driveway widening and front yard landscaping reduction. A rear yard setback reduction continues to be requested, but the revised plan has a slightly larger rear yard area.

The subject property is located on the eastern side of Brunswick Avenue between Hartwood Avenue and Guelph Street within the "Fairfield" community. The subject property currently features a 1.5 storey single detached dwelling and has a frontage of approximately 15 metres and depth of approximately 30 metres. The surrounding area is generally characterised by low-rise housing, with notable exceptions being the abutting "Margaret Place" apartment buildings, each being 18 storeys tall. The parking areas of the Margaret Place property abuts the eastern and southern edges of the subject property. A short distance north of the subject property is large commercial property, currently tenanted by Giant Tiger. The Breithaupt Centre is a short distance from the subject property, across Margaret Avenue to the northeast.



Figure 1: Aerial View Of The Subject Property (In Red)



Figure 2: Subject Property, View From Street (Taken June 27, 2025)

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 subject property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. This zone permits semi-detached dwellings on lots with a lot width of 7.5 metres and lot area of 210 m², which are met by the proposed lot configuration and would be implemented by a future Consent Application.

The purpose of the applications is to vary the 'RES-4' Zone requirements for minimum rear yard setback and required parking to facilitate the development of a Semi-Detached Dwelling with two (2) Additional Dwelling Units (ADU) (Attached) in each half of the Semi-Detached Dwelling, for a total of six (6) dwelling units.

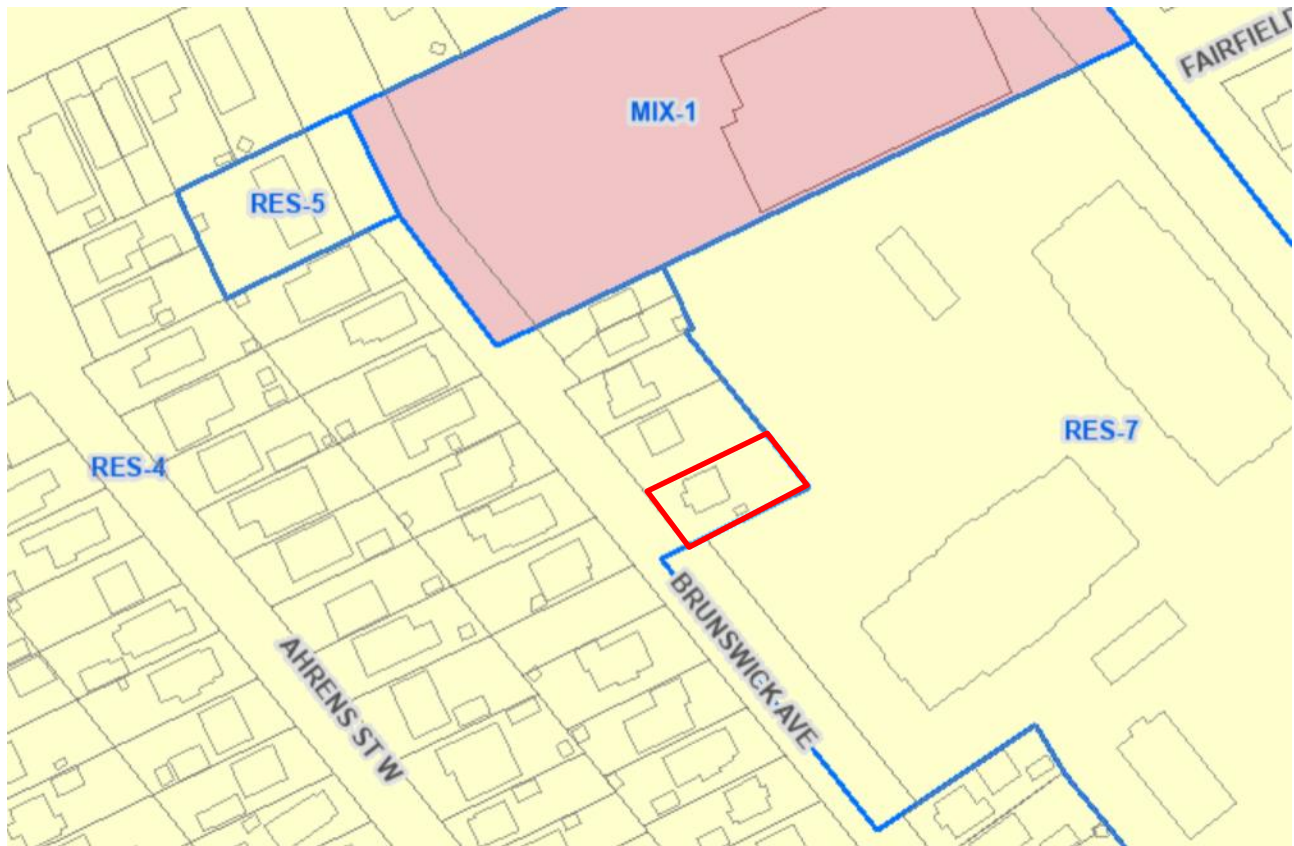


Figure 3: Zoning By-Law

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 provides several policies regarding the intensification of low rise residential areas, with more specific direction to the requested variances, being to the rear yard setback and minimum parking spaces.

Of particular relevance to this application is Policy 4.C.1.8, which provides specific policy direction for minor variance applications proposing residential intensification:

4.C.1.8. *Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:*

- e) *The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an*

appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.

- f) *The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.*

Regarding Policy 4.C.1.8.e), both requested variances would reduce the amenity area available on the site (the reduced rear yard) and the number of required parking spaces. Where the previous minor variance application sought to reduce both the rear yard area and front yard landscaped area, the revised application is only a reduction to the rear yard, maintaining the requirements for the front yard landscaped area, and the rear yard reduction is further reduced from the previous application. By maintaining the front yard landscaping and increasing the size of the rear yard from the previous application, the general intent of the amenity area is maintained. Providing one parking space for each side of the development results in two dwelling units not having a parking space. The dwellings without parking spaces are to be advertised and leased as such, and on-street parking is not a permitted alternative.

Where the previous Minor Variance Application had one (1) variance causing another, conflicting with Policy 4.C.1.8.f), the revised application does not have one variance causing another, and as such now meets this policy.

The Official Plan provides policy direction on the compatibility of residential intensification with the existing character of the neighbourhood. Policy 4.C.1.9 states:

- 4.C.1.9. *Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.*

Examining the existing context of Brunswick Avenue, the predominant built form is single detached dwellings in a mix of bungalow, one and a half, and two storey forms, with occasional low-rise apartment buildings, save and except the Giant Tiger property and two tower Margaret Place development. Compatibility, as defined in the Official Plan, should not be interpreted as meaning “the same as”. Generally, a semi-detached dwelling with a single loaded driveway is compatible with the surrounding area.

Additional policy direction regarding compatibility is provided in the Low Rise Residential land use designation policies, specifically 15.D.3.3:

- 15.D.3.3. *To support the successful integration of different housing types, specifically multiple residential developments, through new development/redevelopment and/or residential intensification, within lands designated Low Rise Residential, Medium Rise Residential or High Rise Residential, the City will*

apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on:

c) adequate and appropriate parking areas are provided on site; and,

d) adequate and appropriate amenity areas and landscaped areas are provided on site.

Policy 15.D.3.3 further emphasizes the appropriateness of parking areas, amenity areas, and landscaped areas in Low Rise Residential areas. The combined area of the front and rear yards is typical of contemporary housing standards and considered sufficient landscaped and amenity area.

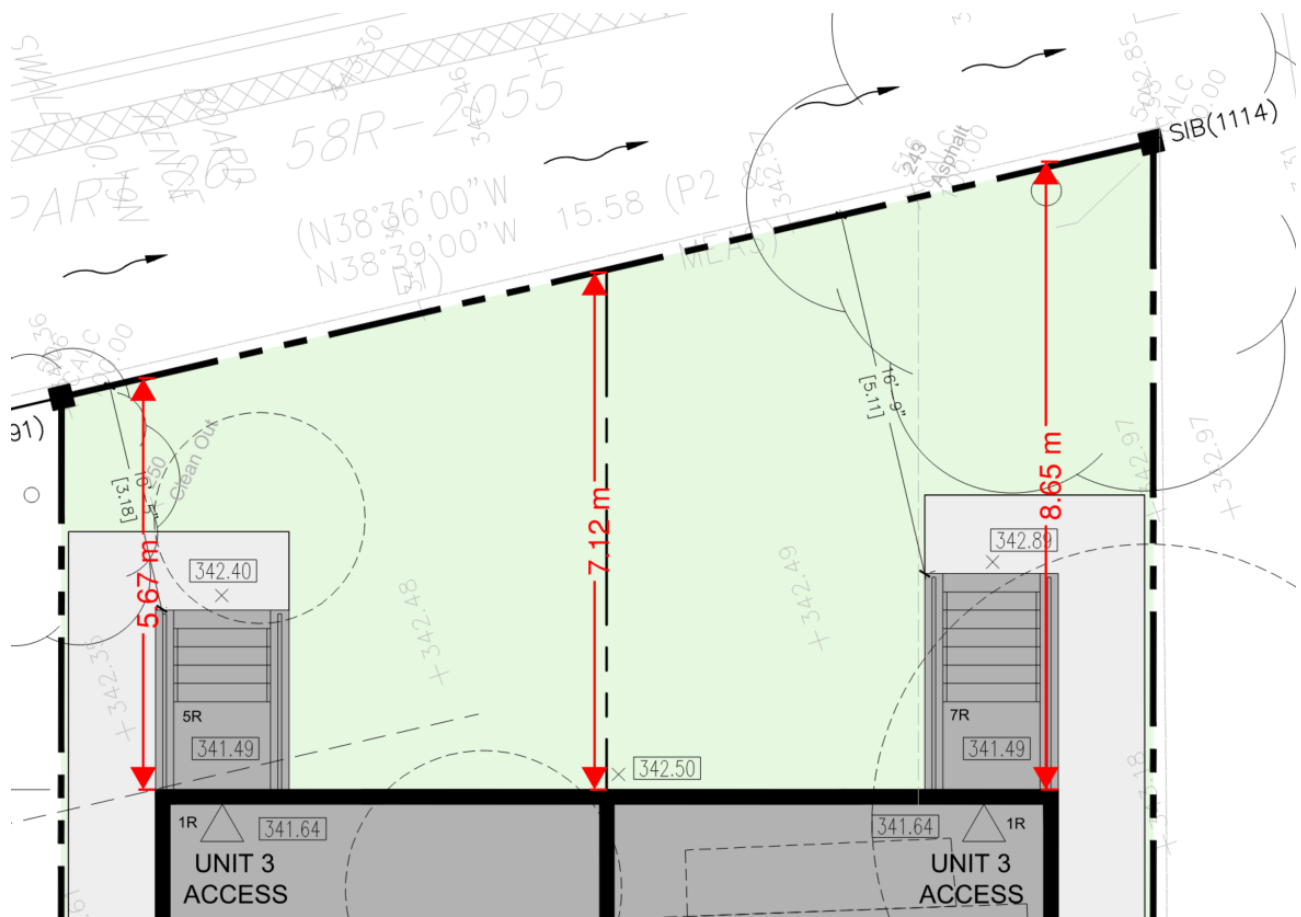
Planning staff are of the opinion that the variances would meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the rear yard setback is to ensure both sufficient distance from lot lines to ensure privacy to abutting properties, and to provide private, outdoor amenity space to the lot. The need for reductions to the rear yard setbacks are due to the angle of the rear lot line. For the future severed lot, the setback is 5.6 metres at its shortest point, which continues to increase until reaching 7.1 metres at its longest. The average rear yard setback is roughly 6.35 metres, which results in a rear yard area of approximately 47.6 square metres. The minimum rear yard size as calculated by the required zone provisions is 56.25 square metres (7.5 metres x 7.5 metres). The 47.6 square metres that would be provided is 85% the area of the typical requirement. Based on the intent of the rear yard setback, the reduction results in an area that generally meets the intent of the Zoning By-law. Where this is a slight increase in rear yard area from the previous application, the now front yard landscaped area now more than meets the minimum of the Zoning By-law, providing additional amenity area that was not available in the prior plan.

For the future retained lot, the setback is 7.1 metres at its shortest point, which continues to increase until reaching 8.6 metres at its longest. The average rear yard setback is roughly 7.85 metres, which is above the minimum requirement of 7.5 metres. For this lot, the reduction to the rear yard effectively meets the intent of the Zoning By-law.

Regarding the provision of parking spaces, the Zoning By-law establishes a parking rate for single detached housing and additional dwelling units, ultimately with the intent to ensure sufficient parking is provided for the proposed uses. The area has nearby transit access along Weber Street and Margaret Avenue, and cycling infrastructure is available on Margaret Avenue. Residents of additional dwelling units generally have a lower rate of car ownership and as such the variance to the required parking can be justified.



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

To assess if the effects of a variance are minor, a common approach is to consider potential adverse impacts to the area. A reduced rear yard area generally does not introduce adverse impacts to an area, and nearby green spaces such as Hart Green and Breithaupt Centre are available should outdoor activities require a space greater than the confines of the back yard. The reduced rear yard setback of the proposed dwellings will not adversely impact properties abutting a parking area for a multiple residential use in this location.

By reducing the number of parking spaces available, there is reasonable concern that cars will park in areas not designated or designed for parking. It is expected and required that the future tenants of the dwellings without a parking space are made aware and understand that they do not have a parking space, and on-street parking is not an acceptable solution.

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

Regarding the desirability of the variances, the decreased rear yard setback enables the dwelling units to be larger than typical Additional Dwelling Units. Based on the floor plans provided, the primary dwelling will be three bedrooms, with the two additional dwelling units being sizeable two bedroom units (~900-1,000 square feet). The reduced rear yard enhances the livability of the units, contributing to the mix of rental units available in the City.

The reduced minimum parking space requirements contributes to a reduction in auto-reliance, which is generally a desirable outcome. Official Plan policies 6.C.1.2.b.iv) and 7.C.7.3 both direct for a reduction in private automobile reliance to encourage active transportation use and protect air quality, respectively, furthering the proposals conformity to the Official Plan

Environmental Planning Comments:

No natural heritage features/functions. Tree(s) in shared ownership may be affected. Request tree management condition with standard wording for variance.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering has no concerns.

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 \$11,862.00. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.58 m at a land value of \$36,080 per frontage meter, which equals \$13,674. In this case, a per unit cap of \$11,862 has been applied.

There is an existing City-owned street tree within the right-of-way on Brunswick Avenue. 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. No revisions to the existing driveway or boulevard apron will be permitted without Forestry approval. Tree Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority

Grand River Conservation Authority (GRCA) staff have 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, permission from GRCA is not required.

Region of Waterloo

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2025-211*

ATTACHMENTS:

Attachment A – Site Plan

Site Plan

82 Brunswick Avenue, Kitchener ON

scale: 1/8" = 1'-0"

May 29, 2024



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

June 24, 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 June 15, City of Kitchener

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

- 1) A 2025 – 062 – 124 Tupper Crescent – No Concerns
- 2) A 2025 – 063 – 55 Shoemaker Street – No Concerns
- 3) A 2025 – 064 – 82 Brunswick Avenue (Future Severed) – No Concerns
- 4) A 2025 – 065 – 82 Brunswick Avenue (Future Retained) – No Concerns
- 5) A 2025 – 066 – 508 New Dundee Road – No Concerns
- 6) A 2025 – 067 – 38 Fifth Avenue (Side A) – No Concerns
- 7) A 2025 – 068 – 38 Fifth Avenue (Side B) – No Concerns
- 8) A 2025 – 069 – 439 Alice Avenue (Side A) – No Concerns
- 9) A 2025 – 070 – 439 Alice Avenue (Side B) – 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,

JFalshaw CM

Joshua Beech Falshaw

Transportation Planner

jbeechfalshaw@regionofwaterloo.ca



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.

July 8, 2025

Re: A2025-064 – 82 Brunswick Avenue

A2025-065 – 82 Brunswick Avenue

Dear Committee of Adjustment members,

I have been a resident of _____ for the past 15 years, living directly across the street from the proposed development at 82 Brunswick, and I'm writing to express my concerns regarding the proposed plans for that site.

I offer the following points for your consideration:

1. Insufficient parking

- a. The proposed reduction in parking would result in only two (2) parking spaces for the six (6) proposed multibedroom units, leaving four (4) of those units without any parking options other than street parking, which is prohibited under bylaw, as the East side of Brunswick Avenue does not have a boulevard.
- b. Developers may argue that measures have been taken by the Region to improve alternative transit, removing the need for vehicle ownership. However, a 2022 article from The Record states that 88-91% of residents still use cars as a main method of transportation, a statistic that has not changed “despite the launch of express buses, the launch of GO commuter trains and Ion rail transit, the addition of trails and cycling lanes and sidewalks, the intensification of new housing in built-up areas, and the impact of the COVID-19 pandemic.” (Outhit, 2022).
 - i. With this in mind, the likelihood that the proposed parking situation for these units will be functional for future residents and current neighbours is highly questionable.

2. Safety and accessibility concerns

- a. This leaves residents and visitors to the site with no choice but to park on the street, leading to congestion and issues with access for snow removal and waste removal, which can be blocked by street parking.
- b. Crowding on our 7 meter wide street poses safety concerns for our residents, many of whom are young children like my own, and several of whom, like myself, are disabled and will face access barriers if the street becomes congested with parked vehicles.

- i. The sidewalk on the opposite side of Brunswick Avenue does not reach the end of the street at Hartwood, meaning that these vulnerable residents need to walk in a potentially crowded street, necessitating the need for adequate parking on the 82 Brunswick site.
- ii. I personally will face serious access barriers if street parking directly in front of, or across from my home impedes my ability to move freely and safely around my neighbourhood. In the past, street parking has prevented adequate snow removal in winter, leaving me housebound for much of the winter season. Further crowding will worsen the situation, causing year-round barriers to access and making it potentially unsafe for me to navigate the community as a full-time wheelchair and mobility scooter user.
- iii. Developers may tout the convenience of a lack of parking spaces for those who do not require them, but given that up to 91% of Waterloo Region residents do use personal vehicles for transportation (Outhit, 2022), this is unlikely to be felt as a convenience either to the vast majority of potential tenants, or residents like myself whose ability to safely navigate their own neighbourhoods will be severely impacted.
- iv. While I very much appreciate the desire to reduce reliance on vehicles, it is not functional to design in a way that does not reflect the current reality. This design maximizes unit number and size while sacrificing functionality for both future tenants and current neighbourhood members.

3. Pre-existing example of lack of parking impact

- a. 271-273 Hartwood Avenue is a four (4) unit building with four parking spaces, two in a driveway, and two in garages. However, many local residents including myself, have frequently observed as many as six (6) vehicles parked in violation of bylaw on the street, or on a concrete path not designated for parking, causing congestion, obstructed vision to drivers attempting to turn from Brunswick onto Hartwood, and difficulties with waste collection or snow removal. Neighbours are left with no recourse but to call bylaw on tenants who were given no better options for parking due to developer's choices and must live with those consequences.
- b. The proposed two spaces per six units proposed at 82 Brunswick is even more likely to cause recurrent issues, with even less available parking per unit than the above example.

4. Lack of storage and green space access for future tenants

- a. The proposed design for 82 Brunswick does not include bike sheds to accommodate its supposedly carless tenants
- b. It also lacks storage for waste bins, which will be increasing in size in 2026 and will require more space than existing bins. Without adequate storage, I fear these will pose further access barriers to myself and others in the community.
- c. The proposed rear yard setback also limits what little green space will be left for tenants to enjoy and children to play on. With 6 units crowded into a 50 ft wide lot, every bit of green space is important for the wellbeing of residents and the absorption of rainwater.

Request:

- To deny applications A2025-064 and A2025-065 as these parking reductions are not good planning and will have detrimental impacts to the neighbourhood.

The current 6-unit design is simply too many units to be functional in the current space. Allowing this proposed design to go forward will result in a build that is not functional for prospective tenants, and which poses significant access and safety concerns for current residents. The developer should be encouraged to consider a tri- or fourplex that allows space for more adequate parking, storage and greenspace, while increasing density in a manner that is sustainable to the community.

Respectfully,

Leanne Charette

Works Cited

Outhit, J. (2022, December 28). *Waterloo Region Record*. Retrieved July 7, 2025, from TheRecord.com: https://www.therecord.com/news/waterloo-region/automobile-still-reigns-in-waterloo-region/article_19717c95-4873-5a68-a5c7-271be0cf1056.html

Application for the Adjustments A2025-064 and A2025-065

I am writing once again as the family living directly beside the proposed site of 82 and 84 Brunswick Avenue. We feel that once again, the developer has proposed a design that is looking to only maximize their profit, rather than contribute to the harmony of our community. Again, we believe that this property, to safely be added to our neighbourhood could only have a maximum of 4 separate units. I offer the following submissions for your consideration

Parking

- a) Once again by even further reducing the number of parking spaces to only providing 2 for the entire proposed 6 units, will in no way provide enough spaces for the future residents.
 - I completely understand the City's desire to reduce the reliance on cars but according to Statistics Canada 90% of households have at least one car. Not providing parking will only mean tenants, their friends, delivery trucks etc. will all park on our street.
 - 271 and 273 Hartwood Rd., right around the corner from us only has 4 units and they provide 4 parking spaces. There are always cars parked illegally, blocking sidewalks, boulevards and causing safety issues for children and the elderly that frequent the sidewalks.
 - **Excessive parking on the street creates a serious safety issues for pedestrians and cyclists. We only have parking on one side of Brunswick and the sidewalk does not extend to the end of the street. Our community has to walk on the road to reach Giant Tiger, school cross walks and the nearby Community Centre. We have a concentration of small children in the section of road as well as elderly and disabled neighbours that we as the residents take extreme care to watch out for when parking and moving our vehicles. A busy building with extremely limited parking would be a hazard to our safety.**
 - The developer will say they are providing the minimum of what they are required to but the "policing" of the potential problems will fall to the neighbours to call Bi-law.
 - If the developer were to consider setting the house further towards the street, there would be room in the back for a parking lot similar to other multi family dwellings in our diverse neighbourhood.

Negative impact of reducing the yard to 5.6 meters rather than the required 7.5

- b) The proposed reduction of the rear yard setback of 5.6 meters instead of the minimum required 7.5 meters is another indicator of excessive greed.
 - Rather than allow their tenants a decent size back yard to enjoy, the developer is attempting to squeeze the largest building they can into the space to maximize their rents. They building already is at the maximum width it can reach on the property, with no space left on their property to replace the natural fencing they will be cutting down that we shared with our former neighbours.

- At the last committee meeting we were told that there is plenty of space between our properties in outside yard and driveway. I would like to argue that we do have space between the buildings, but they plan on building their sidewalk directly along the property line after removing the bushes and fence we set up with our neighbour to ensure our dog stays in our yard.
- With the yard becoming so small, where does the builder propose the new cart-based collection (2026) bins to be stored? On the sidewalk beside our garden?
- A four-unit building could be designed to be narrower and allow yard space, parking and not overwhelm the space and we wouldn't have to rebuild fencing for privacy along our property line.

Believe it or not the housing crisis is being addressed. Properties for rent are popping up all over Kitchener Waterloo faster than any other type of building. It is my belief that pushing for oversized buildings with no outdoor amenities and no parking when there are so many other options on the market, it will be very difficult for people to rent for any significant amount of time. It just is not a sustainable family option.

I would like to formally request this committee to deny applications A2025-064 and A2025-065 as the variances do not provide enough parking and outdoor living space for the needs of their residents, offers them no privacy or storage for their waste collection bins. This model is not attractive to neighbourhoods or families looking to rent.

Sincerely,

Maggie Wright

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Application A2025-064 and A2025-065
Date: Friday, July 4, 2025 8:24:24 AM

You don't often get email from

[Learn why this is important](#)

Dear Committee

My Submission letter against the Application for the Adjustments (A2025-064) and (A2025-065) in regards to 82 Brunswick being torn down and replaced by a semi-detached building comprised of three units each. That would be a total of six units (6000sq foot building on a small property) and a paved yard for parking (2 parking spots total), where once stood a single-family dwelling. Though we welcome a multi-family build at that site to help address the growing population of Kitchener, we, as the direct neighbours, are very concerned about the size and scale of the proposed build for the following reasons:

1. Traffic and Safety risks on a narrow street – the lack of parking that will be available on the property will therefore increase on street parking in an area where the sidewalk ends and many pedestrians and children on bicycles must switch to using the road. Yes there is parking on one side of the street, but not during winter months for the road is even narrower due to snow banks. Giant Tiger is private parking for shoppers and the closest public parking is at Breithaupt Centre. Does The City of Kitchener want people parking at the Breithaupt Centre all year long when they're not using the centre?
2. Over-development and lack of green space by putting this many units and parking on one lot of land. Small units attract transient tenants, who rely on maintenance to remove snow, clean up garbage and provide any upkeep, as observed from the recent build at 273 and 271 Hartwood Ave.
3. The loss of green space with the reduction of 15-17% of the front yard and widening the driveway, concrete sidewalks beside building for rear access, removing the mature trees in the backyard which greatly reduces the noise pollution from the neighbouring apartment buildings.
4. We need to keep with the style of our current neighbourhood that is filled with century brick homes and triplexes well back from the road to allow for single families to live and grow.
5. Six units in one small location with only two parking spots will be an issue of who parks there and where the others park their vehicles. Parking double deep to over hang onto the road way, which again, is already a narrow roadway.
6. To me, this is still the same size build that they tried to apply for. 6000 square foot building on a small lot. Build a duplex, max 2000 square foot build. One unit 1500 and a 500 unit and still have green space in the front yard and back yard which I believe will be more welcomed. A family would enjoy, and be able to call home.
7. Some may call it an answering to the Housing crisis, maybe - yes and no. It's more on the point of affordability to own a place to call home. To build maximum size in a limited space is to make maximum dollars for the investor, thereby allowing the investor to buy another down the road to build another unit(s) for maximum income, while leaving behind the crisis of lack of parking/greenspace/cleanup and maintenance that the old units will require from transient tenants. All I can say is look what has happened in Waterloo by the Universities.

If you have any questions or concerns, you're welcome to contact me.

Sincerely.

Peter Eckstein

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Opposition to Application Variance A2025-064 82 Brunswick Ave
Date: Saturday, July 5, 2025 9:02:29 PM

No suele recibir correo electrónico de a

[Por qué es esto importante](#)

Dear Members of the Committee of Adjustment,

I am writing to formally express my opposition to the variance applications A 2025-064 and A 2025-065 for the property located at 82 Brunswick Ave. The applicants are seeking approval for a parking space reduction that would provide only 2 parking spaces for a proposed 6-unit development, instead of the required 4 parking spaces. I urge the Committee to carefully consider the following concerns before making a decision.

1. Parking and Safety Concerns

The proposed reduction in parking spaces raises significant concerns about the safety and functionality of our neighborhood. Adequate parking is essential for the smooth flow of traffic and the safety of residents, particularly in a high-density area. With only 2 parking spaces allocated for 6 units, there is a very real risk of overflow parking on the street, potentially blocking driveways and creating hazards for pedestrians, cyclists, and vehicles.

Additionally, Kitchener-Waterloo is a region where car ownership is still prevalent, and the demand for parking spaces is high. According to local data, approximately 94% of households in KW have at least one vehicle, further highlighting the necessity of sufficient parking in residential developments. Reducing the number of parking spaces would exacerbate an already strained situation.

2. Impact on Road Safety

The proposed parking reduction could have significant consequences for road safety in the area. Overflowing parking onto narrow residential streets could create unsafe conditions, particularly for children and other pedestrians. With limited parking available for residents and visitors, the risks of congestion and accidents increase, making the area less safe for everyone, including drivers and pedestrians.

3. Transit Infrastructure Limitations

While the city has been making decisions to reduce parking requirements, it is important to recognize that these decisions often fail to consider the broader context of our city's infrastructure. Kitchener-Waterloo is not a transit-friendly city, especially for families and especially during the winter months when conditions make biking impractical, and the bus system remains underdeveloped and unreliable outside of the city centers. The lack of sufficient parking would disproportionately impact those who do not have access to reliable

public transportation options, especially families who need at least one vehicle for their daily needs.

It is crucial to acknowledge that simply reducing parking spaces in the name of addressing the housing crisis is not a long-term solution. The city's efforts to reduce parking are not balanced by an adequate public transit infrastructure. This decision could ultimately place further strain on neighborhoods and force the city to address transit issues, which may take years to resolve, if at all.

4. Long-Term Impact on Families

The proposed development would ultimately impact families who need parking space to function in their daily lives. By allowing the reduction of parking spaces, we are encouraging the demolition of a single-detached family home in favor of a multi-unit development that does not meet the practical needs of future residents. The lack of adequate parking will likely lead to higher turnover of tenants, as families will be unable to stay in the area long-term due to the parking scarcity. This undermines the objective of providing stable, family-oriented housing in our community and does little to solve the housing crisis. Instead, it caters more to developers than to the real needs of local families.

5. Questioning the General Trend of Reduced Parking

It is important to note that while the city has been making a trend of reducing parking spaces in new developments, this does not mean these decisions are always in the best interest of residents. The reduction of parking spaces does not account for the realities of living in a city with limited transit options. Therefore, it is essential that the Committee carefully weigh the broader consequences of approving this variance, as it may set an unsustainable precedent for future developments.

Conclusion

In conclusion, I strongly oppose the variance applications A 2025-064 and A 2025-065 for 82 Brunswick Ave. The proposed reduction in parking spaces would create significant challenges for both residents and the broader community, particularly in terms of safety, parking availability, and the long-term stability of the neighborhood. While the city's push to reduce parking requirements may be part of a broader planning strategy, it is not a one-size-fits-all solution, especially in a region with limited public transportation options. I respectfully request that the Committee reject this variance to ensure the long-term livability and safety of our community.

Thank you for your time and consideration of this matter. I trust the Committee will carefully consider these concerns when making its decision. I am ok with sharing my name and email address as public record to ensure my letter is read by the committee and I also wish to be

kept informed of all decisions regarding this application.

Sincerely,

Abismel Valdez

July 7, 2025

Re: A2025-064 - 82 Brunswick Avenue
A2025-065 - 82 Brunswick Avenue

Dear Committee of Adjustment members,

As a long-time resident of Brunswick Avenue, living at _____ for 16 years, and only moving due to two untimely deaths resulting in a move to the family farm in 2024, I continue to be part of Brunswick Avenue community.

I offer the following submissions for your consideration:

1. Inadequate parking

- a. While living on Brunswick Avenue, the property directly behind me was a triplex located at 296 Ahrens Street West. The parking is at the rear of the triplex and each unit has one parking spot. I conversed with many of the tenants over the years. For the 16 years I lived there, with the exception of maybe a year, there were three vehicles using each of the three parking spots.
- b. Although the above units likely had one parking spot listed in their lease, I find it hard to believe that six units, each unit having two bedrooms, will only rely on two parking spots. Without the requested parking reduction, a six unit building with four parking spots seems more realistic.
- c. In 2014 the City of Kitchener piloted a project in Ward 5 due to inadequate parking throughout entire subdivisions. The pilot program permitted vehicles to park on city owned boulevards, i.e. at the end of a driveway. In 2019, City Council approved a further pilot project for boulevard parking throughout the entire City. Attached is a summary of the changes that occurred at City Council on January 8, 2019. As long as certain requirements are met, boulevard parking is currently permitted in Kitchener.
- d. To me, the above is a strong indicator that many developments in the City of Kitchener are being built without adequate parking.
- e. The entire east side of Brunswick Avenue does not have a boulevard. The east side is where 82 Brunswick is situated. There is no option to park on a city owned boulevard. This means that there are only the two parking spots for six units, and short of future paving over the front lawn, the site will be limited to two parking.

2. Street Parking Impact

- a. Street parking is currently permitted on one side of the street. Brunswick Avenue is narrow and according to the Geographic Information system (GIS) used by the City, the pavement width is 7 meters (22.97 feet).
- b. Without adequate parking on site, the street becomes more congested with cars being parked on the street and then by-law has to be called (as a last resort) to issue tickets when the street is used as a driveway. This is not a developer issue because they are likely out of the picture, this is left to the neighbourhood to manage.
- c. More importantly, vehicles parked on the street become safety issues and sight line issues for crossing the street. With Giant Tiger nearby, Brunswick Avenue's one sidewalk on the west side of the street is well used.

3. 271-273 Hartwood Avenue – four units with insufficient parking

- a. This is a recent development around the corner from Brunswick Avenue, this development has four units. The proposed development is six. I have observed on countless occasions six (6) vehicles on the driveway and front walk; the front walk is used as a driveway. If vehicles aren't in the driveway the vehicles are parked on the street using the street as a driveway. Attached is a picture of the property from Google Maps.

4. Lack of Amenities

- a. The design does not incorporate garages or storage areas at the rear or the side of the property for bikes, waste, snow shovels, toys, blue box recycling, etc.
- b. In March 2026 the Region is moving to a cart-based collection system. The default (large) garbage cart is 68cm wide and 69cm in depth. The small black garbage cart and green cart for organics are 48 cm wide and 62cm in depth. Where will these carts go? Attached are the sizes of the carts from the Region's website.
- c. The rear yard setback requests should also be denied because every bit of green space counts for two semi-detached buildings with six units on a space 50 feet wide.

5. Trying to put ten pounds of sugar into a five-pound bag

- a. The developer is simply putting too many units on too little space.

- b. The developer's response to this Committee will be that "we are in a housing crisis" and use the phrase "missing middle". My understanding of the term "missing middle" relates directly to home ownership, being single detached or semi-detached homes with a little bit of green space. The proposed development are rental units and are not solving the missing middle.
- c. The developer could explore a four-unit building, being two semi-detached homes each with a rental unit that could help with mortgage payments. Or two semi-detached units with four rentals in total.
- d. The developer could also explore a triplex or fourplex on a single lot, there are lots of good options that the neighbourhood can support.
- e. Drive around or take a walk around the neighbourhood and you will see there are many well done multiplex buildings in the area and we welcome a thoughtful design for our future neighbours.

Request:

- To deny applications A2025-064 and A2025-065 as the parking reductions do not fall within the existing zoning by-law and do not represent good planning.

There are meaningful ways the City can increase density, but these two applications only serve the developer in maximizing profits at the expense of the community.

Respectfully,

Cory Shantz

Attachments:

Press release from City of Kitchener's website – January 9, 2019
Google Map Street View – 2023 of 271 Hartwood and 273 Hartwood Avenue
2026 Curbside Collection Changes – Region of Waterloo website

Council approves one-year pilot project that allows residents to park on boulevards citywide

Posted on Tuesday, January 08, 2019

[Back to Search](#)

KITCHENER – City council passed a resolution for a one-year pilot project that permits parking on the paved portion of a boulevard (driveway between the sidewalk and the road) in Wards 1-4 and Wards 6-10 from now until March 31, 2019.

“In 2014 council approved parking on the boulevard in Ward 5 which has helped address concerns with limited parking in neighbourhoods,” says Gloria MacNeil, director of bylaw enforcement. “Allowing parking on boulevards during the winter months reduces the number of vehicles parked on roadways which helps our operations crews clear the roads, and keeps pedestrians and cars safe.”

There are some areas where boulevard parking is not applicable as there is not enough space for vehicles to park. The following standards outline where parking on the boulevard can occur:

- Vehicles, if parked parallel to the road, must be facing the direction of travel.
- Vehicles must not park on the landscaped or hardscaped portion of the boulevard or access the paved portion of the boulevard by driving over landscaped, or hardscaped portions of the boulevard.
- The vehicle must be fully encompassed on the paved portion of the boulevard.
- All tires must be fully on the hard surface.
- No part of the vehicle can overhang the sidewalk or the curb/road edge.
- Residents with abutting driveways must not overhang the projection of the property line.
- No boulevard parking will be permitted within 15 metres of an intersection.
- Only driveways providing access to single family, semi-detached and street fronting townhouses are applicable.

Learn more about [Kitchener's parking regulations](#).

-30-

Erin Power

Communications and Marketing Associate | Corporate Communications and
Marketing | City of Kitchener
519-741-2200 ext.7547| TTY 1-866-969-9994 | Erin.Power@kitchener.ca

<https://www.kitchener.ca/en/news/council-approves-oneyear-pilot-project-that-allows-residents-to-park-on-boulevards-citywide.aspx>





Region of Waterloo

2026 Curbside Collection Changes

Overview

In March 2026, the Region of Waterloo will be changing to cart-based collection for garbage and organics.

The Region provides curbside collection service to approximately 161,000 single-family homes, duplexes, and 3-to-6-unit buildings, as well as 8,500 multi-family units and townhouse complexes that meet truck-access criteria.

Currently, most of the collection is done manually, by lifting waste materials and placing them into the collection trucks. By switching to cart-based collection, the Region will improve worker safety, operational efficiency, and cut down on waste collection day litter.

Download the Waste Whiz app to receive notifications on the cart rollout.

Come see the carts!

Waste Management staff will be out in the community at various events throughout the transition process.

Upcoming events are listed below:

- Waste Discovery Day: Saturday, 9 a.m. - 1 p.m., 925 Erb St. W. Waterloo, Gate #1

Cart selection

When will residents be able to select their carts?

For garbage collection, the large black cart is the default size. Residents will have the option to choose the smaller size in June and July. There is no selection for the green cart, which only comes in one size.

When and how will the carts be delivered to residents?

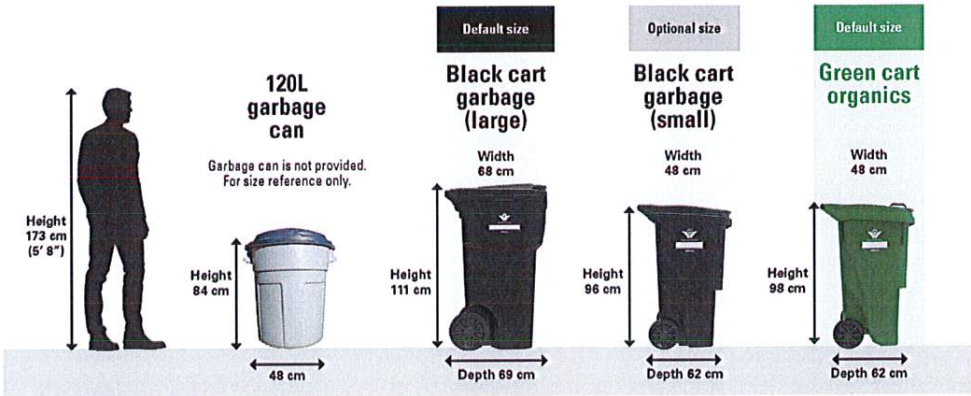
Chat

Black and green carts will be delivered free of charge to all properties before March of 2026.

Information kits will be provided with the carts and include instructions and tips on cart usage.

Cart sizes

Below are the sizes and dimensions for the various carts available. The large black cart is the default size, and residents will have the option to choose the smaller size if they wish. There is only one size for the green cart and food scraps container.



The large black cart fits the equivalent of three full bags of garbage.

Measurements: 69 cm (D) x 68 cm (W) x 111 cm (H)

The small black cart is optional, and can be chosen by residents if they prefer a smaller size. It fits the equivalent of one full bag of garbage.

Measurements: 62 cm (D) x 48 cm (W) x 96 cm (H)

The green cart comes in one size.

Measurements: 62 cm (D) x 48 cm (W) x 98 cm (H)

The food scraps container comes in one size.

Measurements: 30 cm (D) x 22 cm (W) x 24 cm (H)

Food Scraps Container
(Default)



Chat

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Objection to Variance Applications A 2025-064 and A 2025-065 for 82 Brunswick Ave
Date: Monday, July 7, 2025 7:32:58 AM

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

Dear Members of the Committee of Adjustment,

I am writing to strongly oppose the variance applications A 2025-064 and A 2025-065 for the property located at 82 Brunswick Avenue. These applications request approval for a reduction in parking from the required 4 spaces down to just 2, in connection with a proposed 6-unit residential development.

I urge the Committee to deeply consider the long-term impacts this decision will have—not on paper, but on the people who live here now and will live here in the future.

1. Parking and Safety Concerns

A reduction to only two parking spaces for six units is not just inadequate—it's unrealistic. Overflow parking will spill onto our already congested streets, blocking driveways and endangering pedestrians, especially children. When neighborhoods become harder to navigate and more dangerous, it's residents—not developers—who pay the price.

The reality is that 94% of households in Kitchener-Waterloo own at least one vehicle. This isn't a city where people can easily go car-free. Reducing parking in the absence of reliable alternatives doesn't promote sustainability—it promotes dysfunction.

2. Road Safety Is Already At Risk

Our streets are narrow. Winter turns them into single lanes. No one who walks here regularly—or tries to back out of a driveway with cars parked tightly along one side—can ignore the hazards. Overflow parking from this development will only make that worse.

This is not a theoretical risk. This is about real people, real streets, and real consequences.

3. Transit Infrastructure Doesn't Support This Decision

Let's be honest: Kitchener-Waterloo is not a transit-first city. Families, especially those living outside of the urban core, depend on vehicles. The buses don't run frequently or reliably enough. The bike lanes don't connect. And winter eliminates many so-called alternatives.

The city's strategy to reduce parking makes sense only when paired with functional public transit—and that is years, if not decades, away. This isn't bold planning. It's premature and punitive.

4. We're Not Solving the Housing Crisis—We're Creating a New One

What's being lost in all this talk of "housing crisis" is a basic truth: not all housing is good housing. Replacing a single-detached family home with 6 small units and barely any parking doesn't help families. It drives them away.

Families need space. They need stability. And yes, they need somewhere to park. These kinds of developments bring tenant turnover, frustrated residents, and a community that slowly erodes, one poor decision at a time.

Let's stop pretending these proposals are helping. They're helping developers. Not people.

5. The Residents Are Saying No—That Should Matter

This trend toward reducing parking seems to be gaining political momentum, but that doesn't mean it's right for every neighborhood. In this case, residents are clearly saying "no." We live here. We shovel the sidewalks. We walk our kids to school. We already deal with the limitations—and we know this decision will make things worse.

Why are we prioritizing developer convenience over the people who will actually live with the consequences?

Conclusion

I urge you to reject applications A 2025-064 and A 2025-065. If this development is to move forward, it must at least provide the basic infrastructure needed to support livability—starting with adequate parking.

Good planning isn't about reacting to a crisis. It's about protecting the people who live here today while building a thoughtful city for tomorrow.

Please consider this letter part of the public record, I consent to including my name, phone number and email. I also request to be kept informed of all decisions regarding this application.

Thank you for your time, and for your responsibility to the community.

Sincerely,
Julie Ditzend

Opposition to Variance Applications A2025-064 and A2025-065 (82 Brunswick Ave)

Dear Committee of Adjustment,

I am writing to express my strong opposition to the minor variance applications A2025-064 and A2025-065 for 82 Brunswick Avenue.

As a nearby resident at 28 Brunswick Ave, I have serious concerns about the impact of these proposed variances on our neighbourhood.

Reducing the parking requirement from 2 spaces to just 1 per lot will only worsen the already limited street parking on Brunswick Avenue. This area has no capacity to absorb additional on-street vehicles, and overflow parking will directly affect the safety and accessibility of this family-oriented street-particularly for children, seniors, and emergency services.

Allowing rear yard setbacks to shrink to 5.6 and 7 metres from the required 7.5 metres also raises concerns about overcrowding and the loss of private green space. The proposed increase to 3 dwelling units per semi-detached lot represents significant intensification that is not compatible with the character or infrastructure of our existing residential area.

Approving these variances would set a dangerous precedent, encouraging overdevelopment at the expense of quality of life, privacy, and neighbourhood cohesion.

I urge the Committee to deny these applications in order to protect the integrity and livability of our community.

Sincerely,
Kendra Bester

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: Objection to Variance Applications A 2025-064 and A 2025-065 for 82 Brunswick Ave
Date: Saturday, July 5, 2025 9:10:00 PM

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

Dear Members of the Committee of Adjustment,

I am writing to strongly oppose the variance applications A 2025-064 and A 2025-065 for the property located at 82 Brunswick Avenue. These applications request approval for a reduction in parking from the required 4 spaces down to just 2, in connection with a proposed 6-unit residential development.

I urge the Committee to deeply consider the long-term impacts this decision will have—not on paper, but on the people who live here now and will live here in the future.

1. Parking and Safety Concerns

A reduction to only two parking spaces for six units is not just inadequate—it's unrealistic. Overflow parking will spill onto our already congested streets, blocking driveways and endangering pedestrians, especially children. When neighborhoods become harder to navigate and more dangerous, it's residents—not developers—who pay the price.

The reality is that 94% of households in Kitchener-Waterloo own at least one vehicle. This isn't a city where people can easily go car-free. Reducing parking in the absence of reliable alternatives doesn't promote sustainability—it promotes dysfunction.

2. Road Safety Is Already At Risk

Our streets are narrow. Winter turns them into single lanes. No one who walks here regularly—or tries to back out of a driveway with cars parked tightly along one side—can ignore the hazards. Overflow parking from this development will only make that worse.

This is not a theoretical risk. This is about real people, real streets, and real consequences.

3. Transit Infrastructure Doesn't Support This Decision

Let's be honest: Kitchener-Waterloo is not a transit-first city. Families, especially those living outside of the urban core, depend on vehicles. The buses don't run frequently or reliably enough. The bike lanes don't connect. And winter eliminates many so-called alternatives.

The city's strategy to reduce parking makes sense only when paired with functional public transit—and that is years, if not decades, away. This isn't bold planning. It's premature and punitive.

4. We're Not Solving the Housing Crisis—We're Creating a New One

What's being lost in all this talk of "housing crisis" is a basic truth: not all housing is good housing. Replacing a single-detached family home with 6 small units and barely any parking doesn't help families. It drives them away.

Families need space. They need stability. And yes, they need somewhere to park. These kinds of developments bring tenant turnover, frustrated residents, and a community that slowly erodes, one poor decision at a time.

Let's stop pretending these proposals are helping. They're helping developers. Not people.

5. The Residents Are Saying No—That Should Matter

This trend toward reducing parking seems to be gaining political momentum, but that doesn't mean it's right for every neighborhood. In this case, residents are clearly saying "no." We live here. We shovel the sidewalks. We walk our kids to school. We already deal with the limitations—and we know this decision will make things worse.

Why are we prioritizing developer convenience over the people who will actually live with the consequences?

Conclusion

I urge you to reject applications A 2025-064 and A 2025-065. If this development is to move forward, it must at least provide the basic infrastructure needed to support livability—starting with adequate parking.

Good planning isn't about reacting to a crisis. It's about protecting the people who live here today while building a thoughtful city for tomorrow.

Please consider this letter part of the public record, I consent to including my name, phone number and email. I also request to be kept informed of all decisions regarding this application.

Thank you for your time, and for your responsibility to the community.

Sincerely,
Kelly Targosz

Subject: Objection to Requested Variances at 82 Brunswick Ave

Dear Committee of Adjustment,

I am writing to formally express my opposition to the proposed minor variance for parking and rear yard setback at the proposed development at 82 Brunswick Ave. As a resident of the neighbourhood, I have serious concerns about the negative impact these variances would have on our community.

The current parking requirements are in place to ensure that developments are designed responsibly and with adequate infrastructure to support local needs. Granting this variance would set a precedent that undermines those standards. It will lead to increased congestion, reduced safety, and limited access for residents, service vehicles, and emergency responders. In the absence of adequate parking, residents will park on the street. This is a safety hazard for the children and pedestrian traffic as this section of Brunswick Ave does not have a sidewalk. We already have issues with current Brunswick residents parking on the road, and the safety hazard this poses when you cannot see beyond the parked vehicle. I have observed many close calls as drivers go too fast, and cannot see around vehicles parked on the road.

At the May meeting, the developers stated that there is a desire for housing that does not include parking. However a 2021 survey demonstrates that in the tri-city area 94% of households have at least one vehicle. One parking spot per 3 units does not make sense. The required 2 spots per 3 units, per bylaw, would provide the option of a 'no-parking included' unit while providing a visitor spot, or parking for the other units.

In an area where street parking is already limited and the street is narrow, allowing a reduction in required parking spots will only add to the strain on surrounding streets. This change could significantly impact the quality of life for nearby residents, creating tension between neighbors over limited parking resources. Additionally, Kitchener has strict rules prohibiting street parking in the winter. Inadequate parking will lead to conflict between the city and residents and be an unsafe situation for children, cyclists and pedestrians.

The requested reduction in the rear yard setback of nearly 2 m on the future 84 Brunswick lot compromises essential open space between properties. Rear setbacks are in place not only to maintain privacy and natural light for adjacent homes, but also to allow for green space, drainage, and future maintenance access. Permitting this variance would erode those protections and negatively affect neighboring properties. It will directly affect the family at 86 Brunswick, as residents will likely use the side of the building for storage of outdoor equipment and garbage bins.

These requested changes are not minor in their impact. They would set a concerning precedent for future development and intensification in our neighborhood without proper regard for existing zoning standards or the well-being of residents.

This neighbourhood has many examples where adequate parking and adequate set back and greenspace facilitate the intensification of housing in a desirable, safe manner. There are several

multiplex units on Brunswick Ave and Ahrens St that provide adequate parking and a density of units that attracts long-term renters. I want to emphasize that my view is not against intensification. I understand that it is essential for the growth of our communities and housing needs. However, intensification that is merely intended to maximize developer profit, that does not provide sufficient parking or greenspace, is not in line with the province or municipality's long term community development plans. The developer still has an opportunity to work within Kitchener's bylaws and standards and develop a multiplex with adequate parking and green space if these variances are denied.

I respectfully request that City Council deny the requested variances and uphold the integrity of our zoning bylaws. Please consider the broader implications this could have on the long-term character and livability of our community.

Thank you for your attention, and I ask to be notified of any future hearings or decisions regarding this application.

Sincerely,
Racheal Miller

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

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

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

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: July 2, 2025

REPORT NO.: DSD-2025-306

SUBJECT: Minor Variance Application A2025-066 – 508 New Dundee Rd.

RECOMMENDATION:

That Minor Variance Application A2025-066 for 508 New Dundee Road requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.3 c) to permit a new driveway north of the existing driveway to be comprised of grass instead of a hard surface material; and**
- ii) Section 5.4 k) to permit the new driveway north of the existing driveway to not be of a distinguishable material;**

to facilitate the construction of a detached garage for motor vehicles generally in accordance with drawings prepared by Martin Simmons Sweers, dated May 9, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to permit a driveway to be comprised of grass instead of a hard-surface material and to permit the driveway to not be of a distinguishable material to facilitate the construction of a detached garage for motor vehicles.
- The key finding of this report is that the requested minor variances meet the four tests of the planning act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north-east side of New Dundee Road and Robert Ferrie Drive. It is in the Doon South neighbourhood which is primarily comprised of low-rise residential uses.

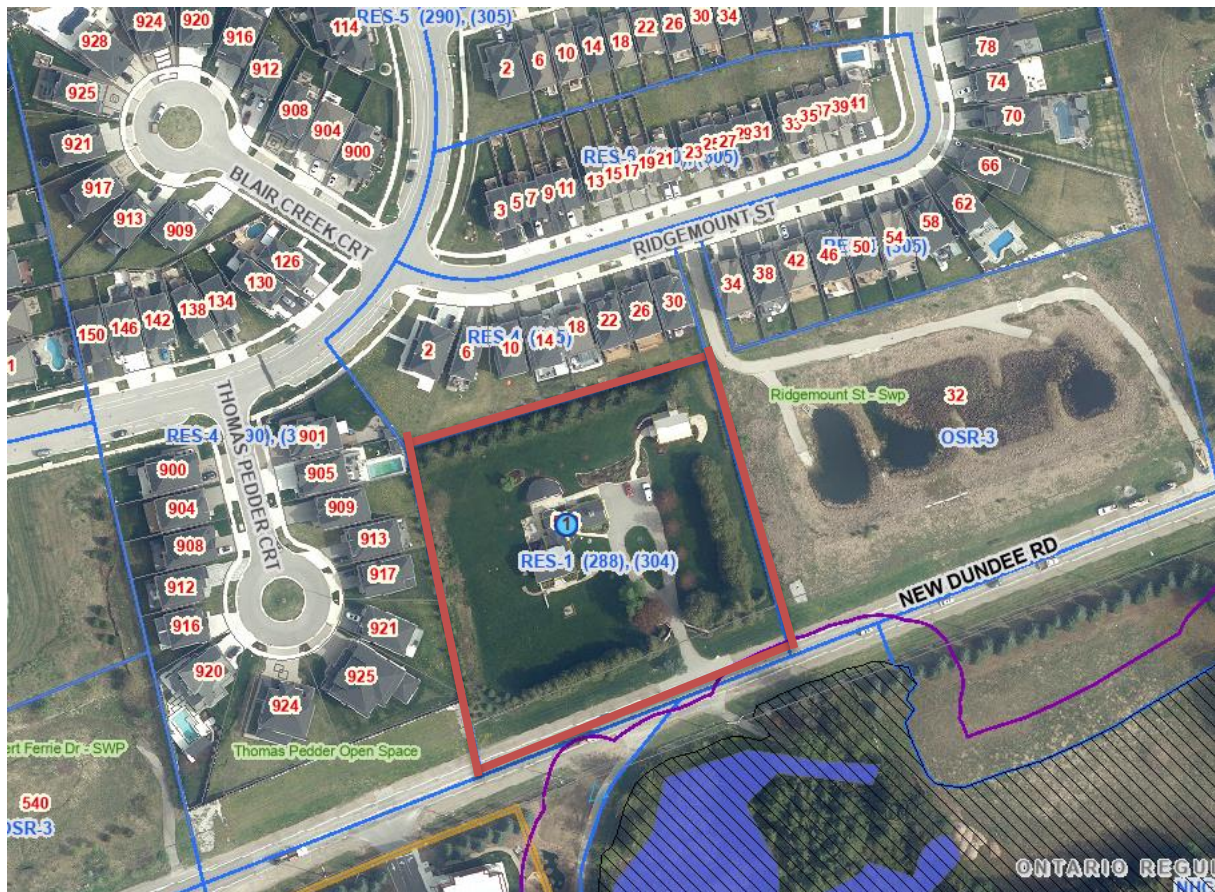


Figure 1: Location Map – 508 New Dundee Road (Outlined in Red)

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 One Zone (RES-1) with Site-Specific Provisions (288) and (304)' in Zoning By-law 2019-051.

Site Specific Provision (304) states the following:

(304) – Within the lands zoned RES-1 and shown as affected by this provision on Zoning Grid Schedule 253 of Appendix A, the driveway existing as of April 20, 2015, shall be deemed to comply with the regulations of this by-law for the existing single detached dwelling and any home occupations added thereto.

The existing driveway is in compliance with the site-specific provision. The purpose of the minor variance application is to permit a new driveway north of the existing driveway to be comprised of grass, instead of a hard surface material, and to permit the driveway to not be of a distinguishable material to facilitate the construction of a detached garage for

motor vehicles in the rear of the property. The garage will serve as a showroom for vintage vehicles. The driveway from the garage to access the road will only be used once a year for servicing. Constructing a fixed hard surfaced driveway would disrupt the existing established landscaped condition. The variance will allow the owner to maintain the estate character of the property as well as facilitate the construction of the garage.



Figure 2: Site Plan of Proposed Garage Location with New Driveway

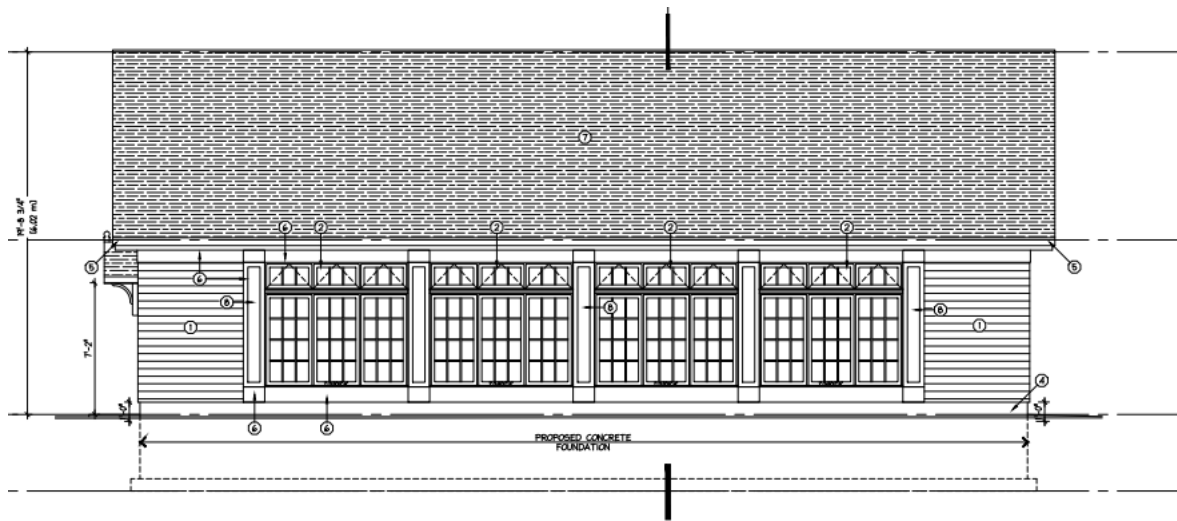


Figure 3: Front (South) Elevation of Proposed Structure

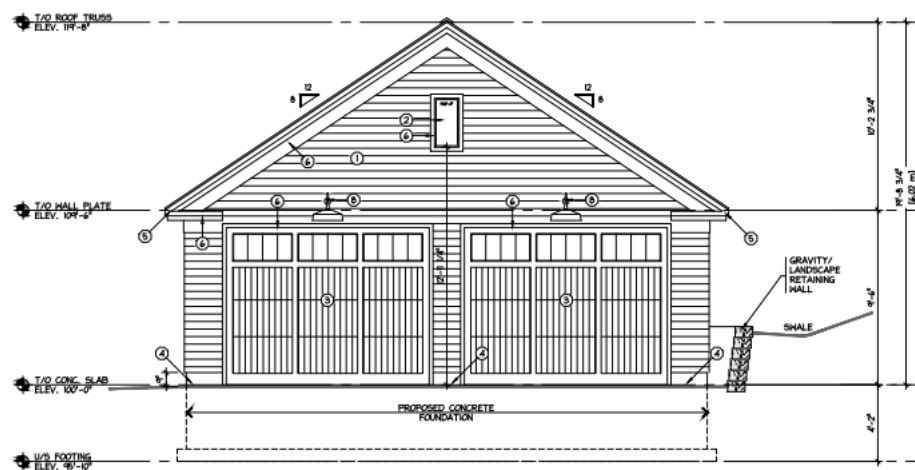


Figure 3: Right Side (East) Elevation of Proposed Structure

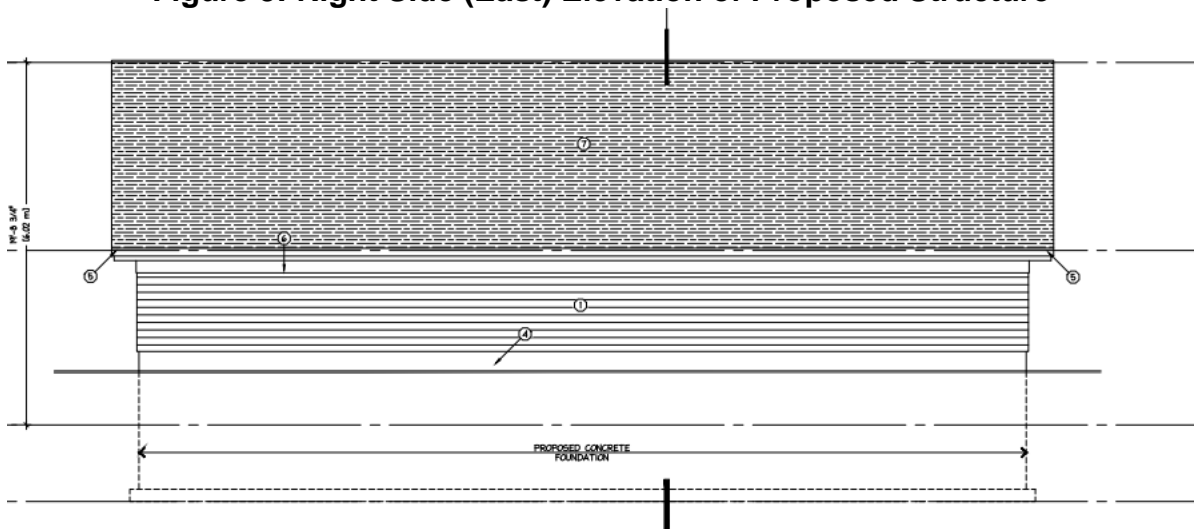


Figure 4: Rear (North) Elevation of Proposed Structure

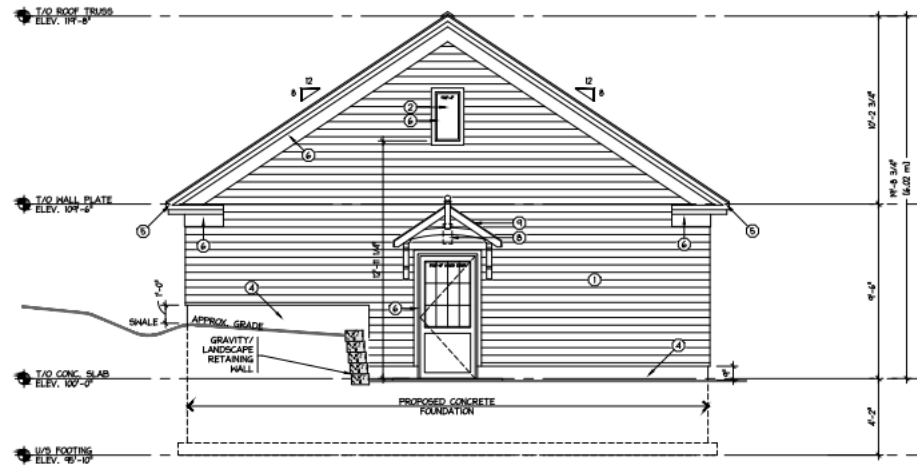


Figure 5: Left Side (West) Elevation of Proposed Structure

Planning Staff conducted a site visit on June 26, 2025.



Figure 6: Existing Site Conditions as of June 26, 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 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. Also, the City's Urban Design Manual encourages the minimization and use of impermeable surfaces and prioritizes the use permeable materials where possible. It is the opinion of staff the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation for driveways to be made of distinguishable materials is to clearly identify vehicle access points and to prevent vehicles from parking on sidewalks and front lawns. The proposed new driveway north of the existing driveway comprised of grass is already existing in the rear of the subject property, and it does not intersect with a sidewalk. The driveway will not be used for parking and will be used infrequently once a year for servicing only. Also, cars will not be parked on the sidewalk or the front lawn. It is the opinion of staff the requested variances meet the general intent of the Zoning By-law.

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

The proposed variances are minor in nature as it seeks to permit driveway comprised of grass that will be used only once a year. The minimal and infrequent vehicle movement will not result in significant impacts to adjacent properties and the streetscape. The variance will minimize disruption and maintain current grading and drainage patterns and will not adversely impact the heritage designation of the property.

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

The variances support the appropriate development of accessory building without altering the existing landscape and requiring unnecessary hardscaping. They will enable the property owner to maintain the current landscaping conditions and avoid introducing new construction and/or hard surfaces that would otherwise impact the current landscaping of the property. The variances will allow the preservation the established character of the lot.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

The property municipally addressed as 508 New Dundee Road is designated under Part IV of the Ontario Heritage Act. The proposed driveway and the detached garage are not anticipated to adversely impact the heritage attributes of the property. Moreover, the detached garage will be located towards the rear of the property and will not be visible

from the public realm. As such, staff do not have any concerns with this proposed application.

Building Division Comments:

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

Engineering Division Comments:

No comments or concerns.

Parks and Cemeteries/Forestry Division Comments:

No comments or concerns.

Transportation Planning Comments:

No comments or concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

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



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES

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

June 24, 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 June 15, City of Kitchener

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

- 1) A 2025 – 062 – 124 Tupper Crescent – No Concerns
- 2) A 2025 – 063 – 55 Shoemaker Street – No Concerns
- 3) A 2025 – 064 – 82 Brunswick Avenue (Future Severed) – No Concerns
- 4) A 2025 – 065 – 82 Brunswick Avenue (Future Retained) – No Concerns
- 5) A 2025 – 066 – 508 New Dundee Road – No Concerns
- 6) A 2025 – 067 – 38 Fifth Avenue (Side A) – No Concerns
- 7) A 2025 – 068 – 38 Fifth Avenue (Side B) – No Concerns
- 8) A 2025 – 069 – 439 Alice Avenue (Side A) – No Concerns
- 9) A 2025 – 070 – 439 Alice Avenue (Side B) – 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,

JFalshaw CM

Joshua Beech Falshaw

Transportation Planner

jbeechfalshaw@regionofwaterloo.ca



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

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

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

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

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

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

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: July 4, 2025

REPORT NO.: DSD-2025-311

SUBJECT: Minor Variance Application A2025-067 – 38 Fifth Ave. (Right)
Minor Variance Application A2025-068 – 38 Fifth Ave. (Left)

RECOMMENDATION:

A. Minor Variance Application A2025-067 (Right Half – Unit A)

That Minor Variance Application A2025-067 for 38 Fifth Avenue requesting relief from the following Sections of Zoning By-law 2019-051:

- i) To permit a Semi-Detached Dwelling use where the Semi-Detached Dwelling Units are divided vertically by a shared driveway and common wall above the driveway extending to the roofline;
- ii) Section 5.4. e) to permit a minimum driveway width of 1.5 metres instead of the minimum required 2.6 metres;
- iii) Section 5.4. f) to permit a maximum driveway width of 8.5 metres in the rear yard instead of the maximum permitted 8 metres; and
- iv) Section 7.3, Table 7-3, to permit a maximum building height of 11.5 metres instead of the maximum permitted 11 metres;

to facilitate the development of the right side of a new type of Semi-Detached Dwelling use generally in accordance with drawings prepared by John MacDonald Architect, dated April 2, 2025, revised June 17, 2025, BE APPROVED.

B. Minor Variance Application A2025-068 (Left Half – Unit B)

That Minor Variance Application A2025-068 for 38 Fifth Avenue requesting relief from the following Sections of Zoning By-law 2019-051:

- i) To permit a Semi-Detached Dwelling use where the Semi-Detached Dwelling Units are divided vertically by a shared driveway and common wall above the driveway extending to the roofline;
- ii) Section 5.4 e) to permit a minimum driveway width of 1.5 metres instead of the minimum required 2.6 metres;
- iii) Section 5.4 f) to permit a maximum driveway width of 8.5 metres in the rear yard instead of the maximum permitted 8 metres; and
- iv) Section 7.3, Table 7-3, to permit a maximum building height of 11.5 metres instead of the maximum permitted 11 metres;

to facilitate the development of the left side of a new type of Semi-Detached Dwelling use generally in accordance with drawings prepared by John MacDonald Architect, dated April 2, 2025, revised June 17, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review Minor Variance Applications for a proposed new style of Semi-Detached Dwelling with a shared driveway and increased building height.
- The key finding of this report is that the requested variances satisfy the Four Tests of the Planning Act and staff recommend approval of the applications.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the west side of Fifth Avenue between Kingsway Drive to the north and Connaught Street to the south. The property currently contains a Single Detached Dwelling with approximately 18 metres of frontage on Fifth Avenue.

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 property also falls within 'Appendix C – Central Neighbourhoods Area' and 'Appendix D – Established Neighbourhoods Area' in Zoning By-law 2019-051.

The purpose of the applications is to permit a new type of Semi-Detached Dwelling divided vertically into two semi-detached dwelling units by a shared driveway and common wall above the driveway extending to the roofline that prevents internal access between dwelling units. This new type of Semi-Detached Dwelling is slightly different from the standard zoning definition which states that a Semi-Detached Dwelling is divided by only a common wall which extends from the foundation to the roofline. Each side of the proposed new type of Semi-Detached Dwelling requires minor variances to permit an increased building height, reduced driveway width within the building to reflect the shared driveway, and increased driveway width within the rear yard to accommodate parking spots perpendicular to the building with sufficient space for maneuverability.

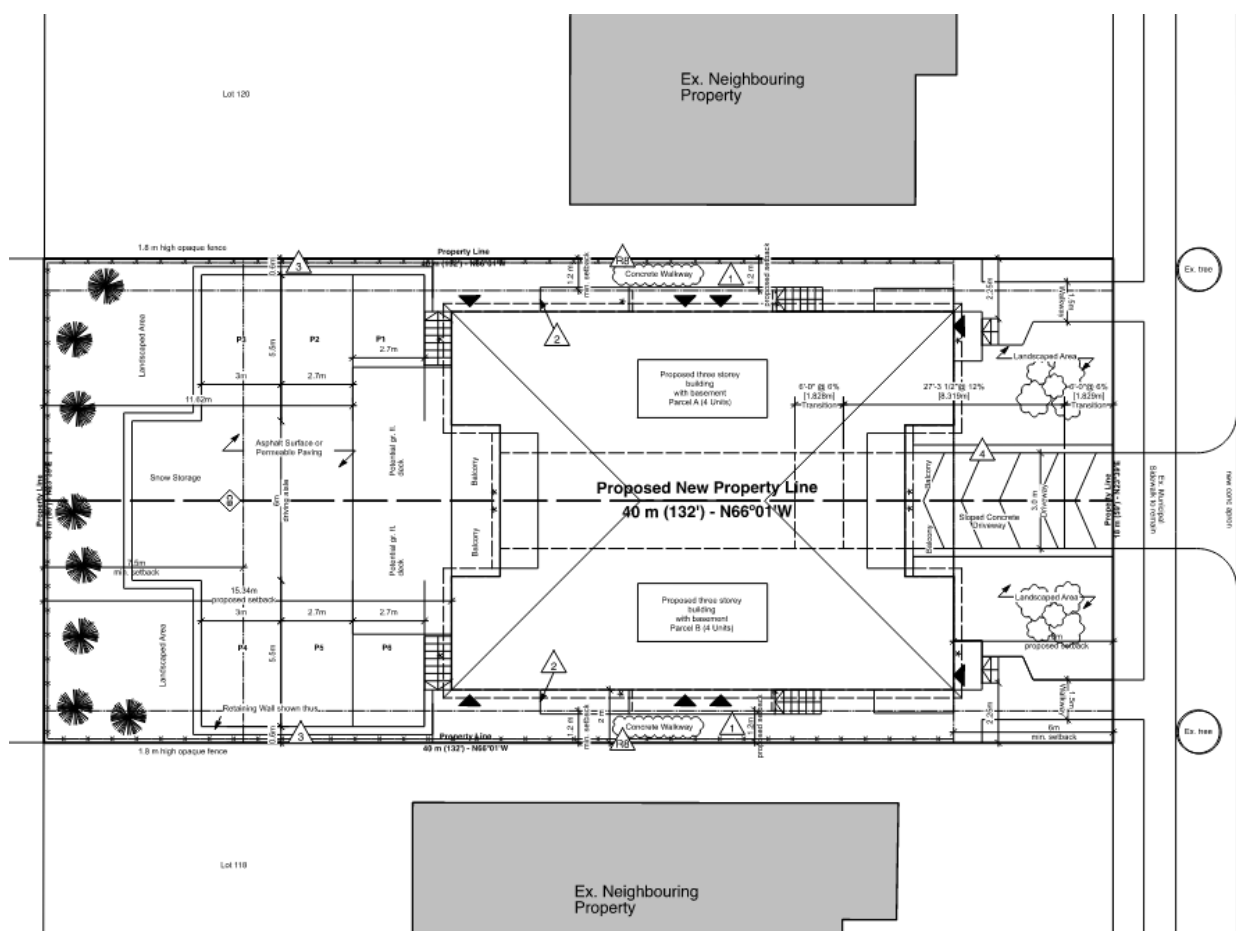




Figure 3: Proposed Front Elevation



Figure 4: Proposed Rear Elevation

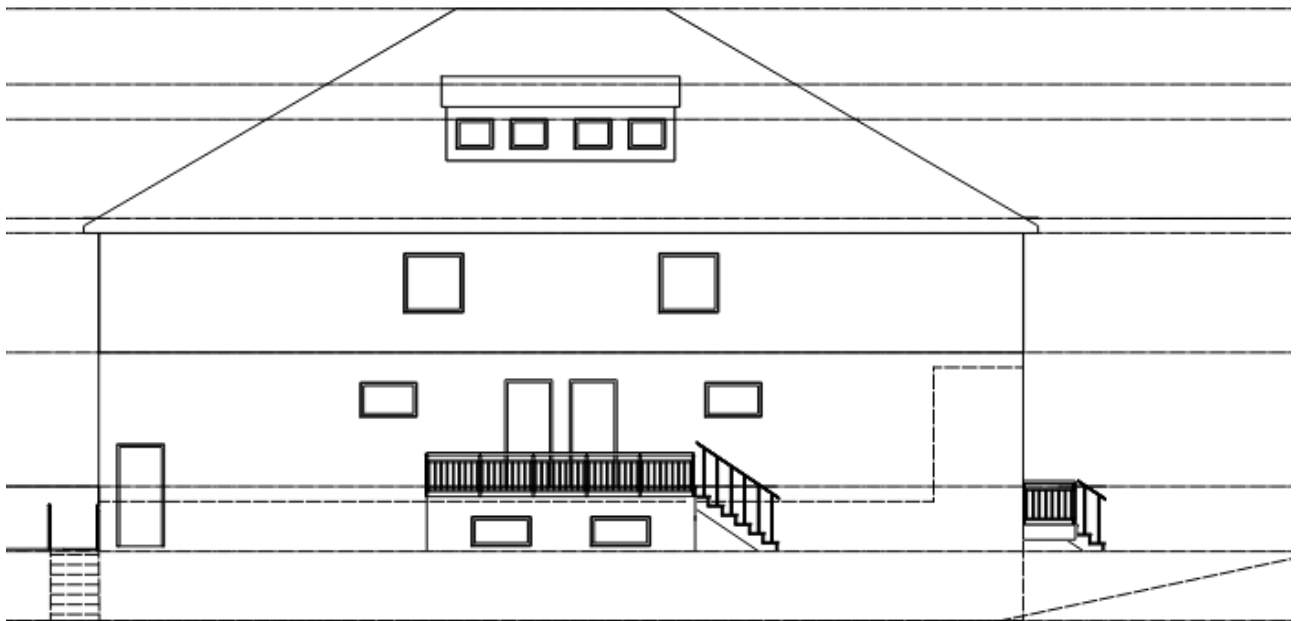


Figure 5: Proposed Side Elevation

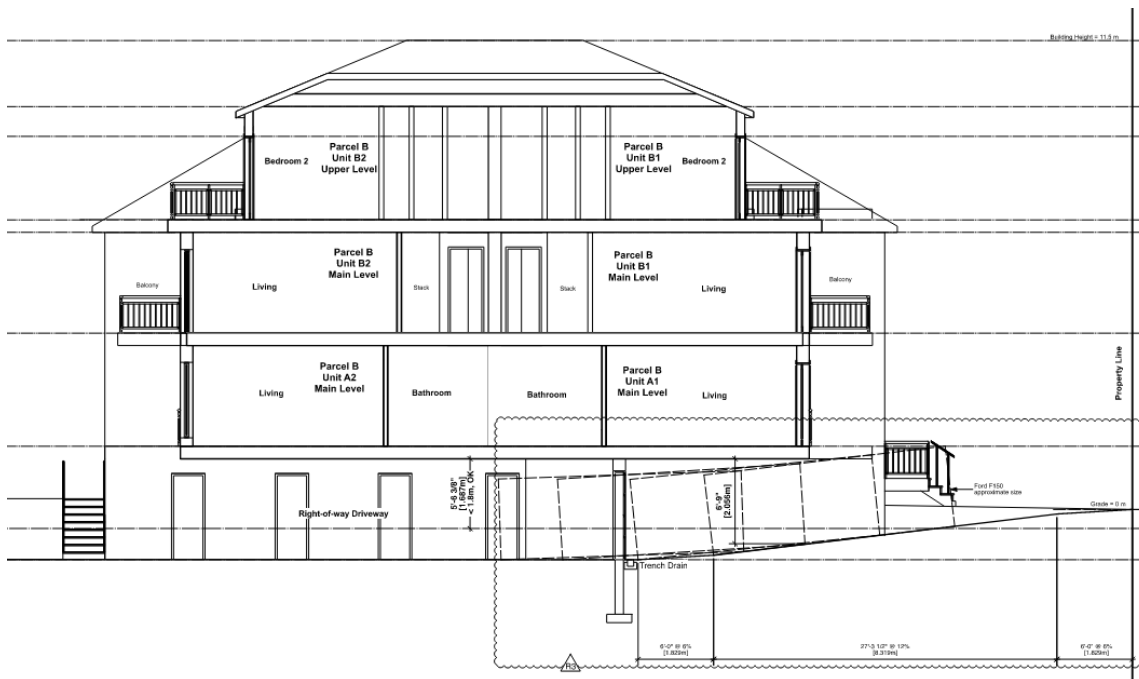


Figure 6: Proposed Side Elevation Cross Section



Figure 7: Existing House



Figure 8: Existing House (Right Side)



Figure 9: Existing House - Left Side



Figure 10: Existing Streetscape Right of Subject Site



Figure 11: Existing Streetscape Left of Subject Site

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The general intent of the 'Low Rise Residential' land use designation is to support a high quality of life while ensuring that existing and new residential areas are walkable and supported by all modes of transportation. The 'Low Rise Residential' designation will also accommodate a full range of low density housing types and the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. The proposed new type of Semi-Detached Dwelling is an innovative design that allows for a shared driveway to help reduce the amount of paved surface dedicated vehicles. This contributes to walkability and increased amenity space thereby supporting a high quality of life while still maintaining a low-rise built form.

Official Plan policy 4.C.1.9 states that where minor variances are requested to facilitate residential intensification or redevelopment of lands, the overall impact of the minor variances will be reviewed to ensure that any new buildings are appropriate in massing and scale and are compatibility with the built form and neighbourhood community, new builds are sensitive to exterior areas of adjacent properties, and the lands can function appropriately and not create unacceptable adverse impacts for adjacent properties, amongst other requirements. To this regard, staff are satisfied that the proposed new type of Semi-Detached Dwelling with a slight increase in building height and modifications to driveway widths is appropriate in massing and scale, is compatible with the existing built form and neighbourhood community, is sensitive to exterior areas of adjacent properties, and can function appropriately particularly as it relates to the shared driveway for vehicle access. As such, staff are satisfied that the proposed variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of a Semi-Detached Dwelling as defined and regulated under the Zoning by-law is to create two sides that can operate and function as independent lots with the option to add up to 4 residential dwelling units and for the two sides to be severed. The proposed new type of Semi-Detached Dwelling satisfies this general intent of the Zoning By-law.

The general intent of the zoning regulation for maximum building height is to help ensure a consistent streetscape and built form. To this regard, the proposed new type of Semi-Detached has a building height of approximately 11.1 metres as measured from the highest grade elevation surrounding the building to the peak of the roof. The building height from the lowest grade elevation in the rear yard to the peak of the roof is approximately 12.5 metres which exceeds 110% of the maximum building height as specified in the Zoning definition of building height. This 12.5 metre height from the lowest grade elevation in the rear yard to the peak of the roof is due to the unique parking layout and shared driveway through the basement. The proposed 11.1 metre building height is

generally consistent with the two Semi-Detached Dwellings on the abutting properties and surrounding neighbourhood while the 12.5 metre height in the rear yard does not deviate from the established built form or create adverse impacts for abutting properties. As such, staff are satisfied that the requested variance for increased building height maintains the general intent of the Zoning By-law.

The general intent of the Zoning By-law for maximum and minimum driveway widths is to help ensure required parking any development can function appropriately and does not exceed the maximum lot coverage. The Zoning By-law currently allows the minimum driveway width to be measured across property lines in the case of shared driveways where reciprocal easements are in place. The applicant intends to establish reciprocal easements when they sever the Semi-Detached Dwelling. However, the applicant must first build the Semi-Detached Dwelling before they can sever the property, which means they cannot establish the easements at this time and instead must obtain minor variance approval to allow the reduced driveway width for the portion of the driveway under the building until they can sever the property and register the necessary easements. This order of applications and processes is consistent with the general intent of the Zoning By-law. Regarding the maximum driveway width, this is necessary to facilitate parking spots perpendicular to the building with sufficient space for maneuverability. This increase in maximum driveway width does not conflict with required rear yard landscaping or create any other adverse impacts for the site or surrounding properties. As such, staff are satisfied that the requested variance for maximum driveway width maintains the general intent of the Zoning By-law.

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

Staff are satisfied that the requested variances are minor in nature. As discussed above, the proposed new type of Semi-Detached Dwelling is consistent with a Semi-Detached Dwelling as defined by the Zoning By-law while providing an innovative design for shared parking that decreases the amount of driveway within the front yard. The slight increase in building height and modifications to driveway widths are also minor deviations from the Zoning By-law that should not have any adverse impacts on site functionality or surrounding properties.

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

The proposed new type of Semi-Detached Dwelling with a slight increase in building height and modifications to driveway widths is considered appropriate development and use of the land. The Semi-Detached Dwelling is similar to other Semi-Detached Dwellings throughout the City, with the exception of a shared driveway for improved functionality. The increase in building height allows for the shared driveway in the basement and increased light for the basement units for a higher quality of life. The proposed changes to minimum and maximum driveway widths facilitates the shared driveway and provides sufficient maneuverability in the rear yard without compromising minimum required landscaping.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:
No Heritage comments or concerns

Building Division Comments:

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

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

While this application is not requesting a severance to the lot, the site plan drawing shows a 'proposed new property line.' At the time of severance, 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 would be \$11,862.00 if the severance occurred at this time. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 9 m at a land value of \$36,080 per frontage meter, which equals \$16,236.00. In this case, a per unit cap of \$11,862.00 has been applied. Depending on when the anticipated severance application is received, the per unit cap may be different.

There is an existing City-owned street tree located on Fifth Avenue that should be protected in place throughout all construction. 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. Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

Transportation Planning Comments:

Transportation Services recommends that outbound vehicles yield to inbound vehicles due to the increased difficulty of inbound vehicles reversing up the ramp, and the increased risks that reversing up the ramp poses to pedestrians and other motorists. The applicant should consider "Yield to Incoming Traffic," or other signage/measures when entering the garage from the rear of the property, and when exiting the garage to Fifth Avenue.

While a constrained one-lane drive aisle may occasionally inconvenience residents, minimal hazards are expected due to very low expected traffic volumes.

Ministry of Transportation Ontario Comments:

The subject property does fall within MTO permit control area, however based on the modifications to the site as proposed, MTO permits, approval, review will not be 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*



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

June 24, 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 June 15, City of Kitchener

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

- 1) A 2025 – 062 – 124 Tupper Crescent – No Concerns
- 2) A 2025 – 063 – 55 Shoemaker Street – No Concerns
- 3) A 2025 – 064 – 82 Brunswick Avenue (Future Severed) – No Concerns
- 4) A 2025 – 065 – 82 Brunswick Avenue (Future Retained) – No Concerns
- 5) A 2025 – 066 – 508 New Dundee Road – No Concerns
- 6) A 2025 – 067 – 38 Fifth Avenue (Side A) – No Concerns
- 7) A 2025 – 068 – 38 Fifth Avenue (Side B) – No Concerns
- 8) A 2025 – 069 – 439 Alice Avenue (Side A) – No Concerns
- 9) A 2025 – 070 – 439 Alice Avenue (Side B) – 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,

JFalshaw CM

Joshua Beech Falshaw

Transportation Planner

jbeechfalshaw@regionofwaterloo.ca



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

Grand River Conservation Authority (GRCA) staff have 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: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

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

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

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: July 7, 2025

REPORT NO.: DSD-2025-314

SUBJECT: Minor Variance Application A2025-069 - 439 Alice Ave. (Left)
Minor Variance Application A2025-070 - 439 Alice Ave. (Right)

RECOMMENDATION:

A. Minor Variance Application A2025-069 – 439 Alice Avenue (Unit A - Left Side)

That Minor Variance Application A2025-069 for 439 Alice Avenue (Unit A – Left Side) requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.4.e), Table 5-3, to permit a driveway leading to an attached garage to have minimum setback from the southern interior side lot line of 0.1 metres instead of minimum required 1.2 metres.
- ii) Section 7.3, Table 7-3, to permit a minimum front yard setback of 5.2 metres instead of minimum required 9.5 metres;
- iii) Section 7.3, Table 7-3, to permit a minimum interior side yard setback from the southern interior side lot line of 1 metre instead of minimum required 1.2 metres; and
- iv) Section 7.3, Table 7-3, to permit a minimum interior side yard setback from the northern interior side lot line of 0 metres instead of 1.2 metres;

to facilitate the development of a new Semi-Detached Dwelling, generally in accordance with drawings prepared by Alphasatrons, dated June 12, 2025, BE APPROVED subject to the following condition:

1. That the Owner shall submit a Plan(s), prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans and the Director of Parks and Cemeteries and City's Director of Engineering, showing the following:

- a) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
- b) the location of any existing buildings or structures to be removed or relocated;
- c) the proposed grades and drainage; which plan demonstrates the existing retaining wall within the City boulevard on Karn Street is removed or relocated entirely within private property;
- d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition. If necessary, the plan shall include required mitigation and or compensation measures;
- e) the location of all City-owned street-tree(s) demonstrating protection and preservation of the City-owned tree(s);
- f) justification for any tree(s) to be removed;
- g) outline tree protection measures for trees to be preserved; and
- h) building elevation drawings.

B. Minor Variance Application A2025-070 – 439 Alice Avenue (Unit B – Right Side)

That Minor Variance Application A2025-070 for 439 Alice Avenue (Unit B – Right Side) requesting relief from the following Sections of Zoning By-law 2019-051:

- i) Section 5.6.a), Table 5-5-1, to permit 1 parking space instead of the minimum required 2 parking spaces (1 parking space for the primary Dwelling Unit and 0.3 parking spaces per Additional Dwelling Unit);
- ii) Section 7.3, Table 7-3, to permit a minimum front yard setback of 3 metres instead of minimum required 9.5 metres;
- iii) Section 7.3, Table 7-3, to permit a minimum corner lot width of 9.3 metres instead of minimum required 12 metres;
- iv) Section 7.3, Table 7-3, to permit a minimum exterior side yard setback of 2.5 metres instead of minimum required 4.5 metres; and
- v) Section 7.3, Table 7-3, to permit a minimum interior side yard setback from the southern interior side lot line of 0 metres instead of minimum required 1.2 metres;

to facilitate the development of a new Semi-Detached Dwelling, generally in accordance with drawings prepared by Alpatrons, dated June 12, 2025, BE APPROVED subject to the following condition:

1. That the Owner shall submit a Plan(s), prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans and the Director of Parks and Cemeteries and City's Director of Engineering, showing the following:
 - a) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - b) the location of any existing buildings or structures to be removed or relocated;

- c) the proposed grades and drainage; which plan demonstrates the existing retaining wall within the City boulevard on Karn Street is removed or relocated entirely within private property;
- d) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition. If necessary, the plan shall include required mitigation and or compensation measures;
- e) the location of all City-owned street-tree(s) demonstrating protection and preservation of the City-owned tree(s);
- f) justification for any tree(s) to be removed;
- g) outline tree protection measures for trees to be preserved; and
- h) building elevation drawings.

REPORT HIGHLIGHTS:

- The purpose of this report is to review Minor Variance Applications to facilitate the development of a Semi-Detached Dwelling with 3 dwelling units in each side.
- The key finding of this report is that the requested minor variances satisfy the Four Tests in the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the southwest corner of Alice Avenue and Karn Street. The property currently contains a single detached dwelling and shed with a driveway accessed from Karn Street. The existing house is currently setback 1.5 metres from Karn Street and is supported by a wood retaining wall located within the city boulevard directly beside the sidewalk. The property has approximately 16.8 metres of frontage on Alice Avenue and 22.6 metres of frontage on Karn Street. There are street trees, utility boxes, and utility poles within the City boulevard directly abutting the subject site.

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 property also falls within 'Appendix C – Central Neighbourhoods Area' and 'Appendix D – Established Neighbourhoods Area' in Zoning By-law 2019-051.

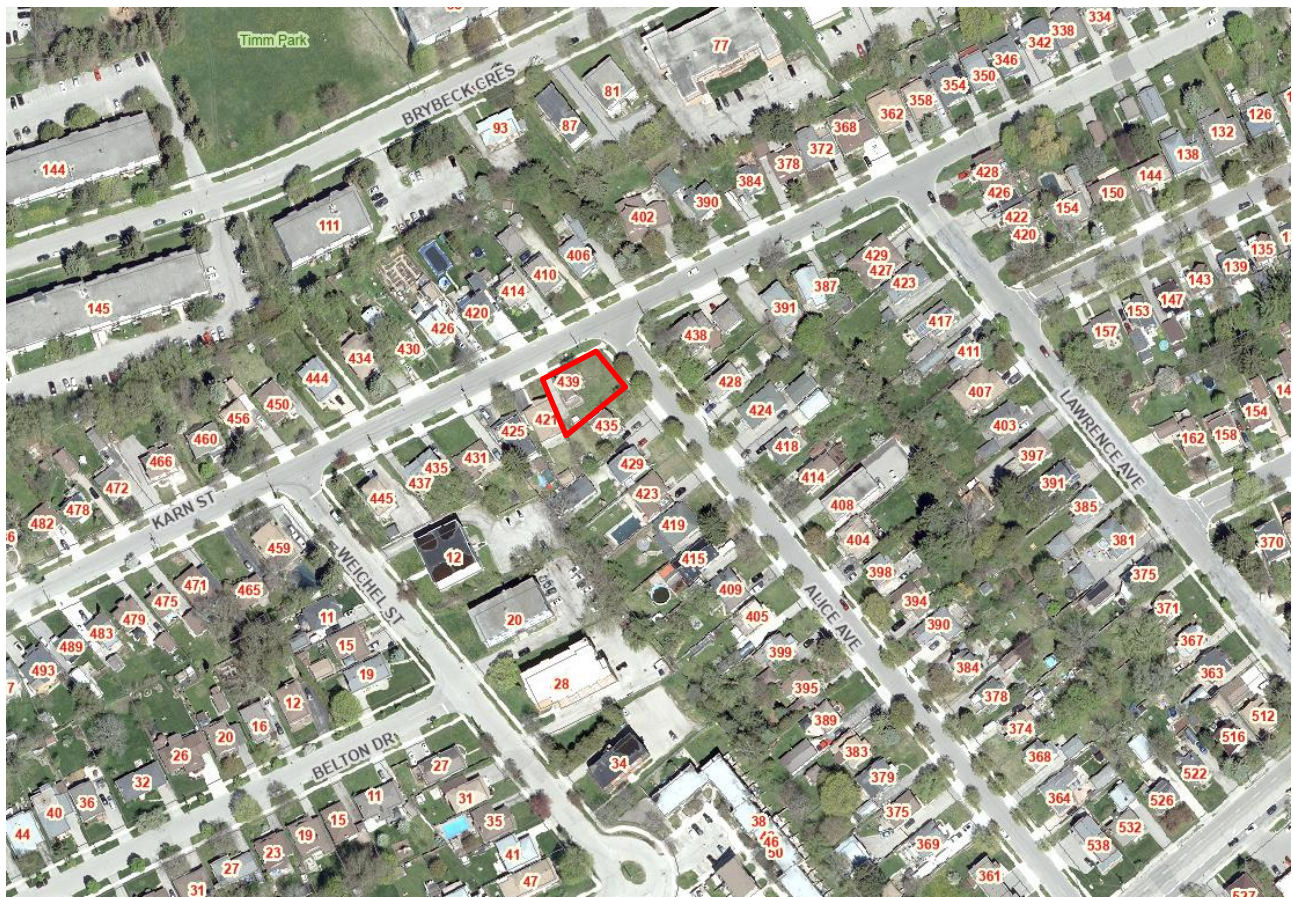


Figure 1: Location Map (439 Alice Avenue shown in RED)

The purpose of the applications is to permit a new Semi-Detached Dwelling with 3 dwelling units in each side. To facilitate this development, minor variances are required for the minimum setback for side yards, minimum front yard setback, and minimum corner lot width. The applicant has also requested an additional minor variance for each side of the Semi-Detached Dwelling to retain city trees. This includes a variance to permit the driveway leading to an attached garage for the left side of the Semi-Detached Dwelling (Unit A) to be located a minimum of 0.1 metres from the side lot line instead of a minimum 1.2 metre setback and a variance to permit a minimum of 1 parking space for the right side (Unit B) of the Semi-Detached Dwelling instead of the minimum required 2 parking spaces.

For the left side (Unit A), it is possible to construct a driveway that adheres to the minimum 1.2 metre side yard setback. However, this would necessitate the removal of a large city tree on Alice Avenue. For the right side (Unit B), it is possible to construct an attached garage which combined with a driveway would provide the required 2 parking spaces. However, reconfiguring the driveway location such that it led to an attached garage would require the removal of at least one city tree.

While the applicant has made design considerations to protect the city trees, the proposed driveway for the left side of the Semi-Detached Dwelling (Unit A) still falls within the 3 metre tree protection zone of a large city tree on Alice Avenue. The driveway and proposed building are also close to a private tree on the abutting property to the south. As such, staff have requested a Tree Preservation Plan to help ensure the driveway and building location do not compromise the long term health of the city and private trees. This

Tree Preservation Plan will also determine whether the proposed driveway on Alice Avenue can remain at a 3 metre width or if the width should be reduced to the minimum 2.6 metres to better protect the city tree.

As noted above, there is an existing wood retaining wall located within the city boulevard directly beside the sidewalk that appears to support the existing house, as shown in Figures 4, 6, and 8 below. This retaining wall appears to have been constructed several decades ago without any encroachment agreements. As such, staff have requested a condition of approval requiring a grading plan which demonstrates the retaining wall will be removed or relocated onto private property, and that this grading plan be implemented through the future building permit.

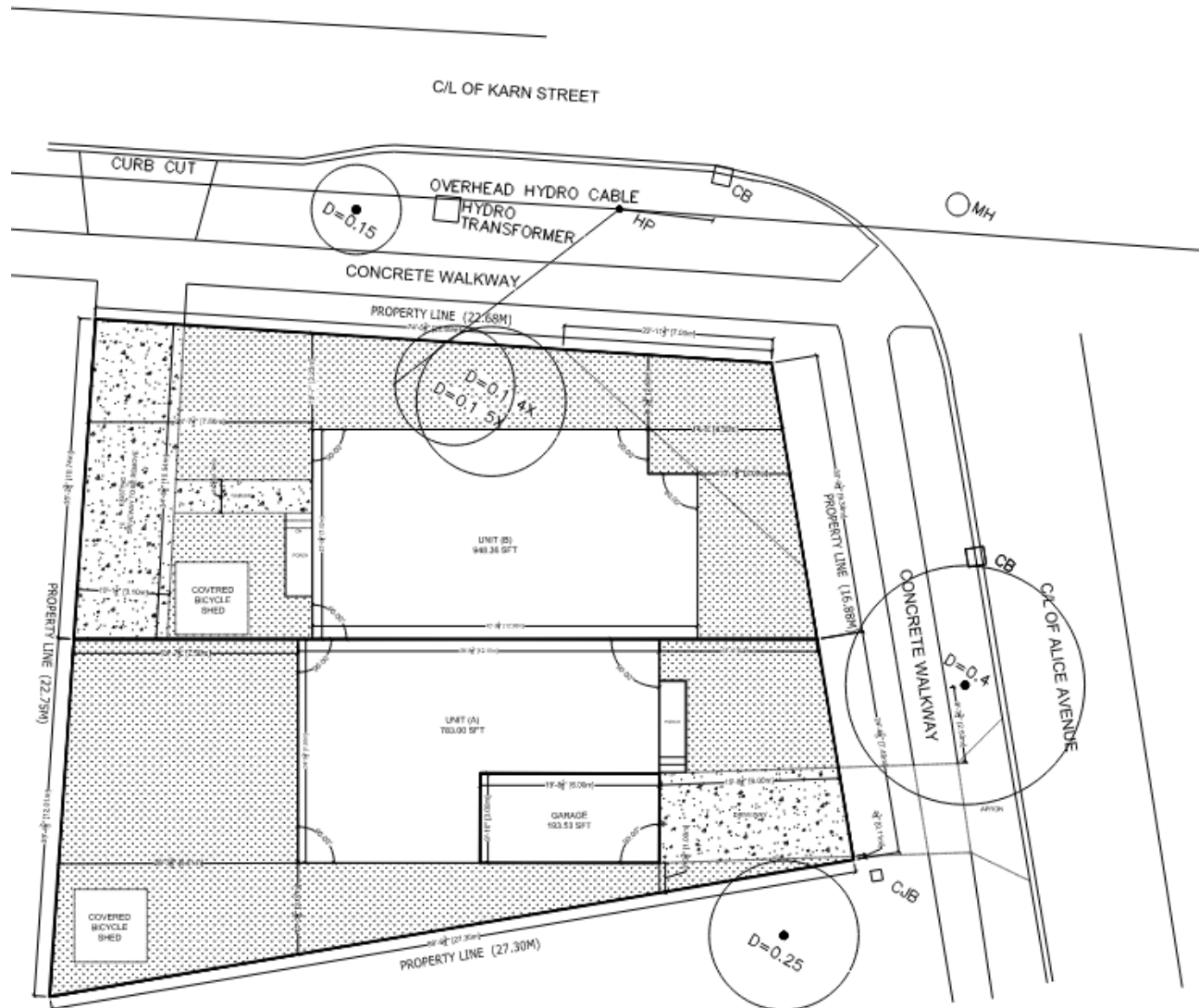


Figure 2: Site Plan



Figure 3: Subject Site at Corner of Karn Street and Alice Avenue



Figure 4: Existing Wood Retaining Wall



Figure 5: Alice Avenue Streetscape beside Subject Site



Figure 6: Existing Driveway Accessed from Karn Street



Figure 7: Proposed New Driveway Location on Alice Avenue



Figure 4: Existing House and Wood Retaining Wall

REPORT:

Planning Comments:

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

General Intent of the Official Plan

The general intent of the 'Low Rise Residential' land use designation is to support a high quality of life while ensuring that existing and new residential areas are walkable and supported by all modes of transportation. The 'Low Rise Residential' designation will also accommodate a full range of low density housing types and the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. The proposed Semi-Detached Dwelling with 3 dwelling units in each side maintains this general intent.

Official Plan policy 4.C.1.8 states that where minor variances are requested to facilitate the residential redevelopment, the overall impact of the variances will be reviewed to ensure, amongst other provisions, that the proposed building is compatible with the existing built form and neighbourhood, the lands can function properly, and any variances for reduced front yard setbacks are similar to adjacent properties and supports and maintains the streetscape character. To this regard, the proposed Semi-Detached Dwelling is compatible with the existing neighbourhood and built form. The reduced front yard and exterior side yard setbacks are generally consistent with the adjacent properties on Karn Street and Alice Avenue as well as the other surrounding properties. The proposed off set front yard setbacks and off set side walls combined with the retention of city trees creates a consistent streetscape along Alice Avenue that mimics the opposite side. The proposed 2.5 metre exterior side yard setback from Karn Street is an improvement from the existing 1.5 metre setback and maintains a consistent streetscape and intersection, particularly with the house directly opposite the subject site on the southeast corner of Karn Street and Alice Avenue which is setback roughly 3 metres from Karn Street. The proposed 2.5 metre exterior side yard setback is also appropriate with the reduced corner lot width, which allows for the right side of the Semi-Detached Dwelling (Unit B) to have a building footprint width of 7 metres.

The variances for driveway setback and reduced parking to preserve city trees also helps ensure compatibility with the existing neighbourhood and built form. In terms of functionality, there is sufficient space for outdoor amenity and landscaped area as well as suitable access to transportation with the combination of vehicle parking, bicycle parking, and proximity to public transit. Given these development design considerations, staff are satisfied that the proposed variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the of the minimum front and side yard setbacks is to maintain a consistent streetscape character and allow suitable space for access and drainage along the side yards. As discussed above, the proposed staggered front yard setbacks helps create a smooth transition from the abutting property to the south that mimics the opposite side of Alice Avenue to create a consistent street. The requested variances for 0 metre

side yard setbacks to the shared common lot line between the Semi-Detached Dwelling is required to facilitate these off set front yard setbacks that mimics the opposite side of Alice Avenue. Although not technically needed at this time as both halves of the semi-detached dwelling will be located on one (1) legal lot, the applicant is applying for other minor variances and this variance will clarify the intent of setbacks in this location will facilitate a future severance. At the time of severance of the semi-detached dwelling so that each half may be dealt with independently, maintenance easements will be created in the location of these 0 metre offset walls along the common lot line to facilitate access and maintenance of the exterior of the wall by the adjacent unit owner. The proposed front yard setbacks along with the proposed exterior side yard setback are also generally consistent with the rest of the surrounding properties on Karn Street and Alice Avenue. As such, staff are satisfied that the requested variances for reduced setbacks maintain the general intent of the Zoning By-law.

The general intent of the minimum corner lot width is to help ensure sufficient space an appropriately sized Semi-Detached Dwelling while maintaining a suitable exterior yard setback. To this regard, the proposed 2.5 metre exterior side yard setback is appropriate and the side of the Semi-Detached Dwelling on the corner lot is approximately 7 metres wide, which is beyond the standard width of a Semi-Detached Dwelling on an interior lot with the minimum lot width of 7.5 metres.

The general intent of the required 1.2 metre setback from a side lot line for a driveway leading to an attached garage is to help ensure a consistent streetscape and sufficient space for drainage and access to the rear yard. The proposed 0.1 metre driveway setback is only required to preserve a city tree which helps contribute to a consistent streetscape and Engineering staff have no concerns with the reduced driveway setback's potential impact on future drainage. As such, staff are satisfied that the requested variance for a reduced driveway setback from the side lot line maintains the general intent of the Zoning By-law.

The general intent of the minimum parking requirements is to ensure sufficient access to transportation. The proposed Semi-Detached Dwelling provides a total of 3 parking spaces to 6 dwelling units along with a weather protected area with controlled access for each half of the Semi-Detached Dwelling for bicycle parking. The property is also a short distance from public transit located on Westmount Road West and Victoria Street South. As such, staff are satisfied that the reduced parking maintains the general intent of the Zoning By-law.

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

Staff are satisfied that the proposed minor variances are minor in nature. As discussed above, the proposed setbacks and reduced lot width are consistent with the existing neighbourhood and streetscape character and do not create adverse impacts. The proposed reduced driveway setback and reduced parking allow for city trees to be retained and do not create adverse impacts such as reduced access to transportation for tenants or suitable drainage.

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

The proposed variances are desirable for the appropriate development and use of the land. As mentioned above, the requested variances facilitate the development of a Semi-Detached Dwelling which contributes to the diversity of housing within the area and the proposed variances for reduced front, interior side, and exterior side yard setbacks helps create a consistent streetscape. The reduction in parking spaces and driveway setbacks also helps protect existing street trees which is desirable for the appropriate development of the land.

Environmental Planning Comments:

No natural heritage features/functions, or Tree Management Policy compliance issues if development stays away from the southeast corner where tree in potential shared ownership exists.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

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

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

At the time of severance, cash-in-lieu of park land dedication is required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required would be \$11,862.00 if the severance occurred at this time. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 8.44 m at a land value of \$36,080.00 per frontage meter, which equals \$15,225.00. In this case, a per unit cap of \$11,862.00 would have been applied if the severance occurred at this time.

There are existing City-owned street trees located along Karn Street and Alice Avenue that should be protected in place throughout all construction. 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. Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

Transportation Planning Comments:

The Applicant should provide a dedicated walkway to the front entrance, as the proposed design ties the walkway into the driveway.

Transportation Services has no concerns with the function of the driveway from a vehicular perspective.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PREVIOUS REPORTS/AUTHORITIES:

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



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES

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

June 24, 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 June 15, City of Kitchener

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

- 1) A 2025 – 062 – 124 Tupper Crescent – No Concerns
- 2) A 2025 – 063 – 55 Shoemaker Street – No Concerns
- 3) A 2025 – 064 – 82 Brunswick Avenue (Future Severed) – No Concerns
- 4) A 2025 – 065 – 82 Brunswick Avenue (Future Retained) – No Concerns
- 5) A 2025 – 066 – 508 New Dundee Road – No Concerns
- 6) A 2025 – 067 – 38 Fifth Avenue (Side A) – No Concerns
- 7) A 2025 – 068 – 38 Fifth Avenue (Side B) – No Concerns
- 8) A 2025 – 069 – 439 Alice Avenue (Side A) – No Concerns
- 9) A 2025 – 070 – 439 Alice Avenue (Side B) – 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,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca



June 30, 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 – July 15, 2025

Applications for Minor Variance

A 2025-062 124 Tupper Crescent
A 2025-063 55 Shoemaker Street
A 2025-064 & A 2025-065 82 Brunswick Avenue
A 2025-066 508 New Dundee Road
A 2025-067 & A 2025-068 38 Fifth Avenue
A 2025-069 & A 2025-070 439 Alice Avenue

Applications for Consent

B 2024-031 829 Stirling Avenue South

Grand River Conservation Authority (GRCA) staff have 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: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 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: July 3, 2025

REPORT NO.: DSD-2025-301

SUBJECT: Consent Application B2025-021 – 546 Courtland Ave. E.

RECOMMENDATION:

That Consent Application B2025-021 requesting consent to sever a triangular-shaped parcel of land having a width of 8.1 metres, a depth of 3, metres and an area of 11.9 square metres, from the property municipally addressed as 546 Courtland Avenue East, to be conveyed as a lot addition to the property municipally addressed as 265 Bedford Road, BE APPROVED subject to the following conditions:

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

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

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

- 6. That prior to final approval the Owner submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to facilitate a transfer of land from a residential lot to the adjacent residential lot, both containing existing detached dwellings.
- 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 Courtland Avenue East near the intersection of Bedford Road.

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 Official Plan.

The property is zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conveyance of a portion of the rear yard of an existing residential detached dwelling at 546 Courtland Avenue East to the abutting property at 265 Bedford Road.



Figure 1: Location of Subject Property



Figure 2: View of 546 Courtland Ave. E.



Figure 3: View of Rear Yard of 546 Courtland Ave. E. (Existing Fence shown is proposed new property line)

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)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject application does not propose any development, rather it is an adjustment of lot lines. Planning Staff is of the opinion that the application is consistent with the PPS.

Regional Official Plan (ROP):

Regional policies in the ROP require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. Planning staff are of the opinion that the application conforms to the Regional Official Plan.

City's Official Plan (2014)

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 Official Plan.

Section 17.E.20.4 of the Official Plan states the following:

"17.E.20.4. Consents may be permitted for the creation of a new lot, boundary adjustments, rights of-way, easements, long-term leases and to convey additional lands to an abutting lot provided an undersized lot is not created."

The retained lands will meet the minimum lot size requirements for a detached dwelling in the Zoning By-law and contains sufficient lot size to be developed should an application be received. No undersized lots will be created as a result of the proposed lot addition/boundary adjustment. The proposed consent application conforms to the Official Plan in the opinion of Planning Staff.

Zoning By-law 2019-051

The property is zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051. The purpose of this zone is to create opportunities for missing middle housing and compatible non-residential uses in low-rise forms up to 11 metres in height. Lots in the general vicinity are of similar size and the lot addition does not have any adverse impacts on the existing neighbourhood, nor does it prohibit development opportunities in the future.

Planning Conclusions/Comments:

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the proposed lot addition is 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 shapes of the retained lands and the lands proposed to receive the lot addition are suitable for the use of the lands and compatible with the surrounding community lotting pattern/fabric. The lot addition will be conveyed to lands with frontage onto an established public street and are serviced with municipal services. Staff are 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 natural heritage concerns.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The purpose of the application is to sever a triangular parcel of land as a lot addition to the abutting landowner to the north at 265 Bedford Ave. The severed parcel has a width of 8.1m, depth of 3.0m and an area of 11.9 sq m. The retained lands will have an area of 999.4 sq m.

Regional Fee:

Regional staff have not received the required consent review fee for this application, \$350.00.

General Comments:

Regional Staff has no objections to the proposed consent application subject to the following condition:

1. That prior to final approval, the owner/applicant submits the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

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.

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

Shilling Yip (226) 753-1064
File: D20-20/2/25KIT

June 27, 2025

Connie Owen
Administrative Clerk, Legislative Services
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Dear Ms. Owen:

**Re: Comments on Consent Application – B2025-021
Committee of Adjustment Meeting July 15, 2025
City of Kitchener**

**B 2025-021
546 Courtland Ave E
Lot 7, Plan 692 Kitchener
Freure Promontory Inc. (Owner)
Jessica McConnell, Miller Thomson (Agent)**

The purpose of the application is to sever a triangular parcel of land as a lot addition to the abutting landowner to the north at 265 Bedford Ave. The severed parcel has a width of 8.1m, depth of 3.0m and an area of 11.9 sq m. The retained lands will have an area of 999.4 sq m.

Regional Fee:

Regional staff have not received the required consent review fee for this application, \$350.00.

General Comments:

Regional Staff has no objections to the proposed consent application subject to the following condition:

1. That prior to final approval, the owner/applicant submits the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

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.

Yours truly,



Shilling Yip, MCIP, RPP
Senior Planner



June 30, 2025

via email

GRCA File: B2025-021 – 546 Courtland Avenue East

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

Dear Marilyn Mills,

Re: Application for Consent B 2025-021
546 Courtland Avenue East, City of Kitchener
Freure Promontory Inc.

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted consent application for a lot line adjustment.

Recommendation

The GRCA has no objection to the proposed consent application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that portions of the subject lands are within the floodplain associated with Schneider Creek and the regulated allowance adjacent to the floodplain. This reach of floodplain is within a Two-Zone Floodplain Policy Area identified in the City of Kitchener Official Plan and the subject lands are within the flood fringe. A copy of GRCA's resource mapping is attached.

Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24. Any development within the regulated area on the subject lands must also conform to the GRCA and City of Kitchener Two-Zone Floodplain Policies.

The consent application proposes a lot line adjustment to convey a portion of land from 546 Courtland Avenue East to 265 Bedford Road as a lot addition. It is understood that

the application is technical in nature with no new development proposed. As such, GRCA staff do not have any objection to the proposed application.

Consistent with GRCA's approved fee schedule, this application is considered a minor consent application. The applicant will be invoiced in the amount of \$465.00 for GRCA's review of this application.

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

Sincerely,

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

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: *Daryl George, Freure Promontory Inc. (via email)
Jessica McConnell, Miller Thompson LLP (via email)



B2025-021 - 546 Courtland Avenue
East

Legend

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

Copyright Grand River Conservation Authority, 2025.

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

Scale 1:993



From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#); [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Monday, June 23, 2025 10:07:35 AM
Attachments: [image001.png](#)

Good morning,

Metrolinx is in receipt of the following Committee of Adjustment agenda for Kitchener.

Upon review, we note that no applications fall within the Metrolinx review zone. As such, Metrolinx issues no comments for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: June 19, 2025 12:20 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - July 15, 2025 Meeting

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

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, July 15, 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, June 30, 2025.

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

Connie Owen

Administrative Clerk | Legislated Services | City of Kitchener

519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

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

From: [Nembhard, O'Neil \(MTO\)](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: Committee of Adjustment Application Review - July 15, 2025 Meeting
Date: Wednesday, June 25, 2025 2:15:43 PM
Attachments: [image001.png](#)

Good day,

Please see MTO comments related to the Committee of Adjustment Application Review - July 15, 2025, Meeting:

MTO has no objection to these applications. The subject properties are located beyond MTO Permit Control Area (PCA) and therefore MTO review, approval and permits will not be required.

1. A 2025-062 Variance Application – 124 Tupper Crescent
2. A 2025-063 Minor Variance (Zoning) - 55 Shoemaker Street
3. A 2025-064 Minor Variance (Zoning) - 82 Brunswick Avenue
4. A 2025-065 Minor Variance (Zoning) - 82 Brunswick Avenue
5. A 2025-066 Minor Variance (Zoning) – 508 New Dundee Rd
6. A 2025-0669 Minor Variance (zoning) – 439- A Alice Ave
7. A 2025-0670 Minor Variance (zoning) – 439- B Alice Ave
8. B 2025-021 – Consent – 546 Courtland Ave E

9. A 2025-067 and A 2025-068 - 38 Fifth Ave. Side A and Side B. The subject property does fall within MTO permit control area, however based on the modifications to site proposed, MTO permits, approval, review will not be required.

Thank you for the opportunity to review and provide comments.

Regards,

O'Neil Nembhard

Corridor Management Planner | Operation West | Operations Division
Ministry of Transportation Ontario | Ontario Public Service
548-388-2571 | o'neil.nembhard@ontario.ca



Taking pride in strengthening Ontario, its places and its people

Please note the Ministry no longer accepts Land Development review requests through its email system. All Land Development Review requests to the Ministry must be submitted to the Ministry of Transportation through the Highway Corridor Management Online portal at:
<https://www.hcms.mto.gov.on.ca/landdev/en/land-development>

The Land Development Review module is designed to better serve stakeholders through streamlining all land development planning approvals by the Ministry.