



PLANNING, DEVELOPMENT
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Community Planning

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Melissa Mohr
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D20-20/23 KIT

July 4, 2023

Marilyn Mills, Secretary Treasurer
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

**Re: Comments for Consent Applications B2023-0019 and B2023-020
Committee of Adjustment Hearing July 16, 2023
CITY OF KITCHENER**

B2023-025

97 Second Avenue

Musaab Saub, Saif Saab, Manaf Saab (Owners) C/O Douglas Stewart (Arcadis Professional Services (Canada) Ltd. – Authorized Agent)

The applicant is proposing to sever a parcel of land for residential purposes. The severed parcel will have a lot frontage of 9.4m, a lot depth of 40.05 m and a lot area of 377 square metres. The retained lands will have a lot frontage of 13.1m, a lot depth of 40.05m and a lot area of 525 square metres. The applicant proposes to retain the existing dwelling and frame shed on site and has proposed residential uses on the severed parcel.

Regional Cultural Heritage:

Due to the nature of the application, an Archaeological Assessment is not required at this time. The owner/applicant is advised that an Archaeological Assessment prepared by a Licenced Archaeologist is required in the future should a planning act application be required as the site is located in a Part V area and is within proximity to known archaeological resources.

Regional Fee:

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

Corridor Planning:

Both severed and retained residential lots may have impacts from road noise on Conestoga Parkway (Highway 7/8). To address this concern, the following conditions shall be secured through a registered agreement with the City of Kitchener, to the satisfaction of the Regional Municipality of Waterloo for both retained and severed lots:

Severed Lot

- a) The dwelling will be fitted with a forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future at the occupant's discretion.
- b) The following noise warning clause will be included in all offers of purchase and sale and lease/rental agreements:

"The purchasers/tenants are advised that sound levels due to increasing road traffic Highway 7/8 may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)."

"This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)."

Retained Lot

The following noise-warning clause will be included in all offers of purchase and sale and lease/rental agreements:

"The purchasers/tenants are advised that sound levels due to increasing road traffic Highway 7/8 may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)."

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00;
- 2) That prior to final approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener, to the satisfaction of the Region of Waterloo,

that includes the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale and Lease/Rental Agreements:

a) For the severed lands:

i) The dwelling will be fitted with a forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future at the occupant's discretion.

ii) The following noise warning clause will be included in all offers of purchase and sale and lease/rental agreements for the severed lands:

"The purchasers/tenants are advised that sound levels due to increasing road traffic Highway 7/8 may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)."

"This dwelling has been fitted with a forced air-ducted heating system and has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)."

b) For the retained lands:

i) The following noise-warning clause shall be included in all offers of purchase and sale and lease/rental agreements for the retained lands:

"The purchasers/tenants are advised that sound levels due to increasing road traffic Highway 7/8 may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)."

B2023-026

30-40 Margaret Avenue

Activa Holdings Inc. / Alex Sumner (Owner) C/O MHBC Planning/Pierre Chauvin/Rachel Wolffe – Authorized Agent)

The applicant is proposing a lot addition. The applicant has proposed to sever a 1.829m, 0.01 ha parcel of land to add to the adjacent Church of the Good Shepard.

Regional Fee:

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

The Region has no objection to the proposed application, subject to the following conditions:

1. That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00;

General Comments

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,



Melissa Mohr, MCIP, RPP
Senior Planner