



PLANNING, DEVELOPMENT  
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Community Planning

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D20-20/23 KIT

November 6, 2023

Sarah Goldrup  
Committee of Adjustment  
City of Kitchener  
P.O. Box 1118  
200 King Street East  
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**Re: Comments for Consent Applications B2023-041 to B2023-042  
Committee of Adjustment Hearing Nov 21, 2023  
CITY OF KITCHENER**

**B2023-041  
150 Marlborough Avenue  
Stephen & Judith Phipps**

The applicant is proposing to sever a +/-26.6 m<sup>2</sup> parcel for a lot line adjustment to resolve an encroachment. The proposed would facilitate the transfer of a portion of the subject lands which include an existing encroachment of the adjacent property's driveway.

**Regional Fee (Advisory Comments):**

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.

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**B2023-042  
52 Edgehill Drive  
James & Beverley Mellish**

The applicant is proposing to sever a +/-1253.6 m<sup>2</sup> parcel with a +/-35 m frontage on Edgehill Dr, while retaining a 1741 m<sup>2</sup> parcel with frontage on Edgehill Dr. The applicant notes an existing storm easement on the subject property. The proposed uses on the severed property are residential.

**Regional Fee (Advisory Comments):**

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

**Environmental Noise (Advisory Comments):**

Regional staff note that the proposed severed and retained lots are in close proximity (approximately 95 metres) to King Street East (Regional Road No. 8). Although there are some existing intervening land uses between the proposed dwellings and the transportation noise sources, the proposed dwellings on the retained and severed lots will likely have impacts from transportation and stationary noise sources. It is the responsibility of the applicant to ensure the proposed development is not adversely affected by anticipated transportation (traffic) and stationary (commercial) noise impacts. ROP Policy 2.G.13 indicates that a noise study may be required for a development application for a sensitive land use submitted in the vicinity of an Existing or Planned Regional Road, Provincial Highway, the rapid transit system, transit terminals, railways or Area Municipal roads.

In lieu of requiring a detailed transportation and stationary noise study, and because the primary transportation noise source is a Regional Road, Regional staff require as a condition of the consent that the owner/applicant of the units on all (retained and severed) lots will be required to enter into a registered agreement with the Region of Waterloo to include noise mitigation and warning clauses in all Offers of Purchase and Sale, lease/rental agreements.

For the severed lot, the owner is to agree that all dwelling unit(s) must be installed with an air-ducted heating and ventilation system suitably sized and designed with the provision of adding central air conditioning prior to occupancy. In addition, the following noise warning clauses will be included in all offers of purchase and sale, deeds and lease/rental agreements:

- a. *“Purchasers/tenants are advised that despite the inclusion of noise attenuation control features in the development and within the building units, sound levels due to increasing road traffic on King Street East (RR #8) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP).”*
- b. *“This unit has been designed with the provision of adding a central air conditioning system 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 Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP)."*

- c. *"Purchasers/tenants are advised that the stationary noise levels from the existing commercial land uses in the vicinity may also at times be audible."*

For the retained lot, the following noise warning clauses will be included in all offers of purchase and sale, deeds and lease/rental agreements:

- a. *"Purchasers/tenants are advised that sound levels due to increasing road traffic on King Street East (RR #8) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP)."*
- b. *"Purchasers/tenants are advised that the stationary noise levels from the existing commercial land uses in the vicinity may also at times be audible."*

**Water and Wastewater Services (Advisory Comments):**

Regional Staff note that the property does not currently have municipal water or sanitary services. City Staff have previously indicated that it is not feasible for the City, or the owner/applicant at their expense, to extend municipal sanitary services to the proposed retained or severed lot. The subject application proposes private services within the urban area.

Policy 2.J.8 of the Regional Official Plan permits residential infill development on individual on-site water and individual on-site sewage services, subject to the following:

- (a) it is demonstrated to the satisfaction of the Region that the extension of servicing from a municipal water and/or wastewater system is not feasible;
- (b) the site is not located within Wellhead Sensitivity Area 1, a High Microbial Risk Management Zone, or a Surface Water Intake Protection Zone 1 described in Chapter 8;
- (c) studies prepared in accordance with the Regional Implementation Guidelines for Source Water Protection Studies and accepted by the Region, demonstrate that such services can operate satisfactorily on the site and will not have a negative impact on groundwater resources;
- (d) it is demonstrated to the satisfaction of the area municipality's Chief Building Official that the site conditions are suitable for the long-term provision of such services with have no adverse effects; and
- (e) the development application complies with Policies 5.B.8 and 5.C.6 as applicable.

A Hydrogeological study was submitted with the application. Subject to the Region's "Hydrogeological Assessment Guidelines for Privately-Serviced Developments – Scoped Stage 2 Studies" a third-party review of the report is required to demonstrate to

the Region's satisfaction, that such private services can operate satisfactorily on the site and will not have a negative impact on groundwater resources. Regional Staff cannot support the proposed application until the required technical study has been peer reviewed. As a result, Regional staff recommend deferral of the application at this time until the peer review has been completed and the study has been accepted by the Region.

**Well and Septic Decommissioning (Advisory Comments):**

Regional Staff note that should municipal water and/or septic services be provided and connected to the proposed severed and retained lots, any private well and/or septic system on the proposed retained lands will have to be decommissioned in accordance with Regulation 903 of the Ontario Water Resources Act, Ontario Building Code and all other applicable regulation.

**The Region recommends that the application be deferred until such time as the hydrogeological study has been peer reviewed and conformity with ROP Policy 2.J.8 has been demonstrated.**

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**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 attend the meeting or have any questions, please do not hesitate to contact the undersigned.

Yours truly,



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Consultant Planner



Reviewed by:  
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