

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: March 25, 2024

SUBMITTED BY: Michael Seiling, Director of Building, 519-741-2200 ext. 7669

PREPARED BY: Leslie Collins, Municipal Building Official, 519-741-2200 ext. 7575

WARD(S) INVOLVED: 5

DATE OF REPORT: March 5, 2024

REPORT NO.: DSD-2024-112

SUBJECT: Limiting distance agreement with owner of 630 Benninger Dr, and the corporation of the City of Kitchener pursuant to section 9.10.14.2.(4) Division B of the Building Code.

RECOMMENDATION:

That the Mayor and Clerk be authorized to execute a limiting distance agreement with the registered owner(s) of Block 132, Registered Plan 58M-642, known as 630 Benninger Dr, pursuant to Section 9.10.14.2.(4) of the Building Code: said agreement is to permit 5 blocks of stacked townhouses with a limiting distance for the exposed building face being measured to a point beyond the property line on to the adjacent property, Block 134 Registered Plan 58M-642, known as 16 Nathalie St (City of Kitchener stormwater management pond), to the satisfaction of the City Solicitor.

REPORT HIGHLIGHTS:

- The purpose of this report is for a limiting distance agreement with the City that will have an easement placed on the stormwater management pond property.

BACKGROUND:

The Building Code limits the number of unprotected openings (i.e. windows and doors) in exterior walls to reduce the potential for fire spreading to adjacent buildings, existing or proposed. However, Div. B, Sec. 9.10.14.2.(4) of the Building Code does permit an increase in the limiting distance for the number of unprotected openings if an agreement has been entered into with the municipality and the adjacent property owner to establish the point to which the limiting distance for an exposing building face shall be measured beyond the property line.

REPORT:

The builder of the subject property has applied for building permits to construct five - three storey stacked townhouses. The developer of this site would like to increase the openings beyond what is permitted by the Building Code. The request for increased unprotected openings is along the southwest elevations that face the stormwater pond owned by the City of Kitchener. The increased unprotected openings requires the setback of 4.1 metres, where a setback of 1.76 to 2.33 metres is proposed. The developer would like the city to allow for 31.5% to 52.85% of unprotected openings

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on this wall face. The current limiting distance would only allow for 9.3% to 12.6% unprotected openings. An additional limiting distance of 1.77 metres to 2.34 metres onto the adjacent property would permit the proposed building to be constructed with 31.5% to 52.85% unprotected openings.

Building staff have reviewed this request and have no concerns with the additional openings within a distance of 1.77 metres to 2.34 metres from the property line onto the adjacent property. The adjacent lands being used to achieve the required limiting distance is being used as a stormwater management pond for the subdivision and owner by the City of Kitchener. There are no buildings on this site currently. The Director of Sanitary & Stormwater Utility was consulted during the site plan review process and confirmed that there is no current plans for any development in the area of the proposed easement.

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 council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

There are no previous reports/authorities related to this matter.

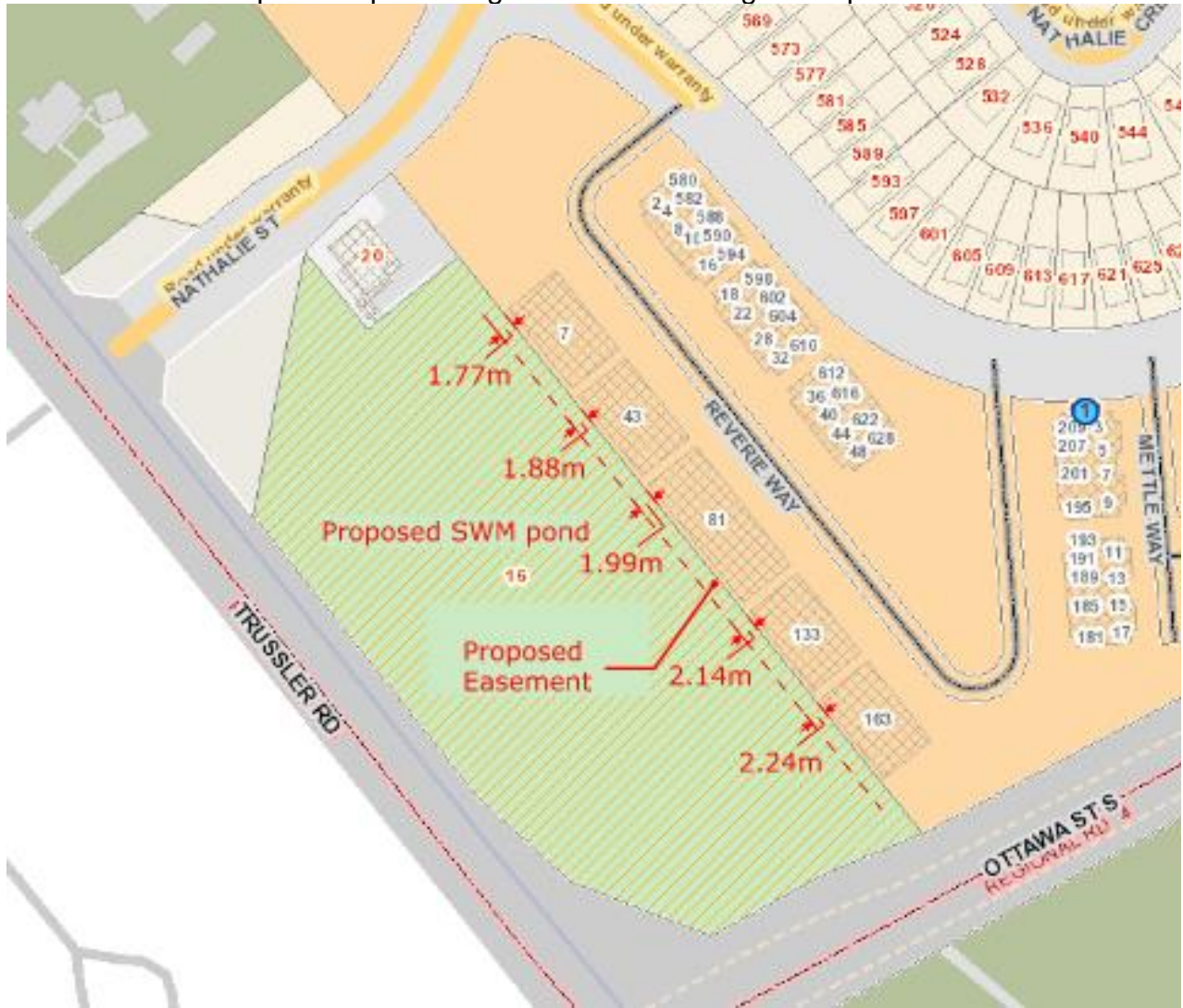
APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

Attachment A – Onpoint map showing stormwater management pond

Attachment B – Site Grading plan

Attachment A – Onpoint map showing stormwater management pond



Attachment B – Site Grading plan

