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File: D20-20/24 KIT  
March 7, 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 2024-005, B 2024-006  
Committee of Adjustment Hearing March 19<sup>th</sup>, 2024  
City of Kitchener**

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

**B 2024-004****546-548 Peach Blossom Crt****Owner/Applicant: Paul Florica (Klondike Homes Ltd.)**

The applicant is seeking consent to sever a currently vacant lot into two residential lots for the purpose of constructing a semi-detached dwelling on each lot. The retained lands being 402.1sqm in lot area with 9.36m frontage. The conveyed lands being 407sqm in lot area with 9.93m frontage. A minor variance application is not required to facilitate the severance.

**Regional Fee:**

Regional Staff are in receipt of the required consent review fee.

**Source Water Protection Policy**

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPSA 2) (ROP Map 6a).

A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act.

**Airport Zoning Regulations**

There are no concerns with the proposed development. The subject lands are within the Airport Zoning Regulation area, specifically located under the airport runway flight path, therefore subject to those regulations, including building height limit. If the use of a crane is required above 100ft then a Land Use Application must be submitted to NAV Canada.

**Environmental Features**

The subject lands are within the Delineated Built-up Area and Urban Area Boundary (ROP Map 1, 2). The rear lot line abuts lands within the Greenlands Network identified as Core Environmental Feature (CEF) (ROP Map 4). Development contiguous to a CEF will only be permitted in accordance with an Environmental Impact Study (ROP 7.C.10), such that there is no adverse environmental impact on the feature or ecological function of a CEF. As the lands comprise a lot within a plan of subdivision (30T-95015 registered on Aug 12, 2002), impacts to the Core Environmental Feature were assessed through that process, appropriate setbacks were determined and the location of the fence line established to demarcate the limits of the CEF. As such, the Region has no further requirements with respect to the CEF and the subject application.

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

1. That as a condition of approval the Owner/Applicant submit a S.59 Notice in accordance with the Clean Water Act, to the satisfaction of the Region.

## **B 2024-005 680 Frederick St**

**Owner/Applicant: Calin Pele (Marcsalo Holdings Inc. - Owner) /Adrian L. Rosu (Duncan Linton LLP)**

The applicant is seeking to sever the existing residential lot to create an additional residential lot. The applicant proposes to demolish the existing dwelling and detached garage, and to construct a semi-detached duplex dwelling on the retained and severed parcels. The retained lands will have a lot width of 7.6m along Frederick Street with a lot depth of 45.7m and a lot area of 349.3m<sup>2</sup>. The conveyed lands will have a lot width of 7.65m along Frederick Street with a lot depth of 45.7m and a lot area of 349.3 m<sup>2</sup>. The application was originally submitted in 2023 (B 2023-019) but refused because the concept plan was not provided.

### **Regional Fee**

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

### **Environmental Noise**

Both severed and retained residential lots may have impacts from road noise from traffic on Frederick Street. The following conditions should be secured through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- 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 clauses will be included in all offers of purchase, deeds and rental agreements:
  - i. "The purchasers/tenants are advised that sound levels due to increasing road traffic on Frederick Street 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)".
  - ii. "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)".

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

1. That as a condition of approval the Owner/Applicant submit the required consent review fee of \$350 to Regional Municipality of Waterloo.

2. That as a condition of approval the Owner/Applicant enter into an agreement with City of Kitchener to secure the following conditions, in relation to mitigation of traffic noise from Frederick Street, for all dwelling units on both retained and severed lots; and that a copy of this Agreement is submitted to the Regional Municipality of Waterloo to the satisfaction of the Region.
  - a) That the owner/developer agree to construct the dwelling 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) That the following noise warning clauses will be included in all offers of purchase, deeds and rental agreements:
    - i. "The purchasers/tenants are advised that sound levels due to increasing road traffic on Frederick Street 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)".
    - ii. "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)".

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,

*Erica Ali*

Erica Ali  
Planner, Community Planning