

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 20, 2024

**SUBMITTED BY:** Tina Malone-Wright, Manager, Development Approvals  
519-741-2200 ext. 7765

**PREPARED BY:** Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

**WARD INVOLVED:** 10

**DATE OF REPORT:** August 9, 2024

**REPORT NO.:** DSD-2024-366

**SUBJECT:** Minor Variance Applications A2024-066 and A2024-067 and  
Consent Application B2024-022 - 1180 Union Street

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## RECOMMENDATION:

### A. Minor Variance Application A2024-066 – 1180 Union Street (Severed Parcel)

That Minor Variance Application A2024-066 for 1180 Union Street (Severed Parcel) requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 39.2 to permit a front yard setback of 3.3 metres instead of the minimum required 4.8 metres; and
- ii) Section 39.2 to permit a rear yard setback of 3.0 metres instead of the minimum required 7.5 metres;

generally in accordance with the *Sketch Prepared for Severance Application*, prepared by J.D. Barnes Ltd, dated April 11, 2024, and the *Proposed Site Plan*, prepared by Bobicon Ltd., dated June 21, 2024, BE APPROVED, subject to the following condition:

1. That the Owner submit cross-section drawings showing the grading and relationship between the severed lot, adjacent properties, and Maple Avenue, to the satisfaction of the City's Director of Development and Housing Approvals. Said drawings shall illustrate all relevant proposed and existing features, including, but not limited to the proposed dwelling, adjacent existing dwellings, retaining walls, amenity areas/patios, and fencing.

### B. Minor Variance Application A2024-067 – 1180 Union Street (Retained Parcel)

That Minor Variance Application A2024-067 for 1180 Union Street (Retained Parcel) requesting relief from the following Sections of Zoning By-law 85-1:

\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- i) Section 39.2 to permit a corner lot width of 12.65 metres instead of the minimum required 15 metres;
- ii) Section 39.2 to permit a side yard setback on one side of the dwelling where there is a driveway of 2.9 metres instead of the minimum required 3.0 metres;
- iii) Section 39.2 to permit a side yard setback abutting a street of 3.2 metres instead of the minimum required 4.5 metres;
- iv) Section 39.2 to permit a rear yard setback of 2.8 metres instead of the minimum required 7.5 metres;

generally in accordance with the *Sketch Prepared for Severance Application*, prepared by J.D. Barnes Ltd, dated April 11, 2024, and the *Proposed Site Plan*, prepared by Bobicon Ltd., dated June 21, 2024, BE APPROVED.

### **C. Consent Application B2024-022 – 1180 Union Street**

That Consent Application B2024-022 requesting consent to sever a parcel of land having an approximate frontage on Maple Avenue of 15.68 metres, a depth ranging between 14.43 metres and 15.67 metres, and a lot area of 235.0 square metres, BE APPROVED subject to the following conditions:

1. That Minor Variance Applications A2024-066 and A2024-067 receive final approval.
2. 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.
3. 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.
4. 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.
5. That at the sole option of the City's Director, Development and Housing Approvals, the Owner shall enter into an agreement with the City of Kitchener, on both the severed lot and retained lot, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director, Development and Housing Approvals, which shall include the following:
  - a) That the owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area

and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.

- b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.
  - c) The owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.
6. That the Owner shall complete a Building Code Assessment for the existing dwelling proposed to be retained on the retained parcel of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing buildings' wall face, and shall include recommendations such as closing in of openings pending spatial separation calculation results.

The Owner shall obtain a Building Permit for any remedial work/ upgrades required by the Building Code Assessment.

- 7. That the Owner shall provide a grading and drainage control plan, to the satisfaction of the City's Director of Engineering Services.
- 8. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park

**dedication of \$11,862.00.**

- 14. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.**
- 15. That prior to approval, the Owner/Applicant enter into a registered development agreement with the Region of Waterloo to implement the following conditions for all dwelling units on both retained and severed lots:**
  - a) That all dwelling units be constructed with a central air conditioning system. The location, installation and sound ratings of the outdoor air conditioning devices shall comply with the Ministry of the Environment, Conservation and Parks' NPC-300 noise guideline, as applicable.**
  - b) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements:**
    - 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."**
    - ii) "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of Environment, Conservation and Parks."**
    - iii) "Purchasers/tenants are advised that due to the proximity of the adjacent industries, noise from these industries may at times be audible."**

**REPORT HIGHLIGHTS:**

- The purpose of this report is to recommend approval of the proposed Consent Application to permit the creation of a new lot, and to recommend approval of the associated Minor Variance Applications, to recognize the dwelling on the retained lot and to facilitate development of the severed lot with a new duplex dwelling.
- 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.



**Figure 1: Photo of existing dwelling on Retained Lot, taken from Union Street.**



**Figure 2: Photo of Severed Lot, looking west from Maple Avenue. Note the depressed grading on the Severed Lot. The Retained Lot is at left.**



**BACKGROUND:**

The subject property is located at the northwest corner of Union Street and Maple Avenue, in the North Ward Planning Community. The property contains a dwelling, originally constructed as a single detached dwelling in approximately 1949. The rear yard of the property is approximately 18.4 metres deep and a large portion of the rear yard is within a depression that is approximately 1.3 metres below the grade of Maple Avenue.

The lands to the west, on Union Street, contain mainly low density residential uses, while the property immediately to the north contains a 3-storey multiple dwelling. The lands to the east and southeast are used for industrial purposes.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure of the 2014 Official Plan and is designated as 'Low Rise Conservation A' in the North Ward Secondary Plan. The property is zoned 'Residential Five Zone (R-5) with Special Use Provision 129U' under Zoning By-law 85-1.

The purpose of Consent Application B2024-022 is to sever a parcel of land with an approximate frontage on Maple Avenue of 15.68 metres, a depth ranging between 14.43 metres and 15.67 metres, and an area of 235.0 square metres. The owner intends on constructing a duplex dwelling [i.e., a Single Detached Dwelling with an Additional Dwelling Unit (ADU) (Attached)] on the severed lot. Minor Variance Application A2024-066 requests relief for the severed lot from Section 39.2 of Zoning By-law 85-1 to permit:

- a) a front yard setback of 3.3 metres instead of the minimum required 4.8 metres, and
- b) to permit a rear yard setback of 3.0 metres instead of the minimum required 7.5 metres.

The retained lot would contain the existing dwelling, which would be converted to a duplex dwelling, and would have an approximate frontage on Union Street of 12.65 metres, a frontage on Maple Avenue of 22.42 metres, a depth ranging between 12.65 metres and 14.43 metres, and an area of 302.6 square metres. Minor Variance Application A2024-067 requests relief for the retained lot from Section 39.2 of Zoning By-law 85-1:

- a) to permit a corner lot width of 12.65 metres instead of the minimum required 15 metres,
- b) to permit a side yard setback on one side of the dwelling where there is a driveway of 2.9 metres instead of the minimum required 3.0 metres,
- c) to permit a side yard setback abutting a street of 3.2 metres instead of the minimum required 4.5 metres and
- d) to permit a rear yard setback of 2.8 metres instead of the minimum required 7.5 metres.

The purpose of the latter Minor Variance Application is to recognize the existing dwelling at 1180 Union Street, on the resultant parcel (retained lot).



**Figure 3: Subject Property (outlined in red).**

## **REPORT:**

### **Planning Comments Minor Variance Applications A2024-066 and A2024-067:**

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

Several Official Plan policies apply to the subject minor variance applications, for example:

- North Ward Secondary Plan Policies (*emphasis added*):
  - 13.8.1.1...It is intended that development should be of a siting and design which will be compatible with the existing development and particularly the single detached dwellings in the interior of the neighbourhood.
  - 13.8.1.3. The severance of rear and flanking property assemblies for integrated redevelopment schemes will be permitted provided that the remnant or remaining parcel continues to be in conformity with the policies of this Plan and the implementing Zoning By-law.
  - 13.8.2.1. Low Rise Conservation – A. Permitted uses are restricted to single detached dwellings, duplex dwellings, semi-detached dwellings, small lodging houses, small residential care facilities, home businesses, and private home day care.
  
- 2014 Official Plan Policies (*emphasis added*):
  - 3.C.2.50. The planned function of Community Areas is to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas.
  - 3.C.2.51. Within areas identified as Community Areas on Map 2 the applicable land use designation may include Low Rise Residential, Medium

- Rise Residential, High Rise Residential, Open Space, Institutional and/or Major Infrastructure and Utilities as shown on Map 3 and detailed in Sections 15.D.3, 15.D.7, 15.D.10 and 15.D.11.
- 3.C.2.52. Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.
  - 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:
    - a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard.
    - b) Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.
    - d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
    - 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.
  - 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.



Development and Housing Approvals (DHA) staff is of the opinion that the variances related to the severed lot (Application A2024-066) meet the intent of the Official Plan. The front yard setback variance maintains a consistent setback from Maple Avenue, noting that the existing dwelling on the retained lot is set back approximately the same distance (3.21 metres).

However, DHA staff is unsure whether the rear yard variance meets the intent of the Official Plan. On one hand, the *Proposed Site Plan* shows that two 8' x 10' patios would be provided, one for the upper unit, and one for the lower unit. In addition, the rear lot and side yards would be fenced, helping to enclose the amenity space provided in these yards. This would assist in providing privacy for the tenants and buffering from the adjacent properties. However, despite DHA staff's request prior to acceptance of the applications, no *proposed* grading plan or cross-section drawings were provided with the application (a grading plan was provided that only shows *existing* grades), so staff does not fully understand the interface of the anticipated development with the surrounding properties and Maple Avenue.

The *Proposed Site Plan* provided with the application submission shows two retaining walls on the severed lot. From this plan, staff supposes that a portion of the site grading would be raised such that the front and left side of the proposed duplex dwelling, proposed asphalt driveway, proposed patio for upper unit, and most of the front yard would be at the same grade as Maple Avenue. Staff further supposes that the right side yard, proposed patio for lower unit, and the entirety of the rear yard would be within an area of depressed grading. Staff suppositions may not be correct. To confirm whether the rear yard setback variance meets the intent of the Official Plan (e.g. compatibility with adjacent properties), staff recommends a condition requiring a cross-section drawings that clearly demonstrate the above referenced features, to the satisfaction of staff, to understand the relationship between the rear of the dwelling and the surrounding properties.

DHA staff is of the opinion that all variances related to the retained lot (Application A2024-067), except for the rear yard variance, seek to legalize existing lot / building characteristics. These variances meet the intent of the Official Plan. The variance to permit a rear yard setback of 2.8 metres instead of the minimum required 7.5 metres would facilitate the new lot line separating the retained and severed lots. The *Proposed Site Plan* shows that two 8' x 10' patios would be provided, one for the upper unit, and one for the lower unit. In addition, the rear lot and side yards would be fenced, helping to enclose the amenity space provided in these yards. This would assist in providing privacy for the tenants and buffering from the adjacent properties. DHA staff is of the opinion that the rear yard variance meets the intent of the Official Plan.

#### General Intent of the Zoning By-law

With respect to Minor Variance Application A2024-066, DHA staff is of the opinion that the variance for relief for the front yard setback for the severed lot meets the intent of the Zoning By-law since the purpose is to provide a consistent setback along the street and staff is of the opinion that the setback is consistent with the existing dwelling on the retained lot. However, staff is unsure whether the requested rear yard relief for the severed lot meets the intent of the Zoning By-law since the proposed grades are not known and the appropriateness of the relationship between the rear of the dwelling, rear

yard, and adjacent properties is not understood. As aforementioned, staff recommends a condition to require cross-section drawings to confirm the interface.

Regarding Minor Variance Application A2024-067, DHA staff is of the opinion that the variances for relief related to lot width, side yard setback, and side yard abutting a street setback meet the intent of the Zoning By-law, especially since this relief represents a legalization of the existing lot and setback characteristics. The variance for rear yard setback meets the intent of the Zoning By-law, since the rear of the existing dwelling on the retained lot would face the side yard of the proposed duplex dwelling on the severed lot, preventing privacy concerns. Also, the proposed two private patios and fencing, as shown on the *Proposed Site Plan* would assist with ensuring privacy and buffering and would provide sufficient amenity space for residents.

#### Are the Effects of the Variances Minor?

With respect to Minor Variance Application A2024-066, DHA staff is of the opinion that the variance for relief for the front yard setback for the severed lot is minor since it is not anticipated to cause unacceptably adverse impacts on adjacent properties. However, staff is not sure about the impacts that might be caused to the residents of 1176 Union Street, since the proposed grades are not known. Perhaps more importantly, the potential impacts of the 1176 Union Street on the severed lot, especially the proposed lower amenity area, are not understood. Staff recommends a condition to require cross-section drawings to understand any potential impacts.

Regarding Minor Variance Application A2024-067, DHA staff is of the opinion that none of the requested variances will cause unacceptably adverse impacts on the surrounding properties. Accordingly, the variances are minor.

#### Are the Variances Desirable for The Appropriate Development or Use of the Land, Building and/or Structure?

DHA staff is of the opinion that all variances requested through both Application A2024-066 and Application A2024-067 are desirable, possibly except for the variance for rear yard setback relief related to the severed lot (A2024-066), for the reasons outlined above. Subject to satisfactory clearance of the recommended condition, the variances will allow for appropriate, gentle intensification within an established neighbourhood and will assist in providing much needed housing during the present housing crisis.

#### **Planning Comments Consent Application B2024-022:**

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

#### Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the

integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

DHA staff is of the opinion that, subject to satisfactory clearance of the recommended condition regarding Minor Variance Application A2024-066, the requested consent will facilitate gentle intensification of the subject property with the creation of a new lot. Staff is of the opinion that this proposal is consistent with the PPS.

#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation.

The subject lands are located within the City's Built-Up Area, as noted on Map 1 – City Urban Area and Countryside of the Official Plan. Subject to satisfactory clearance of the recommended condition regarding Minor Variance Application A2024-066, the proposed development represents gentle intensification and will contribute towards achieving the City's intensification goals for the Built-Up Area. The severance application will help make efficient use of existing roads, parks (e.g., Ash Park, Guelph Street Park), and nearby transit (e.g., Local GRT Route #6). DHA staff is of the opinion that the development proposal conforms to the Growth Plan.

#### 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. Regional policies 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. The Region has indicated that they have no objections to the proposed consent, subject to the conditions outlined in the Recommendation section of this report (i.e., the Owner shall enter into a registered development agreement with the Region to implement noise mitigation measures for all dwelling units on the severed and retained lands and payment of the consent review fee). DHA staff is satisfied that the application conforms to the ROP.

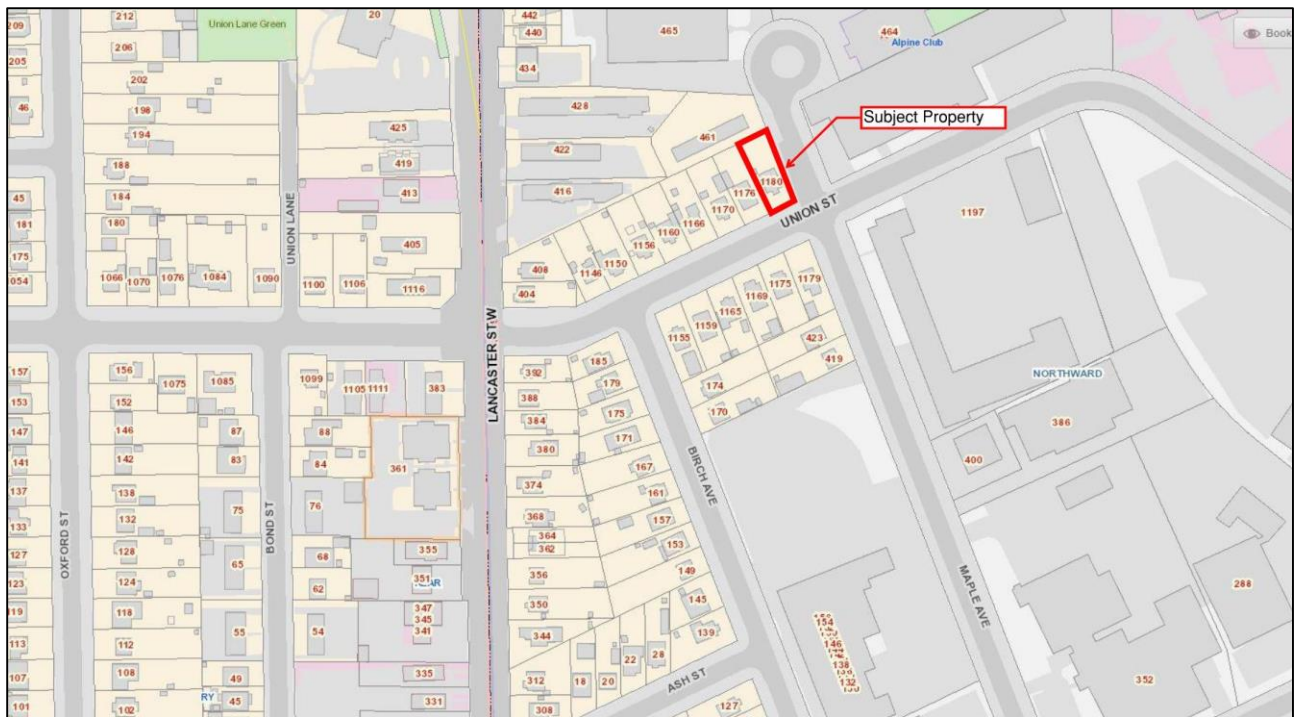
#### City's Official Plan (2014)

The subject property is identified as *Community Areas* on Map 2 – Urban Structure of the 2014 Official Plan and is designated as *Low Rise Conservation A* in the North Ward Secondary Plan. The property is zoned R-5, 129U under By-law 85-1.

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.”



**Figure 4: Lot fabric of surrounding community. Subject Property is outlined in red.**

With respect to the Official Plan, Planning staff is of the opinion that the Severed and Retained lots reflect the general scale and character of the established development pattern of surrounding lands as noted above. Although the resultant lots would have the among the smallest lot areas in the surrounding neighbourhood, the lots would be

consistent in terms of the lot widths. Also, there is significant variation in terms of the lot areas, shapes, and dimensions within the surrounding area. Moreover, the severed and retained lots are located in an area of the neighbourhood that is unique; they are located directly across Maple Avenue from an industrial area and abutting a 3-storey multiple dwelling that was likely constructed in the 1960s. The variety of uses and lot configurations results in an area that does not have a clearly defined character. The area lends itself to additional variety, such as that proposed through the subject Consent Application.

In general, the proposal represents development that is sensitive to and compatible with the character, form and planned function of the surrounding context. Also, the severed lot is sized such that a dwelling can be constructed that is of a similar character, scale and massing to existing dwellings in the area.

In addition, subject to satisfactory clearance of the recommended condition regarding Minor Variance Application A2024-066, appropriate variances have been requested to remedy minor zoning deficiencies. The proposed lots have frontage on established public streets and municipal services will be made available, via conditions, to the severed lot.

#### Zoning By-law 85-1

As aforementioned, the subject property is zoned 'R-5, 129U' under Zoning By-law 85-1. It should be noted that Special Use Provision 129U is technically part of the zoning. However, the text of the regulation has been deleted. Practically, the zoning of the property is R-5 Zone (only). Subject to satisfactory clearance of the recommended condition regarding Minor Variance Application A2024-066, appropriate variances have been requested for both the severed and retained lots. See above Minor Variance comments for more details.

#### **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 severed and retained lots are desirable and appropriate, subject to satisfactory clearance of the recommended condition regarding Minor Variance Application A2024-066. The lots reflect the general scale and character of the established development pattern of surrounding lands and variances have been requested to resolve minor zoning deficiencies. Servicing will be undertaken in accordance with the requirements of Engineering Services. The severed and retained lots have frontage on established public streets. DHA staff is further of the opinion that the proposal is consistent with the Provincial Policy Statement, and the Region of Waterloo Official Plan, conforms to the Growth Plan for the Greater Golden Horseshoe, and represents good planning.

#### **Environmental Planning Comments:**

Standard condition for consent to enter into an agreement to complete a Tree Preservation/Enhancement Plan prior to demolition/building permit/grading/servicing etc. on BOTH severed AND retained parcels.

#### **Heritage Planning Comments:**

No Heritage comments or concerns.



**Building Division Comments:**A2024-066:

The Building Division has no objections to the proposed variances provided building permit for the new duplex is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

A2024-067:

The Building Division has no objections to the proposed variances.

B2024-022:

The Building Division has no objections to the proposed consent provided for the retained land:

1. A qualified designer is retained to complete a Building Code Assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall address such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.
2. A building permit shall be obtained for any remedial work/ upgrades that may be required by the Building Code Assessment.

**Engineering Division Comments:**A2024-066 and A2024-067:

No concerns.

B2024-022:

- 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 [nolan.beatty@kitchener.ca](mailto:nolan.beatty@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 grading and drainage control plan will be required to the satisfaction of the Engineering Division prior to severance approval. Final approval of on-site grading from the Building Division will be required at building permit stage.
- 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:**

A2024-066 and A2024-067:

No requirements.

B2024-022:

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 15.68 metres at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

No City-owned street trees will be impacted by the proposed development.

**Transportation Planning Comments:**

All Applications:

Transportation Services have no concerns with these applications.

**Region of Waterloo Comments:**

A2024-066 and A2024-067:

No concerns.

B2024-022:

The applicant proposes to sever an existing 537 square-metre lot and create a new lot of record. The severed lands (235 square metres) would subsequently be developed with a new duplex dwelling with access to Maple Avenue, while the retained lot would be 303 square metres and maintain the existing single-detached dwelling and driveway access to Union Street. Relief from front/side yard setback and lot coverage requirements are required in a separate application.

Note that Regional staff provided pre-submission comments to the City and applicant pertaining to this proposal on March 26, 2024 (original) and June 12, 2024 (amended).

Record of Site Condition (Advisory)

The above-ground heating fuel tank in the basement of the existing dwelling is noted on the Environmental Site Screening Questionnaire. Staff have further evaluated the proposed threat since initial pre-consultation in March 2024, and consider it to be a low risk with respect to the Region's Threats Inventory Database. As such, a Record of Site Condition is not required for this application in accordance with the Region's Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites.

Environmental and Stationary Noise

At this location, the proposed development may encounter environmental noise sources from Lancaster Street West (Regional Road #29), Provincial Highway 85 (Conestoga Parkway), and potential stationary noise sources from existing land uses in the vicinity. In lieu of a detailed noise study, the Region will require as a condition of consent approval

that the owner/applicant enter into a registered Development Agreement with the Region of Waterloo to implement the following noise mitigation measures for all dwelling units on the severed and retained lands:

- a) That all dwelling units be constructed with a central air conditioning system. The location, installation and sound ratings of the outdoor air conditioning devices shall comply with the Ministry of the Environment, Conservation and Parks' NPC-300 noise guideline, as applicable.
- b) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements:

“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.”

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of Environment, Conservation and Parks.”

“Purchasers/tenants are advised that due to the proximity of the adjacent industries, noise from these industries may at times be audible.”

#### Regional Consent Review Fee

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

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing [pwalter@regionofwaterloo.ca](mailto:pwalter@regionofwaterloo.ca).
- Cheque or bank draft can be dropped off at Regional Head Office lobby/security (on the main floor), located at 150 Frederick St, Kitchener. 15-minute parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen Street North and Ahrens Street East.
- 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 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the Region of Waterloo to implement the following conditions for all dwelling units on both retained and severed lots:
  - a. That all dwelling units be constructed with a central air conditioning system. The location, installation and sound ratings of the outdoor air conditioning devices shall

comply with the Ministry of the Environment, Conservation and Parks' NPC-300 noise guideline, as applicable.

- b. That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements:
  - 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."
  - ii. "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and Ministry of Environment, Conservation and Parks."
  - iii. "Purchasers/tenants are advised that due to the proximity of the adjacent industries, noise from these industries may at times be audible."

**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.

**GRCA Comments:**

**All applications:**

No objections.

**Enova Power Comments:**

**All applications:**

Is the new development going to be subfied from the main house or will an easement on the property be provided in order for Enova to service the new dwelling? [Additional comment from Enova: "This is not something that needs to be determined at this time. This sort of process will go through our services department. I just wanted to flag it early on in the process so that it is something to keep in mind when it comes to actually servicing the property. When the new dwelling is built, there may be another option available that is not clear at this time, but this may be something that may come up when time of servicing happens."]

**Hydro One Comments:**

B2024-022:

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 Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *North Ward Secondary Plan (1994 Official Plan)*
- *Zoning By-law 85-1*

**ATTACHMENTS:**

Attachment A – Severance Sketch, submitted with Applications.

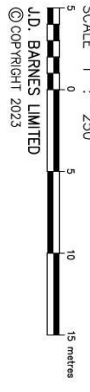
Attachment B – *Proposed Site Plan*, submitted with Applications.

Attachment C – Plan showing Existing Grades, submitted with Applications.

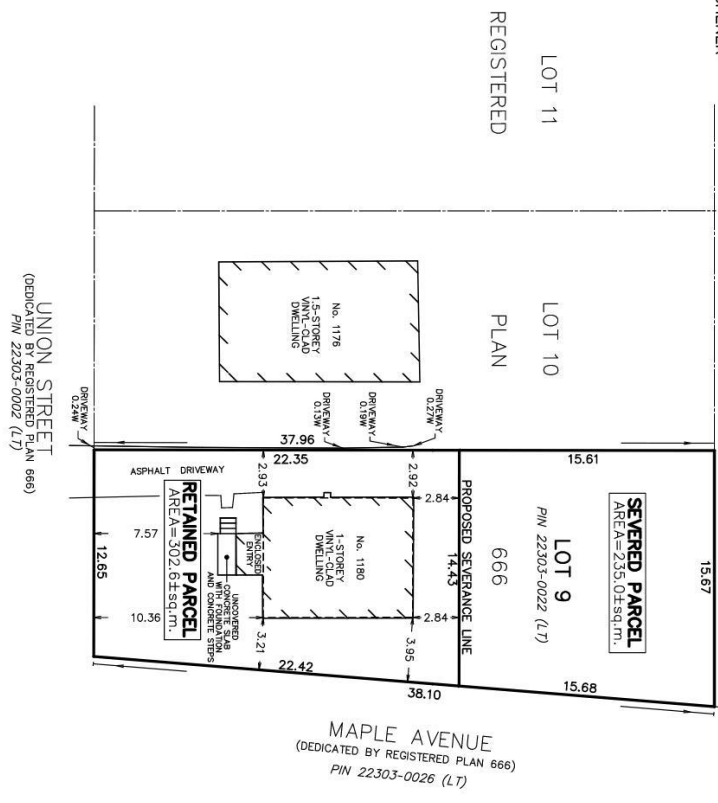
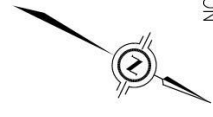


# Attachment A – Severance Sketch

SKETCH PREPARED FOR SEVERANCE APPLICATION  
**LOT 9**  
**REGISTERED PLAN 666**  
 CITY OF KITCHENER  
 REGIONAL MUNICIPALITY OF WATERLOO

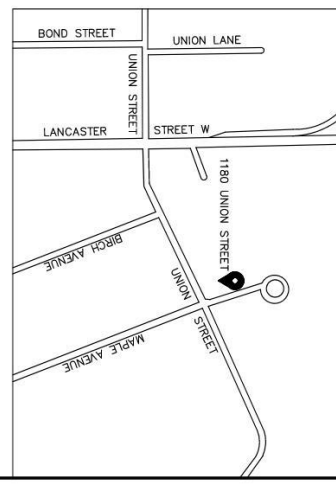


MUNICIPAL ADDRESS: 1180 UNION STREET, KITCHENER



### NOTES

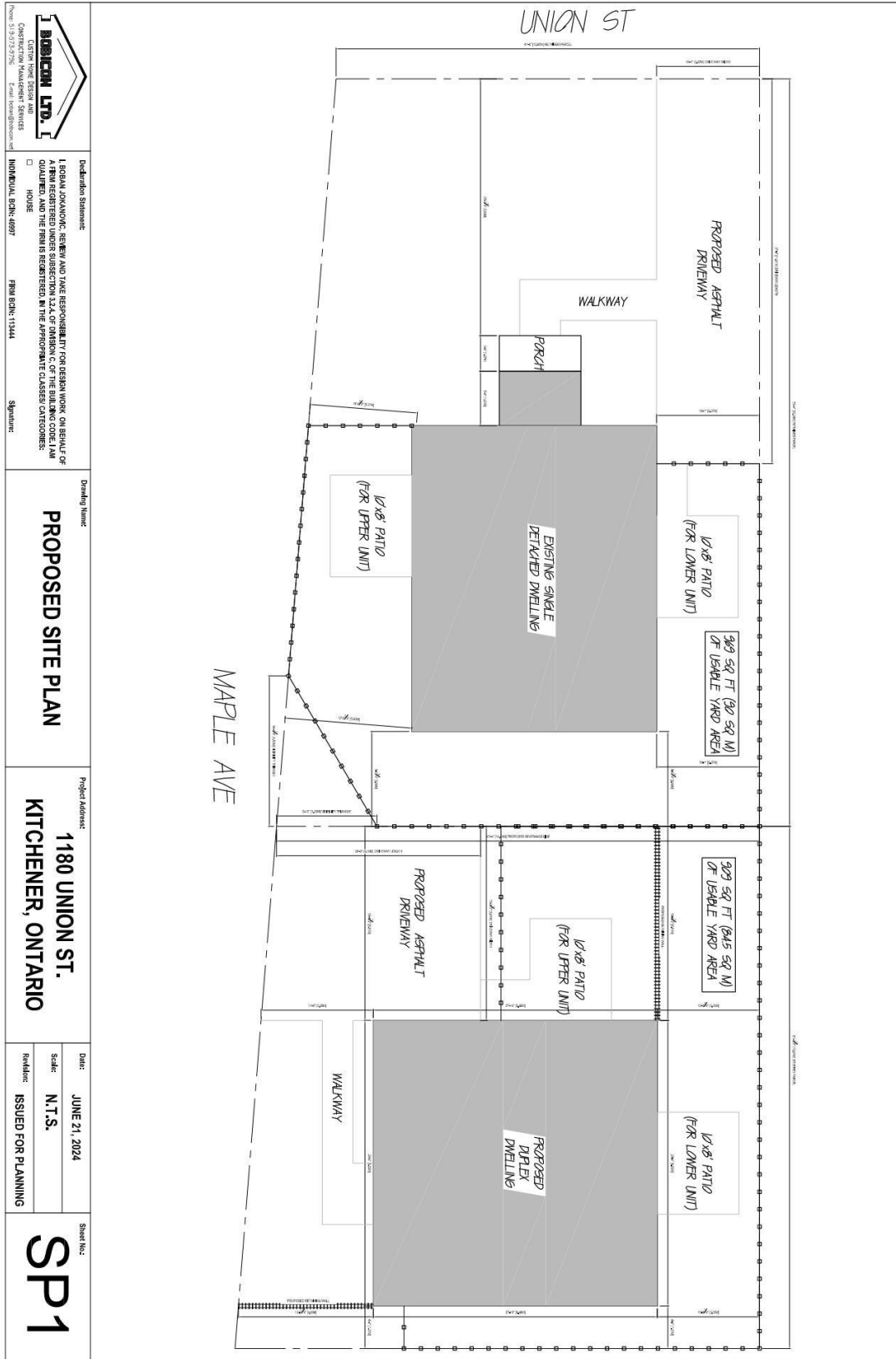
1. PROPOSED SEVERANCE LINE WAS SET AT 2.84m FROM THE REAR OF THE DWELLING.
2. PARCEL AREAS:  
 -RETAINED PARCEL= 302.6±sq.m.  
 -SEVERED PARCEL= 235.0±sq.m.



**J.D. BARNES**  
 SURVEYING  
 LAND INFORMATION SPECIALISTS  
 LIMITED  
 24-40-242-00\_88V

CB	DRAWN
JPH	CHECKED
04/11/2024	DATE

# Attachment B – Proposed Site Plan



**Declaration Statement:**  
 I, ROMA JOHANNIC, OWNER AND AME RESPONSIBLE FOR DESIGN WORK, ON BEHALF OF A FIRM REGISTERED UNDER SUBSECTION 32.4 OF DIVISION C OF THE BUILDING CODE LAW QUALIFIED, AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSIFIED CATEGORIES:  
 HOUSE  
 HOUSE  
 FIRM REG. NO: 11344  
 Signature: \_\_\_\_\_

Drawing Name:  
**PROPOSED SITE PLAN**

Project Address:  
**1180 UNION ST.  
 KITCHENER, ONTARIO**

Date: **JUNE 21, 2024**  
 Scale: **N.T.S.**  
 Issued For: **ISSUED FOR PLANNING**

Sheet No.:  
**SP1**

**Attachment C – Plan showing Existing Grades**

