



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES

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Erica Ali
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File: D20-20/24 KIT
November 4, 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 2024-029 to B 2024-36 exclusively
Committee of Adjustment Hearing November 19, 2024
City of Kitchener**

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

B 2024-029

62 Fourth Ave

PLAN 254 PT LOT 75 PT LOT 76

Owner: Ken Hodgins

Application: Jon O'Malley

The applicant/owner proposes consent to sever existing residential parcel to create a new lot; the proposed lots being equal in dimension: 7.62m width, 40.37m depth, and 307.62 sqm area. A building permit has been issued for the construction of a duplex semi-detached dwelling, and the consent would facilitate the conveyance of each dwelling on separate lots.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-4.

Environmental Noise

At this location, the proposed development may encounter traffic noise sources due to Highway 7 and Highway 8. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements. The Regional process for this requirement can be provided upon request.

In lieu of an Environmental Noise Study, the Region will require as a condition of consent approval that the owner/applicant enter into a registered Development Agreement with the City of Kitchener to implement the following noise mitigation measures:

- a) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the retained and severed lots:
 - (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."

Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act and Wellhead Protection Sensitivity Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

Regional Review Fees

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

Fees must be submitted individually to the Region, in-person, by mail, or e-payment.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- 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 Section 59 Notice to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of offer of purchase/sale and lease/rental for all dwelling units on the retained and severed lots, to the satisfaction of the Region:
 - 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 the Environment, Conservation and Parks.

B 2024-030

630 Benninger Dr

BLOCK 132, PLAN 58M-642

Owner: Aactiva Holdings Inc

Applicant: MHBC (Rachel Wolff)

The applicant/owner proposes consent to create an access easement over the internal roadway in Unit 2, in favour of Units 3-9, within WVLCPC 782 (as illustrated on Parts 1 and 2 on Plan . 58R-21439). The access easement will provide Units 3 through 9 with legal access to and from Benninger Drive, and facilitate redevelopment of the site in accordance with approved Site Plan SP21/017/B/CD. Originally, the road was planned to be registered as common element within a standard plan of condominium. However, this is no longer possible as the owners have decided not to proceed with said registration of Units 1 through 9.

The subject lands are within the Urban Area Boundary and designated Greenfield Area in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential/ Mixed Use in the City's Official Plan (Map 3 – Land Use) and zoned Mix-1.

Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act, and Wellhead Protection Sensitivity Area and Groundwater Recharge Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

Regional Review Fees

Regional Staff received the required consent review fee of \$350 on November 1, 2024.

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

1. That the Owner/Applicant submit the Section 59 Notice to the Regional Municipality of Waterloo.

B 2024-031

829 Stirling Ave S

PT LT 3 PL 785 KITCHENER AS IN 876791

Owner: KK Holding Inc

Applicant: Venkata Thamma

The applicant/owner proposes consent to sever existing residential parcel to create a new lot, each lot being equal in dimension: 7.92m width, 45.72m depth, and 362.31sqm area. The consent will facilitate the redevelopment of the subject site with construction of a duplex semi-detached dwelling on each lot.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-5.

Environmental Noise

At this location, the proposed development may encounter noise sources due to Hwy 7 and Hwy 8. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements. The Regional process for this requirement can be provided upon request.

In lieu of an Environmental Noise Study, the Region will require as a condition of consent approval that the owner/applicant enter into a registered Development Agreement with the City of Kitchener to implement the following noise mitigation measures:

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Source Water Protection

The subject lands are within a Wellhead Protection Area under the Clean Water Act and Wellhead Protection Sensitivity Area under the Regional Official Plan. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application. Please visit the TAPS website to obtain documentation and for further information: <https://taps.regionofwaterloo.ca/>. The Section 59 Notice will be required as condition of approval for the consent application.

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

1. That the Owner/Applicant submit the Section 59 Notice to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following warning clauses in all agreements of purchase and sale and/or rental agreements for all dwelling units on the retained and severed lots:
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B 2024-032/ B 2024-033

75 Otterbein Rd (severed/retained)

PLAN 58M654 BLK 1

Owner: Nitin Jain / KOLB CREEK LAND CORP

Applicant: MHBC (Dave Aston)

The applicant/owner is proposing consent to create a number of reciprocal easements for access, infrastructure and maintenance. The consent will facilitate redevelopment of the site in accordance with Site Plan SP22/078/O/ES (approved in principle). The proposed easements are as follows: Part 2 and 5 (access and servicing); Part 6 and 7 (servicing and drainage).

The applicant notes that the current consent applications represent a resubmission of B2023-039, the difference being that more information is provided on the applicable parts, while the severance plan remains the same. B2023-040 created the two parcels (conditionally approved with lapsing date of October 27, 2025), while B2023-039 had proposed associated easements.

The applicant states that the consent applications will facilitate the creation of two separate condominiums that function as a single cohesively planned development, while satisfying construction, phasing, and financing concerns. The site is planned to be developed with two 6-storey apartment buildings (48 units each) and three townhouse blocks (57 units), for a total of 153 units, including common amenity areas, private access roads, and surface parking (169 spaces).

The subject lands are within the Urban Area Boundary and designated Greenfield Area in the Regional Official Plan (Map 1, 2). The subject lands are designated Medium-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-6.

Salt Management Plan (Advisory)

The property is in a vulnerable area under the 2022 Grand River Source Protection Plan, but not within the area where Risk Management Plan or prohibition polices implemented by the Region of Waterloo apply.

The owner/applicant is advised that a Salt Management Plan (SMP) is required to be submitted for review and approval by the Region as through the related Site Plan application.

Airport Zoning Regulations (Advisory)

The parcel is within the Airport Zoning Regulations (AZR) with an allowable elevation of 356.5m ASL, which is roughly 37m above existing ground. Any cranes used onsite is expected to exceed this height limitation and would therefore require an exemption to the AZR. Note that an aeronautical assessment had previously been completed for 50 Otterbein Road, showing an allowable height of 393m ASL. Development height was below this elevation, and so the airport approved of the exemption.

The developer is required to submit a Land Use Assessment to Nav Canada for the building and any cranes, and obtain a letter of no objection to the satisfaction of the Region. <https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>

If an AZR exemption is required (any obstacles above 356.5m ASL), then the developer will also need to submit an Aeronautical Assessment Form to Transport Canada and comply with all requirements. <https://tc.canada.ca/en/aviation/general-operating-flight-rules/markings-lighting-obstacles-air-navigation>

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B 2024-034/ B2024-035

70 Rutherford Dr/ 74 Rutherford Dr

PART LOT 7 PLAN 742 BEING PARTS 1-4 ON PLAN 58R-21514

Owner: Pero/Mirjana Perencevic

Applicant: Bobicon Ltd (Boban Jokanovic)

The owner/applicant is proposing consent to create reciprocal easements for access to parking lot. The subject lands were severed into two lots through approved consent B2022-003. A reciprocal easement was not required at that time.

The subject lands are within the Urban Area Boundary and designated Built-Up Area in the Regional Official Plan (Map 1, 2). The subject lands are designated Low Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-4.

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B 2024-036

73 Fourth Ave

LT 95 PL 254 TWP OF WATERLOO

Owner: Nikola Vrzic

Applicant: Bobicon Ltd (Boban Jokanovic)

The owner/applicant is proposing consent to sever existing residential lot to create new residential lot. The retained and severed lots being equal in dimension; 10.058m width, 40.279m depth, and 405.126sqm area. The consent will facilitate the redevelopment of the new lot with a detached duplex dwelling. Frontage and access on Fourth Ave for both lots is proposed.

The subject lands are within the Urban Area Boundary and designated Built-Up Area in the Regional Official Plan (Map 1, 2). The subject lands are designated Low Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-4.

Environmental Noise

At this location, the proposed development may encounter traffic noise sources due to Highway 7 and Highway 8. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements. The Regional process for this requirement can be provided upon request.

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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,

A handwritten signature in cursive script, appearing to read "Erica Ali".

Erica Ali RPP
Planner, Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo