

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 10, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Andrew Pinnell, Senior Planner, 519-783-8915

WARD INVOLVED: Ward 10

DATE OF REPORT: December 3, 2024

REPORT NO.: DSD-2024-531

SUBJECT: Minor Variance Applications A2024-114 - A2024-119
Consent Applications B2024-041 - B2024-047
Addresses: 98-102 Weber St. E. and 217-233 Lancaster St. E.
Owner of 98-102 Weber St. E. and 221-233 Lancaster St. E:
1678838 Ontario Inc.
Owner of 217 Lancaster Street East: William Reitzel and Lisa Willms

RECOMMENDATION:

A. Minor Variance Application A2024-114 (98-102 Weber Street East; Retained Lot)

Zoning By-law 85-1

That Minor Variance Application A2024-114 for 98-102 Weber Street East requesting the following relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.12.1 to permit two (2) single detached dwellings on a single lot, whereas no more than one (1) is permitted;
- ii) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT), whereas no obstruction to visibility is permitted;
- iii) Section 5.6A.4 d) to permit a front yard porch exceeding 0.6 metres in height above finished grade level to have a setback of 1.6 metres, whereas 4.5 metres is required;
- iv) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- v) Section 39.2.1 to permit a front yard setback of 2.8 metres whereas 4.5 metres is required; and

- vi) Section 5.6A.1 a) and c) to permit a balcony to be supported by the ground and setback 1.6 metres from the front lot line, whereas a balcony is not permitted to be supported by the ground and a 3 metre setback is required;

to facilitate the legalization of two existing dwellings [i.e., 1 Single Detached Dwelling without Additional Dwelling Units at 98 Weber Street East and 1 Single Detached Dwelling with 1 Additional Dwelling Unit (Attached) at 102 Weber Street East] on the Retained Lot, as determined through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Retained Parcel – 98, 102 Weber Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED.

Zoning By-law 2029-051

That Minor Variance Application A2024-114 for 98-102 Weber Street East requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 4.12 a), to permit two single detached dwellings on a single lot, whereas no more than one is permitted;
- ii) Section 6.3.1, Table 6-2, to permit a front yard setback of 2.8 metres, whereas 4.5 metres is required;
- iii) Section 4.14.7 b), to permit a porch to be set back 1.6 metres from the street line, whereas 3 metres is required, and to allow a height exceeding 1 metre above the ground;
- iv) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas two (2) spaces are required;
- v) Section 4.14.2 b) and d) to permit a balcony to be supported by the ground to be setback 1.6 metres from the street line, whereas a balcony may not be supported by the ground and requires a setback of 3 metres; and
- vi) Section 4.14.10 b) to permit steps that exceed 0.6 metres above grade to be located 1.6 metres from a street line, whereas 3 metres is required;

to facilitate the legalization of two existing dwellings [i.e., 1 Single Detached Dwelling without Additional Dwelling Units at 98 Weber Street East and 1 Single Detached Dwelling with 1 Additional Dwelling Unit (Attached) at 102 Weber Street East] on the Retained Lot, as determined through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Retained Parcel – 98, 102 Weber Street East* attached to Report DSD-2024-531, BE APPROVED subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

B. Minor Variance Application A2024-115 (217 Lancaster Street East)

Zoning By-law 85-1

That Minor Variance Application A2024-115 for 217 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 85-1:

- i) Section 39.2.1 to permit a rear yard setback of 7.3 metres, whereas 7.5 metres is required;
- ii) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT), whereas no obstruction to visibility is permitted;
- iii) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- iv) Section 5.6A.1 a) and c) to permit a balcony to be supported by the ground and set back 0.75 metres from the front lot line, whereas a balcony is not permitted to be supported from the ground and a 3.0 metre setback is required;
- v) Section 39.2.1 to permit a minimum front yard setback of 4.2 metres, whereas 4.5 metres is required;
- vi) Section 39.2.1 to permit a minimum existing side yard setback of 1.9 metres, whereas 4.5 metres is required;
- vii) Section 39.2.1 to permit a minimum lot width of 11.4 metres, whereas 15 metres is required for a corner lot; and
- viii) Section 5.6A.4 a) to permit a porch to be set back from the front lot line 0.75 metres, whereas 3 metres is required;

to facilitate legalization of an existing Single Detached Dwelling with 2 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Lot Line Adjustment – 217 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2024-115 for 217 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a corner lot width of 11.4 metres, whereas 12.8 metres is required;
- ii) Section 6.3.1, Table 6-2, to permit a front yard setback of 4.2 metres, whereas 4.5 metres is required;
- iii) Section 6.3.1, Table 6-2, to permit a rear yard setback of 7.3 metres, whereas 7.5 metres is required;
- iv) Section 4.14.7 b) to permit a porch to be set back 0.75 metres from the street line, whereas 3 metres is required;
- v) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas two (2) spaces are required;

- vi) Section 6.3.1, Table 6-2, to permit an exterior side yard Setback of 1.9 metres, whereas 4.5 metres is required;
- vii) Section 4.14.2 d) to permit a balcony to be set back 0.75 metres from the street line, whereas 3 metres is required; and
- viii) Section 5,4, Table 5-3, to permit driveway width of 45% of the lot width whereas only 40% is permitted;

to facilitate legalization of an existing Single Detached Dwelling with 2 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Lot Line Adjustment – 217 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED, subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

C. Consent Application B2024-041 (Lot Addition from 98-102 Weber Street East to 217 Lancaster Street East)

That Consent Application B2024-041 requesting consent to sever a triangular-shaped parcel of land having an approximate area of 36.8 square metres, from the lands addressed as 98-102 Weber Street East, to be conveyed as a lot addition to the lands addressed as 217 Lancaster Street East, generally in accordance with the drawing entitled *Lot Line Addition A* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

1. That Minor Variance Application A2024-115 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 prior to deed endorsement, the Owner shall:
 - a) Submit a Tree Preservation / Enhancement Plan (TP/EP), in accordance with the City's Tree Management Policy, for the Retained Lands (i.e., 98-

102 Weber Street East), to the satisfaction of the City's Director, Development and Housing Approvals. Said TP/EP shall include, among other matters specified in Section 3.4 and Appendix 'C' of Kitchener's Tree Management Policy, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved, removed and/or impacted. If necessary, the plan shall include required mitigation and or compensation measures.

- b) Enter into an agreement with the City of Kitchener, 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:
 - i) The Owner shall implement the above referenced Tree Preservation / Enhancement Plan (TP/EP) prior to any demolition, grading, servicing, tree removal or the issuance of building permits – whichever comes first;
 - ii) No changes to the said TP/EP shall be granted except with the prior approval of the City's Director, Development and Housing Approvals; and
 - iii) The Owner shall maintain the lands in accordance with the approved TP/EP, for the life of the development.

6. That the Owner shall:

- a) complete a Building Code Assessment for the existing dwelling proposed to be retained on the severed and/or 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.
- b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.

7. That the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

8. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

9. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.
10. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”

- b) That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

D. Minor Variance Application A2024-116 (221 Lancaster Street East)

Zoning By-law 85-1

That Minor Variance Application A2024-116 for 221 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT), whereas no obstruction to visibility is be permitted;
- ii) Section 5.6A.4 a) to permit a porch to have a setback of 0 metres from the front lot line, whereas 3.0 metres is required; and
- iii) Section 39.2.1 to permit a front yard setback of 1.9 metres, whereas 4.5 metres is required;

to facilitate legalization of an existing Single Detached Dwelling without Additional Dwelling Units on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 1 – 221 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2024-116 for 221 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a front yard setback of 1.9 metres, whereas 4.5 metres is required; and
- ii) Section 4.14.7 b) to permit a porch to be set back 0 metres from the street line, whereas 3 metres is required;

to facilitate legalization of an existing Single Detached Dwelling without Additional Dwelling Units on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 1 – 221 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED, subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

E. Consent Application B2024-042 (Creation of a New Lot – 221 Lancaster Street East)

That Consent Application B2024-042 requesting consent to sever a parcel of land from the lands addressed as 98-102 Weber Street East, having an approximate lot width of 11.2 metres on Lancaster Street East, a depth of 21.8 metres and an area of 205.4 square metres, generally in accordance with the drawing entitled *Severed Lot 1 – 221 Lancaster Street East* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

1. That Minor Variance Application A2024-116 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 the owner shall:

- a) complete a Building Code Assessment for the existing dwelling proposed to be retained on the severed and/or 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.**
- b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.**

6. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.

7. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:**

“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.”

8. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

F. Minor Variance Application A2024-117 (225 Lancaster Street East)

Zoning By-law 85-1

That Minor Variance Application A2024-117 for 225 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3 to permit obstructed Driveway Visibility Triangles (DVT), whereas no obstruction to visibility is permitted;
- ii) Section 6.1.1.1 (b) (iii) to permit two (2) driveway accesses, whereas only one (1) driveway with one access point is permitted;
- iii) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- iv) Section 45.3 to permit a front yard setback of 1.6 metres, whereas 4.5 metres is required; and
- v) Section 5.6.1 b) to permit steps less than 0.6 metres above grade to be located 0 metres from the closest lot line, whereas 0.5 metres is required;

to facilitate legalization of an existing Single Detached Dwelling with 3 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 2 – 225 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2024-117 for 225 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a front yard setback of 1.6 metres, whereas 4.5 metres is required;
- ii) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas two (2) spaces are required;
- iii) Section 5.4 (b) to permit two (2) driveway accesses, whereas only one (1) access point from each street or lane is permitted; and
- iv) Section 4.14.10 a) to permit steps to be located 0 metres from a lot line, whereas 0.5 metres is required;

to facilitate legalization of an existing Single Detached Dwelling with 3 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 2 – 225 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED, subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

G. Consent Application B2024-043 (Creation of a New Lot – 225 Lancaster Street East)

That Consent Application B2024-043 requesting consent to sever a parcel of land from the lands addressed as 98-102 Weber Street East, having an approximate lot width of 17.8 metres on Lancaster Street East, a depth of 22.7 metres and an area of 397.3 square metres, generally in accordance with the drawing entitled *Severed Lot 2 – 225 Lancaster Street East* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

1. That Minor Variance Application A2024-117 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 the owner shall:
 - a) complete a Building Code Assessment for the existing dwelling proposed to be retained on the severed and/or 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.
 - b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.
6. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.
7. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”

8. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

H. Minor Variance Application A2024-118 (229 Lancaster Street East)

Zoning By-law 85-1

That Minor Variance Application A2024-118 for 229 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 85-1:

- i) Section 39.2.1 to permit a rear yard setback of 4.0 metres whereas 7.5 metres is required; and
- ii) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT) whereas no obstruction to visibility is permitted;

to facilitate legalization of an existing Single Detached Dwelling without Additional Dwelling Units on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 3 – 229 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED.

Zoning By-law 2029-051

That Minor Variance Application A2024-118 for 229 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a rear yard setback of 4 metres, whereas 7.5 metres is required.

to facilitate legalization of an existing Single Detached Dwelling without Additional Dwelling Units on the lot established through Consent Applications B2024-041 –

B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 3 – 229 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED, subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

I. Consent Application B2024-044 (Creation of a New Lot – 229 Lancaster Street East)

That Consent Application B2024-044 requesting consent to sever a parcel of land from the lands addressed as 98-102 Weber Street East, having an approximate lot width of 12.8 metres on Lancaster Street East, a depth of 26.6 metres and an area of 292.8 square metres, generally in accordance with the drawing entitled *Severed Lot 3 – 229 Lancaster Street East* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

- 1. That Minor Variance Application A2024-118 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 the owner shall:**
 - a) complete a Building Code Assessment for the existing dwelling proposed to be retained on the severed and/or 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.**
 - b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.**

6. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.
7. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”

8. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

J. Minor Variance Application A2024-119 (233 Lancaster Street East)

Zoning By-law 85-1

That Minor Variance Application A2024-119 for 233 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3 to permit obstructed Driveway Visibility Triangles (DVT), whereas no obstruction to visibility is permitted;
- ii) Section 5.6A.4 a) to permit a porch to be set back from the front lot line 0 metres, whereas 3.0 metres is required;
- iii) Section 5.22.3 f) to provide 6% of front yard landscaped area, whereas 20% is required;
- iv) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- v) Section 39.2.1 to permit a front yard setback of 1.8 metres, whereas 4.5 metres is required; and
- vi) Section 39.2.1 to permit a side yard setback of 0 metres, whereas 1.2 metres is required;

to facilitate legalization of an existing Single Detached Dwelling with 2 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 4 – 233 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2024-119 for 233 Lancaster Street East requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a front yard setback of 1.8 metres, whereas 4.5 metres is required;
- ii) Section 6.3.1, Table 6-2, to permit an interior side yard Setback of 0 metres, whereas 1.2 metres is required;
- iii) Section 4.14.7 b), to permit a porch to be set back 0 metres from the street line, whereas 3 metres is required;
- iv) Section 4.12.2 h) to provide 6% front yard landscaped area, whereas 20% is required; and
- v) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces) whereas 2 spaces are required;

to facilitate legalization of an existing Single Detached Dwelling with 2 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, generally in accordance with the drawings entitled *Severance Sketch – Severed Lot 4 – 233 Lancaster Street East, Kitchener* attached to Report DSD-2024-531, BE APPROVED, subject to the following:

This Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

K. Consent Application B2024-045 (Creation of a New Lot – 233 Lancaster Street East)

That Consent Application B2024-045 requesting consent to sever a parcel of land from the lands addressed as 98-102 Weber Street East, having an approximate lot width of 14.3 metres on Lancaster Street East, a depth of 21.7 metres and an area of 375.2 square metres, generally in accordance with the drawing entitled *Severed Lot 4 – 233 Lancaster Street East* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

1. That Minor Variance Application A2024-119 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 the existing utility shed / trailer be removed or relocated, to the satisfaction of the City's Manager, Development Approvals.
6. That the owner shall:
 - a) complete a Building Code Assessment for the existing dwelling proposed to be retained on the severed and/or 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.
 - b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.
7. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.
8. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”
9. That the Owner shall enter into a registered Development Agreement with the

Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

L. Consent Application B2024-046 (Lot Addition from 217 Lancaster Street East to 221 Lancaster Street East)

That Consent Application B2024-046 requesting consent to sever a triangular-shaped parcel of land having an approximate area of 34.7 square metres, from the lands addressed as 217 Lancaster Street East, to be conveyed as a lot addition to the lands addressed as 221 Lancaster Street East, generally in accordance with the drawing entitled *Lot Line Addition B* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

1. That Minor Variance Application A2024-116 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 the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
6. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that

the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

7. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.
8. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”

9. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

M. Consent Application B2024-047 (Lot Addition from 217 Lancaster Street East to 98-102 Weber Street East)

That Consent Application B2024-047 requesting consent to sever an irregular-shaped parcel of land having an approximate area of 316.9 square metres, from the lands addressed as 217 Lancaster Street East, to be conveyed as a lot addition to the lands addressed as 98-102 Weber Street East, generally in accordance with the drawing entitled *Lot Line Addition C* attached to Report DSD-2024-531, BE APPROVED, subject to the following conditions:

1. That Minor Variance Application A2024-115 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 the existing utility shed / trailer be removed or relocated, to the satisfaction of the City's Manager, Development Approvals.
6. That the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
7. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

8. That, prior to final approval, the Owner shall submit the Consent Application Review Fee of \$350.00 to the Regional Municipality of Waterloo.
9. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”

10. That the Owner shall enter into a registered Development Agreement with the Regional Municipality of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend approval with conditions of the proposed Consent Applications, to allow the creation of new lots, for existing detached dwellings, on lands comprised of multiple properties that had **inadvertently** merged on title, and to recommend approval of associated Minor Variance Applications, to recognize existing dwellings on the resultant lots.
- 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.

BACKGROUND:



Figure 1: Photo of existing dwelling at 217 Lancaster Street East



Figure 2: Photo of existing dwelling at 221 Lancaster Street East



Figure 3: Photo of existing dwelling at 225 Lancaster Street East



Figure 4: Photo of existing dwelling at 229 Lancaster Street East



Figure 5: Photo of existing dwelling at 233 Lancaster Street East



Figure 6: Photo of existing dwelling at 98 Weber Street East



Figure 7: Photo of existing dwelling at 102 Weber Street East

The subject properties, addressed as 98-102 Weber St. E. and 217-233 Lancaster St. E., are located in the Central Frederick Planning Community, near the intersection of Lancaster Street East and Weber Street East.

Staff understands from the applicant that the properties addressed as 221-233 Lancaster Street East and 98-102 Weber Street East have inadvertently merged on title (they are considered one parcel for Planning Act purposes) and are under the same ownership (i.e., 1678838 Ontario Inc.). These properties contain 6 Single Detached Dwellings, some containing Additional Dwelling Units (Attached). According to MPAC, the dwellings were constructed in approximately the following years:

Address	Approx. Construction Date
221 Lancaster Street East	1855
225 Lancaster Street East	1880
229 Lancaster Street East	1880
233 Lancaster Street East	1880
98 Weber Street East	1880
102 Weber Street East	1895

Table 1 – Construction Dates of Dwellings on Subject Properties

The property addressed as 217 Lancaster Street East remains separate from the larger parcel and is owned by William Reitzel and Lisa Willms, noting that staff understands William Reitzel is a part owner of the numbered company that owns the larger parcel. This property contains a Single Detached Dwelling with 2 Additional Dwelling Units (Attached). According to MPAC, the dwelling was constructed in approximately 1833.

Additional Dwelling Unit information for each of the subject properties is noted below:

	Number of Additional Dwelling Units within Each Single Detached Dwelling
217 Lancaster Street East	2 ADUs (Attached)
221 Lancaster Street East	0
225 Lancaster Street East	3 ADUs (Attached)
229 Lancaster Street East	0
233 Lancaster Street East	2 ADUs (Attached)
98 Weber Street East	0
102 Weber Street East	1 ADU (Attached)

Table 2 – Additional Dwelling Units

Together, the parcels have approximately 78 metres of frontage on Lancaster Street East, 37 metres of frontage on Weber Street East, and 6.3 metres of frontage on Irvin Street.

Under the City’s Official Plan, the Urban Structure of all subject properties is Protected Major Transit Station Area (PMTSA). The subject properties are located within Growing Together Study Area. The Official Plan designations of the subject properties have been updated via this study, rendering all properties ‘Strategic Growth Area B’.

While the Zoning By-law Amendment that emerged from this study was approved by Council this year (i.e., Zoning By-law 2019-051, as amended by By-law 2024-065), it was appealed to the Ontario Land Tribunal and remains under appeal. Accordingly, staff is ‘dual-testing’ under this Council-approved, appealed By-law and the older Zoning By-law 85-1. Accordingly, the zoning for the subject properties is as follows:

	Zoning By-law 85-1	Zoning By-law 2019-051, as amended by By-law 2024-065 (Council-Approved, Appealed)
217 Lancaster Street East	Residential Five Zone (R-5)	Strategic Growth Area Two Zone (SGA-2)
221 Lancaster Street East	Commercial Residential Two Zone (CR-2), 115R, 125U	Strategic Growth Area Two Zone (SGA-2)
225 Lancaster Street East	Commercial Residential Two Zone (CR-2), 115R, 125U	Strategic Growth Area Two Zone (SGA-2)
229 Lancaster Street East	Commercial Residential Two Zone (CR-2), 115R, 125U	Strategic Growth Area Two Zone (SGA-2)
233 Lancaster Street East	Commercial Residential Two Zone (CR-2), 115R, 125U	Strategic Growth Area Two Zone (SGA-2)
98 Weber Street East	Commercial Residential Two Zone (CR-2), 115R, 125U	Strategic Growth Area Two Zone (SGA-2)
102 Weber Street East	Commercial Residential Two Zone (CR-2), 115R, 125U	Strategic Growth Area Two Zone (SGA-2)

Table 3 – Current Zoning

The ‘CR-2’ Zone allows a Single Detached Dwelling existing as of the date that the CR-2 Zone was applied to the land, as a permitted use. Any additions or alterations must be in accordance with Section 39.2.1 (R-5 Zone). Special Regulation Provision 115R states that the maximum floor space ratio shall be 2.33, though this regulation does not apply to the subject applications (i.e., there is no FSR requirement for Single Detached Dwellings). Special Use Provision 125U permits Restaurants and prohibits private clubs or lodges, though this regulation does not apply to the subject applications either.

The SGA-2 Zone allows Single Detached Dwelling (SDD) as a permitted use, subject to Additional Regulation (3), which states that SDD “Shall only be permitted on a *lot* containing an *existing single detached dwelling, semi-detached dwelling, or street townhouse dwelling.*” Up to three Additional Dwelling Units (ADUs) are permitted within a SDD in accordance with Sections 4.12.1 and 4.12.2.

Accordingly, both zoning by-laws permit the proposed uses, subject to all applicable regulations.

Purpose of Subject Applications

The purpose of the 7 proposed Consent Applications is to create new lots for each dwelling (except the dwellings on 98 Weber Street East and 102 Weber Street East, which would continue to be located on one property. A lotting fabric is proposed with the intent of creating an intuitive layout that seeks to reduce the number of variances, while also legalizing existing Single Detached Dwellings. Notwithstanding, 6 Minor Variance Applications are also proposed, to provide relief for the existing dwellings and new lots, where necessary – noting that no development is proposed at this time. See below report for more detail.

REPORT:

General Minor Variance Comments:

Since the Zoning By-law Amendment that emerged from the Growing Together Study is Council-approved and has been appealed to the OLT, for all Minor Variance Applications under Zoning By-law 2019-051, staff recommends a condition that the Minor Variance shall become effective only at such time as By-law 2024-065 (For PMTSA Lands) comes into force and effect, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force and effect as of the final date of this decision.

Planning Comments Minor Variance Application A2024-114 (98-102 Weber Street East; Retained Lot):

To facilitate the legalization of two existing dwellings [i.e., 1 Single Detached Dwelling without Additional Dwelling Units at 98 Weber Street East and 1 Single Detached Dwelling with 1 Additional Dwelling Unit (Attached) at 102 Weber Street East] on the Retained Lot, the applicant is requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.12.1 to permit two (2) single detached dwellings on a single lot, whereas no more than one (1) is permitted;
- ii) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT), whereas no obstruction to visibility is permitted;
- iii) Section 5.6A.4 d) to permit a front yard porch exceeding 0.6 metres in height above finished grade level to have a setback of 1.6 metres, whereas 4.5 metres is required;
- iv) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- v) Section 39.2.1 to permit front yard setback of 2.8 metres whereas 4.5 metres is required; and
- vi) Section 5.6 A.1 a) and c) to permit a balcony to be supported by the ground and set back 1.6 metres from the front lot line, whereas a balcony is not permitted to be supported by the ground and a 3 metre setback is required.

The applicant is also requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 4.12 a), to permit two single detached dwellings on a single lot, whereas no more than one is permitted;
- ii) Section 6.3.1, Table 6-2, to permit a front yard setback of 2.8 metres, whereas 4.5 metres is required;
- iii) Section 4.14.7 b), to permit a porch to be set back 1.6 metres from the street line, whereas 3 metres is required, and to allow a height exceeding 1 metre above the ground;
- iv) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas two (2) spaces are required;
- v) Section 4.14.2 b) and d) to permit a balcony to be supported by the ground and set back 1.6 metres from the street line, whereas a balcony may not be supported by the ground and requires a setback of 3 metres; and
- vi) Section 4.14.10 b) to permit steps that exceed 0.6 metres above grade to be located 1.6 metres from a street line, whereas 3 metres is required.

It should be noted that the variances apply to the existing buildings, which have existed for 129 – 191 years. No new uses, development, or changes to the physical layout / buildings are proposed, at this time. Most of the requested variances have the effect of legalizing an existing situation (e.g., driveway visibility triangle obstructions; front yard setbacks for buildings, porches, balconies, steps). In other cases, a technical deficiency with a newly enacted zoning regulation, and consequently the need for relief, was created simply by the request to re-establish lot lines that intended to 'undo' the inadvertent merging of parcels (e.g., bicycle parking). Moreover, the City has no record of By-law Enforcement complaints related to the deficiencies, for which variances are being sought.

Each Minor Variance Application would facilitate an associated Consent Application(s), to create the lot. In general, the associated Consent Applications propose revised property lines that will establish a new, logical lot fabric that appropriately responds the existing buildings, and facilities that are necessary to support those land uses (e.g., parking areas). The revised property lines even improve the 'fit' of the buildings and facilities on the re-established lots, in many cases reducing the number of variances that would otherwise be required (though this is not possible in some cases due to, for example, the distance between existing buildings and existing lot lines). For example, 221 Lancaster Street East currently has a side yard setback of only 0.5 metres. However, revised property lines would ensure a setback of 1.2 metres, which is consistent with modern standards. As another example, 225 Lancaster Street East previously (prior to the inadvertent merger) had a side yard setback of only 0.6 metres and the driveway for 211 Lancaster Street partially encroached into it. However, revised property lines would ensure that both properties have parking located appropriately on their respective lots and would ensure a side yard setback of 3.6 metres, which is consistent with modern standards.

Staff has reviewed the specific variances for this property and is satisfied that they meet the general intent of the Official Plan and the general intent of the Zoning By-law. The variances would facilitate the continuation of the existing uses which is important since the subject properties are located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), noting that Policy 11.C.1.35 seeks to ensure that development applications in a CHL ensure compatibility and preservation of heritage inventory.

The variances would also facilitate Consent Applications to allow each existing dwelling to be located on its own lot (with the exception of 98-102 Weber Street East), as intended prior to the inadvertent merger. Moreover, the variances are desirable for the appropriate use of the land, noting that the uses are existing, and the buildings were constructed in the 19th century and have continued to the present day, without recorded concerns. Lastly, staff is of the opinion that the variances are minor since they are not anticipated to have unacceptably adverse impacts on the adjacent properties or rights-of-way.

Planning Comments Minor Variance Application A2024-115 (217 Lancaster Street East):

To facilitate legalization of an existing Single Detached Dwelling with 2 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, the applicant is requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 39.2.1 to permit a rear yard setback of 7.3 metres, whereas 7.5 metres is required;
- ii) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT), whereas no obstruction to visibility is permitted;
- iii) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- iv) Section 5.6A.1 a) and c) to permit a balcony to be supported by the ground and set back 0.75 metres from the front lot line, whereas a balcony is not permitted to be supported from the ground and a 3 metre setback is required;
- v) Section 39.2.1 to permit a minimum front yard setback of 4.2 metres, whereas 4.5 metres is required;
- vi) Section 39.2.1 to permit a minimum existing side yard setback of 1.9 metres, whereas 4.5 metres is required;
- vii) Section 39.2.1 to permit a minimum lot width of 11.4 metres, whereas 15 metres is required for a corner lot; and
- viii) Section 5.6 A.4 a) to permit a porch to be set back from the front lot line 0.75 metres, whereas 3 metres is required.

The applicant is also requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a corner lot width of 11.4 metres, whereas 12.8 metres is required;
- ii) Section 6.3.1, Table 6-2, to permit a front yard setback of 4.2 metres, whereas 4.5 metres is required;
- iii) Section 6.3.1, Table 6-2, to permit a rear yard setback of 7.3 metres, whereas 7.5 metres is required;
- iv) Section 4.14.7,b), to permit a porch to be set back 0.75 metres from the street line, whereas 3 metres is required;
- v) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas two (2) spaces are required;
- vi) Section 6.3.1, Table 6-2 to permit an exterior side yard setback of 1.9 metres, whereas 4.5 metres is required;
- vii) Section 4.14.2 d) to permit a balcony to be set back 0.75 metres from the street line, whereas 3 metres is required; and

viii) Section 5.4, Table 5-3, to permit a driveway width of 45% of the lot width whereas only 40% is permitted.

It should be noted that the variances apply to the existing buildings, which have existed for 129 – 191 years. No new uses, development, or changes to the physical layout / buildings are proposed, at this time. Most of the requested variances have the effect of legalizing an existing situation (e.g., driveway visibility triangle obstructions; front yard setbacks for buildings, porches, balconies, steps). In other cases, a technical deficiency with a newly enacted zoning regulation, and consequently the need for relief, was created simply by the request to re-establish lot lines that intended to 'undo' the inadvertent merging of parcels (e.g., bicycle parking). Moreover, the City has no record of By-law Enforcement complaints related to the deficiencies, for which variances are being sought.

Each Minor Variance Application would facilitate an associated Consent Application(s), to create the lot. In general, the associated Consent Applications propose revised property lines that will establish a new, logical lot fabric that appropriately responds the existing buildings, and facilities that are necessary to support those land uses (e.g., parking areas). The revised property lines even improve the 'fit' of the buildings and facilities on the re-established lots, in many cases reducing the number of variances that would otherwise be required (though this is not possible in some cases due to, for example, the distance between existing buildings and existing lot lines). For example, 221 Lancaster Street East currently has a side yard setback of only 0.5 metres. However, revised property lines would ensure a setback of 1.2 metres, which is consistent with modern standards. As another example, 225 Lancaster Street East previously (prior to the inadvertent merger) had a side yard setback of only 0.6 metres and the driveway for 211 Lancaster Street partially encroached into it. However, revised property lines would ensure that both properties have parking located appropriately on their respective lots and would ensure a side yard setback of 3.6 metres, which is consistent with modern standards.

Staff has reviewed the specific variances for this property and is satisfied that they meet the general intent of the Official Plan and the general intent of the Zoning By-law. The variances would facilitate the continuation of the existing uses which is important since the subject properties are located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), noting that Policy 11.C.1.35 seeks to ensure that development applications in a CHL ensure compatibility and preservation of heritage inventory.

The variances would also facilitate Consent Applications to allow each existing dwelling to be located on its own lot (with the exception of 98-102 Weber Street East), as intended prior to the inadvertent merger. Moreover, the variances are desirable for the appropriate use of the land, noting that the uses are existing, and the buildings were constructed in the 19th century and have continued to the present day, without recorded concerns. Lastly, staff is of the opinion that the variances are minor since they are not anticipated to have unacceptably adverse impacts on the adjacent properties or rights-of-way.

Planning Comments Minor Variance Application A2024-116 (221 Lancaster Street East):

To facilitate legalization of an existing Single Detached Dwelling without Additional Dwelling Units on the lot established through Consent Applications B2024-041 – B2024-047, the applicant is requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT), whereas no obstruction to visibility is permitted;
- ii) Section 5.6A.4 a) to permit a porch to have a setback of 0 metres from the front lot line, whereas 3.0 metres is required; and
- iii) Section 39.2.1 to permit a front yard setback of 1.9 metres, whereas 4.5 metres is required.

The applicant is also requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a front yard setback of 1.9 metres, whereas 4.5 metres is required; and
- ii) Section 4.14.7 b) to permit a porch to be set back 0 metres from the street line, whereas 3 metres is required.

It should be noted that the variances apply to the existing buildings, which have existed for 129 – 191 years. No new uses, development, or changes to the physical layout / buildings are proposed, at this time. Most of the requested variances have the effect of legalizing an existing situation (e.g., driveway visibility triangle obstructions; front yard setbacks for buildings, porches, balconies, steps). In other cases, a technical deficiency with a newly enacted zoning regulation, and consequently the need for relief, was created simply by the request to re-establish lot lines that intended to 'undo' the inadvertent merging of parcels (e.g., bicycle parking). Moreover, the City has no record of By-law Enforcement complaints related to the deficiencies, for which variances are being sought.

Each Minor Variance Application would facilitate an associated Consent Application(s), to create the lot. In general, the associated Consent Applications propose revised property lines that will establish a new, logical lot fabric that appropriately responds the existing buildings, and facilities that are necessary to support those land uses (e.g., parking areas). The revised property lines even improve the 'fit' of the buildings and facilities on the re-established lots, in many cases reducing the number of variances that would otherwise be required (though this is not possible in some cases due to, for example, the distance between existing buildings and existing lot lines). For example, 221 Lancaster Street East currently has a side yard setback of only 0.5 metres. However, revised property lines would ensure a setback of 1.2 metres, which is consistent with modern standards. As another example, 225 Lancaster Street East previously (prior to the inadvertent merger) had a side yard setback of only 0.6 metres and the driveway for 211 Lancaster Street partially encroached into it. However, revised property lines would ensure that both properties have parking located appropriately on their respective lots and would ensure a side yard setback of 3.6 metres, which is consistent with modern standards.

Staff has reviewed the specific variances for this property and is satisfied that they meet the general intent of the Official Plan and the general intent of the Zoning By-law. The variances would facilitate the continuation of the existing uses which is important since the subject properties are located in the Central Frederick Neighbourhood Cultural Heritage Landscape (CHL), noting that Policy 11.C.1.35 seeks to ensure that development applications in a CHL ensure compatibility and preservation of heritage inventory.

The variances would also facilitate Consent Applications to allow each existing dwelling to be located on its own lot (with the exception of 98-102 Weber Street East), as intended prior to the inadvertent merger. Moreover, the variances are desirable for the appropriate use of the land, noting that the uses are existing, and the buildings were constructed in the 19th century and have continued to the present day, without recorded concerns. Lastly, staff is of the opinion that the variances are minor since they are not anticipated to have unacceptably adverse impacts on the adjacent properties or rights-of-way.

Planning Comments Minor Variance Application A2024-117 (225 Lancaster Street East):

To facilitate legalization of an existing Single Detached Dwelling with 3 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, the applicant is requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3 to permit obstructed Driveway Visibility Triangles, whereas no obstruction to visibility is permitted;
- ii) Section 6.1.1.1 (b)(iii) to permit two (2) driveway accesses, whereas only one (1) driveway with one access point is permitted;
- i) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- ii) Section 45.3 to permit a front yard setback of 1.6 metres, whereas 4.5 metres is required; and
- iii) Section 5.6.1 b) to permit steps less than 0.6 metres above grade to be located 0 metres from the closest lot line, whereas 0.5 metres is required.

The applicant is also requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2. to permit a front yard setback of 1.6 metres, whereas 4.5 metres is required;
- ii) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas two (2) spaces are required;
- iii) Section 5.4 (b) to provide two (2) driveway accesses, whereas only one (1) access point from each street or lane is permitted; and
- iv) Section 4.14.10 a) to permit steps to be located 0 metres from a lot line, whereas 0.5 metres is required.

It should be noted that the variances apply to the existing buildings, which have existed for 129 – 191 years. No new uses, development, or changes to the physical layout / buildings are proposed, at this time. Most of the requested variances have the effect of legalizing an existing situation (e.g., driveway visibility triangle obstructions; front yard setbacks for buildings, porches, balconies, steps). In other cases, a technical deficiency with a newly enacted zoning regulation, and consequently the need for relief, was created simply by the request to re-establish lot lines that intended to ‘undo’ the inadvertent merging of parcels (e.g., bicycle parking). Moreover, the City has no record of By-law Enforcement complaints related to the deficiencies, for which variances are being sought.

Each Minor Variance Application would facilitate an associated Consent Application(s), to create the lot. In general, the associated Consent Applications propose revised property

lines that will establish a new, logical lot fabric that appropriately responds the existing buildings, and facilities that are necessary to support those land uses (e.g., parking areas). The revised property lines even improve the 'fit' of the buildings and facilities on the re-established lots, in many cases reducing the number of variances that would otherwise be required (though this is not possible in some cases due to, for example, the distance between existing buildings and existing lot lines). For example, 221 Lancaster Street East currently has a side yard setback of only 0.5 metres. However, revised property lines would ensure a setback of 1.2 metres, which is consistent with modern standards. As another example, 225 Lancaster Street East previously (prior to the inadvertent merger) had a side yard setback of only 0.6 metres and the driveway for 211 Lancaster Street partially encroached into it. However, revised property lines would ensure that both properties have parking located appropriately on their respective lots and would ensure a side yard setback of 3.6 metres, which is consistent with modern standards.

Staff has reviewed the specific variances for this property and is satisfied that they meet the general intent of the Official Plan and the general intent of the Zoning By-law. The variances would facilitate the continuation of the existing uses which is important since the subject properties are located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), noting that Policy 11.C.1.35 seeks to ensure that development applications in a CHL ensure compatibility and preservation of heritage inventory.

The variances would also facilitate Consent Applications to allow each existing dwelling to be located on its own lot (with the exception of 98-102 Weber Street East), as intended prior to the inadvertent merger. Moreover, the variances are desirable for the appropriate use of the land, noting that the uses are existing, and the buildings were constructed in the 19th century and have continued to the present day, without recorded concerns. Lastly, staff is of the opinion that the variances are minor since they are not anticipated to have unacceptably adverse impacts on the adjacent properties or rights-of-way.

Planning Comments Minor Variance Application A2024-118 (229 Lancaster Street East):

To facilitate legalization of an existing Single Detached Dwelling without Additional Dwelling Units on the lot established through Consent Applications B2024-041 – B2024-047, the applicant is requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 39.2.1 to permit a rear yard setback of 4 metres, whereas 7.5 metres is required; and
- ii) Section 5.3 to permit an obstructed Driveway Visibility Triangle (DVT) whereas no obstruction to visibility is permitted.

The applicant is also requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a rear yard setback of 4 metres, whereas 7.5 metres is required.

It should be noted that the variances apply to the existing buildings, which have existed for 129 – 191 years. No new uses, development, or changes to the physical layout / buildings are proposed, at this time. Most of the requested variances have the effect of legalizing an

existing situation (e.g., driveway visibility triangle obstructions; front yard setbacks for buildings, porches, balconies, steps). In other cases, a technical deficiency with a newly enacted zoning regulation, and consequently the need for relief, was created simply by the request to re-establish lot lines that intended to 'undo' the inadvertent merging of parcels (e.g., bicycle parking). Moreover, the City has no record of By-law Enforcement complaints related to the deficiencies, for which variances are being sought.

Each Minor Variance Application would facilitate an associated Consent Application(s), to create the lot. In general, the associated Consent Applications propose revised property lines that will establish a new, logical lot fabric that appropriately responds the existing buildings, and facilities that are necessary to support those land uses (e.g., parking areas). The revised property lines even improve the 'fit' of the buildings and facilities on the re-established lots, in many cases reducing the number of variances that would otherwise be required (though this is not possible in some cases due to, for example, the distance between existing buildings and existing lot lines). For example, 221 Lancaster Street East currently has a side yard setback of only 0.5 metres. However, revised property lines would ensure a setback of 1.2 metres, which is consistent with modern standards. As another example, 225 Lancaster Street East previously (prior to the inadvertent merger) had a side yard setback of only 0.6 metres and the driveway for 211 Lancaster Street partially encroached into it. However, revised property lines would ensure that both properties have parking located appropriately on their respective lots and would ensure a side yard setback of 3.6 metres, which is consistent with modern standards.

Staff has reviewed the specific variances for this property and is satisfied that they meet the general intent of the Official Plan and the general intent of the Zoning By-law. The variances would facilitate the continuation of the existing uses which is important since the subject properties are located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), noting that Policy 11.C.1.35 seeks to ensure that development applications in a CHL ensure compatibility and preservation of heritage inventory.

The variances would also facilitate Consent Applications to allow each existing dwelling to be located on its own lot (with the exception of 98-102 Weber Street East), as intended prior to the inadvertent merger. Moreover, the variances are desirable for the appropriate use of the land, noting that the uses are existing, and the buildings were constructed in the 19th century and have continued to the present day, without recorded concerns. Lastly, staff is of the opinion that the variances are minor since they are not anticipated to have unacceptably adverse impacts on the adjacent properties or rights-of-way.

Planning Comments Minor Variance Application A2024-119 (233 Lancaster Street East):

To facilitate legalization of an existing Single Detached Dwelling with 2 Additional Dwelling Units (Attached) on the lot established through Consent Applications B2024-041 – B2024-047, the applicant is requesting relief from the following Sections of Zoning By-law 85-1:

- i) Section 5.3 to permit obstructed Driveway Visibility Triangles (DVT), whereas no obstruction to visibility is permitted;
- ii) Section 5.6A.4 a) to permit a porch to be set back from the front lot line 0 metres, whereas 3 metres is required;

- iii) Section 5.22.3 f) to provide 6% of front yard landscaped area, whereas 20% is required;
- iv) Section 5.22 g) to provide no bicycle parking (0 spaces), whereas two (2) spaces are required;
- i) Section 39.2.1 to permit a front yard setback of 1.8 metres, whereas 4.5 metres is required; and
- ii) Section 39.2.1 to permit a side yard setback of 0 metres, whereas 1.2 metres is required.

The applicant is also requesting the following relief from the following Sections of Zoning By-law 2019-051, as amended by By-law 2024-065:

- i) Section 6.3.1, Table 6-2, to permit a front yard setback of 1.8 metres, whereas 4.5 metres is required;
- ii) Section 6.3.1, Table 6-2, to permit an interior side yard setback of 0 metres, whereas 1.2 metres is required;
- iii) Section 4.14.7 b), to allow a porch to be set back 0 metres from the street line, whereas 3 metres is required;
- iv) Section 4.12.2 h) to provide 6% front yard landscaped area, whereas 20% is required; and
- v) Section 5.6, Table 5-5, to provide no Class C bicycle parking (0 spaces), whereas 2 spaces are required.

It should be noted that the variances apply to the existing buildings, which have existed for 129 – 191 years. No new uses, development, or changes to the physical layout / buildings are proposed, at this time. Most of the requested variances have the effect of legalizing an existing situation (e.g., driveway visibility triangle obstructions; front yard setbacks for buildings, porches, balconies, steps). In other cases, a technical deficiency with a newly enacted zoning regulation, and consequently the need for relief, was created simply by the request to re-establish lot lines that intended to 'undo' the inadvertent merging of parcels (e.g., bicycle parking). Moreover, the City has no record of By-law Enforcement complaints related to the deficiencies, for which variances are being sought.

Each Minor Variance Application would facilitate an associated Consent Application(s), to create the lot. In general, the associated Consent Applications propose revised property lines that will establish a new, logical lot fabric that appropriately responds the existing buildings, and facilities that are necessary to support those land uses (e.g., parking areas). The revised property lines even improve the 'fit' of the buildings and facilities on the re-established lots, in many cases reducing the number of variances that would otherwise be required (though this is not possible in some cases due to, for example, the distance between existing buildings and existing lot lines). For example, 221 Lancaster Street East currently has a side yard setback of only 0.5 metres. However, revised property lines would ensure a setback of 1.2 metres, which is consistent with modern standards. As another example, 225 Lancaster Street East previously (prior to the inadvertent merger) had a side yard setback of only 0.6 metres and the driveway for 211 Lancaster Street partially encroached into it. However, revised property lines would ensure that both properties have parking located appropriately on their respective lots and would ensure a side yard setback of 3.6 metres, which is consistent with modern standards.

Staff has reviewed the specific variances for this property and is satisfied that they meet the general intent of the Official Plan and the general intent of the Zoning By-law. The variances would facilitate the continuation of the existing uses which is important since the subject properties are located in the Central Frederick Neighbourhood Cultural Heritage Landscape (CHL), noting that Policy 11.C.1.35 seeks to ensure that development applications in a CHL ensure compatibility and preservation of heritage inventory.

The variances would also facilitate Consent Applications to allow each existing dwelling to be located on its own lot (with the exception of 98-102 Weber Street East), as intended prior to the inadvertent merger. Moreover, the variances are desirable for the appropriate use of the land, noting that the uses are existing, and the buildings were constructed in the 19th century and have continued to the present day, without recorded concerns. Lastly, staff is of the opinion that the variances are minor since they are not anticipated to have unacceptably adverse impacts on the adjacent properties or rights-of-way.

Planning Comments regarding Consent Applications B2024-041 – B2024-045:

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

Provincial Policy Statement (PPS), 2024:

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS 2024 would come into force on October 20, 2024.

According to the Province, the PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster the long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

Sections 2.1.6 and 2.3.1.3 of the PPS 2024 promote planning for people and homes and supports planning authorities to support general intensification and redevelopment while achieving complete communities by, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

Staff is satisfied that the consent requests are consistent with the PPS 2024.

Regional Official Plan (ROP):

The subject properties are located in the Urban Area, Delineated Built-Up Area, and Frederick Station Major Transit Station Area (MTSA) in the Regional Official Plan (ROP), as

amended by ROPA 6. Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area.

Growth is directed to the Built-Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. 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.

Section 2.D.2 of Regional Official Plan Amendment 6 (ROPA 6) establishes policies for development within Major Transit Station Areas (MTSAs). The policies within this section support the provision of increased mixed-use densities that are transit supportive. The minimum density target established for the Frederick Station MTSA is 160 people and jobs/hectare.

The proposed development conforms the ROP, since the proposal does not negatively impact the achievement of the planned intensification target and permits existing Single Detached Dwelling Units, many with Additional Dwelling Units (Attached) to continue to exist. Moreover, the Retained Lot (98-102 Weber Street East) may lend itself to future redevelopment, noting that the parcel would be large enough to support significant intensification under the City's Strategic Growth Area B land use designation and SGA-2 Zone.

Regional staff has advised that it has no objections to the proposal, subject to the following conditions:

- 1) That the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo 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 parcels municipally addressed as 217 Lancaster St. E., 221 Lancaster St. E., 225 Lancaster St. E., 229 Lancaster St. E., and 233 Lancaster St. E.:

"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."

- b) That the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber St. E. to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

In this regard, the requested Consents conform to the Regional Official Plan.

City's Official Plan (2014):

All subject properties are identified as 'Protected Major Transit Station Area (PMTSA)' on *Map 2 – Urban Structure* and are designated 'Strategic Growth Area B' on *Map 4 – Protected Major Transit Station Areas and Urban Growth Centre* in the City's Official Plan.

PMTSA policy 3.C.2.17 states that, "The planned function of Protected Major Transit Station Areas, in order to support transit and rapid transit, is to: a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels; b) provide connectivity of various modes of transportation to the transit system; c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and, d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented."

It must be noted that the policy also states that, "Policies a) through d) above should not be interpreted to mean that every property located within a Protected Major Transit Station Area is necessarily appropriate for major intensification."

Although the Strategic Growth Area B designation is intended to accommodate significant intensification, it should be note that "Some areas within the Strategic Growth Area B land use designation contain smaller lots and/or existing Low Rise Residential Uses. While significant intensification is planned for these lands, the implementing zoning may restrict building heights as an interim measure to ensure orderly development through a development application."

Furthermore, Heritage Planning staff has identified that all subject properties are within the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL). Policy 11.C.1.35 states that "New development or redevelopment in a cultural heritage landscape will: a) Support, maintain and enhance the major characteristics and attributes of the cultural heritage landscape further defined in the City's 2014 City of Kitchener Cultural Heritage Landscapes; b) Support the adaptive reuse of existing buildings; c) Be compatible with the existing neighbourhood, including but not limited to the streetscape and the built form; and, d) Respond to the design, massing and materials of the adjacent and surrounding buildings."

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.”

In regard to the above Official Plan policies and direction, the proposed Consents conform to the Official Plan by facilitating the continued use of the existing 19th century dwellings, ensuring consistency with the Cultural Heritage Landscape and compatibility and transition policies.

Zoning By-law 85-1 and Zoning By-law 2019-051, as Amended:

The subject properties are zoned as outlined in Table 3, above. The proposed land uses are permitted under both Zoning By-laws. As discussed above, the accompanying Minor Variance Applications remedy all zoning deficiencies. Staff is supportive of all variances necessary to facilitate that subject Consent Applications.

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 resultant lots are desirable and appropriate. The requested Consents would establish a compatible and improved lotting pattern from the one that existed prior to the merger of the lots into one property. The accompanying variances would remedy the zoning deficiencies for each Consent Application. All resultant lots will have frontage on a public street with access to full municipal services. Moreover, the proposal would facilitate the creation of a lot for future redevelopment (i.e., 98-102 Weber Street East). All Consent applications represent good planning.

Environmental Planning Comments:

As advised in pre-submission consultation (PSC) records in both 2022 and 2023, the treed nature of the subject lands requires the submission of a Tree Preservation / Enhancement Plan under the City’s Council-adopted Tree Management Policy. An incomplete version was submitted in support of this application contrary to PSC advice.

The standard condition with respect to applications on lands with significant trees and/or vegetation should be imposed, i.e. that the Landowner / applicant enter into an agreement to complete / implement a TPEP as part of a complete application at the latest AND / OR prior to any demolition, grading, servicing, tree removal or the issuance of building permits, whichever comes first.

Heritage Planning Comments:

98-102 Weber Street East:

The property municipally addressed as 98-102 Weber St. E is located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Central Frederick Neighbourhood include common design elements such as attic gabled roofs, decorative trim, brick construction, and porches. There are no heritage concerns with the requested variances as they are required only to recognize the existing location of the building.

217 Lancaster Street East:

The property municipally addressed as 217 Lancaster St W is located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Central Frederick Neighbourhood include common design elements such as attic gabled roofs, decorative trim, brick construction, and porches. There are no heritage concerns with the requested variances as they are required only to recognize the existing location of the building. It should also be noted that the subject land was reviewed for the Kitchener Inventory and determined to have no cultural heritage value or status under the Ontario Heritage Act in 2014.

221 Lancaster Street East:

The property municipally addressed as 221 Lancaster St W is located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Central Frederick Neighbourhood include common design elements such as attic gabled roofs, decorative trim, brick construction, and porches. There are no heritage concerns with the requested variances as they are required only to recognize the existing location of the building.

225 Lancaster Street East:

The property municipally addressed as 225 Lancaster St W is located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Central Frederick Neighbourhood include common design elements such as attic gabled roofs, decorative trim, brick construction, and porches. There are no heritage concerns with the requested variances as they are required only to recognize the existing location of the building. It should also be noted that the subject land was reviewed for the Kitchener Inventory and determined to have no cultural heritage value or status under the Ontario Heritage Act in 2014.

229 Lancaster Street East:

The property municipally addressed as 229 Lancaster St W is located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Central Frederick Neighbourhood include common design elements such as attic gabled roofs, decorative trim, brick construction, and porches. There are no heritage concerns with the requested variances as they are required only to recognize the existing location of the building.

233 Lancaster Street East:

The property municipally addressed as 233 Lancaster St W is located in the Central Fredrick Neighbourhood Cultural Heritage Landscape (CHL), per the Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and approved by Council in 2015. Amendment No. 49 to The Official Plan (Growing Together) was approved by Council in 2024. Through Section 11.C.1.35 of the amendments to the Official Plan policies, new development or redevelopment in a cultural heritage landscape must ensure compatibility and preservation of heritage inventory. Characteristics of the Central Frederick Neighbourhood include common design elements such as attic gabled roofs, decorative trim, brick construction, and porches. There are no heritage concerns with the requested variances as they are required only to recognize the existing location of the building.

Building Division Comments:

B2024-114 - B2024-119:

The Building Division has no objections to the proposed variance.

B2024-041- B2024-045:

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.

B2024-046 – B2024-047:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

All Subject Applications:

- Engineering has no comment.

Parks/Operations Division Comments:

All Subject Applications:

- No City owned trees will be impacted by any of the proposed Minor Variances.
- Park Planning concerns including required park dedication will be addressed through a future redevelopment application and taken as cash in lieu of land.
- There is existing City infrastructure within the 98-102 Weber Street East lands that is not currently covered by an easement and future Committee of Adjustment approval to establish this easement will be required through redevelopment applications.

Transportation Planning Comments:

A2024-114 – A2024-119:

Transportation Services have no concerns with this application.

B2024-041 – B 2024-045:

Should a redevelopment of an individual or grouped properties occur in the future along the Lancaster Street East frontages, the properties will be subject to a road widening of approximately 4m. The road widening is part of the City of Kitchener's Official Plan, having an ultimate road width of 20m along Lancaster Street East between Krug Street and Victoria Street North.

B2024-046 – B2024-047:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

A2024-114 – A2024-119: No concerns

B2024-041 – B2024-047:

Consent to sever is proposed for a series of lot adjustments to residential properties fronting Lancaster Street East (5 parcels in total), and to consolidate lands on 98-102 Weber Street East. The Owner/Developer provides that the consents will re-establish individual lotting for several properties which have inadvertently merged on title, with lot line adjustments to facilitate the logical future build out of the block. Minor variances are

also proposed to facilitate the consents. Redevelopment or site alteration is not proposed through the consent applications.

In the Regional Official Plan, the subject lands are designated Delineated Built-up Area within the Urban Area Boundary (Map 1, 2), and MTSA – Frederick Station (Fig 8a).

Cultural Heritage, Archaeology, and Indigenous Engagement (Advisory)

Based on a review of the Region's archaeological potential model, the subject properties may possess the potential for the recovery of archaeological resources. The Region does not require the submission of an archaeological assessment; however, the Owner/Developer should be made aware that:

- 1) If archaeological resources are discovered during future development or site alteration of the subject property, the Owner/Developer will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- 2) If human remains/or a grave site is discovered during development or site alteration of the subject property, the Owner/Developer will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Environmental Noise

At this location, the proposed development may encounter traffic noise sources due to Weber Street East (RR#8). It is the responsibility of the Owner/Developer to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the Owner/Developer 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.

217-233 Lancaster Street East

In lieu of an Environmental Noise Study for the properties fronting on Lancaster Street East, the Region will require as a condition of consent approval that the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo 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 parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East and 233 Lancaster Street East.

- 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."

98-102 Weber Street East

An Environmental Noise Study will be required for the properties fronting on Weber Street East. The Region will require as a condition of consent approval that the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo to complete an Environmental Noise Study prior to Site Plan approval, and to enter into an Amending agreement with the Region and/or City to implement the recommendations of the Noise Study.

- 1) That prior to Site Plan approval the Owner/Developer agrees to complete a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

Road Widening (Advisory)

The following will be a condition of a future Site Plan application:

At this location, the subject property has direct frontage to Regional Road 08 (Weber Street East). Weber Street East has a designated road width of 26.213m in accordance with Schedule 'A' of the Regional Official Plan (ROP). We estimate that an approximate road widening of 3.5 metres will be required along the Weber Street East frontage of the property.

The Owner/Developer must engage an OLS to prepare a draft reference plan which illustrates the required road allowance and daylight triangle widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner. Further instructions will come from the Region's Legal Assistant regarding document preparation and registration.

It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan. The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. All land dedications must be identified on the Site Plan. Please ensure the road widening lands are excluded from any future Record of Site Condition (RSC) filing for the overall property if one is required.

Regional Review Fees

Regional Staff are not in receipt of the required consent review fee of \$350 per application. 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 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/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
- 2) That the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo to implement the following noise mitigation measures.
 - i) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the parcels municipally addressed as 217 Lancaster Street East, 221 Lancaster Street East, 225 Lancaster Street East, 229 Lancaster Street East, and 233 Lancaster Street East:

“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.”

- 3) That the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber Street East to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

Grand River Conservation Authority Comments:

All Subject Applications:

GRCA has no objection to the approval of the applications.

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, 2024*
- *Regional Official Plan (ROP)*
- *Official Plan (2014), as amended through the Growing Together Study*
- *Zoning By-law 85-1 and Zoning By-law 2019-051, as amended through the Growing Together Study*

ATTACHMENTS:

Attachment A – Drawings Submitted with All Subject Applications



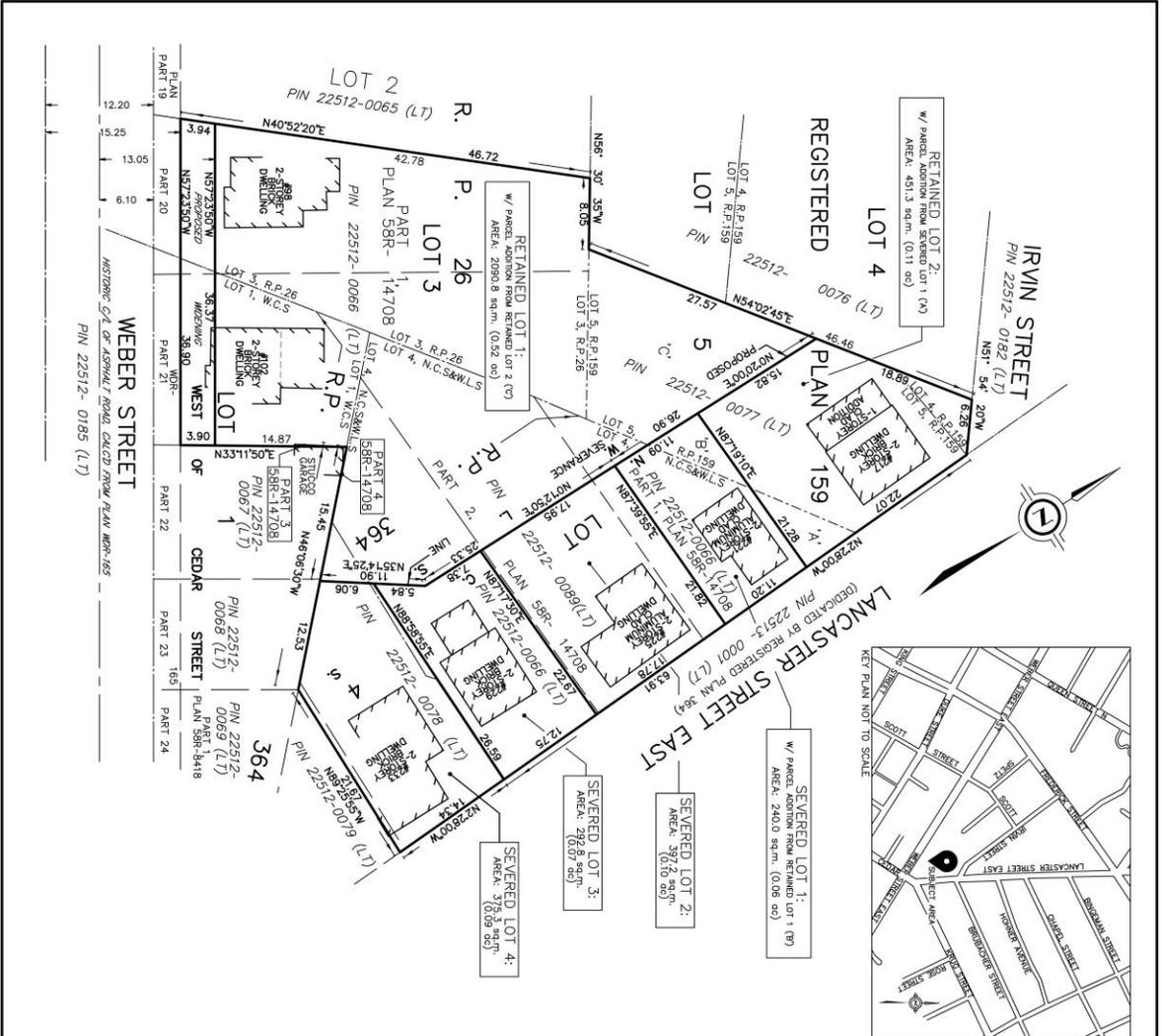
EXISTING CONDITIONS

217 LanCASTer St E &
 221-223 LanCASTer St E &
 98, 102 Weber Street E,
 City of Richmond



PARCEL 1	3,226.0 m ²
	12 Dwellings
PARCEL 2	766.0 m ²
	3 Dwellings
TOTAL	3,992.0 m²
	15 Dwellings

Scale: 1:400
 Project #2070
 Date September 27, 2024
 Drawn by: GTE



PLAN PREPARED FOR SEVERANCE APPLICATION
PART OF LOTS 4 & 5,
REGISTERED PLAN 159,
LOT 3
REGISTERED PLAN 26,
PART OF LOT 4,
NORTH OF CEDAR STREET AND
WEST OF LANCASTER STREET, AND
PART OF LOT 1
WEST OF CEDAR STREET
REGISTERED PLAN 364
CITY OF KITCHENER
REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1 : 400

 J.D. BARNES LIMITED
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MUNICIPAL ADDRESSES:
 - 217-213 LANCASTER STREET EAST KITCHENER
 - 58 & 102 WEBER STREET, KITCHENER

NOTES
 BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF LANCASTER STREET AS SHOWN ON REGISTERED PLAN 364, HAVING A BEARING OF N28°00'W.

LOT ADJUSTMENTS
 RETAINED LOT 1 - CONTAINS A PARCEL ADDITION FROM 217 LANCASTER ST. E. SHOWN AS 'C' ON THE FACE OF THE PLAN, AND IS 316.84sqm.
 RETAINED LOT 2 - CONTAINS A PARCEL ADDITION FROM 221 LANCASTER ST. E. SHOWN AS 'X' ON THE FACE OF THE PLAN, AND IS 36.84sqm.
 SEVERED LOT 1 - CONTAINS A PARCEL ADDITION FROM 217 LANCASTER ST. E. SHOWN AS 'B' ON THE FACE OF THE PLAN, AND IS 34.74 sqm.
 SEVERED LOT 4 - NORTH LIMIT ADJUSTMENT BY +0.10m WITH A SINGLE BEARING. ALL PREVIOUS BENDS REMOVED.

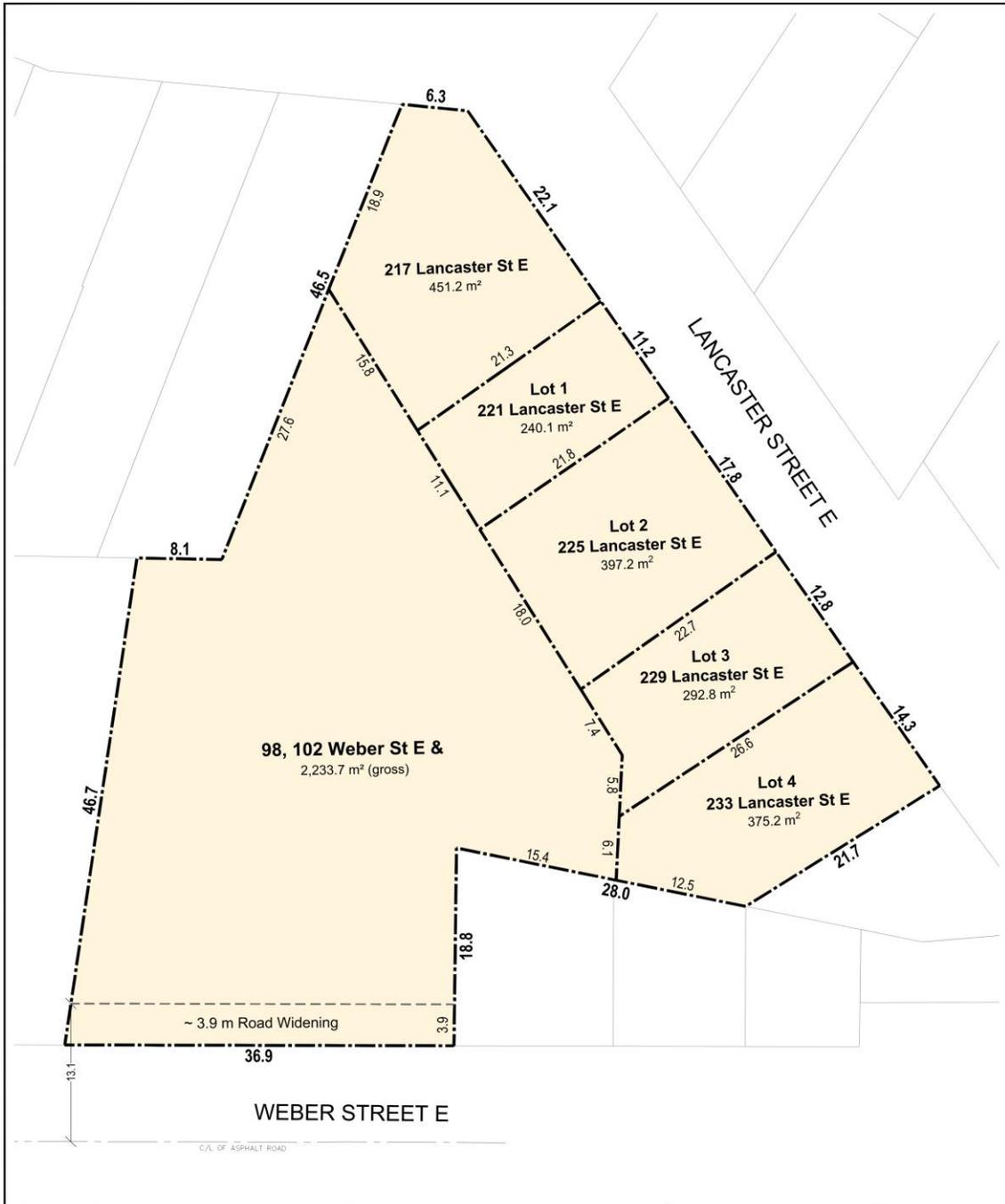
AREAS
 REFER TO THE FACE OF THE PLAN.

LEGEND
 R.P. DENOTES REGISTERED PLAN
 N.C.S. DENOTES NORTH OF CEDAR STREET
 W.C.S. DENOTES WEST OF CEDAR STREET
 W.L.S. DENOTES WEST OF LANCASTER STREET
 DENTILES DENOTES LOT LINE ADJUSTMENT PARCEL LIMITS

J.D. BARNES LIMITED
 SURVEYING
 MAPPING

LAND INFORMATION SPECIALISTS
 4211 KINGS ST. E. #100, KITCHENER, ON. N2P 2J9
 T: (519) 576-2220 F: (519) 656-5625 www.jdbarnes.com

DRAWN BY: CB	CHECKED BY: JPH	REFERENCE NO.: 22-40-618-00_24W
PLOTTED: 10/2/2024		DATED: 10/02/2024



FINAL LOT FABRIC

98, 102 Weber St E & 217-233 Lancaster St E
City of Kitchener

--- Existing Lot Lines

Proposed Lots

98, 102 Weber St. E.	2,233.7 m ²
217 Lancaster St. E.	451.2 m ²
221 Lancaster St. E.	240.1 m ²
225 Lancaster St. E.	397.2 m ²
229 Lancaster St. E.	292.8 m ²
233 Lancaster St. E.	375.2 m ²
TOTAL	3,990.2 m²



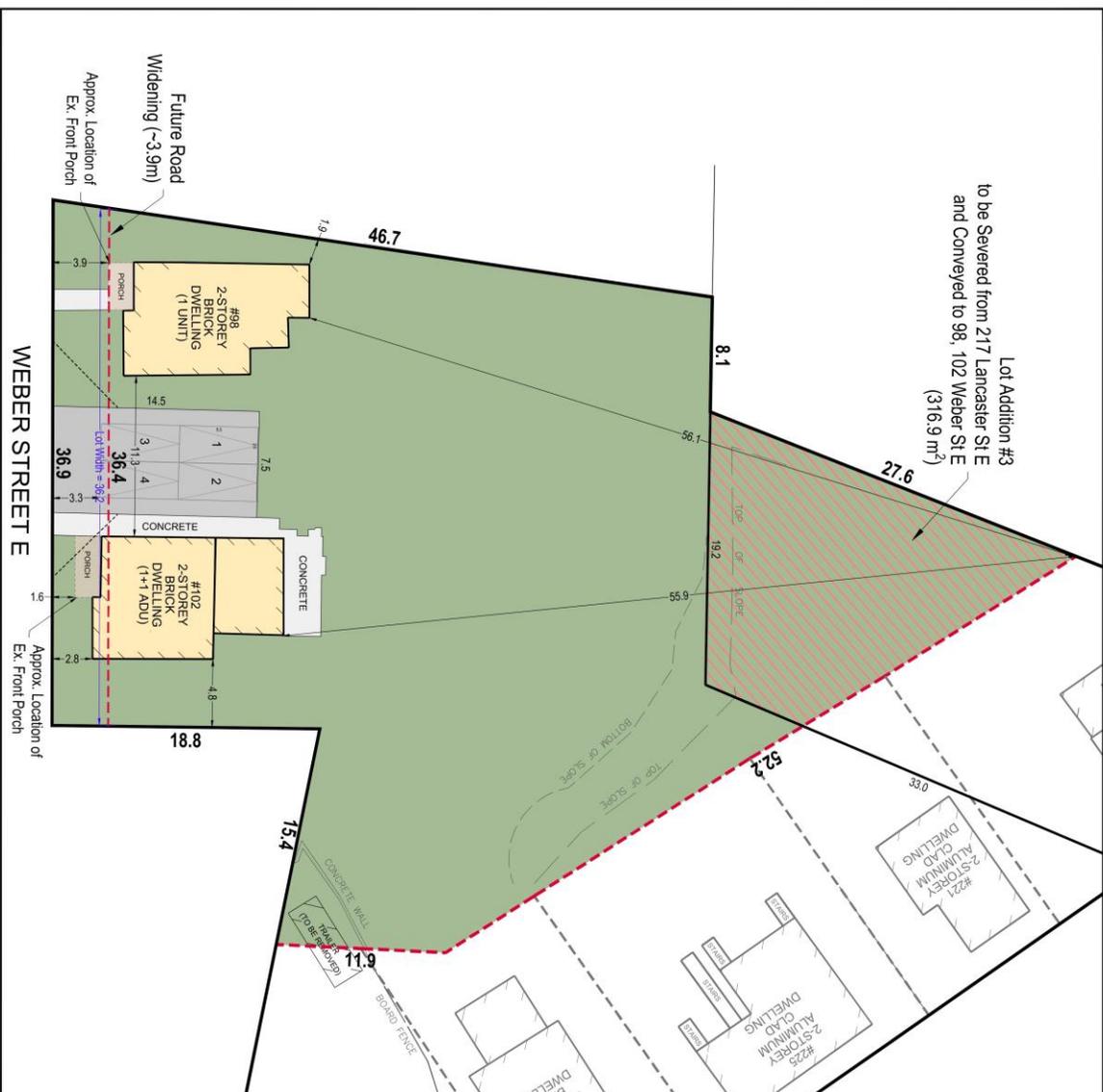
DATE: September 27, 2024

SCALE 1:500

PROJECT: 2070 Reitzel

DRAWN BY: GFE

Lot Addition #3
to be Severed from 217 Lancaster St E
and Conveyed to 98, 102 Weber St E
(316.9 m²)



SEVERANCE SKETCH

RETAINED PARCEL

98, 102 Weber St E,
Kitchener

Site Data

Single Detached & Single Detached with 2 ADUs (attached)

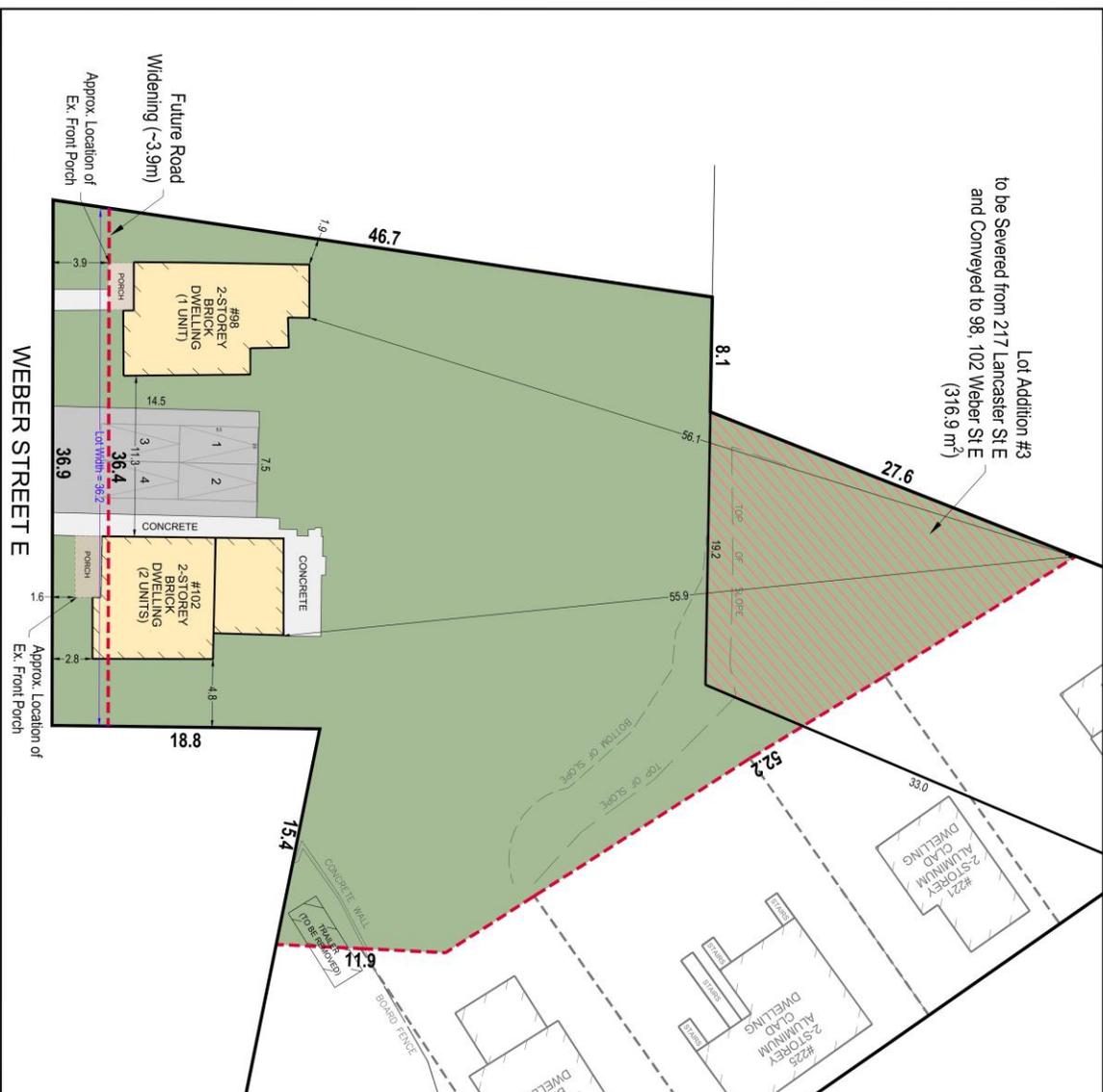
CR-2 (115R, 125U)	Required	Provided
Num. of Units	1 + 2 ADUs	1 & 1+1 ADU*
Lot Area (m ²)	235 m ²	2,233.6 m ²
Lot Width, Interior (m)	9 m	36.2 m
Floor Space Ratio (max)	2.33 (115R)	0.17
Floor Space Ratio (m ²)	N/A	0.17
Setbacks (m)		
Front Yard	4.5 m	2.8 m**
Int. Side Yard, North	1.2 m	1.9 m
Int. Side Yard, South	1.2 m	4.8 m
Rear Yard	7.5 m	55.9 m
Lot Coverage (max)	55%	8.6%
Building Height (max)	10.5 m	~9 m
Front Yard Landscape (min)	20%	~54%
Rear Yard Landscape (min)	30%	~100%
Front Porch Setback (min) ³	3 m	-1.6 m*
Pool, Entrances, ADU (max)	2	2
Parking Spaces (min) ⁴	2 spaces	4 spaces
Driveway Width (max) ⁵	8.0 m	7.5 m
Driveway Vis. Triangle	Unobstructed	Obstructed*
Bicycle Parking	2	0*

- RED** indicates variance required
******Indicates existing condition deemed to comply per 5.15
*****Indicates existing condition deemed not to comply per 5.15.
- In any zone where a single detached dwelling is permitted, no more than one such dwelling shall be erected on a lot per 5.12
 - Building was constructed before CR-2 was applied.
 - Porch located within Driveway Visibility Triangle and thus not exempt under 5.15(b).
 - One parking space required for each primary dwelling per 6.1.2(a). No additional spaces required for ADUs within 800m² LRT station.
 - On a lot with a width greater than 10.4m, the driveway width shall not exceed 50% of the lot width or 8m, whichever is less, per 6.1.1 (b).
 - Existing trailer to be removed.



1:400
 Project #2070 | September 27, 2024 | Drawn By: GFE

Lot Addition #3
to be Severed from 217 Lancaster St E
and Conveyed to 98, 102 Weber St E
(316.9 m²)



SEVERANCE SKETCH

RETAINED PARCEL

98, 102 Weber St E,
Kitchener

Site Data	Required	Provided
Single Detached (2)	1 + 3 ADUs	SGA-2* 1 & 1+1 ADU*
Zone	-	SGA-2*
Num. of Units	1 + 3 ADUs	1 & 1+1 ADU*
<i>(Refer to 4.12)</i>		
Gross Lot Area (min)	235 m ²	2,233.6 m ²
Lot Width, Interior (min)	9 m	36.2 m
Lot Width, Corner (min)	12.8 m	-
Setbacks (min)		
Front Yard	4.5 m	2.8 m*
Ext. Side Yard	4.5 m	1.9 m*
Int. Side Yard	1.2 m	55.9 m
Rear Yard	7.5 m	8.6%
Lot Coverage (max)	55%	8.6%
Building Height (max)	11 m	-9.5 m*
Num. of Storeys (max)	3	2*
Front Porch Setback (min)	3 m	-1.6 m*
Front Yard Landscape (min)	20%	-54%
Rear Yard Landscape (min)	30%	-100%
Street Line Ped. Entrances (max)	2	2*
Parking	0 spaces	4 spaces*
Class C Bicycle Parking	2 spaces	0 spaces*
Driveway Access (max)	1	1
Driveway Width (max)	8 m	7.5 m*

* Indicates existing condition



1:400
Project #2070 | September 27, 2024 | Drawn By: GFE

LANCASTER STREET E



SEVERANCE SKETCH

LOT LINE ADJUSTMENT

217 Lancaster St E,
Kitchener

Site Data

Single Detached with 2 ADUs (attached)	Required	Provided
RS-Zone	1 + 3 ADUs	1 + 2 ADUs
Num. of Units	235 m ²	451.2 m ²
Lot Area (min)	15 m	11.4 m
Lot Width, Corner (min)		
Setbacks (min)		
Front Yard	4.5 m	4.2 m**
Ext. Side Yard	4.5 m	2.0 m**
Int. Side Yard, North	1.2 m	1.9 m**
Int. Side Yard, South	3.0 m	9.3 m
Rear Yard	7.5 m	7.3 m
Lot Coverage (max)	55%	22.5%
Building Height (max)	10.5 m	-9.5 m
Exterior Porch Setback (min)	3 m	-1.0 m**
Front Yard Landscape (min)	20%	-69%
Rear Yard Landscape (min)	30%	-78%
Parking Spaces (min) ²	1	4
Driveway Vis. Triangulation	1	Obstructed ¹
Pad, Entrances, ADU (max)	2	1
Unobstructed Walkway, ADU ¹	N/A	Not Provided
Bicycle Parking, ADU (min)	2	0 ¹

RED indicates variance required
 *Indicates existing condition deemed to comply per 5.15.
 **Indicates existing condition deemed not to comply per 5.15.

1. Applies only to new Additional Dwelling Unit(s) per 5.22(f).
2. One parking space required for primary dwelling per 6.1.2(a). No additional spaces required for ADUs within 800m of LRT station.



LANCASTER STREET E



SEVERANCE SKETCH LOT LINE ADJUSTMENT 217 Lancaster St E, Kitchener

Site Data	Required	Provided
Single Detached	1 + 3 ADUs	SGA-2*
Zone	1 + 2 ADUs*	1 + 2 ADUs*
Num. of Units	235 m ²	451.2 m ²
Lot Area (min)	9 m	11.4 m
Lot Width, Interior (min)	12.8 m	4.2 m*
Lot Width, Corner (min)	4.5 m	2.0 m*
Setbacks (min)	1.2 m	1.9 m
Front Yard	7.5 m	7.3 m
Ext. Side Yard	55%	22.5%
Int. Side Yard	11 m	-9.5 m*
Rear Yard	3	2*
Lot Coverage (max)	3 m	-1 m*
Building Height (max)	20%	-69%
Num. of Storeys (max)	30%	-78%
Ext. Porch Setback (min)	2	1*
Front Yard Landscape (min)	0 spaces	4 spaces
Rear Yard Landscape (min)	2 spaces	2 spaces
Street Line Ped. Entrances (max)	1	1*
Parking Class C Bicycle Parking	5.7 m	5.2 m
Driveway Access (max)		
Driveway Width (max)		

* Indicates existing condition (50% of lot width)

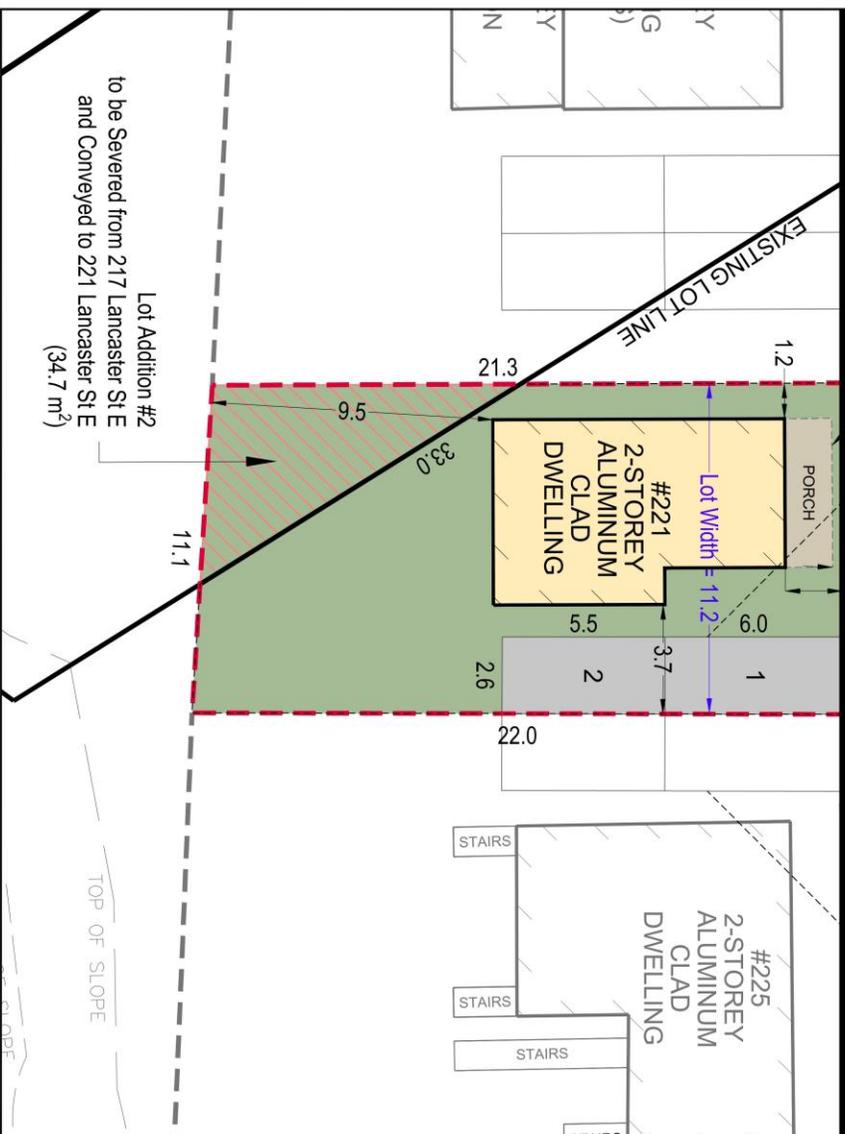


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Project #2070 | September 27, 2024 | Drawn By: GFE

LANCASTER STREET E

SEVERANCE SKETCH SEVERED LOT 1 221 Lancaster St E, Kitchener

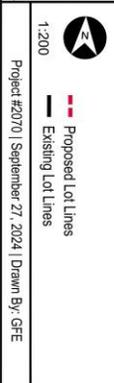
Approx. Location of
Ex. Front Porch



Site Data

Single Detached Dwelling	
CR-2 (115R, 125U)	
Required	Provided
Num. of Units	1 + 3 ADUs
Lot Area (m ²)	235 m ²
Lot Width, Interior (m)	9 m
Lot Width, Interior (m)	11.2 m
Floor Space Ratio (max)	2.33 (115R)
Floor Space Ratio (m ²)	0.47
Setbacks (m)	N/A
Front Yard	4.5 m
Int. Side Yard, North	1.2 m
Int. Side Yard, South	3.0 m
Rear Yard	7.5 m
Lot Coverage (max)	55%
Building Height (max)	10.5 m
Front Porch Setback (m) ²	3 m
Parking Spaces (min) ²	1
Driveway Vis. Triangle ²	Unobstructed

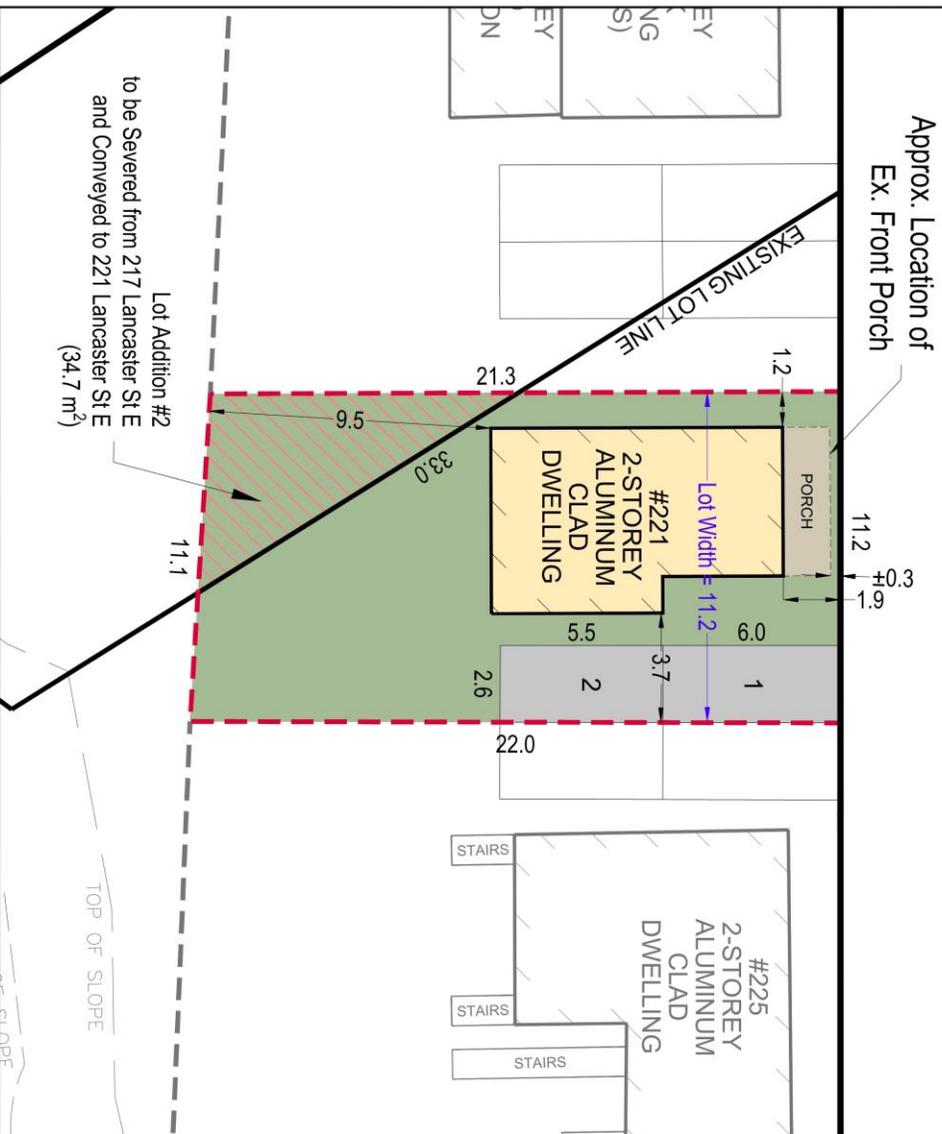
- RED** Indicates variance required
******Indicates existing condition deemed to comply per 5.15.
*****Indicates existing condition deemed not to comply per 5.15.
1. Building was constructed before CR-2 zone was applied.
 2. Porch located within Driveway Visibility Triangle and thus not exempt under 5.15(b).



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LANCASTER STREET E

SEVERANCE SKETCH SEVERED LOT 1 221 Lancaster St E, Kitchener



Site Data		
Single Detached	Required	Provided
Zone	1 + 3 ADUs	SGA-2*
Num. of Units	1	1*
Lot Area (m ²)	235 m ²	240.1 m ²
Lot Width, Interior (min)	9 m	11.2 m
Lot Width, Corner (min)	12.8 m	-
Setbacks (min)		
Front Yard	4.5 m	1.9 m*
Ext. Side Yard	4.5 m	-
Int. Side Yard	1.2 m	1.2 m
Rear Yard	7.5 m	9.5 m
Lot Coverage (max)	55%	23.5%*
Building Height (max)	11 m	9.5 m*
Num. of Storeys (max)	3	2*
Front Porch Setback (min)	3 m	-0.3 m*
Parking	0 spaces	2 spaces
Class C Bicycle Parking	0 spaces	0 spaces
Driveway Access (max)	1	1*
Driveway Width (max) (50% of lot width)	5.6 m	2.6 m

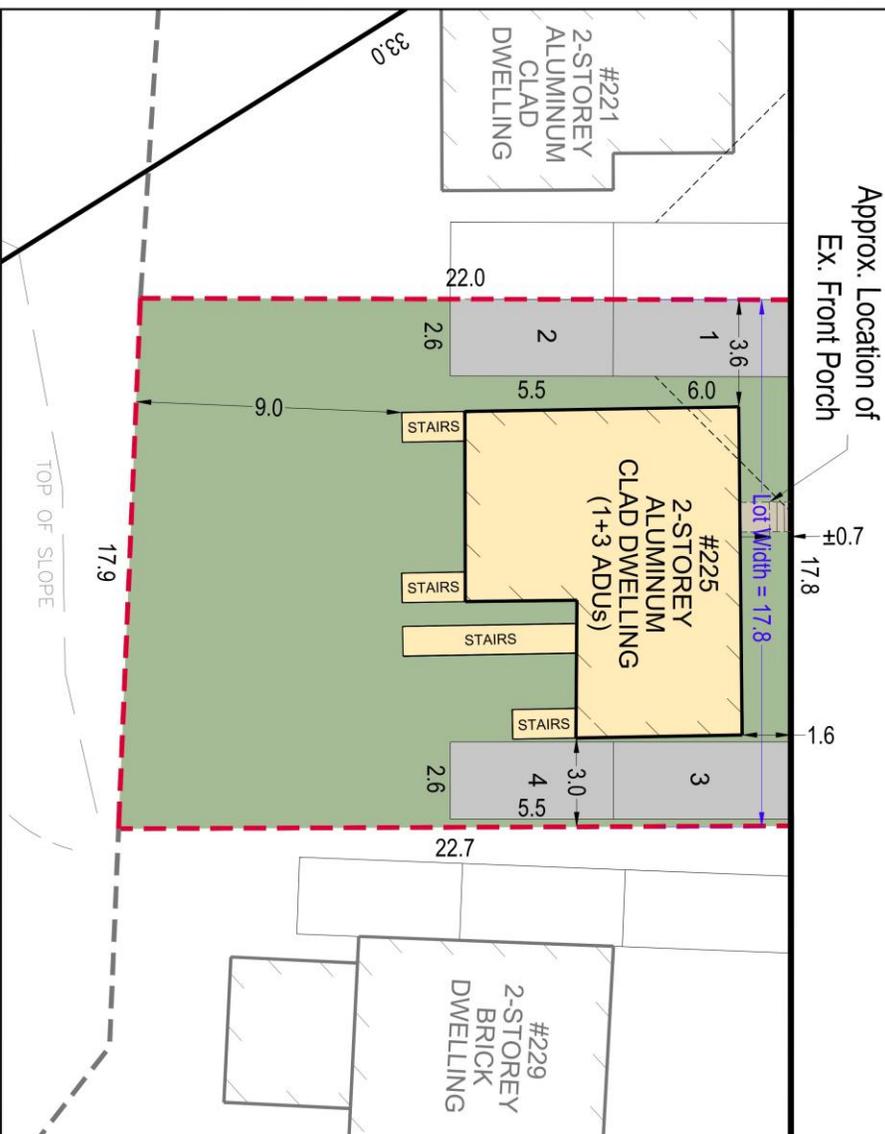
* Indicates existing condition



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Project #2070 | September 27, 2024 | Drawn By: GFE

LANCASTER STREET E

SEVERANCE SKETCH SEVERED LOT 2 225 Lancaster St E, Kitchener

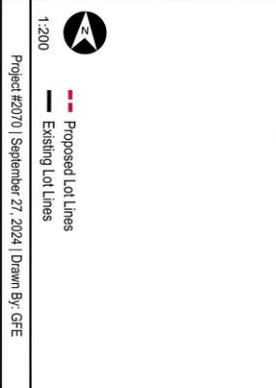


Site Data

Single Detached with 3 ADUs (attached)	Required	Provided
CR-2 (115R, 125U)	1 + 3 ADUs	1 + 3 ADUs
Num. of Units	235 m	397.3 m ²
Lot Area (m ²)	9 m	17.8
Lot Width, Interior (m)	2.33 (115R)	0.42
Floor Space Ratio (max)	N/A	0.42
Floor Space Ratio (min)		

Setbacks (min)	4.5 m	1.6 m**
Front Yard	3.0 m	3.6 m
Int. Side Yard, North	3.0 m	3.0 m
Int. Side Yard, South	7.5 m	9.0 m
Rear Yard	55%	24.5%
Lot Coverage (max)	10.5	-0.7 m
Building Height (max)	0.5 m	-9.5m
Step Setback, Front Yard (min)	20%	-64%
Front Yard Landscape (min)	30%	-100%
Rear Yard Landscape (min)	1	4
Parking Spaces (min) ²	1	2
Driveway Vis. Triangulation	Unobstructed	Obstructed*
Num. of Dwy Accesses (max) ³	1	1
Ped. Entrances, ADU (max)	2	1
Unobstructed Walkway, ADU ⁴	N/A	Not Provided
Bicycle Parking, ADU (min)	2	0

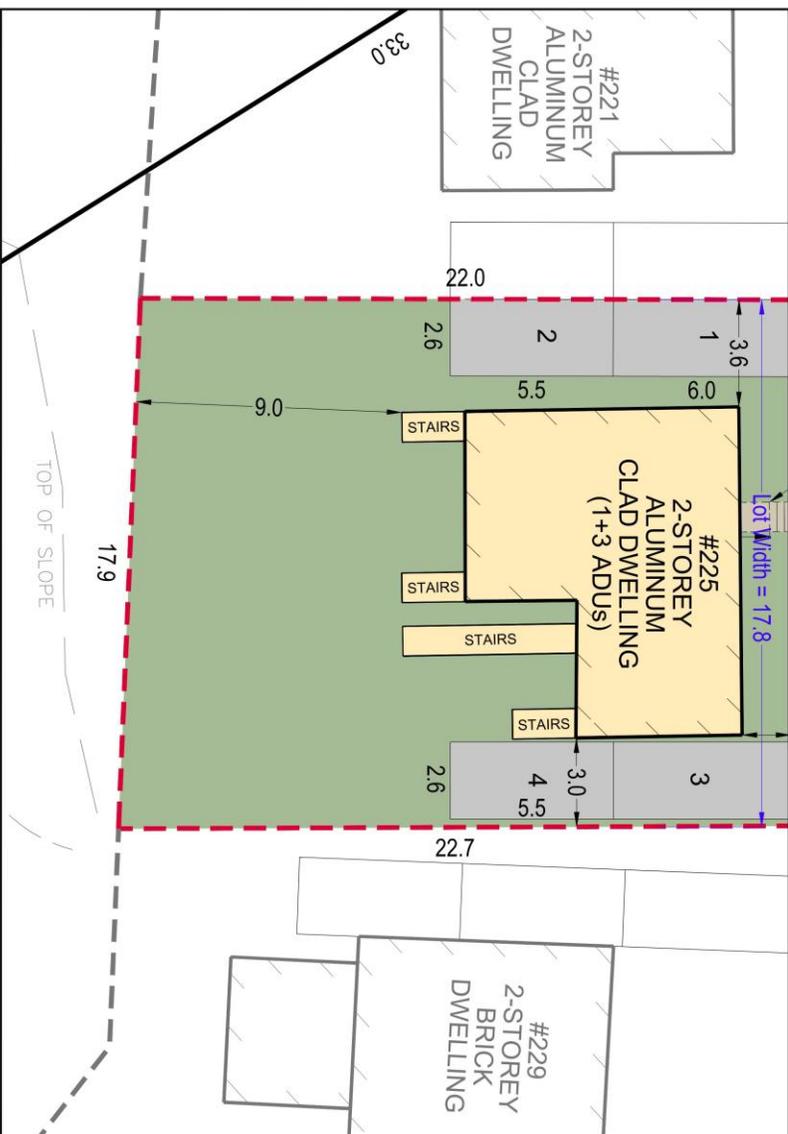
- RED** indicates variance required
- **Indicates existing condition deemed to comply per 5.15.
- *Indicates existing condition deemed not to comply per 5.15.
1. Building was constructed before CR-2 zone was applied.
 2. One parking space required for primary dwelling per 6.1.2(a). No additional spaces required for ADUs within 800m of LRT station.
 3. A maximum of one driveway with one access point shall be permitted for each Single Detached Dwelling per 6.1.1.(b)
 4. Applies only to new Additional Dwelling Unit(s) per 5.22(f).



LANCASTER STREET E

SEVERANCE SKETCH SEVERED LOT 2 225 Lancaster St E, Kitchener

Approx. Location of
Ex. Front Porch



Site Data	Required	Provided
Single Detached	-	SGA-2*
Zone	1 + 3 ADUs	1 + 3 ADUs*
Num. of Units	1 + 3 ADUs	1 + 3 ADUs*
Lot Area (m ²)	235 m ²	397.3 m ²
Lot Width, Interior (min)	9 m	17.8 m
Lot Width, Corner (min)	12.8 m	-
Setbacks (min)		
Front Yard	4.5 m	1.6 m*
Ext. Side Yard	4.5 m	-
Int. Side Yard	1.2 m	3.0 m
Rear Yard	7.5 m	9.0 m
Lot Coverage (max)	55%	24.5%
Building Height (max)	11 m	~9.5 m*
Num. of Storeys (max)	3	2*
Front Yard Landscape (min)	20%	~64%
Rear Yard Landscape (min)	30%	~100%
Street Line Ped. Entrances (max)	2	1*
Parking	0 spaces	4 spaces
Class C Bicycle Parking	2 spaces	0 spaces*
Driveway Access (max)	1	2*
Driveway Width (max)	8 m	5.2 m

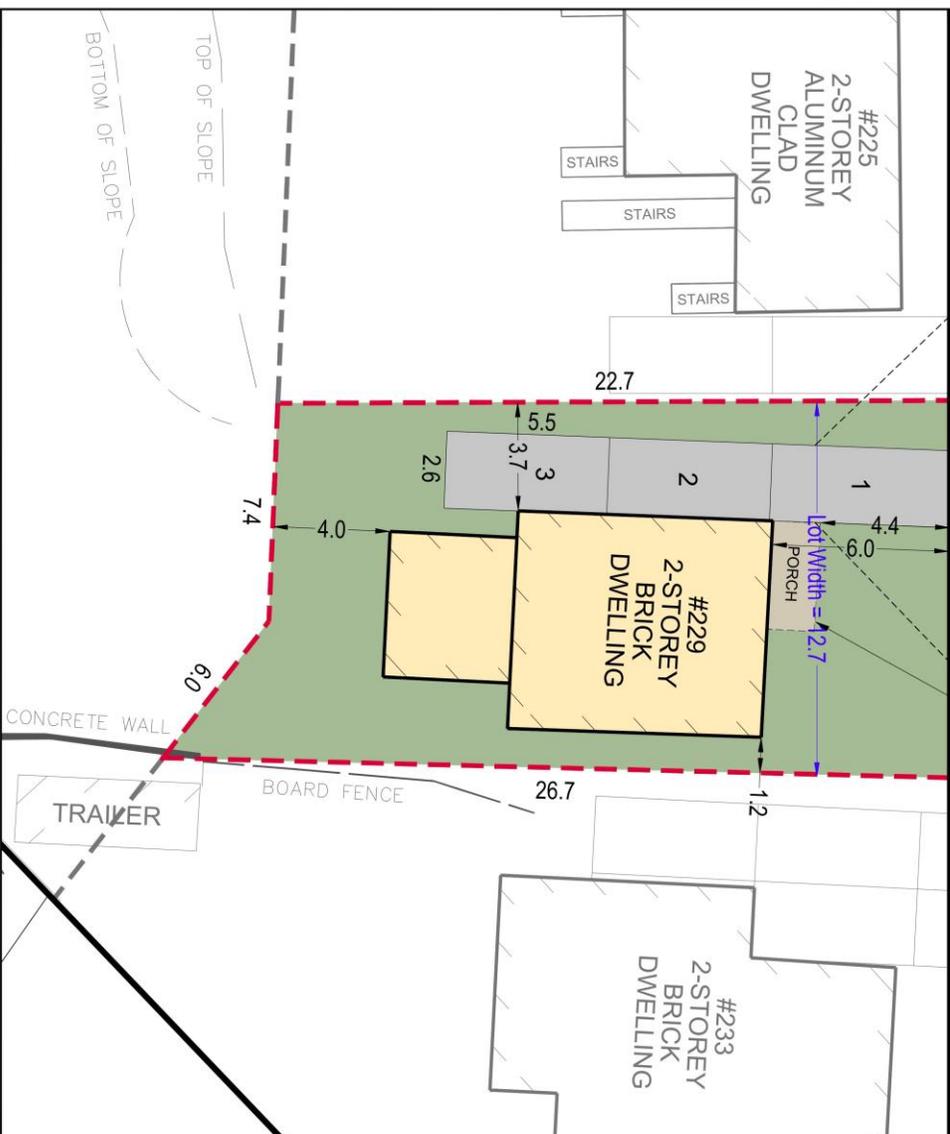
* Indicates existing condition



Project #2070 | September 27, 2024 | Drawn By: GFE

LANCASTER STREET E

Approx. Location of
Ex. Front Porch



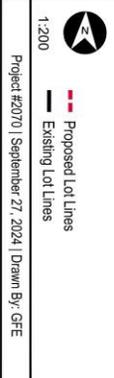
SEVERANCE SKETCH

SEVERED LOT 3
229 Lancaster St E,
Kitchener

Site Data

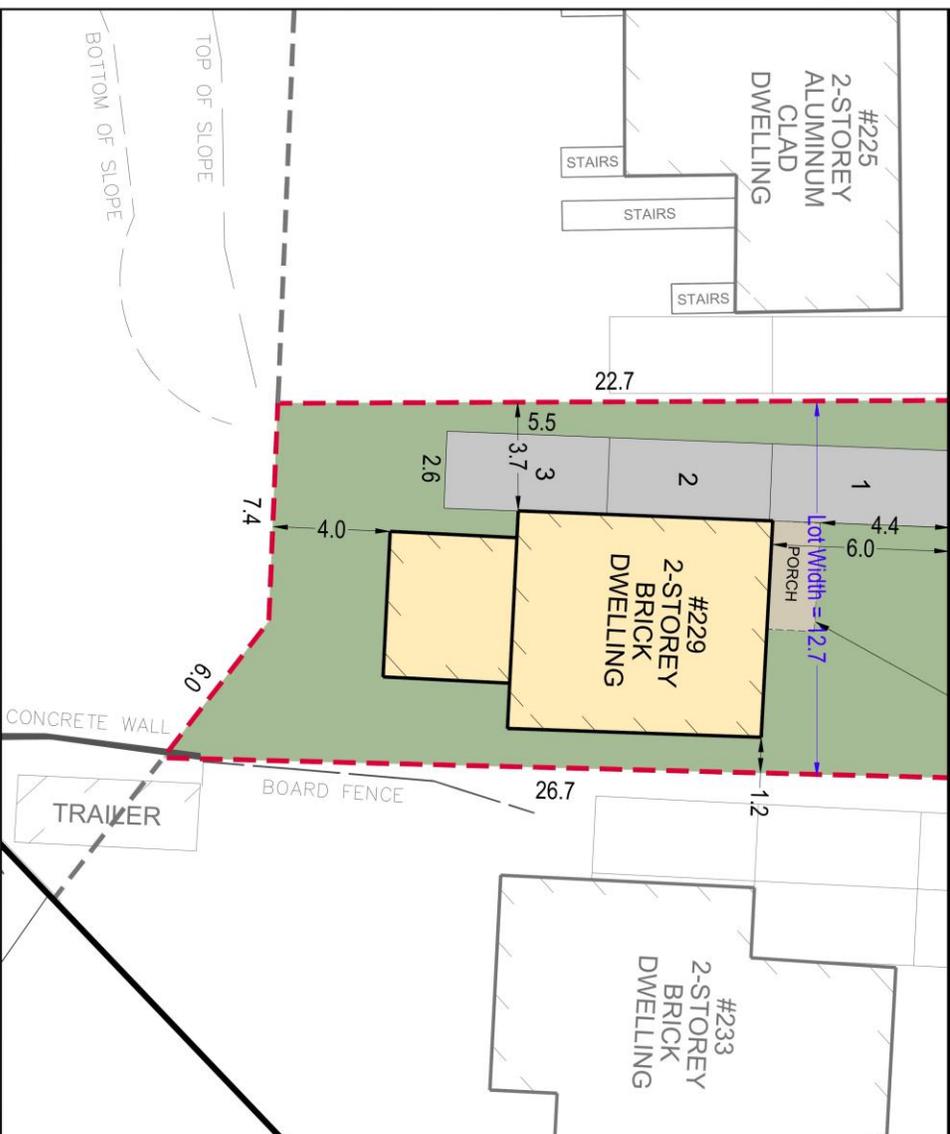
Single Detached Dwelling		
CR-2 (115R, 125U)	Required	Provided
Num. of Units	1 + 3 ADUs	1
Lot Area (m ²)	235 m ²	292.8 m ²
Lot Width, Interior (m)	9 m	12.7
Floor Space Ratio (max)	2.33 (115R)	0.47
Floor Space Ratio (m ²)	N/A	0.47
Setbacks (m)		
Front Yard	4.5 m	6.0 m
Int. Side Yard, North	3.0 m	3.7 m
Int. Side Yard, South	1.2 m	1.2 m
Rear Yard	7.5 m	4.0 m
Lot Coverage (max)	55%	28.5%
Building Height (max)	10.5 m	-9.5 m
Front Porch Setback (min)	3 m	-4.4 m
Parking Spaces (min)	1	3
Driveway Vis. Triangle	Unobstructed	Obstructed*

RED indicates variance required
 **Indicates existing condition deemed to comply per 5.15.
 *Indicates existing condition deemed not to comply per 5.15.
 1. Building was constructed before CR-2 was applied.



LANCASTER STREET E

Approx. Location of
Ex. Front Porch



SEVERANCE SKETCH SEVERED LOT 3 229 Lancaster St E, Kitchener

Site Data		
Single Detached	Required	Provided
Zone	1 + 3 ADUs	SGA-2*
Num. of Units	1	1*
Lot Area (m ²)	235 m ²	292.8 m ²
Lot Width, Interior (min)	9 m	12.7 m
Lot Width, Corner (min)	12.8 m	-
Setbacks (min)		
Front Yard	4.5 m	6.0 m*
Ext. Side Yard	4.5 m	-
Int. Side Yard	1.2 m	1.2 m
Rear Yard	7.5 m	4.0 m
Lot Coverage (max)	55%	28.5%
Building Height (max)	11 m	~9.5 m*
Num. of Storeys (max)	3	2*
Front Porch Setback (min)	3 m	~4.4 m*
Parking	0 spaces	3 spaces
Driveway Access (max)	1	1*
Driveway Width (max)	6.4 m	2.6 m

* Indicates existing condition (50% of lot width)



1:200
Project #2070 | September 27, 2024 | Drawn By: GFE



LANCASTER STREET E

Approx. Location of Ex. Front Porch

Residential Lands Owned by Others

SEVERANCE SKETCH

SEVERED LOT 4
233 Lancaster St E,
Kitchener

Site Data

Single Detached with 2 ADUs (attached)	Required	Provided
CR-2 (15R, 125U)	1 + 2 ADUs	1 + 2 ADUs
Num. of Units	235	375.2
Lot Area (m ²)	9 m	14.1 m
Lot Width, Interior (min)	2.33 (115R)	0.49
Floor Space Ratio (max)	N/A	-
Floor Space Ratio (min)		
Setbacks (min)		
Front Yard	4.5 m	1.8 m**
Int. Side Yard, North	3.0 m	3.7 m
Int. Side Yard, South	1.2 m	0.0 m**
Rear Yard	7.5 m	12.1 m
Lot Coverage (max)	55%	31.8%
Building Height (max)	10.5 m	-9.5 m
Front Yard Landscape (min)	20%	-6%
Rear Yard Landscape (min)	30%	-90%
Ped. Entrances, ADU (max)	3 m	-0.3 m*
Unobstructed Walkway, ADU ³	N/A	2
Parking Spaces (min) ⁴	1	Not Provided
Driveway Vis. Triangle	Unobstructed	3 spaces
Bicycle Parking, ADU (min)	2	Obstructed*

RED indicates variance required
 **Indicates existing condition deemed to comply per 5.15.
 *Indicates existing condition deemed not to comply per 5.15.

1. Building was constructed before CR-2 was applied.
2. Porch located within Driveway Visibility Triangle and thus not exempt under 5.15(b).
3. Applies only to new Additional Dwelling Units (per 5.22(f)).
4. One parking space required for primary dwelling per 6.1.2(a). No additional spaces required for ADUs within 800m of LRT station.
5. Existing trailer to be removed.





LANCASTER STREET E

Approx. Location of Ex. Front Porch

Residential Lands Owned by Others

SEVERANCE SKETCH

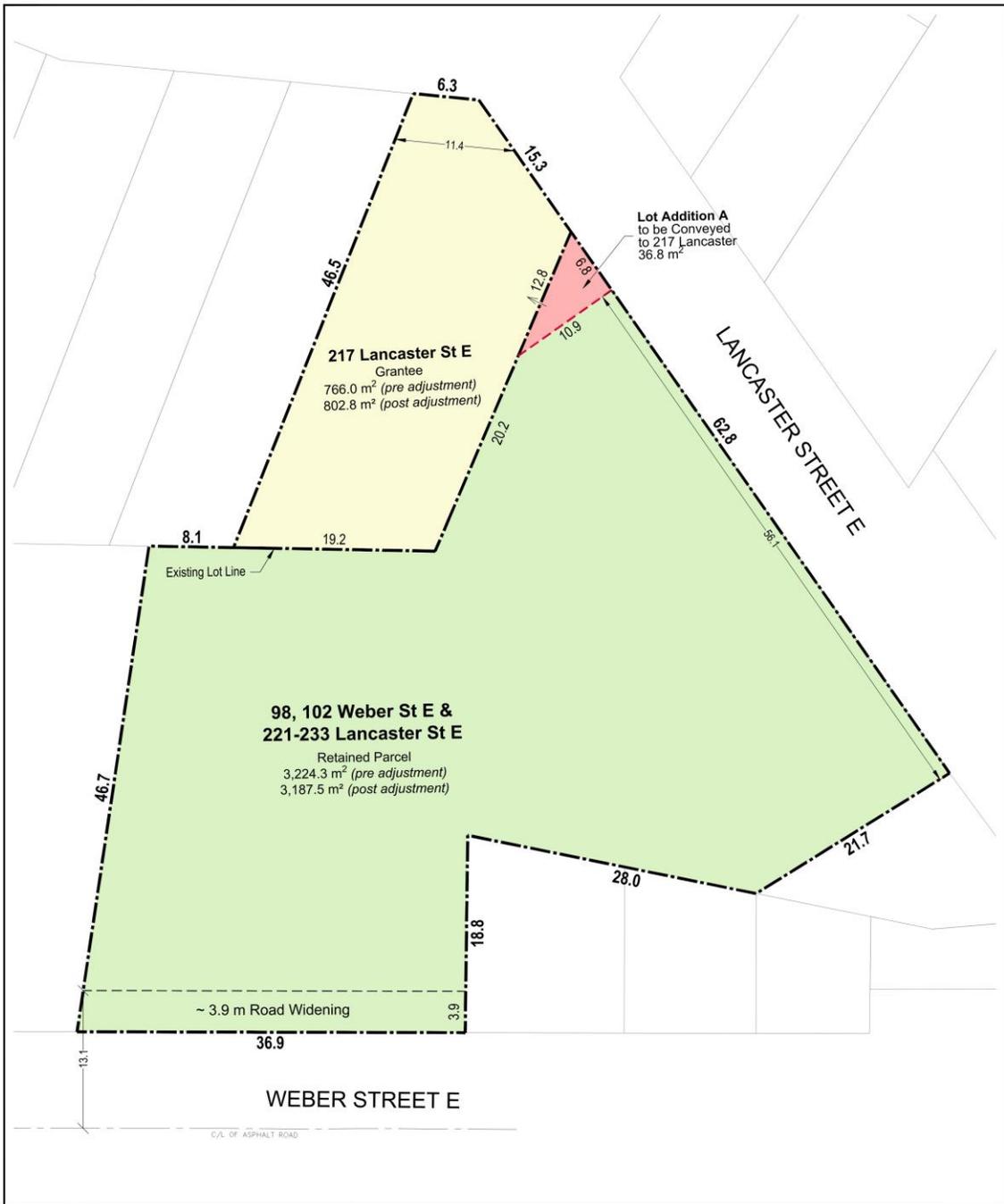
SEVERED LOT 4
233 Lancaster St E,
Kitchener

Site Data	Required	Provided
Single Detached	-	SGA-2*
Zone	1 + 3 ADUs	1 + 2 ADUs*
Num. of Units	235 m ²	375.2 m ²
Lot Area (min)	9 m	14.1 m
Lot Width, Interior (min)	12.8 m	-
Lot Width, Corner (min)	4.5 m	1.8 m*
Setbacks (min)	1.2 m	0 m*
Front Yard	7.5 m	12.1 m
Ext. Side Yard	55%	31.8%
Int. Side Yard	11 m	-9.5 m*
Rear Yard	3 m	2*
Lot Coverage (max)	20%	-6%
Building Height (max)	30%	-90%
Num. of Storeys (max)	2	2*
Front Porch Setback (min)	2	2*
Front Yard Landscape (min)	0 spaces	3 spaces
Rear Yard Landscape (min)	2 spaces	2 spaces
Street Line Ped. Entrances (max)	1	1*
Parking	7.1 m	5.2 m
Class C Bicycle Parking	-	-
Driveway Access (max)	-	-
Driveway Width (max)	-	-

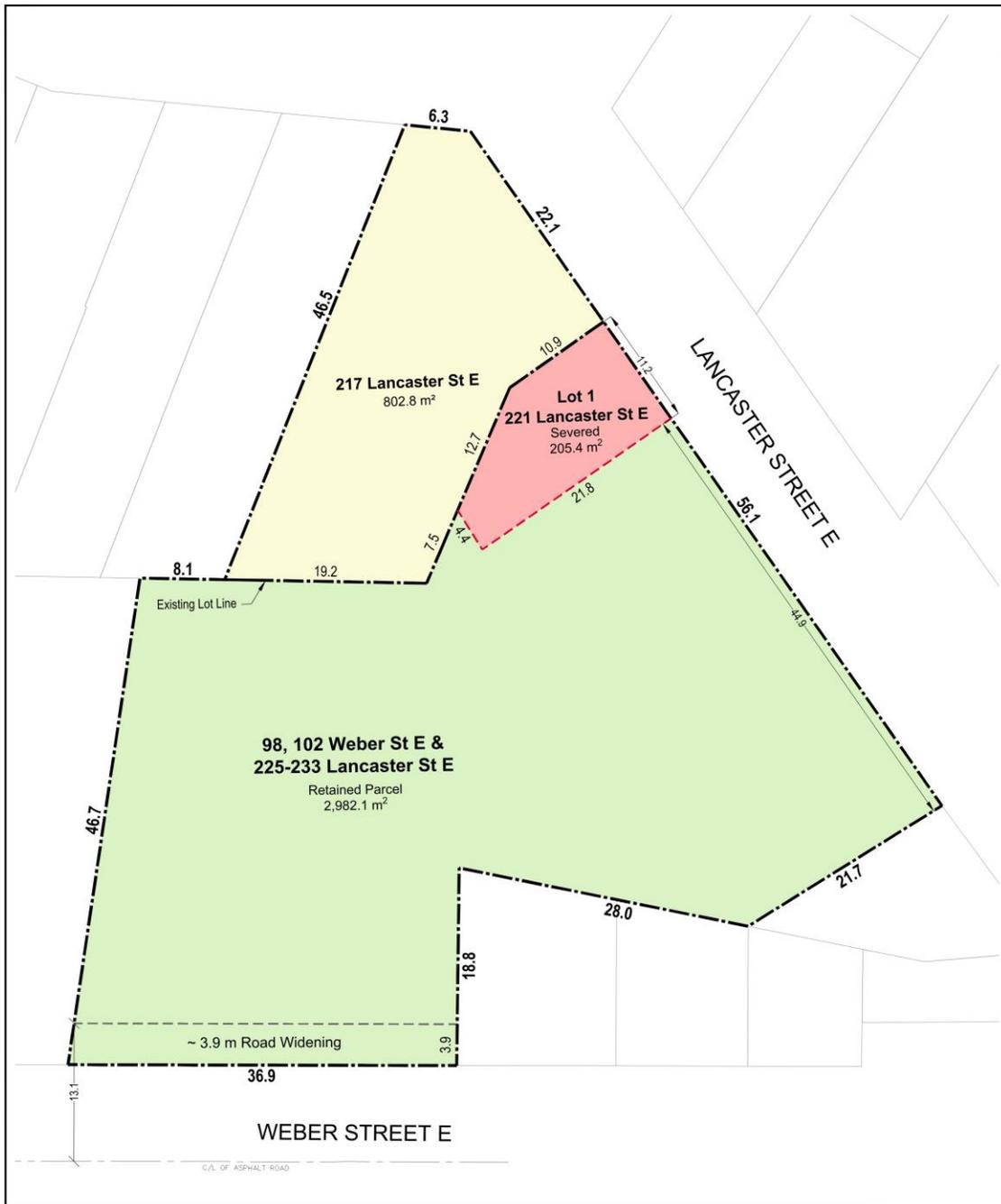
* Indicates existing condition (50% of lot width)



Project #2070 | September 27, 2024 | Drawn By: GFE



<p>LOT LINE ADDITION A</p> <p>98, 102 Weber St E & 217-233 Lancaster St E</p> <p>City of Kitchener</p>	<ul style="list-style-type: none"> --- Proposed Lot Lines --- Existing Lot Lines Retained Severed Existing Lot 	<p>Severance</p> <table border="1"> <tr><td>Parent Parcel</td><td>3,224.3 m²</td></tr> <tr><td>Severed Portion</td><td>-36.8 m²</td></tr> <tr><td>ADJUSTED TOTAL</td><td>3,187.5 m²</td></tr> </table>	Parent Parcel	3,224.3 m ²	Severed Portion	-36.8 m ²	ADJUSTED TOTAL	3,187.5 m²	<p>CONSENT APPLICATION</p> <p>1 of 7</p>				
		Parent Parcel	3,224.3 m ²										
Severed Portion	-36.8 m ²												
ADJUSTED TOTAL	3,187.5 m²												
<p>Lot Addition</p> <table border="1"> <tr><td>Grantee Parcel</td><td>766.0 m²</td></tr> <tr><td>Lot Addition</td><td>+36.8 m²</td></tr> <tr><td>ADJUSTED TOTAL</td><td>802.8 m²</td></tr> </table>	Grantee Parcel	766.0 m ²	Lot Addition	+36.8 m ²	ADJUSTED TOTAL	802.8 m²	<table border="1"> <tr> <td></td> <td>DATE: September 27, 2024</td> <td>SCALE 1:500</td> </tr> <tr> <td></td> <td>PROJECT: 2070 Reitzel</td> <td>DRAWN BY: GFE</td> </tr> </table>		DATE: September 27, 2024	SCALE 1:500		PROJECT: 2070 Reitzel	DRAWN BY: GFE
Grantee Parcel	766.0 m ²												
Lot Addition	+36.8 m ²												
ADJUSTED TOTAL	802.8 m²												
	DATE: September 27, 2024	SCALE 1:500											
	PROJECT: 2070 Reitzel	DRAWN BY: GFE											



SEVERED LOT 1
221 LANCASTER ST E

98, 102 Weber St E & 221-233 Lancaster St E
City of Kitchener

- - - Proposed Lot Lines
- - - Existing Lot Lines
- Retained
- Severed
- Existing Lot

Proposed Areas	
Retained Parcel	2,982.1 m ²
Severed	205.4 m ²
TOTAL	3,187.5 m²

CONSENT APPLICATION
2 of 7

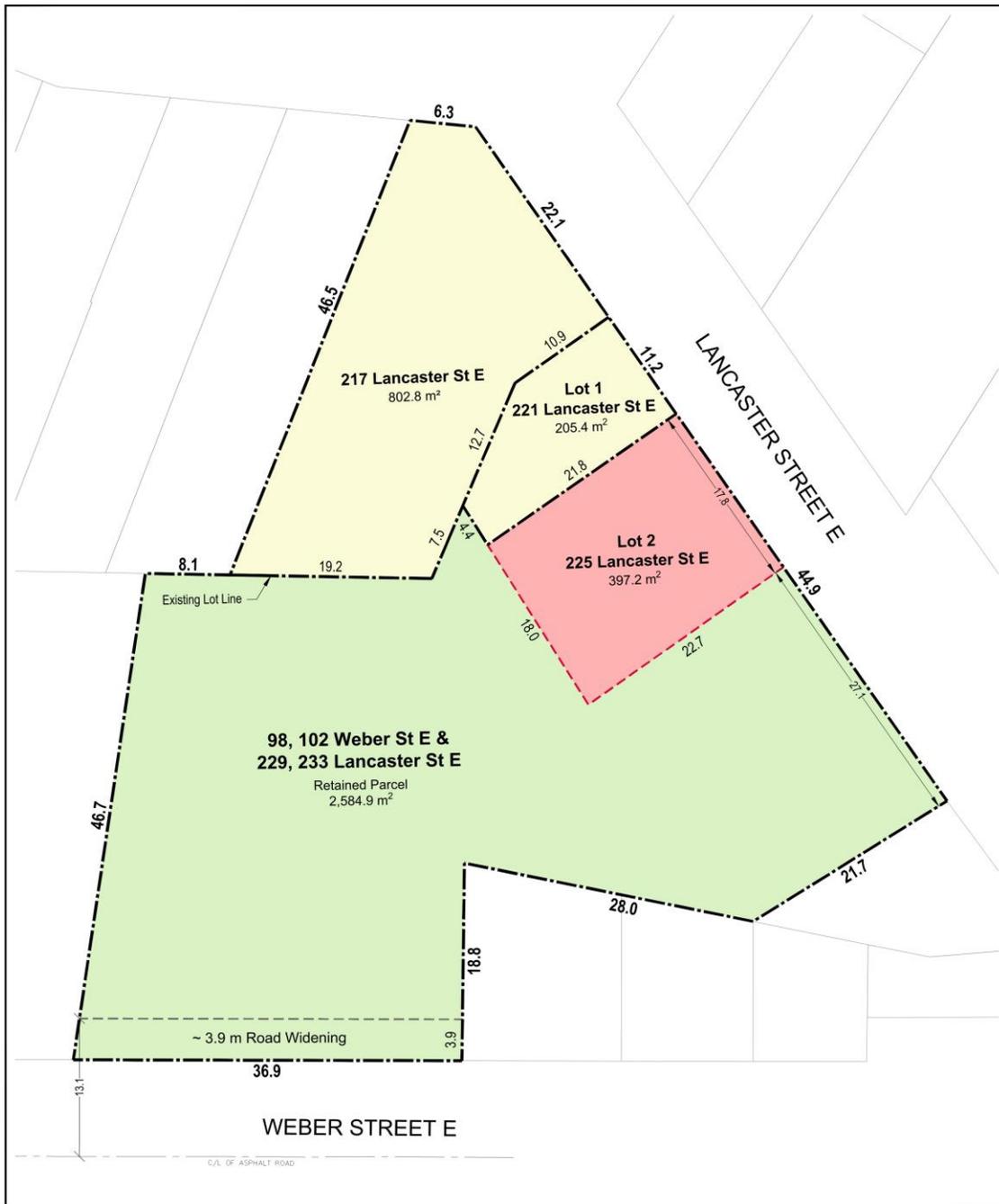


DATE: September 27, 2024

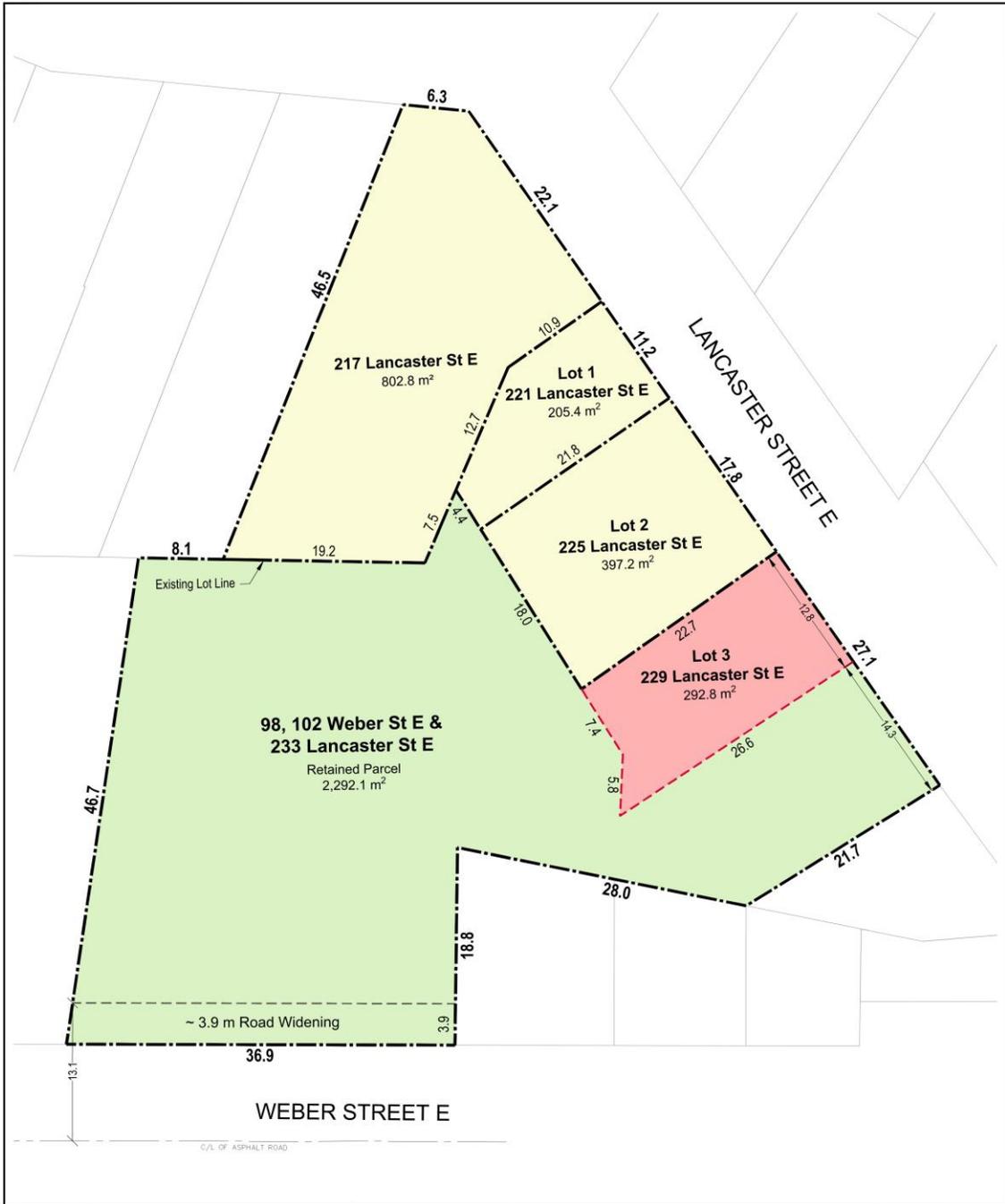
SCALE 1:500

PROJECT: 2070 Reitzel

DRAWN BY: GFE



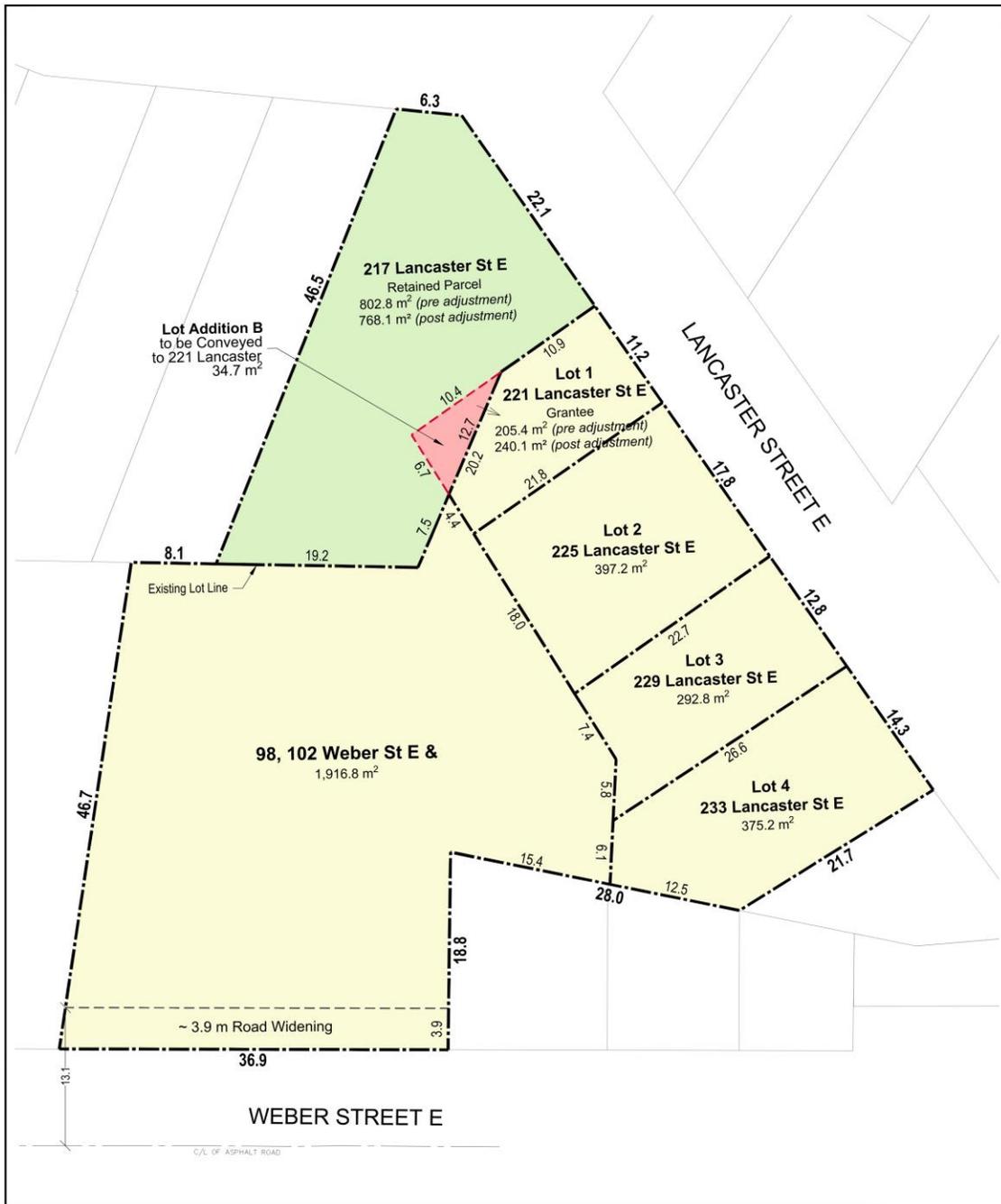
<p>SEVERED LOT 2 225 LANCASTER ST E 98, 102 Weber St E & 225-233 Lancaster St E City of Kitchener</p>	<p>Proposed Lot Lines Existing Lot Lines Retained Severed Existing Lot</p>	<p>Proposed Areas Retained Parcel 2,584.9 m² Severed 397.2 m² TOTAL 2,982.1 m²</p>	<p>CONSENT APPLICATION 3 of 7</p>	
			<p>DATE: September 27, 2024</p>	<p>SCALE 1:500</p>
			<p>PROJECT: 2070 Reitzel</p>	<p>DRAWN BY: GFE</p>



<p>SEVERED LOT 3 229 LANCASTER ST E 98, 102 Weber St E & 229, 233 Lancaster St E City of Kitchener</p>	<p>--- Proposed Lot Lines - - - Existing Lot Lines ■ Retained ■ Severed ■ Existing Lot</p>	<p>Proposed Areas Retained Parcel 2,292.1 m² Severed 292.8 m² TOTAL 2,584.9 m²</p>	<p>CONSENT APPLICATION 4 of 7</p>	
			<p>DATE: September 27, 2024</p>	<p>SCALE 1:500</p>
		<p>PROJECT: 2070 Reitzel</p>	<p>DRAWN BY: GFE</p>	



SEVERED LOT 4 233 LANCASTER ST E 98, 102 Weber St E & 233 Lancaster St E City of Kitchener	<ul style="list-style-type: none"> --- Proposed Lot Lines --- Existing Lot Lines Retained Severed Existing Lot 	Proposed Areas Retained Parcel 1,916.8 m ² Severed 375.2 m ² TOTAL 2,292.0 m²	CONSENT APPLICATION 5 of 7	
			DATE: September 27, 2024	SCALE 1:500
		PROJECT: 2070 Reitzel	DRAWN BY: GFE	



<p>LOT LINE ADDITION B</p> <p>98, 102 Weber St E & 217 Lancaster St E</p> <p>City of Kitchener</p>	<ul style="list-style-type: none"> --- Proposed Lot Lines --- Existing Lot Lines Retained Severed Existing Lot 	<p>Severance</p> <table border="0"> <tr><td>Parent Parcel</td><td>802.8 m²</td></tr> <tr><td>Severed Portion</td><td>-34.7 m²</td></tr> <tr><td>ADJUSTED TOTAL</td><td>768.1 m²</td></tr> </table>	Parent Parcel	802.8 m ²	Severed Portion	-34.7 m ²	ADJUSTED TOTAL	768.1 m²	<p>CONSENT APPLICATION</p> <p>6 of 7</p>	
		Parent Parcel	802.8 m ²							
Severed Portion	-34.7 m ²									
ADJUSTED TOTAL	768.1 m²									
<p>Lot Addition</p> <table border="0"> <tr><td>Grantee Parcel</td><td>205.4 m²</td></tr> <tr><td>Lot Addition</td><td>+34.7 m²</td></tr> <tr><td>ADJUSTED TOTAL</td><td>240.1 m²</td></tr> </table>	Grantee Parcel	205.4 m ²	Lot Addition	+34.7 m ²	ADJUSTED TOTAL	240.1 m²		<p>DATE: September 27, 2024</p>	<p>SCALE 1:500</p>	
Grantee Parcel	205.4 m ²									
Lot Addition	+34.7 m ²									
ADJUSTED TOTAL	240.1 m²									
		<p>PROJECT: 2070 Reitzel</p>	<p>DRAWN BY: GFE</p>							



<p>LOT LINE ADDITION C</p> <p>98, 102 Weber St E & 217 Lancaster St E</p> <p>City of Kitchener</p>	<ul style="list-style-type: none"> --- Proposed Lot Lines --- Existing Lot Lines Retained Severed Existing Lot 	<p>Severance</p> <table border="0"> <tr><td>Parent Parcel</td><td>802.8 m²</td></tr> <tr><td>Severed Portion</td><td>-34.7 m²</td></tr> <tr><td>ADJUSTED TOTAL</td><td>768.1 m²</td></tr> </table>	Parent Parcel	802.8 m ²	Severed Portion	-34.7 m ²	ADJUSTED TOTAL	768.1 m²	<p>CONSENT APPLICATION</p> <p>7 of 7</p>	
		Parent Parcel	802.8 m ²							
Severed Portion	-34.7 m ²									
ADJUSTED TOTAL	768.1 m²									
<p>Lot Addition</p> <table border="0"> <tr><td>Grantee Parcel</td><td>766.0 m²</td></tr> <tr><td>Lot Addition</td><td>+36.8 m²</td></tr> <tr><td>ADJUSTED TOTAL</td><td>802.8 m²</td></tr> </table>	Grantee Parcel	766.0 m ²	Lot Addition	+36.8 m ²	ADJUSTED TOTAL	802.8 m²		<p>DATE: September 27, 2024</p> <p>PROJECT: 2070 Reitzel</p>	<p>SCALE 1:500</p> <p>DRAWN BY: GFE</p>	
Grantee Parcel	766.0 m ²									
Lot Addition	+36.8 m ²									
ADJUSTED TOTAL	802.8 m²									