

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 19, 2025

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

**PREPARED BY:** Adiva Saadat, Planner, 519-783-7658

**WARD(S) INVOLVED:** Ward 1

**DATE OF REPORT:** August 5, 2025

**REPORT NO.:** DSD-2025-342

**SUBJECT:** Consent Applications B2024-039 and B2024-040  
120 Keewatin Avenue

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**RECOMMENDATION:**

**A. Consent Application B2024-039 – 120 Keewatin Avenue**

That Consent Application B2024-039 for 120 Keewatin Avenue requesting consent to sever a parcel of land having a lot width on Keewatin Avenue of 7.9 metres, a lot depth of 30.6 metres and a lot area of 247.4 square metres and to create an easement having a width of 1.5 metres and a depth of 2.9 metres at the front of the building where the common wall is not shared for the purposes of access and maintenance in favour of Parcel 'B' on the plan for severance, prepared by Guenther Rueb Surveying Limited, BE APPROVED subject to the following conditions:

1. 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.
2. 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.
3. 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.

- 4. That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals. If necessary, that the Owner obtain Consent Approval of 1.5 metre Maintenance Easements to facilitate any 0-metre lot line development along the common lot line.**
- 5. That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Director, Development and Housing Approvals:**
  - a) a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and**
  - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.**
- 6. That a satisfactory Solicitor's Undertaking, to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor, be provided to the City Solicitor.**
- 7. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**
- 8. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.**
- 9. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.**
- 10. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.**
- 11. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.**

12. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.
13. That at the sole option of the City's Director, Development and Housing Approvals, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director, Development and Housing Approvals, which shall include the following:
  - a) That the Owner shall prepare a Tree Preservation and Enhancement Plan for the Severed and Retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
  - b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.
  - c) The owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.
14. That prior to final approval, the owner/applicant submits the Consent review fee of \$350.00.
15. That prior to final approval, the owner/applicant enters into a registered development agreement with the Region of Waterloo to include the following noise warning clause in all offers of Purchase and Sale, lease/rental agreements, and condominium declarations:

*"Purchasers/tenants are advised that sound levels due to increasing road traffic on Lackner Boulevard (Regional Road #54) may on occasions 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. Consent Application B2024-040 – 120 Keewatin Avenue**

That Consent Application B2024-040 for 120 Keewatin Avenue requesting consent to sever a parcel of land having a lot width on Keewatin Avenue of 7.6 metres, a lot depth of 32 metres and a lot area of 253.3 square metres and to create an easement having a width of 1.5 metres and a depth of 2.9 metres at the rear of the building where the common wall is not shared for the purposes of access and maintenance in favour of Parcel 'A' on the plan for severance, prepared by Guenther Rueb Surveying Limited, BE APPROVED subject to the following conditions:

- 1. 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.**
- 2. 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.**
- 3. 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.**
- 4. That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals. If necessary, that the Owner obtain Consent Approval of 1.5 metre Maintenance Easements to facilitate any 0-metre lot line development along the common lot line.**
- 5. That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Director, Development and Housing Approvals:**
  - a) a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and**
  - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.**
- 6. That a satisfactory Solicitor's Undertaking, to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor, be provided to the City Solicitor.**
- 7. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**
- 8. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.**

- 9. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.**
- 10. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.**
- 11. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.**
- 12. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.**
- 13. That at the sole option of the City's Director, Development and Housing Approvals, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director, Development and Housing Approvals, which shall include the following:**
  - a) That the Owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.**
  - b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.**
  - c) The owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.**
- 14. That prior to final approval, the owner/applicant submits the Consent review fee of \$350.00.**
- 15. That prior to final approval, the owner/applicant enters into a registered development agreement with the Region of Waterloo to include the following noise warning clause in all offers of Purchase and Sale, lease/rental agreements, and condominium declarations:**

***“Purchasers/tenants are advised that sound levels due to increasing road traffic on Lackner Boulevard (Regional Road #54) may on occasions 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.”***

#### **REPORT HIGHLIGHTS:**

- The purpose of this application is to sever two parcels of land for an existing semi-detached dwelling which has been updated to also include the easements for maintenance purposes so that each parcel of land can be sold and serviced independently. The construction of a new single detached dwelling on the retained lands would replace an existing single detached dwelling that has been damaged by fire.
- The key finding of this report is that the requested severances meet the criteria of the Planning Act and Provincial, Regional and City policies
- 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:**

The subject property is located on the northwest corner of Lackner Boulevard and Keewatin Avenue.



**Figure 1 - Location Map of 120 Keewatin Avenue**

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to sever two parcels of land which include the easements for maintenance purposes so that each parcel of land can be sold and serviced independently. The retained parcel of land will permit the future construction of a new single detached dwelling.

These applications were heard at the December 10, 2024 Committee of Adjustment meeting and at that time Committee deferred the applications because the foundation of the semi-detached building had not yet been poured and there was not a severance sketch prepared by an Ontario Land Surveyor to verify the lot sizes and location of the foundation relative to the proposed new lot lines.

This was the motion and Decision of the Committee:

"That the application of DRAGO SINDJIC and GUY FUROY requesting permission to sever a parcel of land (identified as Parcel B on the plan submitted with the application) having a width of 7.5m, a depth of 31.5m and an area of 230 sq.m. which is proposed to contain a new semi-detached dwelling, on Lot 34, Plan 1515, 120 Keewatin Avenue, Kitchener, Ontario, **BE DEFERRED until December 9, 2025, or earlier** to allow the applicant an opportunity to construct the proposed dwellings prior to severance of the lot; and, for the applicant to address safety concerns related to the lot being in close proximity to a busy road intersection"

Since this time, the foundation of the semi-detached dwelling has been poured, as confirmed by a survey prepared by an Ontario Land Surveyor. The Recommendation in this staff report reflects updated lot widths, depths and areas of the Severed Parcels as noted on the severance sketch prepared by Guenther Rueb Surveying Limited.

Upon receipt of the survey, it was also noted that the semi-detached dwelling was constructed with offset walls which was not noted on the original applications considered in December 2024.

Deferral of the Applications permitted the identification of required maintenance easements where the walls of the semi-detached dwelling are offset along the common lot line. The Applications have been updated accordingly to reflect these easements.

Furthermore, Transportation staff has examined the driveway locations relative to Lackner Boulevard and has expressed no concern from a safety perspective.



**Figure 2 – Severance Sketch Submitted with December 2024 Consent Applications**



**Figure 3 - View of Semi-Detached Dwelling (July 30, 2025)**



## REPORT:

### Planning Comments:

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

#### Provincial Planning Statement (PPS 2024)

Staff are satisfied that the proposed infill severance applications are consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

#### Regional Official Plan (ROP):

ROP Urban Area policies state that the focus of the Region's future growth shall be within the Urban Area. The subject lands fall within the 'Urban Area' and are designated 'Built-Up Area' in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional policies require 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. Staff are satisfied that the proposed severance applications adhere to these policies and conforms to the ROP.

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

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's Official Plan.

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.”

The proposed two (2) severed and one (1) retained lots satisfy the minimum zoning requirements for lot width and lot area and the proposed dwellings adhere to the minimum required yard setback requirements. The proposed lots also reflect the general scale and character of the established development pattern for this area as shown in Figure 4. There are existing semi-detached dwellings across the street on Keewatin Avenue and nearby on Georgian Street. Finally, the lots have suitable frontage on a public street, access to full municipal services, do not restrict development of adjacent properties, and do not require a plan of subdivision. As such, staff are satisfied that the proposed severances conform to the City of Kitchener Official Plan.

#### Zoning By-law 2019-051

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. The property also falls within 'Appendix D - Established Neighbourhoods Area' in Zoning By-law 2019-051. The proposed dwellings meet the minimum lot area and lot width requirements. The proposed dwellings are also zoning compliant for minimum required yard setbacks.

#### **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 creation of the severed lots are desirable and appropriate.

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

Standard condition, to be applied to both the severed and retained parcels, to enter into an agreement to complete a Tree Preservation Enhancement Plan prior to any tree removal or building permit /grading/servicing etc.

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

No Heritage comments or concerns.

#### **Building Division Comments:**

The Building Division has no objections to the proposed consent. Region of Waterloo and Area Municipalities' Design Guidelines and Supplemental Specifications for Municipal Services (DGSSMS) allows only one service per lot. Permit(s) have been issued for the demolition of the existing building, as well as construction of the new residential buildings.

**Engineering Division Comments:**

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property.
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupying the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering. Here is the OBC standard: This is the requirement in the code: 9.14.5.1. Drainage Disposal
  - *Foundation* drains shall drain to a sewer, drainage ditch or dry well.
  - A side yard swale is not considered a drainage ditch.
- The side yard currently accommodates overland stormwater flows from the rear yard. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage. Engineering requires a minimum 1 metre swale centered on property line. Therefore, the walkway to the side door cannot encroach within 0.5 metres from property line towards the house.

**Parks/Operations Division Comments:**

Cash-in-lieu of park land dedication will be required on the severed parcel A as 1 new development lot will be created. The cash-in-lieu dedication required is **\$11,862.00**. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.5 metres at a land value of \$36,080.00 per frontage metre, which equals \$13,530.00. In this case, a per unit cap of \$11,862.00 has been applied.

**Transportation Planning Comments:**

Transportation Services have no concerns with these applications.

**Region of Waterloo Comments:**

The purpose of the application is to facilitate a severance to create two lots for a future semi-detached dwelling units and retain one future single detached dwelling. The first proposed severed lot is 0.022 hectares in size and the second proposed lot is 0.023 hectares in size. The proposed retained lot will be 0.078 hectares. Vehicular access for the lots will be off Keewatin Avenue.

The applications were previously deferred and the only revisions at this time are with regards to easements required by the City. No changes have occurred otherwise to the proposal

**Regional Fee:**

Regional staff have not received the required consent review fee for these applications which is \$350.00 per application (total \$700.00).

**Section 59 Notice:**

Regional staff confirm receipt of the required Section 59 Notice and have no concerns.

**Environmental Noise:**

Regional Staff note the proposed development may encounter environmental noise sources due to Lackner Boulevard (Regional Road #54). 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, Regional Staff had previously noted an Environmental Noise Study was required in Regional comments issued on November 25, 2024.

Upon further review, the Region amends the previous comments and note that in lieu of the Environmental Noise Study that the owner/applicant is required to enter into a registered development agreement with the Region of Waterloo to include the following noise warning clause in all offers of Purchase and Sale, lease/rental agreements and condominium declarations:

*“Purchasers/tenants are advised that sound levels due to increasing road traffic on Lackner Boulevard (Regional Road #54) may on occasions 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.”*

Regional Staff also acknowledge that the application was circulated to Regional Airport Staff given the site is partially located within the TZR but no issues were identified.

Please note that a new access to Lackner Boulevard would not be permitted and Regional Staff are in agreement with the approach that all accesses are to be onto Keewatin Avenue.

Regional Staff has **no objections** to the proposed consent applications subject to the following condition:

1. That prior to final approval, the owner/applicant submits the consent review fee of \$350 per application (total \$700.00) to the Regional Municipality of Waterloo.
2. That prior to final approval, the owner/applicant enters into a registered development agreement with the Region of Waterloo to include the following noise warning clause in all offers of Purchase and Sale, lease/rental agreements, and condominium declarations:

*“Purchasers/tenants are advised that sound levels due to increasing road traffic on Lackner Boulevard (Regional Road #54) may on occasions 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.”*

#### **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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*