



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 [www.grandriver.ca](http://www.grandriver.ca)

Aug 13<sup>th</sup>, 2025

Arwa Alzoor  
Planner  
City of Kitchener  
200 King Street West  
Kitchener ON, N2G 4G7  
[arwa.alzoor@kitchener.ca](mailto:arwa.alzoor@kitchener.ca)

Via email

Dear Arwa Alzoor,

**Re: Zoning By-law Amendment Application (ZBA25/021/Q/AA)  
436 Queen Street South, Kitchener**

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Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application to permit a retail use on the Existing-Use Floodplain (EUF-1) zoned portion of the property.

**Recommendation**

The GRCA has no objections to the Zoning By-law Amendment application.

**Documents Reviewed by Staff**

- Agency circulation letter (prepared by Arwa Alzoor, dated Aug 1<sup>st</sup>, 2025)

**GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at our office indicates that the subject lands contain floodplain associated with Schneider Creek. As such, the property is regulated by the GRCA under Ontario Regulation 41/24 – the Prohibited Activities, Exemptions and Permits Regulation. Any future development on the property will require a permit from the GRCA. A copy of GRCA's resource mapping is attached for your reference.

The subject property lies within a Two-Zone Floodplain Policy Area. The floodway is the area of the floodplain that is required to pass the flows of greatest depth and velocity. The flood fringe lies between the floodway and the edge of the floodplain. Depths and velocities of flooding in the flood fringe are much less than those in the floodway. The subject property is located within the floodway. Therefore, future development activity (i.e. additions, accessory structures) would be limited and any applications for development would need to be in conformance with [GRCA's Policies for the Administration of Ontario Regulation 41/24](#).

Consistent with GRCA's 2023-2025 approved fee schedule, this application is considered a minor Zoning Bylaw Amendment, and the applicant will be invoiced \$465 for GRCA's review of this application.

Should you have any questions, please contact Anab Siraj at (519) 621-2763, ext. 2232.

Sincerely,

A handwritten signature in black ink, appearing to read 'ML', with a horizontal line extending to the right.

**Melissa Larion, MCIP, RPP**  
Supervisor of Planning and Regulations  
Grand River Conservation Authority

**Anab Siraj**  
Intermediate Resource Planner  
Grand River Conservation Authority

Encl \* GRCA Map

CC: Son Lien Pham, owner (Via email)  
Dan Mairovitz\*, agent (Via email)





Grand River Conservation  
Authority

Date: Aug 11, 2025  
Author: AS

436 Queen St S, Kitchener, ON, N2G  
1W7, CAN



Map Centre (X,Y): 540912.80, 4810368.79 | [Map Link](#)

This map is not to be used for navigation | 2020 Ortho (ON)

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.  
The source for each data layer is shown in parentheses in the map legend. See [Sources and Citations](#) for details.

Scale 1:204

NAD83 UTM zone 17 (EPSG:26917)



**City of Kitchener**  
**COMMENT FORM**

**Project Address: 436 Queen St S**

**Application Type: ZBA**

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Comments Of: Policy & Research, Planning and Housing Policy Division

Commenter's Name: Mike Balch

Email: mike.balch@kitchener.ca

Phone: 519-783-8928

Date of Comments: August 8, 2025

- ☐ I plan to attend the meeting (questions/concerns/comments for discussion)
- ☒ I do NOT plan to attend the meeting (no concerns)
- 

**1. Site Specific Comments & Issues:**

The subject property is located along Queen St S; between Schneider Ave and Courland Ave E. the property abuts Schneider's Creek to the south and consists of a mixed use building with personal services use on the main floor and two residential units above. The applicant is proposing to change the permitted use in the commercial space from personal services to retail use.

A Zoning By-Law Amendment (ZBA) is proposed to add a permission for retail use on the site. Currently the site is zoned is EUF-1: existing Use Floodplain, which is intended to allow existing uses within a floodplain, subject to hazard provisions. The applicant is seeking to extend the existing permissions to allow for the new proposed use.

**Planning Act and the Provincial Planning Statement**

The Provincial Planning Statement, 2024 (PPS) speaks to development adjacent to a river/within a floodplain as is the case with this application. While 5.2.2 notes that development shall generally be directed to areas outside of these hazards, 5.2.8 states that development and site alteration may be permitted in these areas subject to provincial standards, and confirmation that the risk to public safety are minor or could be mitigated.

As the applicant is proposing no site alterations at this time, and the use is not changing to a use identified in 5.2.6 (institutional, essential emergency service, or a use associated with the disposal,



manufacturing, treatment or storage of hazardous substances), the application is in alignment with the PPS.

### **City of Kitchener Official Plan and North Ward Secondary Plan**

#### *Urban Structure*

Urban structure components provide guidance on growth management and structure for the City's urban area. Understanding the organization of the City on a macro level is necessary for directing growth to appropriate locations.

The Urban Structure of the subject lands is Green Areas as identified in [Map 2](#) of the Official Plan. The property is located along an existing Transit Corridor on Queen St and is beyond the boundary of the Urban Growth Centre (Downtown) and the surrounding Protected Major Transit Station Areas.

The planned function of green areas is to protect and conserve the ecological functions and features of the surrounding system. Within these areas, the land use designation may include Natural Heritage Conservation and Open Space.

#### *Land Use Designation*

The subject lands are designated Natural Heritage Conservation as identified in [Map 3](#) of the Official Plan. As described in section 15.D.9 of the plan, the primary intent of the Natural Heritage Conservation land use is to protect and conserve natural heritage features and their associated ecological functions. This land use has been applied in this case given its relative distance to Schneider Creek and the identified floodway. Policy 15.D.9.2 g) states that existing legal uses as of the plan's date of adoption are permitted. However as outlined in policy 15.D.9.3, alternatives to existing uses may be permitted through a zoning by-law amendment, provided that the following conditions are met:

- a) the subsequent use is compatible with the surrounding land use designations;
- b) no new dwelling units are created;
- c) the use presents less of a risk to life and property in the event of flooding;
- d) the new use is not specifically prohibited by the Natural Hazard Policies in Section 6.C.2; and,
- e) approval is received from the Grand River Conservation Authority.

The prohibited uses described in 6.C.2.6 include institutional uses, essential emergency services, land uses associated with the outdoor storage of materials, and uses associated with the disposal, treatment, or storage of hazardous chemicals or substances. The proposed use would not fall under these designations.

The site is subject to the One Zone Policy Area as shown on [Map 7](#). As such, the entire flood plain will be considered the floodway, and no new development or site alterations will be permitted except in accordance with policy 6.C.2.5

An updated Planning Justification Report will be required that addresses matters including but not limited to:

- a) conformity with Provincial policies and plans, particularly Section 5.2.2 of PPS 2024;
- b) conformity to the vision, goals, objectives and policies of the Official Plan, particularly demonstration of criteria to convert to an alternative use within a natural heritage conservation land use as described in 15.D.9.3;
- c) conformity that no new development is to occur within the One Zone Flood Policy Area, and if any is proposed, conformity to policy 6.C.2.5

### **Zoning By-law 2019-051**

The subject lands are zoned Existing Use Floodplain (EUF-1) in the Zoning By-law 2019-051. The purpose of EUF-1 zone is to recognize existing uses within a floodway or floodplain.

The permitted uses within an EUF-1 zone are restricted to existing uses, the same type of use as the existing use, and/or a dwelling with the same or fewer dwelling units than those which were existing on and continually used since the effective date of the zoning by-law.

The current use is mixed-use with personal services on the ground floor and two residential units on the second floor. ***In order to allow the proposed retail use on the ground floor, a zoning by-law amendment would be required to establish this alternative use. In order to support this change, the applicant would need to meet the requirements set out in the Official Plan, identified above.***

As there are currently no proposals for additions, alterations to or replacement of existing buildings, the maximum building floor area, and setbacks set out in the zoning by-law would not be applied.

### **2. Plans, Studies and Reports to submit as part of a complete Planning Act Application:**

- Planning Justification Study

### **3. Anticipated Requirements of full Site Plan Approval:**

- Approval of a ZBA

### **4. Policies, Standards and Resources:**

- [Official Plan - City of Kitchener](#)
- [Zoning bylaw - City of Kitchener](#)

### **5. Anticipated Fees:**

N/A from Policy & Research

**Engineering Comments:**

Good morning Arwa,

No engineering concerns with this ZBA. Any questions, please advise.

Eric Riek, C.E.T.

Project Manager, Development Engineering | Engineering Division| City of Kitchener

**Transportation comments:**

Thanks for the additional info!

Transportation has no concerns.

Stefan Hajgato, P.Eng. (he/him)

Transportation Planning Analyst | City of Kitchener

519-783-8957 | TTY 1-866-969-9994

From: Arwa Alzoor <[Arwa.Alzoor@kitchener.ca](mailto:Arwa.Alzoor@kitchener.ca)>

Sent: Wednesday, July 30, 2025 1:17 PM

To: Stefan Hajgato <[Stefan.Hajgato@kitchener.ca](mailto:Stefan.Hajgato@kitchener.ca)>

Subject: RE: Circulation for Comment - 436 Queen Street South (ZBA)

They want to introduce a retail use, and the only use permitted in this zone is the existing use

#### 14.2 PERMITTED USES

No person shall, within any EUF or FTR zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 14-1 below.

**Table 14-1: Permitted Uses within the Existing Use Floodplain & Future Use Zones**

Use	EUF-1	FTR-1
<b>Existing uses</b>	✓	✓
The same type of use as the existing use	✓	
A dwelling with the same or fewer dwelling units than that existing on, and continually used since the effective date of this By-law in a dwelling that was existing on the effective date of this By-law	✓	

Currently, the ground floor has a personal service that they want to add/ change it to retail. Both retail and personal service have the same parking rate requirement

And the parking situation at the front is Legal non-conforming, there is parking at the back or asphalt, but I'm not sure if it has any history

<b>Services and Retail:</b> Animal Shelter; Artisan's Establishment; Building Material and Decorating Supply Establishment; Convenience Retail; Craftsperson Shop; Financial Establishment; Garden Centre, Nursery, and/or Landscaping Supply; Major Equipment Supply and Service; Pawn Establishment; Payday Loan Establishment; Personal Services; Pet Boarding; Pet Services Establishment; Print Shop; Propane Retail Outlet; Retail; and, Retail of Motor Vehicles and Major Recreational Equipment.				
<b>Services and Retail</b> (see uses above)	Minimum 1 parking space per:	No minimum	40 m <sup>2</sup> GFA	33 m <sup>2</sup> GFA

City of Kitchener Zoning By-law 2019-051

Regards,

Arwa Alzoor

Planner I Development & Housing Approvals | City of Kitchener

519-783-8903 | [arwa.alzoor@kitchener.ca](mailto:arwa.alzoor@kitchener.ca) |



From: Stefan Hajgato <[Stefan.Hajgato@kitchener.ca](mailto:Stefan.Hajgato@kitchener.ca)>

Sent: Wednesday, July 30, 2025 1:03 PM



To: Arwa Alzoor <[Arwa.Alzoor@kitchener.ca](mailto:Arwa.Alzoor@kitchener.ca)>

Subject: Circulation for Comment - 436 Queen Street South (ZBA)

Hi Arwa,

Just to confirm, are they just legalizing their existing use? It didn't sound like they were changing anything.

If nothing is changing, Transportation has no concerns.

Thanks,

Stefan Hajgato, P.Eng. (he/him)

Transportation Planning Analyst | City of Kitchener  
519-783-8957 | TTY 1-866-969-9994

**Fire Prevention Comments:**

No concerns from fire on this one.

Thank you,

Jennifer Arends

Fire Prevention Officer | City of Kitchener

519-783-7983 | [jennifer.arends@kitchener.ca](mailto:jennifer.arends@kitchener.ca)

**Waterloo Catholic District School Board Comments:**

Good afternoon,

The Waterloo Catholic District School Board has reviewed the subject application and has no comments to add.

Thank you.

Kind regards,

**Isabelle Lung Ler** | Planning Technician

P 519-578-3677 x 2355 | [wcdsb.ca](http://wcdsb.ca)