



PLANNING, DEVELOPMENT
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Community Planning

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D20-20/22 KIT

July 28, 2022

Sarah Goldrup
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

**Re: Comments for Consent Applications B2022-042 to B2022-045
Committee of Adjustment Hearing August 16, 2022
CITY OF KITCHENER**

**B2022-042
59 Bruce Street
Nikola Karanovic**

The owner/applicant is proposing to sever the existing lot into two lots and create a duplex on each lot.

Regional Fee:

Regional Staff confirm receipt of the required consent review fee.

Stationary Noise:

Regional Staff acknowledge that the proposed severed and retained lots are in close proximity to existing commercial uses that may have impacts on the proposed development. Therefore, Regional Staff require the owner/applicant to enter into a registered agreement with the City of Kitchener, for all proposed dwellings on the retained and severed lots to implement the following Type E Warning Clause:

- i. *"Purchasers/tenants are advised that due to the proximity of the adjacent commercial uses, noise from the commercial uses may at times be audible."*

Environmental Noise:

Regional Staff note that the severed and retained residential lots may have impacts from road noise from traffic on Highway 7/85, highway on-off ramps and Bruce Street

(RR #61). There are quite substantial grade difference from the highway located at back of the proposed dwellings. Although, there are some existing intervening land uses between the proposed dwellings and the some transportation noise sources, it is anticipated that the dwelling units may require special building materials e.g. walls, windows etc. in addition to the installation of air conditioning prior to occupancy.

In lieu of completing a detailed environmental noise study, Regional Staff acknowledge that the following requirements must be secured through a registered agreement with the Region of Waterloo, **for all proposed dwellings on the retained and the severed lots:**

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized & designed and installed with central air-conditioning system prior to occupancy.
- B) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. *“Purchasers are advised that despite the inclusion of noise attenuation control features in the development and within the building units, sound levels due to increasing road traffic on Highway 7/85, highway on-off ramps and Bruce Street (RR #61), may on occasions, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP).”*
 - ii. *“This unit has supplied with central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP).”*

Implementation:

That prior to the issuance of any building permits, the City of Kitchener's Building Inspector will certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling units have been constructed accordingly.

Notice of Source Protection Plan Compliance (Section 59 Notice):

The subject lands are located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo may apply. Per s.59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

To apply for a Notice of Source Protection Plan Compliance (Section 59 Notice) the owner/applicant must complete the questionnaire at <https://taps.regionofwaterloo.ca/>

listing all applicable activities prescribed under the Clean Water Act related to the application. A Notice will only be considered valid if the following criteria are met;

- Applicant has signed the Notice;
- Address and application type on the Notice match the rest of the application; and
- All activities related to the proposed application are listed in Schedule 1.

Invalid Notices will not be accepted, and may result in delayed approvals.

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant enter into an agreement with the City of Kitchener, to be registered on title for both the retained and severed lands, that includes the requirements for the following noise warning clause in all agreements of Offers of Purchase and Sale, lease/rental agreements:
 - A. *“Purchasers/tenants are advised that due to the proximity of the adjacent commercial uses, noise from the commercial uses may at times be audible.”*
- 2) That prior to final approval, the owner/applicant enter into an agreement with the Region of Waterloo, to be registered on title for both the retained and severed lands that includes the requirements for the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, lease/rental agreements:
 - A. The dwelling will be fitted with forced air-ducted heating system suitably sized & designed and installed with central air-conditioning system prior to occupancy.
 - B. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. *“Purchasers are advised that despite the inclusion of noise attenuation control features in the development and within the building units, sound levels due to increasing road traffic on Highway 7/85, highway on-off ramps and Bruce Street (RR #61), may on occasions, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP).”*
 - ii. *“This unit has supplied with central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level*

limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP)."

- C. That prior to the issuance of any building permits, the City of Kitchener's Building Inspector certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling units have been constructed accordingly.
- 3) That prior to final approval, the owner/applicant must submit a valid Notice of Source Protection Plan Compliance (Section 59 Notice0 as per the *Clean Water Act, 2006*.

B2022-043
41-43 Harvest Court
Andreas & Galatia Kyriakou

The owner/applicant is proposing to sever the lot to recognize the existing semi-detached home on two separate parcels.

Regional Fee:

Regional Staff confirm receipt of the required consent review fee.

Environmental Noise:

Regional Staff note that the severed and retained residential lots may have impacts from road noise from traffic on Doon Village Road (municipal street).

In lieu of completing a detailed environmental noise study, Regional Staff acknowledge that the following requirements must be secured through a registered agreement with the Region of Waterloo, **for all proposed dwellings on the retained and the severed lots:**

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized & designed with the provision of central air-conditioning.
- B) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
- i. "Purchasers are advised that sound levels due to increasing road traffic on Doon Village Road may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks (MECP)".*

- ii. *“This unit has been designed with the provision of adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments that will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks (MECP)”.*

Implementation:

That prior to the issuance of any building permits, the City of Kitchener's Building Inspector will certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling units have been constructed accordingly.

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant enter into an agreement with the Region of Waterloo, to be registered on title for both the retained and severed lands that includes the requirements for the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, lease/rental agreements:
 - A. The dwelling will be fitted with forced air-ducted heating system suitably sized & designed with the provision of central air-conditioning.
 - B. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. *“Purchasers are advised that sound levels due to increasing road traffic on Doon Village Road may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks (MECP)”.*
 - ii. *“This unit has been designed with the provision of adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments that will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks (MECP)”.*
 - C. That prior to the issuance of any building permits, the City of Kitchener's Building Inspector certify that the noise attenuation measures are

incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling units have been constructed accordingly.

B2022-044

273 Hartwood Avenue

Nikola Karanovic

The owner/applicant is proposing to sever the existing lot into two lots and create a duplex on each lot.

Regional Fee:

Regional Staff confirm receipt of the required consent review fee.

The Region has no objection to the proposed application

B2022-045

160 Bullock Street and 10 Pearson Street

Craig Beattie

The owner/applicant requires an easement for municipal sanitary sewer and vehicular access to replace the existing blanket easement.

Regional Fee:

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.

General Comments

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Matthew Colley, MCIP, RPP
Senior Planner