

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 16, 2022

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

**PREPARED BY:** Tara Zhang, Planner 519-741-2200 ext. 7760

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** August 5, 2022

**REPORT NO.:** DSD-2022-400

**SUBJECT:** Consent Application B2022-035 - 5 South Drive  
Owner: SSB Developments

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## RECOMMENDATION:

That Consent Application B2022-035 requesting consent to sever a parcel of land having a lot width of 9.6 metres, a lot depth of 38.2 metres and a lot area of 378.5 square metres, BE APPROVED subject to the following conditions:

1. That the property 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 property 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 property 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 property owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Supervisor, Development Applications.
5. That the property owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.
6. That the property 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 Supervisor, Site Plans, and registered on title of the severed and retained lands, which

shall include the following:

- a) That the property 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 the satisfaction of and approval by the City's Supervisor, Site Plans. 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. No changes to the said plan shall be granted except with the prior approval of the City's Supervisor, Site Plans.
  - b) That the property owner shall implement the Tree Preservation and Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Supervisor, Site Plans.
  - c) That the property owner shall maintain the severed and retained lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.
7. That the property owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
  8. That the property 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 property 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 property 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 property owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication equal to \$4,704.49 of the value of the lands to be severed.
  13. That the property owner shall fulfil one of the following three requirements to ensure that any City-owned tree will not be impacted by the proposed development:
    - a) Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title to the severed and retained lands, which shall include the following:
      - i) That the owner shall prepare a Tree Preservation and Enhancement Plan, in accordance with the City's Tree Management Policy, demonstrating protection

and preservation of the City-owned tree that is located adjacent to the severed and/or retained lands, to the satisfaction of and approval by the City's Director Parks and Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks and Cemeteries.

- ii) That the property owner shall implement the Tree Protection and Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Director Parks and Cemeteries.
- iii) That the property owner shall maintain the severed and retained lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.

OR

- b) Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title of the severed and retained lands, which shall include the following:
  - i) That the property owner shall prepare a Street Tree Planting Plan that shows the replacement of the City-owned tree to be removed (located adjacent to the severed and/or retained lands) with two (2) suitable trees, in accordance with the City of Kitchener Development Manual Standards, to the satisfaction of the City's Director Parks and Cemeteries. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks and Cemeteries.
  - ii) That the property owner shall implement the approved Street Tree Planting Plan, to the satisfaction of the City's Director Parks and Cemeteries.

OR

- c) Make arrangements regarding financial compensation for the tree to be removed, to the satisfaction of the City's Director of Parks and Cemeteries.

- 14. That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.
- 15. That prior to final approval, the owner/applicant must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.
- 16. That prior to final approval, an agreement between the owner/applicant and the City of Kitchener, to the satisfaction of the Region of Waterloo, must be registered on title for both the retained and severed lands that includes the requirement for the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, lease/rental agreements:

**Dwellings on both Severed and Retained Lots:**

- a) The dwelling units must be installed with an air-ducted heating and ventilation system suitably sized and designed with the provision of adding central air conditioning.
- b) The following noise warning clauses will be included in all offers of purchase and sale, deeds and lease/rental agreements:
  - i. **Type C - “The purchasers/tenants are advised that sound levels due to increasing road traffic on the municipal street system in the vicinity may 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). In addition, this dwelling has been fitted with a forced air-ducted heating system and 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 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 MECP.”**
  - ii. **Type B and Stationary Noise – “Purchasers/tenants 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 the municipal street system, and stationary noise from the existing land uses in the vicinity, 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).”**

**REPORT HIGHLIGHTS:**

- The purpose of this report is to provide recommendations for the approval of the request to sever the lot to redevelop with two duplexes.
- There are no financial implications.
- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located near the intersection of South Drive and Queens Boulevard located south of the St. Mary’s General Hospital.

The application was deferred from the Committee of Adjustment’s June and July meeting to provide additional elevation and site plan drawings to confirm that no other additional variances are required.

Planning staff conducted a zoning analysis to determine that the retained and severed lands complies with the zoning regulations:

|                     | <b>85-1 (R-5)</b> | <b>2019-051 (RES-4)</b> | <b>Proposed Retained</b> | <b>Proposed Severed</b> | <b>Compliance</b> |
|---------------------|-------------------|-------------------------|--------------------------|-------------------------|-------------------|
| Minimum lot area    | 235m2             | 235m2                   | 410m2                    | 378m2                   | Yes               |
| Minimum lot width   | 9m                | 9m                      | 9.6m                     | 9.6m                    | Yes               |
| Minimum front yard* | 5.4m-7.4m         | 5.4-7.4m                | 7.4m                     | 7.4m                    | Yes               |

|                            |         |                         |          |          |       |
|----------------------------|---------|-------------------------|----------|----------|-------|
| Minimum interior side yard | 1.2m    | 1.2m                    | 1.2m     | 1.2m     | Yes   |
| Minimum rear yard setback  | 7.5m    | 7.5m                    | 7.8m     | 10.6m    | Yes   |
| Maximum building height    | 10.5m   | 11m                     | 8.5m     | 8.5m     | Yes   |
| Maximum lot coverage       | 55%     | 55%                     | 36%      | 39%      | Yes   |
| Off-street parking         | 1/ unit | 1/ unit                 | 2 spaces | 2 spaces | Yes** |
| Driveway Width             | 5.2m    | 40% of lot width = 3.8m | 2.6m     | 2.6m     | Yes   |

\* Subject property is in the RIENS area where the front yard setback is determined by the average of adjacent neighbours +/- 1 metre

\*\* Parking spaces are able to meet the 6-metre setback from street (property) line

Figure 4 to Figure 7 submitted by the applicant demonstrates that the development meets the regulations for a duplex dwelling in both Zoning By-laws 85-1 and 2019-051.



**Figure 1: Location map: 5 South Drive**

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 'Residential Five Zone (R-5)' in Zoning By-law 85-1 and 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051, which is currently under appeal.

The applicant is requesting consent to create 2 new lots to be able to develop a new duplex dwelling on each.

The severed lands will have a width of 9.6 metres, a depth of 38.2 metres and an area of 378.5 square metres. The retained lands will have a width of 9.6 metres, a depth of 40.8 metres and an area of 410.1 square metres.

City staff conducted a site inspection of the property on July 29<sup>th</sup>, 2022.



Figure 2: Front view of existing dwelling at 5 South Drive

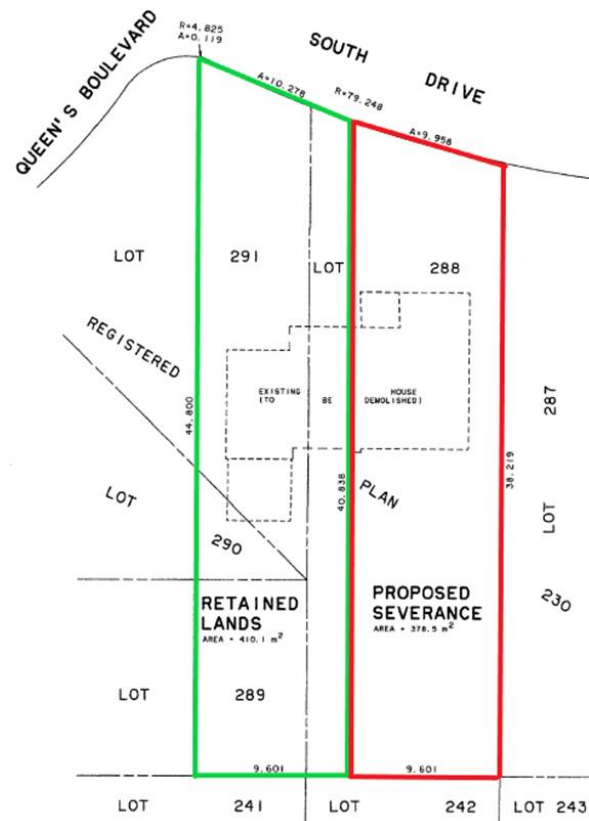


Figure 3: Severance sketch of two lots

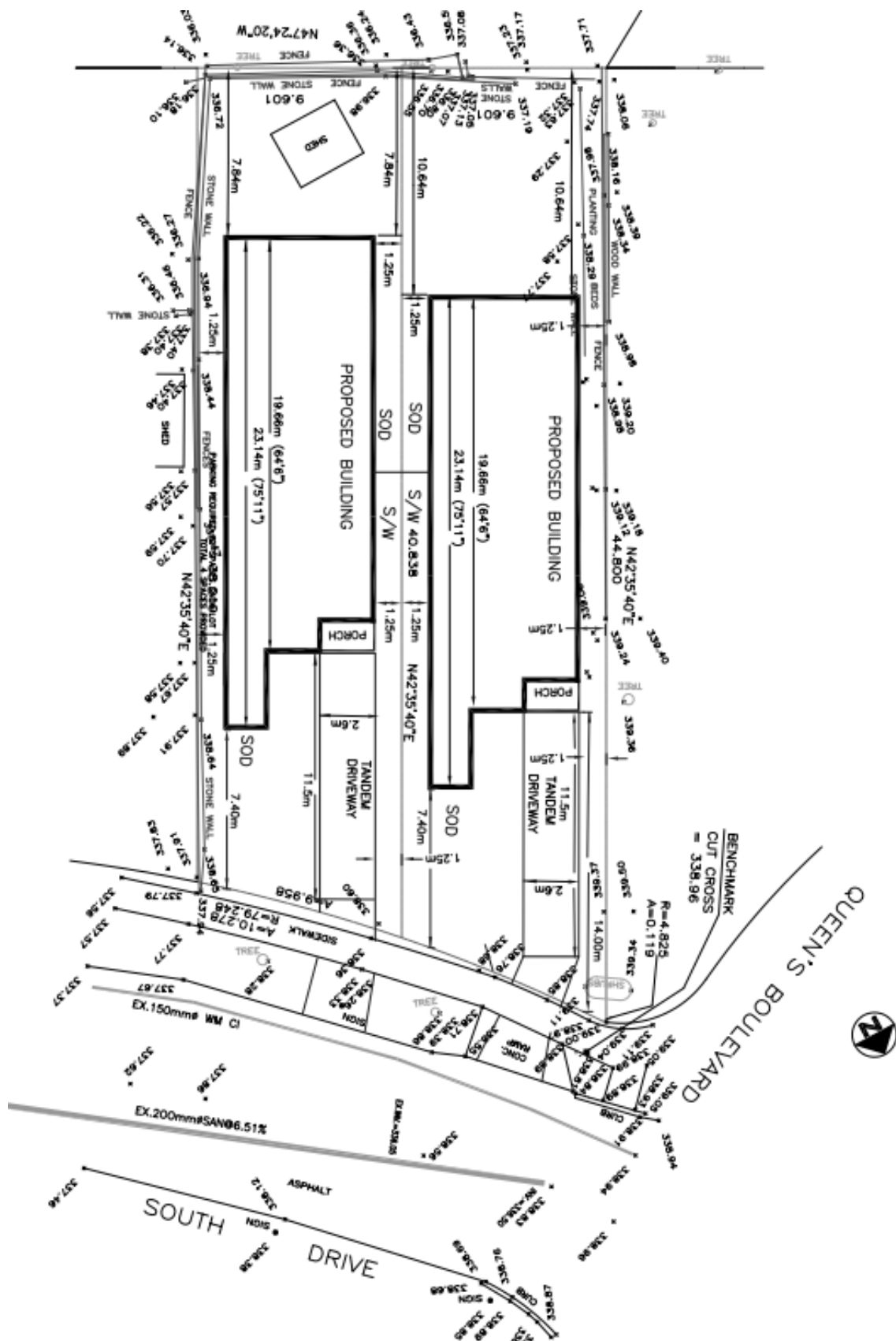


Figure 4: Proposed Site Plan

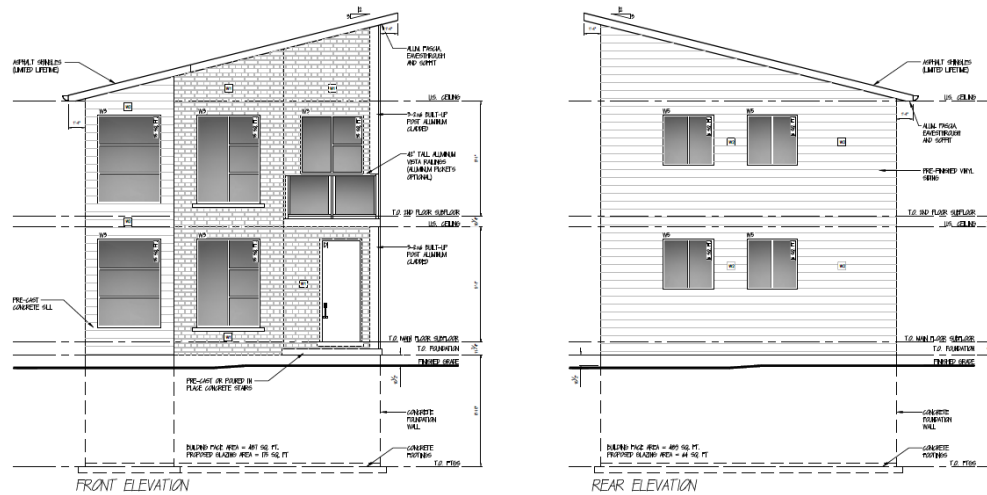


Figure 5: Front and Rear Elevations

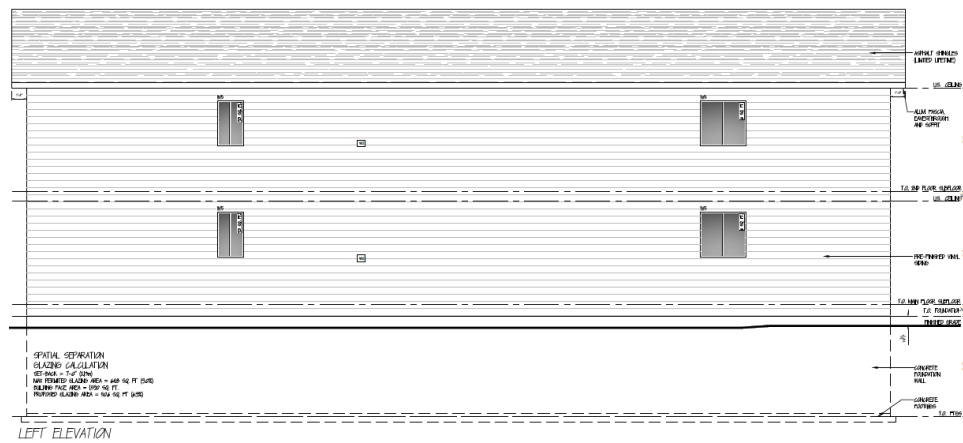


Figure 6: Left Elevation

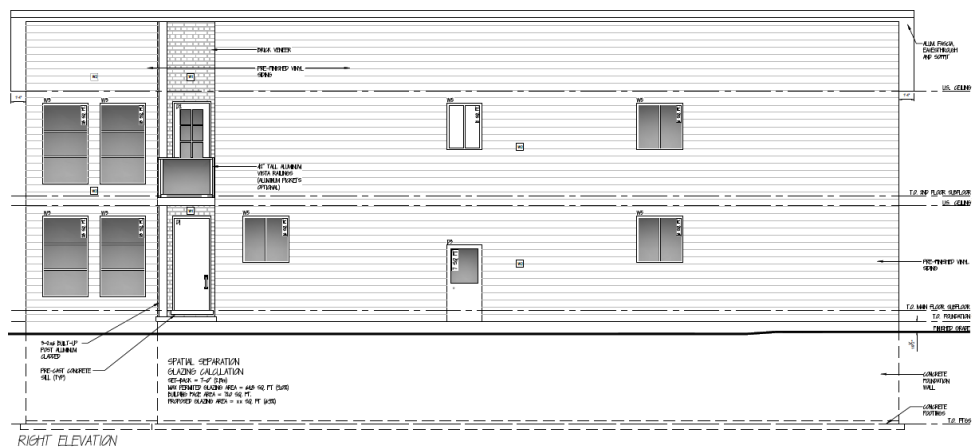


Figure 7: Right Elevation



## **REPORT:**

### **Planning Comments:**

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

#### Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Planning staff is of the opinion that the consent to create 2 new lots for duplex dwellings is consistent with the PPS.

#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The subject lands are in close proximity to high order transit and the subject lands are in closer proximity to trails and parks.

Policy 2.2.6.1(a) Municipalities will support housing choice through the achievement of the minimum intensification and targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

The subject lands are located within the City's delineated built up area. The consent application to create 2 new lots for duplex dwellings is consistent with the Growth Plan.

#### Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands 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 infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. 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. Planning staff are of the opinion that the severance application conforms to the Regional Official Plan.

#### 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 2014 Official Plan. The Low Rise Residential land use designation permits a full range of low density housing types which may include single detached dwellings, semi-detached duplex dwellings, street townhouse dwellings, and

low-rise multiple dwellings. The Low Rise Residential land use designation encourages mixing and integrating different forms of housing to achieve and maintain a low-rise built form.

The proposed severance and use would conform with the residential land use designation.

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.”

#### Zoning By-laws 85-1 and 2019-051

The property is zoned ‘Residential Five Zone (R-5)’ in Zoning By-law 85-1 and ‘Low Rise Residential Four Zone (RES-4)’ in new Zoning By-law 2019-051, which is currently under appeal.

The ‘R-5’ zone and ‘RES-4’ zone permits a range of low-density dwelling types such as single detached, semi-detached, and duplex dwellings. Both ‘R-5’ and ‘RES-4’ Zone requires a minimum lot width of 9 metres and minimum lot area of 235 square metres. The proposed lot widths and lot areas of the proposed severed and retained lots exceed the minimum ‘R-5’ and ‘RES-4’ zone lot width and lot area requirements.

#### **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. The uses of both the severed and retained parcels are in conformity with the City’s Official Plan and Zoning By-law. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding community. There are existing schools within the neighbourhood. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is good planning and in the public interest.

**Environmental Planning Comments:**

Standard tree management condition to enter into an agreement to complete/implement/maintain Tree Preservation/Enhancement Plan registered on both severed and retained lands prior to demolition, grading and building permit.

**Heritage Planning Comments:**

No heritage 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. Separate building permit(s) will be required 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, and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to Niall Melanson ([niall.melanson@kitchener.ca](mailto:niall.melanson@kitchener.ca)).
- 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 occupancy of 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 street sewers. If this is not the case, then the owner would have 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.
- The Owner shall extend the storm sewer or implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

**Parks/Operations Division Comments:**

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **\$4,704.49**. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 9.601 metre at a land value of \$9,200 per frontage metre.

Two City-owned trees (tree ID # 159191,187075) will be impacted by the proposed development and the owner shall fulfill one of the following three requirements:

1. That the property owner shall fulfil one of the following three requirements to ensure that any City-owned tree will not be impacted by the proposed development:
  - a) Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title to the severed and retained lands, which shall include the following:
    - i) That the owner shall prepare a Tree Preservation and Enhancement Plan, in accordance with the City's Tree Management Policy, demonstrating protection and

preservation of the City-owned tree that is located adjacent to the severed and/or retained lands, to the satisfaction of and approval by the City's Director Parks and Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks and Cemeteries.

- ii) That the property owner shall implement the Tree Protection and Enhancement Plan, prior to any tree removal, grading, servicing or the issuance of any demolition and/or building permits, to the satisfaction of the City's Director Parks and Cemeteries.
- iii) That the property owner shall maintain the severed and retained lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.

OR

- b) Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title of the severed and retained lands, which shall include the following:
  - i) That the property owner shall prepare a Street Tree Planting Plan that shows the replacement of the City-owned tree to be removed (located adjacent to the severed and/or retained lands) with two (2) suitable trees, in accordance with the City of Kitchener Development Manual Standards, to the satisfaction of the City's Director Parks and Cemeteries. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks and Cemeteries.
  - ii) That the property owner shall implement the approved Street Tree Planting Plan, to the satisfaction of the City's Director Parks and Cemeteries.

OR

- c) Make arrangements regarding financial compensation for the tree to be removed, to the satisfaction of the City's Director of Parks and Cemeteries.

#### **Transportation Planning Comments:**

To maintain the existing street trees within the City's right-of-way, the updated plans that were submitted for the consent application are acceptable to Transportation Planning.

#### **Region of Waterloo Comments:**

##### *Regional Fee:*

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

##### *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.

*Environmental Noise:*

Regional Staff note that the subject lands are in close proximity to Queens Boulevard and St. Mary's Hospital and the existing and proposed dwellings in the retained and severed lots will likely have impacts from transportation and stationary noise sources. It is the responsibility of the applicant to ensure the proposed development is not adversely affected by anticipated transportation (traffic) and stationary (hospital) noise impacts.

Regional Official Plan (ROP) Policy 2.G.10 addresses potential land use compatibility issues due to the encroachment of sensitive land uses and potentially incompatible uses on one another. Moreover, ROP Policy 2.G.13 indicates that a noise study may be required for a development application for a sensitive land use submitted in the vicinity of an Existing or Planned Regional Road, Provincial Highway, the rapid transit system, transit terminals, railways or Area Municipal roads. In order for this consent application to conform to ROP policy 2.G.10 and 2.G.13, land use compatibility must be addressed.

In lieu of requiring a detailed transportation and stationary noise study, and because the transportation noise source is a City of Kitchener municipal road, Regional staff require that the owner/applicant of the units on all (retained and severed) lots will be required to enter into a registered agreement with the City of Kitchener to include the following noise mitigation and warning clauses in all Offers of Purchase and Sale, lease/rental agreements:

Dwellings on both Severed and Retained Lots:

- a) The dwelling units must be installed with an air-ducted heating and ventilation system suitably sized and designed with the provision of adding central air conditioning.
- b) The following noise warning clauses will be included in all offers of purchase and sale, deeds and lease/rental agreements:
  - i. Type C - *"The purchasers/tenants are advised that sound levels due to increasing road traffic on the municipal street system in the vicinity may 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). In addition, this dwelling has been fitted with a forced air-ducted heating system and 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 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 MECP."*
  - ii. Type B and Stationary Noise – *"Purchasers/tenants 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 the municipal street system, and stationary noise from the existing land uses in the vicinity, 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)."*

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.
2. That prior to final approval, the owner/applicant must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.
3. That prior to final approval, an agreement between the owner/applicant and the City of Kitchener, to the satisfaction of the Region of Waterloo, must be registered on title for both the retained and severed lands that includes the requirement for the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, lease/rental agreements:

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  - ii. Type B and Stationary Noise – *"Purchasers/tenants 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 the municipal street system, and stationary noise from the existing land uses in the vicinity, 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)."*

**Grand River Conservation Authority Comments:**

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted applications for minor variance and consent.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any watercourses, floodplains, shorelines, wetlands, valley slopes or other environmental features of interest to GRCA. The properties are not subject to Ontario Regulation 150/06 and therefore a permission from GRCA is not required.

Should you have any questions, please contact me at [jconroy@grandriver.ca](mailto:jconroy@grandriver.ca) or 519-621-2763 ext. 2230.

**Bell Canada Comments:**

Subsequent to review by our local engineering department, Bell Canada has identified that we require protection for existing facilities. On the attached sketch, the red line indicates the approximate location of active, critical infrastructure. Located on the property known municipally as 5 South Drive, Bell Canada's facilities provide essential access to the network. Of major concern is the ability to access our equipment, particularly in the event of an interruption, or emergency, that would require Bell Canada to restore service to regular telephone lines, alarm services, internet access, and most importantly ensure the continuity of 911 service. Bell Canada requests a 1.5m wide easement, to encompass the buried facilities and extend the length of the rear of the property.

In regards to the buried plant, it may be necessary for a surveyor to arrange for a cable locate to identify the precise location. Since the intention of the requested easement is to protect the integrity of the existing facilities and preserve many services, we request that the cost associated with registration be the responsibility of the landowner.

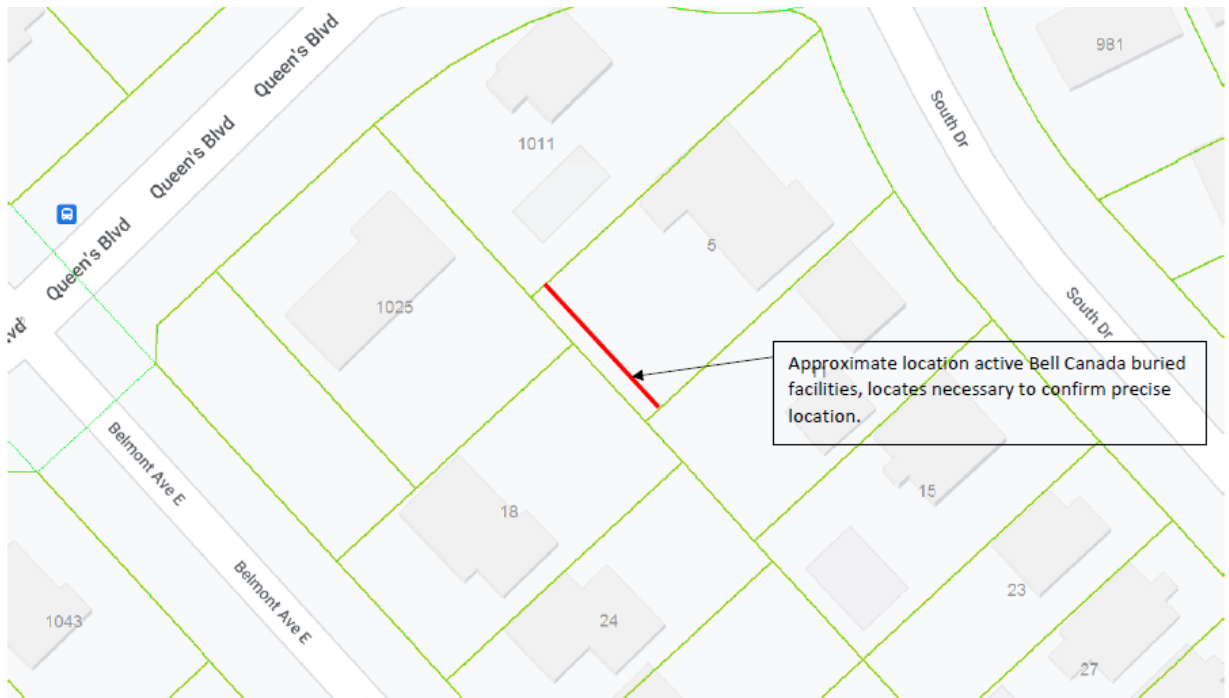
We hope this proposal meets with your approval and request a copy of the decision. Should our request receive approval, we look forward to the owner's solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me at [charleyne.hall@bell.ca](mailto:charleyne.hall@bell.ca) or 705-722-2264.

**Planning Response:**

Planning staff received comments from Bell Canada in regards to the proposed severance. Bell has requested an easement in favour of their utilities in the area. The location of the requested easement is not accessible and being requested in isolation of a comprehensive plan to acquire access. Also, as per the Planning Act, Bell Canada does not have the authority to request an interest in lands for greater than 21 years.

Staff are of the opinion that the request for an easement is not within the scope of the application and will not be included as a condition in staff's recommendation.



### **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 (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*