

Staff Report



Development Services Department

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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: September 12, 2022

SUBMITTED BY: Mike Seiling, Director of Building, 519-741-2200 ext. 7669

PREPARED BY: Jennifer Young, Municipal Building Official, 519-741-2200 ext. 7848

WARD(S) INVOLVED: 9

DATE OF REPORT: August 9, 2022

REPORT NO.: DSD-2022-406

SUBJECT: Limiting Distance Agreement with the Owner of 17 Benton St. and the Corporation of the City of Kitchener, pursuant to Div. B, 3.2.3.1.(11) of the Ontario Building Code.

RECOMMENDATION:

That the Mayor and Clerk be authorized to execute an agreement with the registered owner(s) of Plan 364 Part Lot 4, Part Lot 5, Plan 394, Part Lot 38, RP58R-2490 Part 1, Known as 17 Benton St., pursuant to Div. B Section 3.2.3.1.(11) of the Ontario Building Code, said agreement to permit the construction of the new exterior openings with the limiting distance for the exposing building face being measured to a point beyond the property line on the adjacent City open park space, Plan 394, Part Lot 38, known as Oktoberfest Platz

REPORT HIGHLIGHTS:

- The purpose of this report is to seek council authorization to allow a limiting distance to permit more openings on the side of the building facing a public park.
- The financial implications are none.
- Community engagement is none.
- This report supports the delivery of core services.

BACKGROUND:

The Building Code limits the number of unprotected openings (ie: windows and doors) in exterior walls to reduce the potential for fire spreading to adjacent buildings, existing or proposed. However, Section 3.2.3.1.(11) of the Building Code does permit an increased number of unprotected openings if an agreement has been entered into with the municipality and the adjacent property owner to establish the point to which the limiting distance for an exposing building face shall be measured beyond the property line.

REPORT:

The owner of the subject lot wishes to construct new openings within the existing wall face, with more unprotected openings in the South sidewall facing adjacent City property than the

available limiting distance will allow. This would allow a more attractive leasable spaces within the building. In this instance 1.4 metres (4.6 feet) is required but the existing wall face sits right along the property line.

The owner would like to allow 14% unprotected openings on this wall face. An additional limiting distance of 1.4 metres onto the adjacent property would permit the existing commercial building to be constructed with 14% unprotected openings presently shown on the construction drawings. Staff are supportive of this change due to the public park being adjacent to the site.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

There are no financial implications to this report.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting.

REPORTS/AUTHORITIES:

N/A

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Key Plan and Elevation