

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** January 17, 2023

**SUBMITTED BY:** Tina Malone-Wright, Interim Manager, Development Review  
519-741-2200 ext. 7765

**PREPARED BY:** Brian Bateman, Senior Planner, 519-741-2200 x7869

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** January 6, 2023

**REPORT NO.:** DSD-2023-042

**SUBJECT:** Minor Variance Application A2023-014 - 530 King Street East  
Minor Variance Application A2023-015 - 550 King Street East  
Consent Application B2023-004 - 530 and 550 King Street East

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**RECOMMENDATION:**

- A. That Minor Variance Application A2023-014 for 530 King Street E. (lands to be retained as per Consent Application B2023-004) requesting relief from the following sections of Zoning By-law 85-1:
- i) Section 54.2.1 to permit a rear yard setback of 1.7 metres instead of the minimum required 7.5 metres;
  - ii) Special Regulation Provision 541R to permit a building height of 32.5 metres instead of the maximum permitted 24 metres; and
  - iii) Section 6.2.1 a) to permit a parking requirement of 22 parking spaces instead of the minimum required 60 parking spaces for the residential use;
- to facilitate the redevelopment of the lands with a 11-storey residential building having 60 dwelling units, in accordance with Site Plan Application SP22/164/K/BB, BE APPROVED.
- B. That Minor Variance Application A2023-015 for 550 King Street E. (lands to be severed as per Consent Application B2023-004) requesting relief from the following sections of Zoning By-law 85-1:
- i) Section 54.2.1 to permit a side yard abutting a street of 0.17 metres instead of the minimum required 1.5 metres;
  - ii) Section 54.2.1 to permit a rear yard setback of 1.2 metres instead of the minimum required 7.5 metres; and
  - iii) Section 6.1.2 a) and Special Regulation Provision 285R of Zoning By-law 85-1 to permit a parking requirement of 0 spaces instead of the minimum required 32 parking spaces;

to recognize the location of the existing commercial building to be located on lands to be severed proposed by Consent Application B2023-004, BE APPROVED.

- iv) That Consent Application B2023-004 requesting consent to sever a parcel of land having a lot width of 18.5 metres along Betzner Avenue North, a lot depth of 40 metres along King Street East and a lot area of 625.8 square metres and will contain an existing building, municipally addressed as 550 King Street East while the retained lot will have a lot width of 29.3 metres along Cameron Street North, a lot depth of 42.5 metres along King Street East and a lot area of 1,416.89 square metres and will municipally addressed as 530 King Street East., BE APPROVED, subject to the following conditions:

1. That Minor Variance Applications A2023-014 and A2023-015 receive final approval.
2. 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.
3. 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.
4. That the property owner shall provide 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.
5. That the property owner enters into a Shared Parking Agreement with the City to be registered on title to the satisfaction of the City's Solicitor in consultation with the Director of Planning and Director of Transportation Services.
6. That the property owner provides a Servicing Plan showing outlets to the municipal servicing system to the satisfaction of the City of Kitchener's Director of Engineering Services. The property owner is responsible to implement the approved servicing design at their cost and to the satisfaction of the City of Kitchener's Director of Engineering Services.
7. That the property owner submits a Development Asset Drawing (digital AutoCAD) for the site (servicing, etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.
8. 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.
9. 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.
10. 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.**

**11. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.**

**12. That prior to final approval, the owner/applicant is required to complete a detailed environmental noise study prepared by a qualified acoustical noise consultant to the Region's satisfaction and enter into a registered development agreement with the City of Kitchener to implement the conclusions and recommendations of the accepted Noise Study.**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to recommend approval of a proposed consent application and associated minor variance applications to permit the creation of a new lot for the development of an 11 storey multiple dwelling
- Community engagement included circulation of the application via mail, notification by way of the Record and signage placed on the property.
- There are no financial implications.
- This report supports the delivery of core services.

#### **BACKGROUND:**

The subject property is municipally known as 550 King Street East, Kitchener and legally as Lot 9, Plan 323; Part Lots 10-11, Plan 323; Part Lots 1-2, Plan 100, Parts 1 & 2 Plan 58R6892, Parts 1 & 2 Plan 58R7308, except Part 3 Plan 58R12367; and Part Lots 1-3, Plan 100, Part 1 Plan 58R12168, except Part 4 Plan 58R12367; T/W 1456115 City of Kitchener.

The subject property has approximately 74 metres frontage along King Street East; 30 metres along Cameron Street North, and 19 metres along Betzner Avenue North. There is currently a one-storey commercial building (currently vacant) at the corner of King and Betzner and a two-storey commercial building (cosmetic and beauty services) at the northern rear corner of the property, municipally addressed as 9 Cameron Street North. The remaining area was previously an asphalt parking area, serving both commercial buildings. However, this parking lot has been excavated as part of ongoing environmental remediation required for the issuance of a future RSC.

Directly across King Street East (to the south) is a two and a half storey multiple dwelling residential building. Along King Street East, in both directions are more one and two storey buildings housing commercial and service provider establishments. To the north-west, on the opposite corner of Cameron Street North and King Street East is a small surface parking area, which provides some spaces for the Communauto (car sharing) service. To the south-west, at 471 - 495 King Street East is a new development of 488 residential rental units within two towers that rise from a four-storey podium which includes ground floor retail units and parking; known as the Drewlo Lifestyle Apartments. It is currently under construction. To the rear of the subject property (north and east), along Cameron Street North and Betzner Avenue North are two to three storey residential dwellings.

The proposal is to re-develop the surface parking area with an 11-storey residential building located close to King Street with surface and underground parking for 42 vehicles. The existing commercial building will remain and will share 20 of the proposed 42 spaces. To implement the plan, the applicant has filed Site Plan application SP22/164/K/BB in addition to Consent and Minor Variance applications that are the subject of this report. The Consent is required to separate the existing commercial building from the landholdings to secure financing for the re-development scheme. The Minor Variances are necessary to support the re-development plan together with setbacks and parking variances for the existing building created due to the proposed Consent.

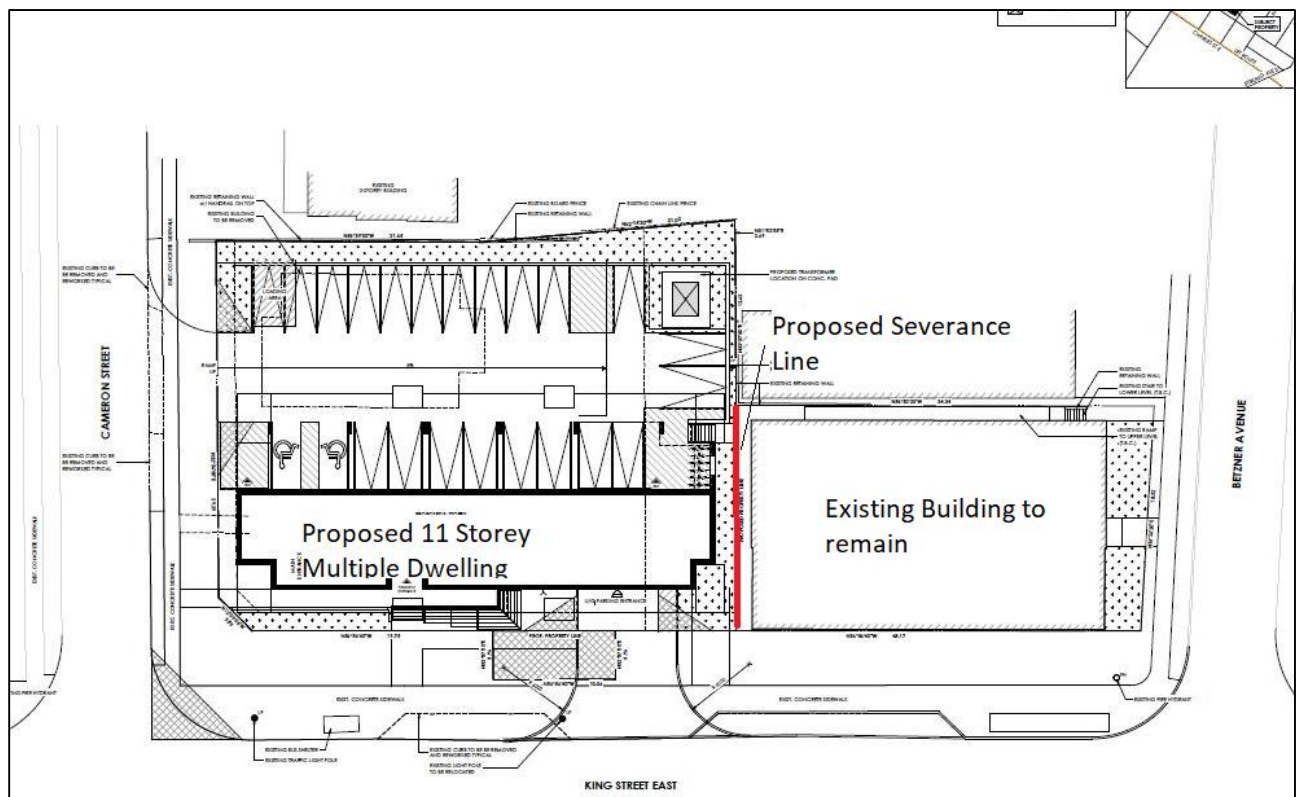


**Image 1 – 550 King Street E.**



**Image 2 – Photo of 550 King Street E.**





**Image 3 – Proposed Severance Sketch & Site Development**

## REPORT:

The subject property is situated within a Major Transit Station Area of the City's Urban Structure. It is also located within the boundaries of the King Street East Secondary Plan Area. The subject property is designated as a 'Mixed Use Corridor' and is also within 'Special Policy Area 1 – King Street East', on Map 10 of the Secondary Plans. The Secondary Plans were not updated as part of the 2014 Official Plan and the area is subject to an ongoing Neighbourhood Planning Review.

Under Zoning By-law 85-1, the majority of the subject property is zoned MU-2, 285R, 541R with the rear commercial property (9 Cameron Street) being zoned MU-2, 541R, 401U, 15H. The MU-2 zoning is Medium Intensity Mixed Use Corridor and allows for a range of smaller retail, office and commercial uses as well as residential dwellings up to an FSR or 4.0. Regulation 285R requires a minimum of 32 parking spaces permits parking for the existing commercial building at 550 King Street E.; allows for a reduced parking setback of 0.0 metres to King Street East and 2.0m along Cameron Street North; and allows for angled parking space width of 2.5 metres.

Special Regulation 541R states the maximum building height shall be 7.5 metres within 16.0 metres of a residentially zoned property. As the proposed building is set back further than 16 metres from a residential property, the maximum building height is 24 metres. The additional specific provisions (401U and 15H) applicable to the rear portion of the site restricts the use of the existing building at 9 Cameron to specified residential uses. This building will be demolished and holding provision will be lifted.

## Planning Comments Minor Variance Applications

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

## General Intent of the Official Plan

Mixed Use Corridors are linear in form and recognize the evolution of uses along major corridors such as King Street. These corridors are primarily intended to serve the adjacent residential neighbourhoods and employment areas and allow for intensive, transit supportive development. Mixed Use Corridors provide residential redevelopment opportunities together with appropriate commercial and institutional uses that primarily serve adjacent residential neighbourhoods. Over time it is intended that the Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. Individual properties within Mixed Use Corridors shall be zoned to achieve this distribution of uses.

New development shall be compatible with surrounding residential neighborhoods and will be of an appropriate height and density in relation to adjacent low rise residential development. In locations that immediately abut low rise residential land uses, new development shall be permitted having a minimum Floor Space Ratio of 0.6 and a maximum Floor Space Ratio of 2.0. However, new development may be permitted to exceed this maximum Floor Space Ratio in locations which abut arterial or major collector roads, are well separated from low rise residential development and have adequate municipal infrastructure. In such cases, the City of Kitchener may impose a minimum Floor Space Ratio of 1.0 and a maximum Floor Space Ratio of 4.0.

In the opinion of staff, the proposed variances meet the intent of the Official Plan. The proposal is to re-develop the site with a 11 storey multiple dwelling that is both intensive and transit supportive, while keeping building massing and height away (ie. 30+/- metres) from low rise residential areas to mitigate any potential impacts. Moreover, this development will help to support existing commercial and retail uses in the area, including nearby food stores and the Kitchener Market. Given its location relative to a transit station stop and the designated downtown, the City's Official Plan encourages re-development of existing surface parking areas and supports parking reductions subject to providing Transportation Demand Management measures.

## General Intent of the Zoning By-law

### **Reduction to Rear yard Setback; Increase in Building Height and Reduction in Parking (retained lands).**

Rear yard setbacks are generally intended to provide adequate separation between buildings and more sensitive uses. That would assume in this case that King Street would be the front line. However, the front lot line is actually Cameron Street, making the rear yard the proposed lot line between the existing and proposed buildings. Under this circumstance, requiring a 7.5 metre setback would be counter-intuitive to design objectives of encouraging building facades and minimizing building openings along King Street. For this reason and the fact 1.7 metres is wide enough for access and maintenance purposes, staff is supportive of the rear yard reduction.

The intent of the 24 metre building height is to ensure re-development along this section of King Street is sensitive to nearby low-rise residential areas. The proposed building height of 11 storeys (32.5 metres) is setback approximately 30 metres from residential land use, providing almost a 1 to 1 height to setback ratio. This ratio allows for both adequate separation and sensitive transition thereby mitigating impacts. Accordingly, staff is of the opinion the general intent of this zoning regulation is being maintained.

The intent of parking regulations is to ensure adequate parking is provided on site to discourage spill over onto nearby streets. To justify a parking reduction, a Parking Justification study was submitted to the City's Transportation Planning for review. Given proximity to a transit station stop and major bus route, policies that support parking reductions in Major Transit Station Areas to encourage usage of public transit or alternate modes of transportation combined with a number of Transportation Demand Management measures being proposed such as indoor bicycle parking, unbundled parking, shared

parking arrangement etc., the parking reduction is acceptable to staff thereby meeting the general intent of the by-law.

### **Reduction in a Side Yard Abutting a Street, Rear Yard and Parking (severed lands)**

Side yards abutting a street are for corner properties and are intended to ensure building setbacks are consistent along the streetscape. Since the variance is to recognize an existing building condition, staff has no concern with the request to legalize the setback.

Rear yard setbacks are generally intended to provide adequate separation between buildings and more sensitive uses. That assumes King Street would be the front line. However, the front lot line is actually Betzner Street, making the proposed lot line between the existing and proposed buildings the rear yard. Under this circumstance, requiring a 7.5 metre rear yard setback would be counter-intuitive to design objectives of encouraging building facades and minimizing building openings along King Street. For this reason and the fact 1.2 metres is wide enough for access and maintenance purposes, staff is supportive of the rear yard reduction.

The intent of parking regulations is to ensure adequate parking is provided on site to discourage spill over onto nearby streets. To justify a parking reduction, a Parking Justification study was submitted to the City's Transportation Planning for review. Given proximity to a transit station stop and major bus route, policies that support parking reductions in Major Transit Station Areas combined with a number of Transportation Demand Management measures being proposed such as indoor bicycle parking, unbundled parking, shared parking arrangement etc., the parking reduction is acceptable to staff thereby meeting the general intent of the by-law. The key component with this request is a requirement for the owner to enter into a Shared Parking Agreement with the City to secure 20 of the proposed 42 spaces being created on the adjacent lands. The owner is proposing access over the adjacent land through a "blanket easement". Blanket easements do not require Consent approval. Staff is supportive of the parking variance subject to entering into a Shared Parking Agreement as a condition of approval.

### **Are the Effects of the Variances Minor?**

Based on location, context, policy direction, urban design objectives, setback considerations and sensitive transition, Shadow Impact Analysis, recommendations of the Parking Justification Study, and existing conditions, staff is of the opinion that the effects of the variances are minor.

### **Are the Variances Desirable for the Appropriate Development or Use of the Land, Building and/or Structure?**

The application is desirable and appropriate for the use of the property. The site is located within a Major Transit Station Area, along the King Street East corridor, and just beyond the boundaries of the Urban Growth Centre. The scale of the proposed building, including the proposed height, is appropriate for the site within this planning context.

### **Planning Comments Consent Application B2023-004:**

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 proposed application will facilitate a form of intensification of that is compatible with the surrounding community and will make use of the existing infrastructure, public transit and roads. Planning staff is of the opinion that this proposal 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 located within the City's delineated built-up area. The proposed development represents intensification and will contribute towards achieving the City's intensification density targets in a Major Transit Station Area. The severance application will help make efficient use of existing infrastructure, roads, and public transit. Planning staff is of the opinion that the development proposal conforms to 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. 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. The Region has indicated that they have no objections to the proposed consent and provide additional ROP commentary with respect to noise. 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 situated within a Major Transit Station Area of the City's Urban Structure. It is also located within the boundaries of the King Street East Secondary Plan Area. The subject property is designated as a 'Mixed Use Corridor' and is also within 'Special Policy Area 1 – King Street East', on Map 10 of the Secondary Plans. The Secondary Plans were not updated as part of the 2014 Official Plan and the area is subject to an ongoing Neighbourhood Planning Review.

Mixed Use Corridors are linear in form and recognize the evolution of uses along major corridors such as King Street. These corridors are primarily intended to serve the adjacent residential neighbourhoods and employment areas and allow for intensive, transit supportive development. Mixed Use Corridors provide residential redevelopment opportunities together with appropriate commercial and institutional uses that primarily serve adjacent residential neighbourhoods. Over time it is intended that the Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. Individual properties within Mixed Use Corridors shall be zoned to achieve this distribution of uses.

In the opinion of staff, the proposed consent to create a lot conforms with the Official Plan. The proposal is to re-develop the site with a 11 storey multiple dwelling that is both intensive and transit supportive, while keeping building massing and height away (ie. 30+/- metres) from low rise residential areas to mitigate any potential impacts. Moreover, this development will help to support existing commercial and retail uses in the area, including nearby food stores and the market. Given its location relative to a transit station stop and the designated downtown, the City's Official Plan encourages re-development of existing surface parking areas and supports parking reductions subject to providing Transportation Demand Management measures



### Zoning By-law 85-1

Under Zoning By-law 85-1, the majority of the subject property is zoned MU-2, 285R, 541R with the rear commercial property being zoned MU-2, 541R, 401U, 15H. The MU-2 zoning is Medium Intensity Mixed Use Corridor and allows for a range of smaller retail, office and commercial uses as well as residential dwellings up to an FSR or 4.0. Regulation 285R requires a minimum of 32 parking spaces permits parking for the existing commercial building; allows for a reduced parking setback of 0.0 metres to King Street East and 2.0 metres along Cameron Street North; and allows for angled parking space width of 2.5 metres.

Planning staff is of the opinion that the size, dimensions and shape of the proposed lots are suitable for the use of the lands and are similar in size to other lots along King Street East. The lands front onto a public street and full services are available for the lands to be severed and retained lands.

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 future use 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 lots. 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.

### **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 future use 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, that natural resources are conserved and that there are adequate services for the lands. 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:**

No natural heritage issues. Tree Management Policy (shared ownership trees) AND street tree issues should be addressed as part of the SPA for the retained lands

### **Heritage Planning Comments:**

No concerns.

### **Building Division Comments:**

The Building Division has no objections to the proposed variances provided a building permit for the new residential building is obtained prior to construction. Please contact the Building Division at [building@kitchener.ca](mailto:building@kitchener.ca) with any questions.

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, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to [christine.goulet@kitchener.ca](mailto:christine.goulet@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.

#### **Parks/Operations Division Comments:**

Parkland dedication is addressed through the site plan application.

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

Based on the parking study submitted by Paradigm Transportation Solutions Ltd. In October 2022, Transportation Services can support the proposed parking rate (42 total spaces for 60 residential units and commercial space) and the shared use of 20 of the proposed 42 spaces between the commercial and residential uses.

#### **Grand River Conservation Authority Comments:**

No objections or concerns.

#### **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.

##### **Environmental Noise:**

At this location, the proposed development may encounter environmental noise sources due to traffic on the local municipal streets and potential stationary noise from the existing commercial uses and roof top air-conditioning units in the vicinity and any air-conditioning devices for the proposed development (both on-site and off-site). Staff also note that there are existing noise sensitive land uses in the vicinity (residential dwellings) which may have impacts from the proposed development.

It is the responsibility of the applicant to ensure the proposed development does not have any environmental noise impacts by anticipated noise impacts both on-site and off-site. **To address the environmental noise impacts, the applicant must prepare a detailed Environmental Noise Study and the recommendations will be implemented through a registered agreement with the City of Kitchener.** The noise level criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements.

The consultant who prepares the Environmental Noise Study must be listed on the Region of Waterloo's Approved List of Noise Consultants. The noise consultant is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, submitting the Consultant Noise Declaration and Owner/Authorized Agent Statement. The consultant preparing the Environmental Noise Study must contact Region of Waterloo staff for transportation data, including traffic forecasts and truck percentages, for the

purpose of preparing the Environmental Noise Study. Region of Waterloo staff (please contact Joginder Bhatia [jbhatia@regionofwaterloo.ca](mailto:jbhatia@regionofwaterloo.ca)) will provide this data within three weeks of receiving the request from the noise consultant.

The noise consultant preparing the Environmental Noise Study must submit the transportation data request online via (<https://rmow.permitcentral.ca/Permit/GroupApply?groupid=3>).

Please note that there is a \$500 fee for the preparation of the traffic forecasts and review of the Environmental Noise Study and resubmission of any Transportation Noise Study may be subject to a \$250 resubmission fee.

In the event that a stationary noise source, and/or a vibration source, are/is identified as potential concerns, the applicant will be required to pay for a third party review by an external Noise Consultant retained by the Region. The fee for this third party review is \$4000 + HST. Please submit payment for the third party review along with the submitted noise study. Additional fees may apply depending on scope of review required.

Payment can be made either by cheque payable to the Region of Waterloo, or by contacting Ms. Peggy Walter ([PWalter@regionofwaterloo.ca](mailto:PWalter@regionofwaterloo.ca)) via other methods.

**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 is required to complete a detailed environmental noise study prepared by a qualified acoustical noise consultant to the Region's satisfaction and enter into a registered development agreement with the City of Kitchener to implement the conclusions and recommendations of the accepted Noise Study.

**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 2020)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020
- Regional Official Plan (ROP)
- Official Plan (2014)
- Zoning By-law 85-1