

January 10, 2023

City of Kitchener  
200 King Street West  
Kitchener, Ontario  
N2G 4G7

Attn: Marilyn Mills, Secretary- Treasurer  
Committee of Adjustment

Dear Ms. Mills:

**RE: Minor Variance Application A2022-126 – 44 Rusholme Road – Krystal & Curtis Darling  
OUR FILE 22400A**

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We have been retained by 2829591 ONTARIO INC. the owners of 44 Rusholme Road, to assist them with the minor variance application as referenced above.

The application seeks to reduce the interior side yard setback from 3.0 metres to 1.5 metres along the easterly property line to facilitate the construction of an addition to the existing single detached dwelling. The application was submitted by the 2829591 ONTARIO INC. in September 2022 and was heard by the Committee of Adjustment on October 18, 2022.

The staff report recommended approval of the application subject to the preparation and approval of a Tree Preservation and Enhancement Plan prior to issuance of a Building Permit. At the Committee meeting, there were concerns raised by an abutting landowner who was represented by GSP Group. In light of these concerns, the Committee determined that additional detail was required to better inform their decision and subsequently voted to defer the application until January 17, 2023.

Since the October Committee meeting, 2829591 ONTARIO INC. has undertaken the following actions:

- Retained MHBC Planning to provide planning advice and to facilitate the application to completion;
- Retained a new architect in Gren Weis & Associates to explore and develop alternative building and site plans in response to comments raised at the Committee meeting;
- Retained JK Consulting Arborists to undertake site investigations and prepare a Tree Preservation and Enhancement Plan and to co-ordinate with the architect and engineers on final site and building plans;
- Retained MTE Consultants to review existing grading and drainage conditions and to work in consultation with the architects and arborist on the final site and building plans;
- Retained Van Harten surveying to update the property survey and complete topographic mapping

- Retained Tunnel Vision Trenchless Services to investigate and rehabilitate existing on site services related to stormwater and drainage. Tunnel Visions investigation and servicing will coordinate with MTE and Gren Weis & Associates.

While progress has been made in conducting the initial site investigations, the requested plans and final consultant reports will not be complete to present at the January 17<sup>th</sup> Committee meeting. As noted, 2829591 ONTARIO INC. has retained all of the necessary professionals to undertake the work but due to the significance of the redesign requested and current workload from each consultant, it was not possible to schedule all of the site work prior to years end. The remaining site work has been scheduled and will be undertaken over the coming weeks. Further, there will be significant co-ordination between the architect, engineer, and arborist to address grading, drainage and tree protection measures while also ensuring a functional building design for the applicants.

In light of the comments that were raised at the Committee meeting, the building design has been revised and reconfigured however it is still necessary to seek relief from the 3.0 metre side yard setback. It is anticipated that no other variances will be required but in order to ensure that the plans are fully developed and sufficiently co-ordinated, we are respectfully requesting a further deferral of the application. In consultation with 2829591 ONTARIO INC., we are requesting that this application be deferred until the March 21, 2023 meeting. This extension is necessary given the time required to revise the design and coordinate consultant reports related to the updated plan. The overall objective is to ensure that the plans will provide complete and accurate information that will satisfy the Committee and for this reason, we are requesting the March date.

In support of this request, we have a cheque prepared for \$450.00, which is the City's deferral fee. I intend to appear at the Committee Meeting on January 17<sup>th</sup> to respond to any questions that the Committee may have.

Yours truly,

**MHBC**



Carol Wiebe  
Partner

cc. 2829591 Ontario Inc., Krystal Darling, Curtis Darling  
Tim Seyler, City of Kitchener  
Tina Malone-Wright, City of Kitchener