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File: D20-20/24 KIT
April 3, 2024

VIA EMAIL

Connie Owen
Administrative Clerk, Legislative Services
City of Kitchener
200 King Street West
Kitchener, ON N2G 4G7

**Re: Comments on Consent Applications - B 2024-006, B 2024-007
Committee of Adjustment Hearing April 16th, 2024
City of Kitchener**

Please accept the following Regional planning comments for the above-noted Consent applications to be considered at the upcoming Committee of Adjustment Hearing.

B2024-006**103 & 105 Dalegrove Dr****Waltraud Ratte / GSP Group Inc (Michael Serra)**

The applicant proposes to retain parcel A (being 282 sqm in lot area with 9.14m lot frontage) and sever parcel B (being 282 sqm in lot area with 8.91m lot frontage). The severance would facilitate the creation of two separately conveyable lots, each with existing semi-detached unit (presently municipally addressed as 103 Dalegrove Dr and 105 Dalegrove Dr). The proposed consents would comply with development specifications and be a permitted use for the zoning (R-4). Both parcels are subject to easements WR430038 and WR448706.

Regional Fee:

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPA-8) (ROP Map 6a).

A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act.

Environmental Noise

The subject lands are located within 300m of the Region of Waterloo railway mainline. As a condition of approval, the owner/applicant is required to enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots:

“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). The CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
3. That the Owner/Applicant enter into an agreement with the City of Kitchener to include the following noise warning clause on all Offers of Purchase/Sale and Lease/Rental Agreements for all dwellings on both the severed and retained lots, to the satisfaction of the City and the Region:

“Warning: Canadian National Railway Company (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). The CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

B2024-007

137 Queen St S

St. Paul's Evangelical Lutheran Church / GSP Group Inc (Charlotte Lewington)

The applicant proposes width and 36.735m depth; Easement No. 4 being 67.8sqm in lot area, with 3.25m lot width and 20.88m lot depth.

Regional Fee

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

Archaeological Assessment

The subject properties municipally addressed as 137 St Street S and 149 Queen St S are located within the Victoria Park Area Heritage Conservation District and the building are designated under Part V of the Ontario Heritage Act. The requirement for an archaeological assessment is addressed through consent application, B2023-015, concerning the subject lands municipally addressed as 137 Queen St S, 149 Queen St S, and 15 Church St; i.e. condition of approval no. 11, as outlined in the Committee of Adjustment Notice of Decision on March 21, 2023 (Report DSD-2023-123, City of Kitchener).

Regional Staff has no objection to this application subject to the following condition(s):

1. That as a condition of approval the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.

General Comments:

Any submission requirements may be subject to peer review, at the owner/ applicant's expense as per By-law 23-062. If any other applications are required to facilitate the application, note that fees are subject to change and additional requirements may apply.

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances.

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.

Thank you,

Erica Ali

Erica Ali
Planner, Community Planning