Committee of Adjustment
Agenda

Tuesday, December 9, 2025, 10:00 a.m. - 12:00 p.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

(Pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended,
and Ontario Regulations 197/96 and 200/96, as amended)

TAKE NOTICE THAT the Committee of Adjustment for the City of Kitchener **will meet in Council Chambers, 2nd Floor, Kitchener City Hall, 200 King Street West, on Tuesday, DECEMBER 9, 2025, commencing at 10:00 a.m.** for the purpose of hearing the following applications for Minor Variance and/or Consent.

Applicants or Agents must attend in support of the application. This is a public meeting. Anyone having an interest in any of these applications may make an oral submission at the meeting or provide a written submission for Committee consideration. Please note this is a public meeting and will be livestreamed and archived at www.kitchener.ca/watchnow.

The complete agenda, including staff reports will be available online the Friday prior to the week of the meeting date.

Pages

1. COMMENCEMENT

2. MINUTES

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

   Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared please visit www.kitchener.ca/conflict to submit your written form.

4. APPLICATIONS FOR MINOR VARIANCE AND / OR CONSENT PURSUANT TO THE PLANNING ACT

5. UNFINISHED BUSINESS

5.1 None.

6. NEW BUSINESS

6.1 A 2025-117 - 2922 King Street East, DSD-2025-474 6

Requesting a minor variance to permit a parking requirement of 17 parking spaces (one parking space per 26.8sq.m. of Gross Floor Area) rather than the minimum required 24 parking spaces (one parking space per 19sq.m. of Gross Floor Area) for a health clinic use, in accordance with the 'Conditionally Approved' Site Plan Application SPB25/077/K.

6.2 A 2025-118 - 630 Benninger Drive, DSD-2025-475 25

Requesting minor variances to Zoning By-law 2019-051 to permit parking to overlap on a Unit and a Common Element Area in a Vacant Land Condominium whereas parking spaces must be located on the same lot as the use they serve; to permit a maximum parking requirement of 330 parking spaces (1.4 parking spaces per dwelling unit) rather than the maximum permitted 301 parking spaces (1.3 parking spaces per dwelling unit); to permit a 3.4m setback from the street line for parking, loading and drive aisles rather than the required 4.5m; to permit a minimum ground floor street line façade width as a percent of the width of the abutting street to be 28% rather than the required 50%; and, to permit a minimum street line façade opening of 23% rather than the required 50%, to facilitate the development of multiple residential development having 231 dwelling units and 6 commercial live-work units.

6.3 A 2025-119 - 455 Old Chicopee Trail, DSD-2025-480 50

Requesting a minor variance to permit a rear yard setback of 4.8m for an addition and a rear yard setback of 4.2m for a deck rather than the minimum required 7.5m to facilitate the construction of an addition and deck at the rear of the existing detached dwelling.

6.4 A 2025-122 - 117 Samuel Street, DSD-2025-489 59

Requesting permission to expand a legal non-conforming use, a 5-unit multiple dwelling, to recognize a multiple dwelling having 6 dwelling units and to recognize a parking area having 4 parking spaces rather than the required 6 spaces; to permit a motor vehicle on a parking space to encroach 4.1m into the 7m x 7m Corner Visibility Triangle (CVT) whereas the By-law does not permit encroachments into the CVT; to permit a parking lot to have parking spaces that do not ingress and egress in a forward motion; to permit a parking lot to be setback 0m from the westerly interior side lot line rather than the required 1.5m; to permit a parking space to have a length of 5.1m rather than the required 5.5m; and, to permit a parking lot to be located in the front yard whereas the Zoning By-law does not permit parking lots in the front yard; and, to permit a parking lot to be setback 0m from the front lot line (Krug Street)

and 2.9m from the exterior side lot line (Samuel Street) rather than the required 3m setback.

6.5 A 2025-123 - 20 Gildner Street, DSD-2025-490 72
Requesting minor variances to permit a lot width of 12.3m rather than the minimum required 18m, and a lot area of 693.7sq.m. rather than the minimum required 700sq.m., to facilitate the development of 2 new dwelling units within an existing 3-storey multiple dwelling having 10 dwelling units, for a total of 12 dwelling units on the subject property.

6.6 A 2025-124 - 131 Gage Avenue, DSD-2025-488 81
Requesting minor variances to permit an easterly interior side yard setback of 2.7m rather than the minimum required 3m; to permit a Floor Space Ratio (FSR) of 0.74 rather than the maximum permitted 0.6; and, to permit a front yard setback of 5.9m rather than the permitted 5.6m to facilitate the development of a 3-storey multiple dwelling having 36 dwelling units, in accordance with 'Conditionally Approved' Site Plan Application SPF25/035/G.

6.7 A 2025-125 - 50-56 Weber Street West & 107 Young Street, DSD-2025-482 120
Requesting minor variances to permit a front yard setback of 1.8m rather than the required 3m; to permit a rear yard setback of 1.3m rather than the required 3m; to permit a parking requirement of 68 parking spaces rather than the maximum permitted 41 parking spaces; to permit a setback of 3.0m from the interior side lot line for storeys 7 and 8 rather than the required 6m; to permit a building height of 24m within 15m of a lot within an SGA-1 Zone (within 4.7m of the interior side lot line), rather than the maximum permitted 20m; to permit a rear yard setback of 1.3m where the lot abuts a lot within an SGA-1 Zone rather than the minimum required 7.5m; and, to permit a loading space to be located within 0.6m of a street line rather than the minimum required 6m to facilitate the development of a residential building having 31 regular dwelling units and 2 lodging houses for a total of 33 dwelling units, in accordance with Site Plan Application SP21/132/W/AP.

6.8 A 2025-126 - 1720 Glasgow Street, DSD-2025-487 147
Requesting permission for the enlargement or extension of a legal non-conforming use, a place of worship, to facilitate an addition to the existing building in a "Neighbourhood Industrial Employment Zone (EMP-1)" in Zoning By-law 2019-051.

6.9 B 2025-032 - 776 Rockway Drive, DSD-2025-485 169
Requesting consent to sever a parcel of land having a width of 7.6m on Rockway Drive, a depth of 36.6m, and an area of 278.3sq.m. The retained land will also have a width of 7.6m on Rockway Drive, a depth of 36.6m, and an area of 277.9sq.m. The Consent Application will allow

each half of a proposed Semi-Detached Dwelling having 3 Additional Dwelling Units (ADUs) (Attached) to be dealt with independently. The existing dwelling is proposed to be demolished.

6.10 **B 2025-033 - 104 Brentwood Avenue, DSD-2025-486** 199

Requesting consent to sever a parcel of land having a width of 7.6m on Brentwood Avenue, a depth of 36.6m, and an area of 277.9sq.m. The retained land will also have a width of 7.6m on Brentwood Avenue, a depth of 36.6m, and an area of 277.9sq.m. The Consent Application will allow each half of a proposed Semi-Detached Dwelling having 3 Additional Dwelling Units (ADUs) (Attached) to be dealt with independently. The existing dwelling is proposed to be demolished.

6.11 **B 2025-034, B 2025-035 & A 2025-127 - 67 & 71 Blucher Street (Severed Parcel), DSD-2025-491** 220

Requesting consent to sever an irregular shaped parcel of land, municipally addressed as 71 Blucher Street, having a width of 5.8m, a depth of 108.8m and an area of 2,127.4sq.m. and is proposed to be developed with 10 townhouse dwelling units. The retained land, municipally addressed as 67 Blucher Street, will be irregular in shape, having a width of 26.8m a depth of 108.8m and an area of 1,594.6sq.m. and is proposed to be developed with 4 townhouse dwelling units. Consent is also being requested to create an easement on the severed land having an approximate width of 6m and a depth of 110m for the purposes of shared access and parking in favour of 67 Blucher Street; and, to create an easement on the retained land having an approximate width of 6m and a depth of 110m, for the purposes of shared access and parking in favour of 71 Blucher Street. Minor variances are also being requested to permit the severed land to have a lot width of 5.8m rather than the minimum required 19m, a rear yard of 3.2m rather than the minimum required 6m and an interior side yard setback of 3m (adjacent to 79 Blucher Street) rather than the minimum required 4.5m, to facilitate the severance from 67 Blucher Street and to recognize the lot and setbacks of the severed land.

6.12 **B 2025-036 - 25 Breithaupt Street (WITHDRAWN)**

This application has been withdrawn and will not be considered by the Committee.

7. ADJOURNMENT

8. PLANNING ACT INFORMATION

- Additional information is available at the Legislated Services Department, 2nd Floor, Kitchener City Hall, 200 King Street West, Kitchener 519-741-2203 or by emailing CofA@kitchener.ca.
- Copies of written submissions/public agencies' comments are available

the Friday afternoon prior to the meeting on the City of Kitchener website www.kitchener.ca/meetings in the online Council and Committee calendar; see the meeting date for more details.

- Anyone having an interest in any of these applications may attend this meeting.
- Only the Applicant, Minister, **specified person (as defined in Section 1 of the Planning Act)** or public body that has an interest in the matter has the right to appeal of decisions of the Committee of Adjustment. These parties must make written submissions to the Committee prior to the Committee granting or refusing Provisional Consent otherwise, the Ontario Land Tribunal (OLT) may dismiss the appeal.
- Any personal information received in relation to this meeting is collected under the authority s. 28(2) of the Planning Act, R.S.O. 1990, c. P.13, and will be used by the City of Kitchener to process Committee of Adjustment applications. Questions about the collection of information should be directed to Marilyn Mills at marilyn.mills@kitchener.ca.
- If you wish to be notified of a decision, you must make a written request to the Secretary-Treasurer, Committee of Adjustment, Kitchener City Hall, 200 King St. W., Kitchener ON, N2G 4G7.

The Notice of Hearing for this meeting was published in the Record on the 21st day of November, 2025.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Arwa Alzoor, Planner, 519-783-8903**

WARD(S) INVOLVED: **Ward 2**

DATE OF REPORT: **November 20, 2025**

REPORT NO.: **DSD-2025-474**

SUBJECT: **Minor Variance Application A2025-117 – 2922 King Street East**

RECOMMENDATION:

That Minor Variance Application A2025-117 for 2922 King Street East requesting relief from Section 5.6 a), Table 5-5, of Zoning By-law 2019-51 to permit a parking requirement of 17 parking spaces (one parking space per 26.8 m2 of Gross Floor Area (GFA)) instead of the minimum required 24 parking spaces (one parking space per 19 m2 of Gross Floor Area (GFA)) to convert an existing building to a 'Health Clinic Use', in accordance with 'Conditionally Approved' Site Plan Application SPB25/077/K, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to reduce the number of required parking spaces to be able to convert the existing building into a 'Health Clinic' (dentist office).
- The key finding of this report is that the requested Minor Variance meets the 4 tests of the Planning Act.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on Centreville Chicopee neighbourhood, west of Fairway Road South on King Street East.

Figure 1: Location Map

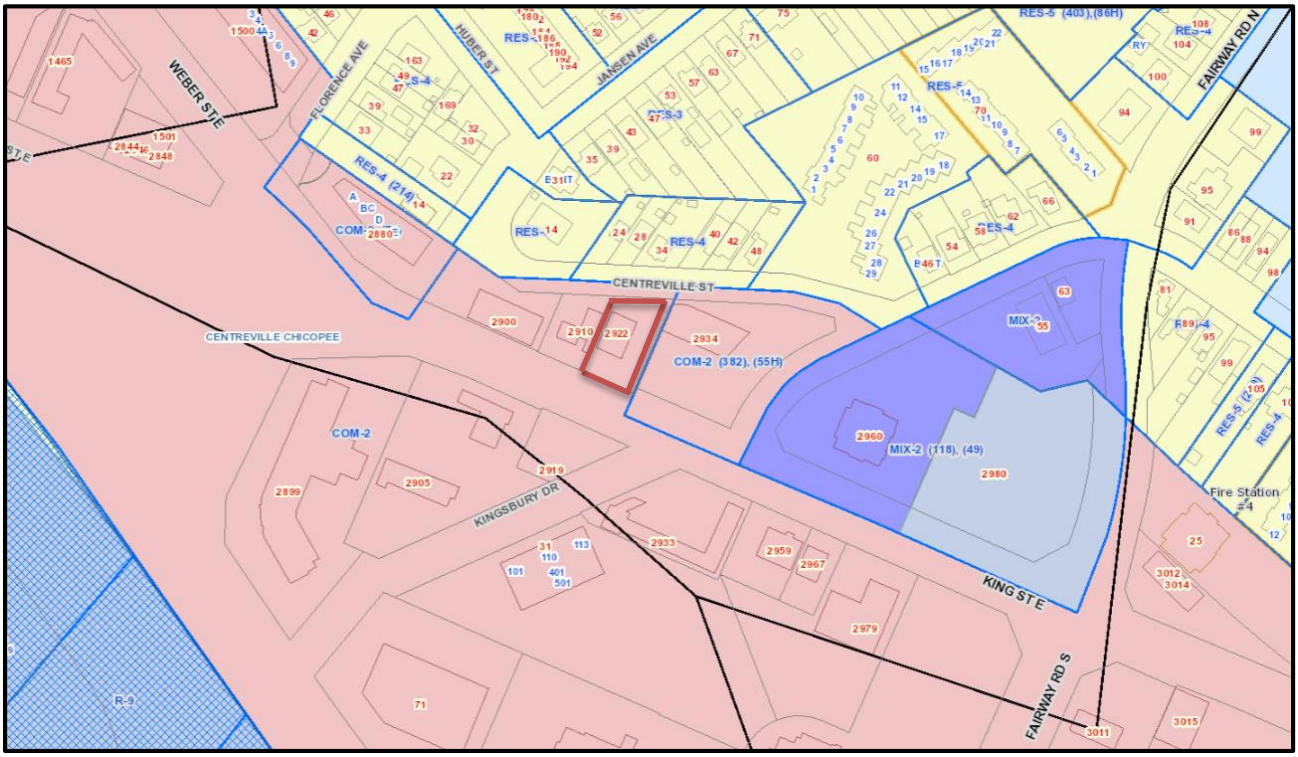

Figure 2: Zoning Map

The subject property is identified as ‘Urban Corridor’ on Map 2 – Urban Structure and is designated ‘Commercial’ on Map 3 – Land Use in the City’s 2014 Official Plan.

The property is zoned ‘General Commercial Zone (COM-2)’ in Zoning By-law 2019-051.

The purpose of this application is to review a proposal to convert the existing building into a ‘Health Clinic’ (dental office).

The building was constructed around 1970 and has historically accommodated multiple commercial uses, including personal services, retail, and restaurants. Currently, a Stamp Plan B Site Plan Application has been submitted to assess the change of use to a ‘Health Clinic’ (dental office) and to review a request for a parking reduction.

Under the zoning requirements, a ‘Health Clinic’ must provide a minimum of one parking space per 19 m² of Gross Floor area (GFA). For this site, this equates to a minimum parking requirement of 24 parking spaces. However, the property currently provides only 17 parking spaces.

Stamp Plan B Site Plan Application SPB25/077/K has been circulated to all applicable divisions and agencies and has received ‘Conditional Approval’, subject to the approval of the required Minor Variance for a reduction in the required parking provision.

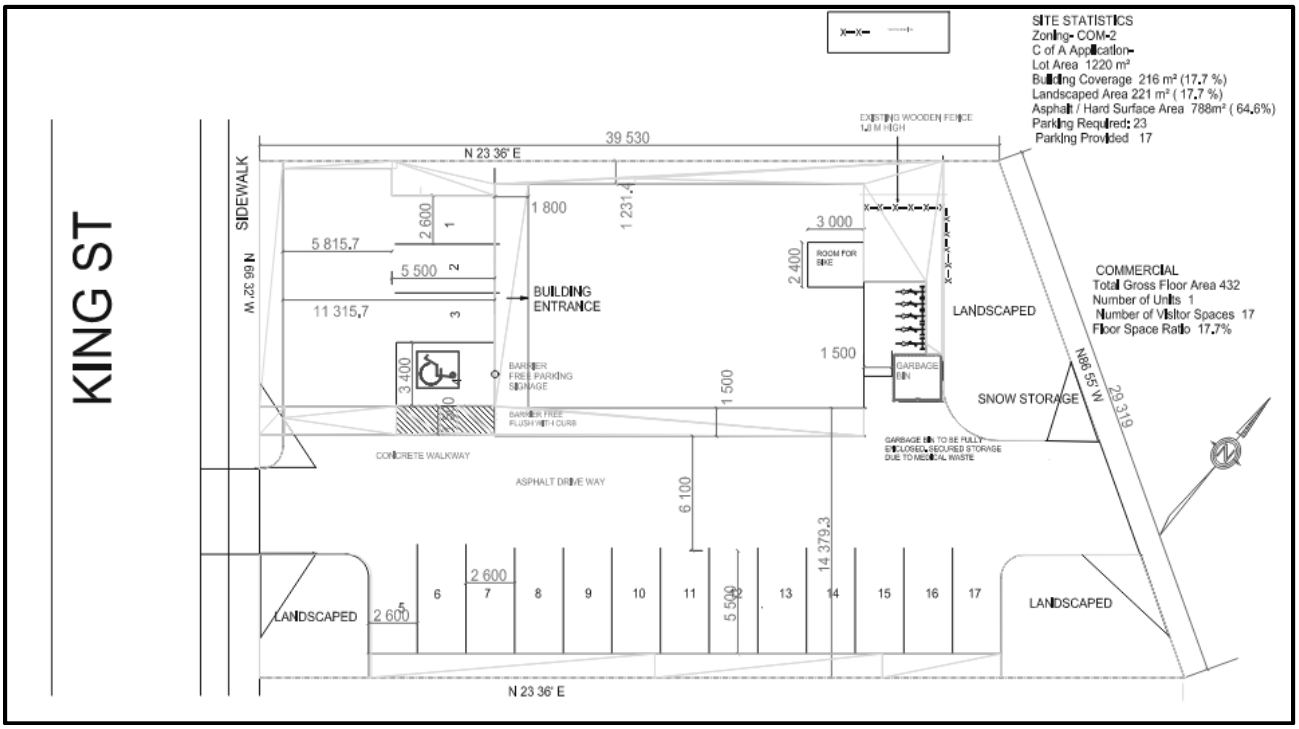

Figure 3: The Proposed Site Plan

Development and Housing Approvals staff visited the site on November 20, 2025.

Figure 4: Front Image of the Subject Property

Figure 5: Back Image of the Subject Property

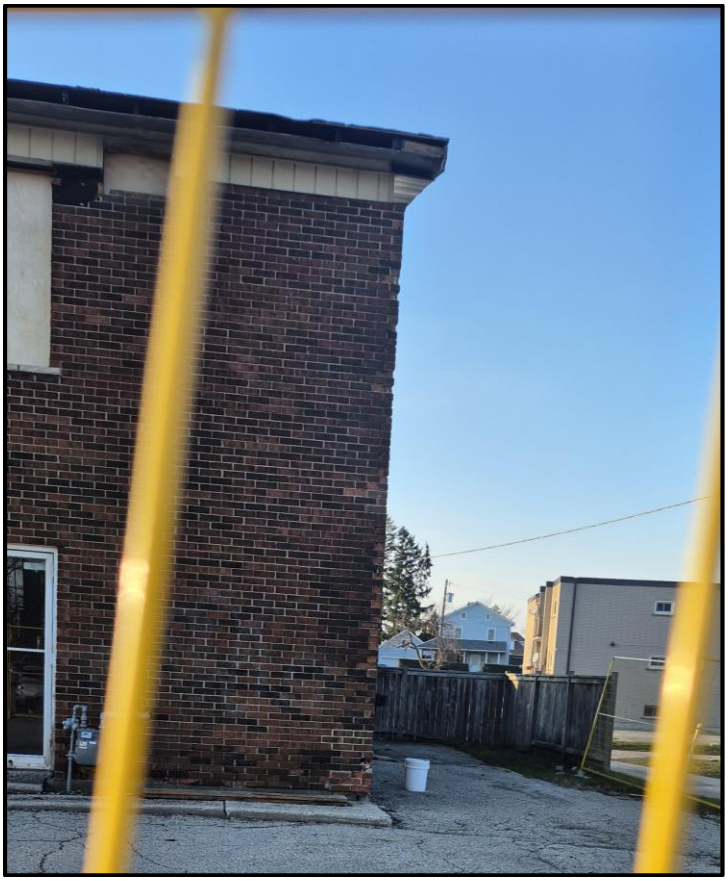

Figure 6: Side Image showing the site with the rear fence area

REPORT:

Planning Comments:

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

Lands designated as 'Commercial' are intended to provide a range of retail and service commercial uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods.

The permitted uses on lands designated 'Commercial' may include the uses listed in Policy 15.D.5.16, which indicates the use 'Health Offices and Health Clinics' as a permitted use in this land use designation.

In addition, Policy 13.C.8.2 states that "The City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available." Policy 13.C.8.3 states "The City will periodically review its policies and parking standards for various land uses to establish parking standards which encourage the use of alternative means of transportation."

The proposed ‘Health Clinic’ is intending to provide Class A and Class B bicycle parking and the property is located on an established active regional road with access to public transit. It is Staff’s opinion that the requested variance meets the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the Zoning By-law requiring 24 parking spaces for the proposed health clinic use is to ensure accessibility and convenience for patients, as clinics typically generate frequent short-term visits. It also aims to minimize spillover parking on nearby streets, supporting smooth traffic circulation and reducing disruption to surrounding areas.

The subject site is located on a main road with strong connectivity and access to public transportation. Grand River Transit Route 8 has a stop directly in front of the property, providing a convenient alternative to driving. In addition, the applicant has incorporated both Class A and Class B bicycle parking, promoting cycling and aligning with municipal objectives for sustainable transportation. These measures help reduce reliance on private vehicles and, consequently, the demand for on-site parking.

Furthermore, there is existing on-street parking within the surrounding neighborhood that can accommodate short-term parking needs during the day, offering flexibility for visitors without requiring additional on-site spaces. In addition, the Transportation Services Staff provided comments supporting the parking reduction.

Based on these considerations, the requested variance maintains the intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The requested variance is considered minor as it represents a reduction of seven (7) parking spaces from the zoning requirement. The site provides two Class A bicycle parking spaces and five Class B bicycle parking spaces, supporting active transportation. Additionally, the property is located on a main road with a Grand River Transit bus stop for an active route directly in front of the site, offering convenient public transit access. These factors collectively reduce the demand for private vehicles and mitigate the impact of the parking reduction.

Based on these considerations, the effects of the variance can be considered minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variance is considered appropriate for the development and use of the land as it will facilitate the establishment of a health clinic in an existing building, overall supporting an update to the building and public areas on the subject property. It will enable a new dentist office to set up business with access to public transit and in close proximity to nearby residential neighbourhoods.

Environmental Planning Comments:

No comment/concern.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the change of use to a dental office.

Engineering Division Comments:
Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:
No concerns, no requirements. All Parks and Forestry requirements will be addressed through the Stamp Plan B Site Plan Application for 2922 King Street East.

Transportation Planning Comments:
Transportation Services has worked closely with the applicant and acknowledges the existing site conditions, including the 17 current parking spaces. The applicant is introducing one (1) new barrier-free parking space where none previously existed and adding Class A bicycle parking, which was not previously provided. Additionally, the peak parking demand for this development is offset from the residential peak demand, so no conflicts are anticipated. Therefore, Transportation Services supports the proposed reduction in parking spaces from 24 to 17.

Region of Waterloo Comments:
No concerns.

Six Nations of the Grand River Elected Council (SNGREC) Comments:
Parking Minimums - SNGREC supports the reduced parking minimums.

Site Plan Related Comments:
Bird and Light Friendly Design SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping:
SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: Emmett Vanson
To: Committee of Adjustment (SM)
Cc: Peter Graham
Subject: SNGREC Environmental Comments Re: Committee of Adjustment Application Review - December 9, 2025 Meeting
Date: Monday, November 17, 2025 11:52:44 AM
Attachments: Outlook-01a2z2tl.png
SNGREC Env Comments re Kitchener CoA Dec 9 meeting.pdf

Hello,

Attached are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on. I did not have any comments for any minor variances that not referenced in the attached documents.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (thank you),
Emmett Vanson, BSc. **(he/him)**
Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council - Lands and Resources Department - Consultation and Accommodation Process Team
lrlust@sixnations.ca

Confidentiality Notice: This email, including any attachments, is for the sole purpose of the intended recipients and may contain private, confidential, and privileged information. Any unauthorized review; use, disclosure or distribution is prohibited. If you are not the intended recipient or this information has been inappropriately forwarded to you, please contact the sender by reply email and destroy all copies of the original.

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, November 14, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: [External] ACTION REQUIRED - Committee of Adjustment Application Review - December 9, 2025 Meeting

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, December 9, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, November 24, 2025.

If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Nov 17, 2025

To: City of Kitchener Committee of Adjustment Via: Email

Greetings,

Included are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on.

1720 Glasgow St

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. SNGREC requests the replacement of Mugho Pine and Hicks Yew from the Plant List with native species.

SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

107 Young St W

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

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Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

131 Gage Avenue

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

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https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

532 & 546 Courtland Ave E

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

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630 Benninger Drive

Treaty Rights Accommodation and Compensation

Further development of the land infringes on Six Nations Aboriginal and Treaty Rights by essentially guaranteeing land will not be returned to a natural state and by negatively impacting the environment through emissions and use of resources. Developments on this land fall under the Duty to Consult and Accommodate, meaning Six Nations of the Grand River must be consulted with and accommodated for impacts to their rights. SNGREC requires that this development is paired with compensation for impacts to these rights and to the environment. Compensation should include environmental enhancement and could also include other forms such as increased numbers of affordable units and discounts for Six Nations people. Please contact lrlust@sixnations.ca to schedule a meeting to collaborate on determining compensation. SNGREC requires commitment to compensation before Detail Design.

Minor Variance-Specific Comment:

Parking

SNGREC encourages minimizing parking and does not support the increased parking minimums. New developments should have a transit-oriented future in mind and should avoid promoting car-centric living. Instead, developers should be considering mixed-use developments and working with the City to implement transit options.

Site Plan Related Comments:

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SNGREC strongly encourages the creation of pollinator gardens using native plant species in landscaped areas not intended for human movement. Pollinator gardens can offer food, breeding space, and sanctuary for pollinators that are harmed by human expansion as they lose functional habitat, and their remaining habitat becomes more fragmented. Community gardens could also be implemented alongside pollinator gardens for an

added community benefit. These will also increase the visual attractiveness of the area.

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2922 King St E

Parking Minimums

SNGREC supports the reduced parking minimums.

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

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Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (Thank you) and kind regards

Emmett Vanson, Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council – Lands and Resources – Consultation and Accommodation Process Team

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 8, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Arwa Alzoor, Planner, 519-783-8903**

WARD(S) INVOLVED: **Ward 5**

DATE OF REPORT: **November 20, 2025**

REPORT NO.: **DSD-2025-475**

SUBJECT: **Minor Variance Application A2025-118 - 630 Benninger Drive**

RECOMMENDATION:

That Minor Variance Application A2025-118 for 630 Benninger Drive requesting relief from the following Sections of Zoning By-law 2019-51:

- **i) Section 5.2 a) to permit parking to overlap on a Unit and a Common Element Area in a Vacant Land Condominium, where parking spaces must be located on the same lot as they serve;**
- **ii) Section 5.6 b), Table 5-5, to permit a maximum parking requirement of 330 parking spaces (1.4 parking spaces per dwelling unit) instead of the maximum permitted 301 parking spaces (1.3 parking spaces per dwelling unit);**
- **iii) Section 5.3.2 b) to permit a 3.4 metre setback from the street line for parking, loading and drive aisles instead of the required 4.5 metres;**
- **iv) Section 8.3, Table 8-2, to permit a minimum ground floor street line facade width as a percent of the width of the abutting street of 28% instead of the required 50%; and**
- **v) Section 8.3, Table 8-2, to permit a minimum percent street line facade openings of 23% instead of the required 50%;**

to facilitate the development of multiple residential developments having 231 dwelling units and 6 commercial live/work units in accordance with Site Plan Application SPB25/070/B, BE APPROVED, subject to the following conditions:

1. **That the Owner shall receive 'Conditional Approval' of Site Plan Application SPB25/070/B and ensure that all relined comments are resolved to the satisfaction of the Manager of Site Plans.**

2. **That the Owner obtain approval of a Landscape Plan, redlined to address the comments of Minor Variance Application A2025-118, to the satisfaction of the Manager of Site Plans.**

3. **That the Owner provide documentation, to the satisfaction of the City Solicitor and the Director of Development and Housing Approvals, which demonstrates the shared parking spaces and access arrangements are in place for the lands subject to Minor Variance Application A2025-118.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review Minor Variances for a residential development and proposed live/work units
- The key finding of this report is that the requested Minor Variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:
The subject property is located in the Laurentian West neighbourhood east of Trussler Road and north of Ottawa Street South.

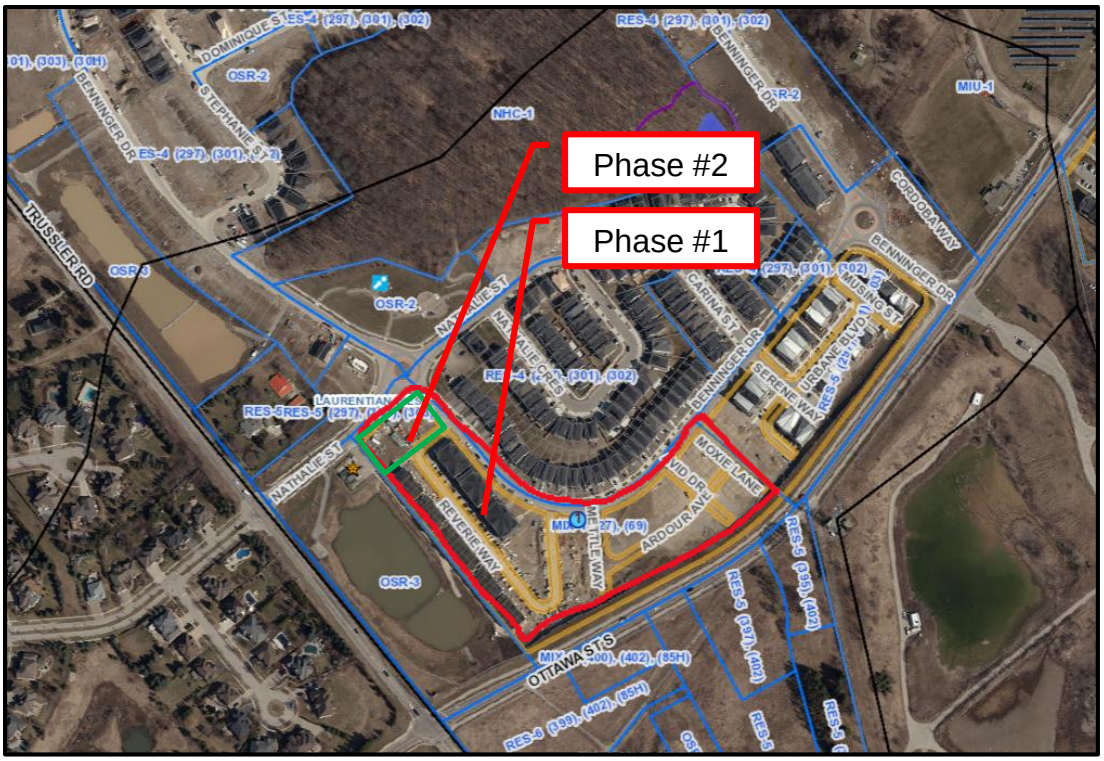

Figure 1: Location Map

The subject property is identified as ‘Neighbourhood Node’ on Map 2 – Urban Structure and is designated ‘Mixed use and Low-rise Residential’ on Map 3 – Land Use in the City’s 2014 Official Plan.

The property is zoned ‘Mixed Use One Zone (MIX-1) with Site Specific Provisions (27), and (69)’ in Zoning By-law 2019-051.

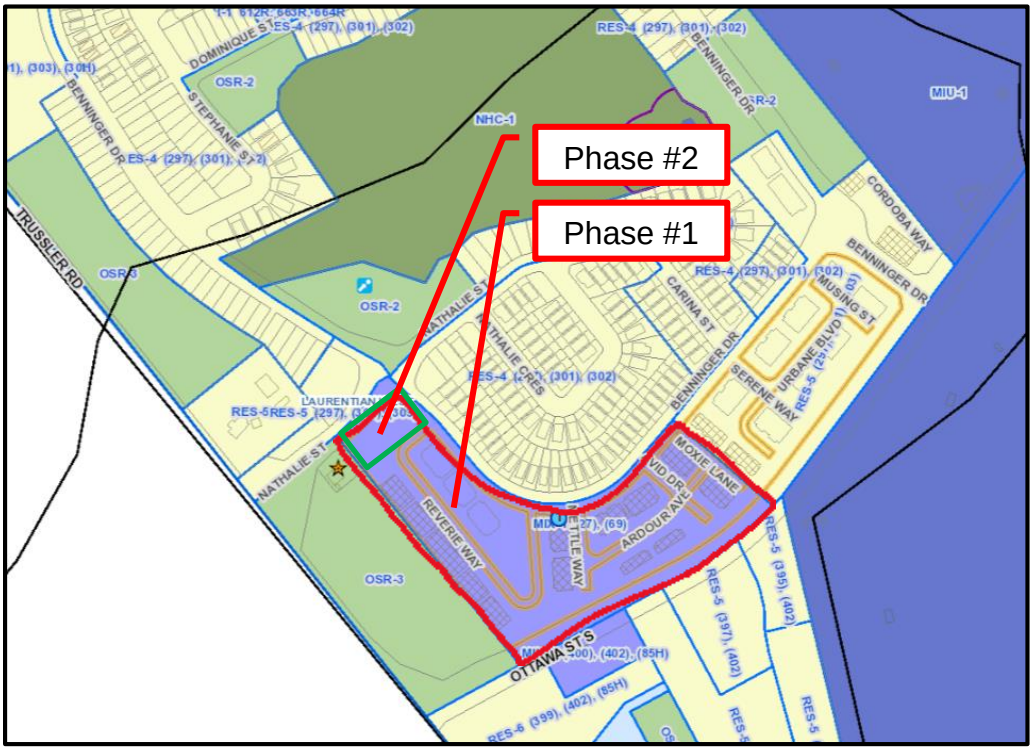

Figure 2: Zoning Map

When this subdivision was first proposed through a draft plan of subdivision, the Ontario Municipal Board (OMB) approved an Official Plan Amendment and a Zoning By-law Amendment to rezone the lands from ‘Agricultural’ to a mix of ‘Residential’, ‘Public Park’, and ‘Open Space’ land use designations. The property was zoned ‘MU-1 (Mixed Use)’; however, a site-specific provision removed the requirement for non-residential uses within the ‘MU-1’ Zone, thereby permitting exclusively residential dwellings.

The planning rationale for this change was that it remained consistent with the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe, while also conforming to the Regional Official Plan Policies and the City of Kitchener Official Plan. The OMB decision concluded that the proposal met the objectives of compact urban form, intensification, and transit-supportive development.

As a result, the OMB approved the Official Plan Amendment, Zoning By-law 85-1 Amendment to allow residential development in the ‘MU-1’ Zone and endorsed the Draft Plan of Subdivision with conditions. When the City of Kitchener’s new Zoning By-law 2019-051 came into effect, the site-specific provisions from By-law 85-1 were carried forward, maintaining the same permissions. The property was not rezoned to a fully residential zone because the City’s new by-law establishes non-residential zones before residential zones in its structure. As a result, the lands remained zoned’ MIX-1 (Mixed Use)’, with a

site-specific provision that removes the requirement for non-residential uses, thereby permitting exclusively residential dwellings.

Phase One of the residential development was approved in 2021 through Site Plan Application No. SP21/017/B/CD permitting 225 dwelling units in the form of multiple dwelling buildings and stacked townhouses. Subsequently, the property was subject to a Vacant Land Condominium Application to divide the parcels into 21 Vacant Land Condo Units, which was approved by Kitchener City Council.

The development also went through Minor Variance Application No. A2021-140 to allow a minimum ground floor building height of 3 metres for any building with a street-facing façade, instead of the required 4.5 metres, and to permit encroachments for stairs and access ramps with a minimum setback of 0.5 metres from the exterior side yard lot line, rather than the required 1.0 metre.

In addition, the site proceeded through a Standard Condominium Application and required an amendment to visitor parking through Stamp Plan B Site Plan Application No. SP24/041/B/TZ

Furthermore, a Consent Application (No. B2024-030) for an irregularly shaped access easement was approved by the Committee of Adjustment to facilitate site access. Currently, the site is subject to a Stamp Plan B Site Plan Application to review revisions to the previously approved site plan. These revisions include removing two residential buildings, adding more units in multiple dwelling buildings, updating the parking layout, modifying the landscaping plan, and introducing a live/work unit as part of Phase Two of the development.

The purpose of the current application is to review variances associated with Site Plan Application No. SPB25/070/B including:

- Allowing some parking spaces to overlap the common element portion of the Vacant Land Condominium.
- Increasing the maximum number of parking spaces.
- Reducing the required parking setback from the street in a Mixed-Use Zone for the Phase two live-work units.
- Allowing the width of the flanking side of the building to be less than 50% of the exterior street-facing façade for Phase two live/work units.
- Providing less façade opening on the flanking side of the building than the minimum required for the Phase two live/work units.

The current Stamp Plan B Site Plan Application No. SPB25/070/B has received redlined conditional approval. Staff are awaiting additional information and documentation to address comments from City agencies and other divisions.

Development and Housing Approval Staff visited the site on Thursday, November 20, 2025.

Figure 3: Phase 2 of the Subject Development

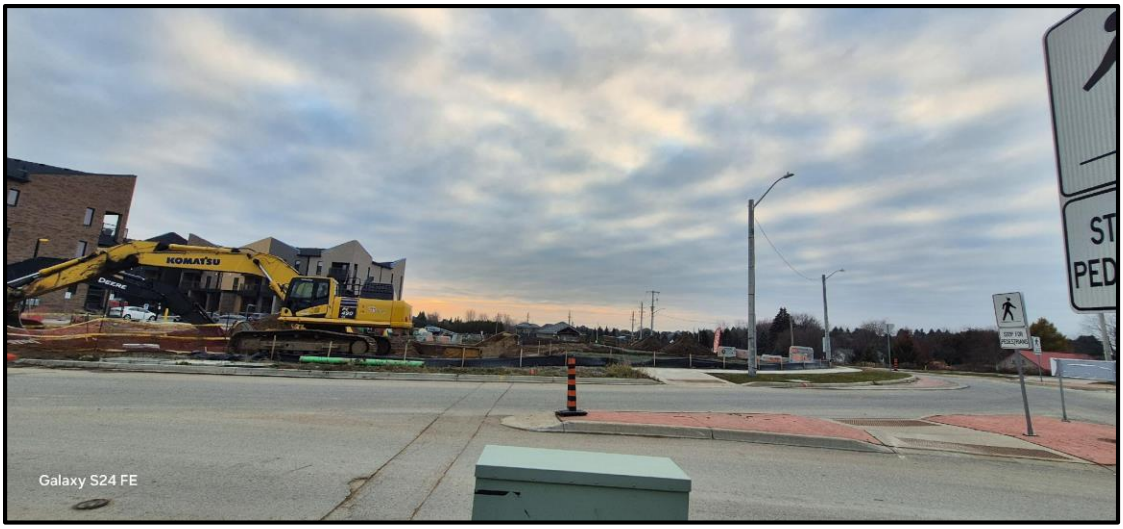

Figure 4: An image of the Subject Property from the Corner of the Roundabout

Figure 5: The subject property, with part of the site that is constructed within the development

Figure 6: The subject property, with part of the site that is constructed facing Benninger Drive

REPORT:

Planning Comments:
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
The subject property is designated as 'Mixed Use' in the City's Official Plan, which provides for a broad range of commercial, retail, institutional and residential uses, at different scales and intensities.

The Official Plan supports live/work units in any land use designation which permits residential uses, subject to the following:

a) the live/work unit is appropriate in massing and scale and are compatible with the built form and the character of the neighbourhood;
b) the live/work unit can function appropriately and not create unacceptable adverse impacts for adjacent properties; and,
c) adequate parking is available.

The site features a mix of housing types, including cluster townhouses, stacked townhouses, and live-work units. As noted in the background section, the Ontario Municipal Board (OMB) approved amendments to allow the entire site to be used for residential purposes. The introduction of live-work units now provides a non-residential component within this area, helping the development align with the intent of the Official Plan by incorporating mixed-use functionality.

The variances would maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Parking location: The Zoning By-law requires that parking spaces and bicycle parking stalls be provided and maintained for each use on a lot and located on the same lot as the use(s) they serve. This ensures convenient access and functionality, prevents spillover parking onto adjacent properties, and maintains compliance with zoning regulations. In this case, the entire site functions as a Vacant Land Condominium.

Parking is calculated for the overall site; however, some spaces, as noted in Figure 8, overlap between Unit One and the common element, which do not operate as a single parcel and could create ownership complexities. The parking will still be located within the overall site, meeting the intent of access and functionality. The variance will allow the parking to be shared in accordance with how the site is intended to function, and it will clarify zoning compliance for this arrangement.

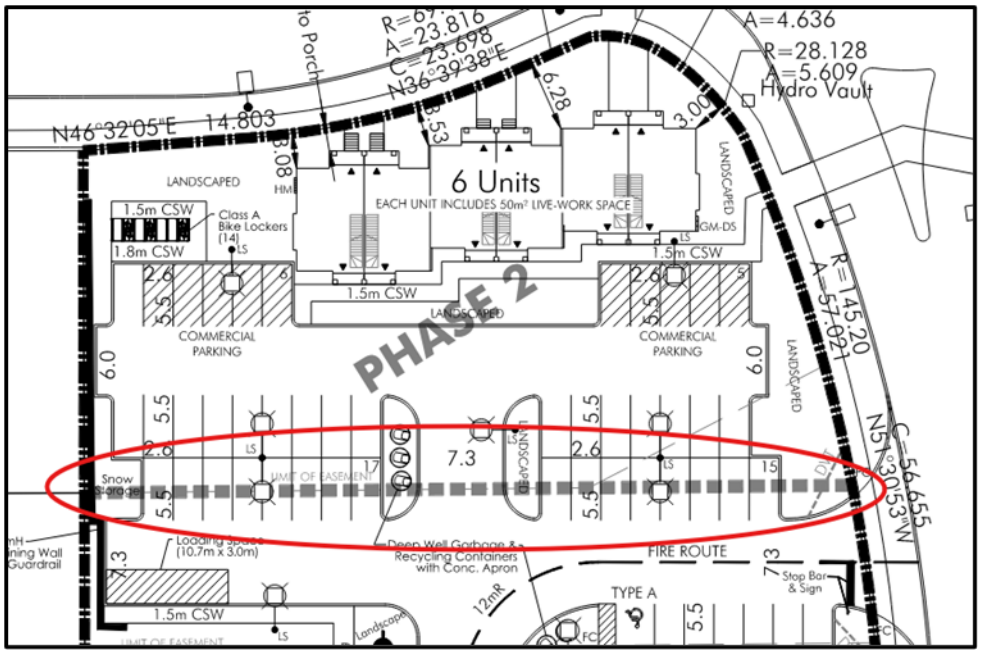

Figure 8: The Site Plan for Unit One showing overlapping Parking Spaces

Increased parking rate: The maximum parking rate of 1.4 spaces per dwelling is typically permitted in residential zones without non-residential uses to support residents. In mixed-use zones, which in this case, the maximum rate of 1.3 spaces per dwelling is intended to accommodate resident and visitor parking while recognizing access to non-residential uses within a complete community. This site is fully residential with six live/work units, and the applicant is requesting a maximum parking requirement of 330 parking spaces (1.4 parking spaces per dwelling unit) instead of the maximum permitted 301 parking spaces (1.3 parking spaces per dwelling unit) to address market demand in an area with limited public transit options, and where public transit is not considered a practical alternative.

Additionally, due to site-specific constraints, the mixed-use zone here provides minimal non-residential uses except for the proposed live/work unit. The proposed increase will help prevent parking overflow onto public streets. Transportation Services has reviewed the rationale and supports the requested variance.

Parking setback: The purpose of the 4.5 m setback from the street line for parking is to allow for landscaping, create a visual and physical buffer between the street and parking areas, enhance streetscape aesthetics, improve pedestrian comfort, and comply with zoning and urban design standards.

The proposed closest parking space to Benninger Drive is 3.4 metres, based on the redline comment provided by the Urban designer (Figure - 9)on the landscape drawing, additional trees and shrub planting should be provided to screen the exposed parking area. This comment will be addressed as a condition of approval for this variance to ensure the Zoning By-law intent is met.

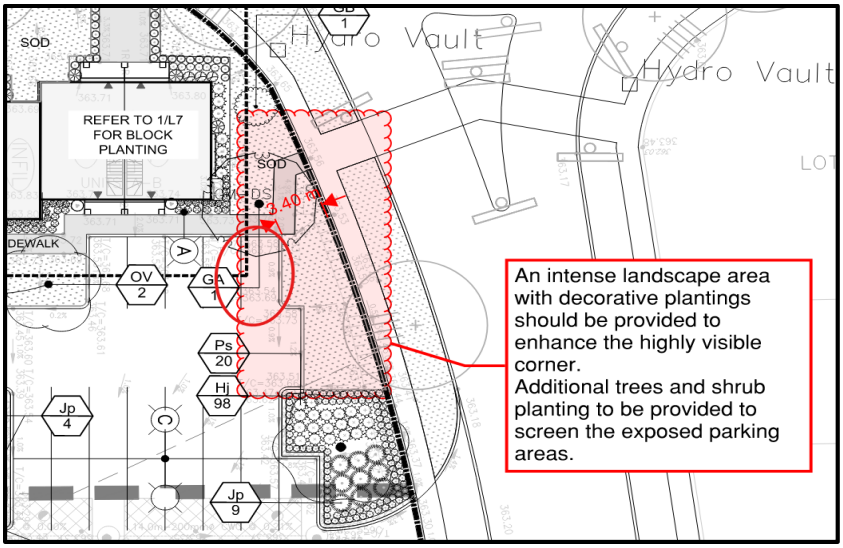

Figure 9: Part of the Landscaped Plan with the Urban Design Comments

Street width percentage: The intent of the Zoning By-law requiring a minimum of 50% ground-floor façade width facing the street line is to achieve key urban design objectives such as creating an active streetscape, enhancing visual connectivity, improving the pedestrian experience, and supporting complete communities. The front façade of the proposed live/work building in Phase 2 meets this requirement with 60% of its width facing the front street. However, the flanking side façade along Benninger Drive provides only 28% of the street width adjacent to Unit One of the Vacant Land Condominium. This design improves site visibility at the intersection, which includes a roundabout, and ensures safe circulation. Furthermore, when considering the combined façades of all buildings along Benninger Drive as per Figure 10, the overall frontage exceeds 50%, meeting the intent of the requirement.

Opening percentage: The Zoning By-law requires that 50% of the ground floor of a mixed-use building provide openings to create an active street-facing façade and ensure strong visual and physical connectivity with the public realm. This design standard promotes pedestrian engagement, enhances streetscape vitality, and supports the principles of complete communities. The front façade of the proposed building (the live/work building on Phase 2) meets this requirement by providing 50% glazing; however, the flanking side facing Benninger Drive does not comply, providing only 23%. This is because the proposed live/work unit, while classified as a mixed-use building, is intentionally designed to reflect residential characteristics for compatibility with the surrounding neighborhood. The intent is to balance the active frontage requirement with contextual design that respects adjacent residential uses**.**

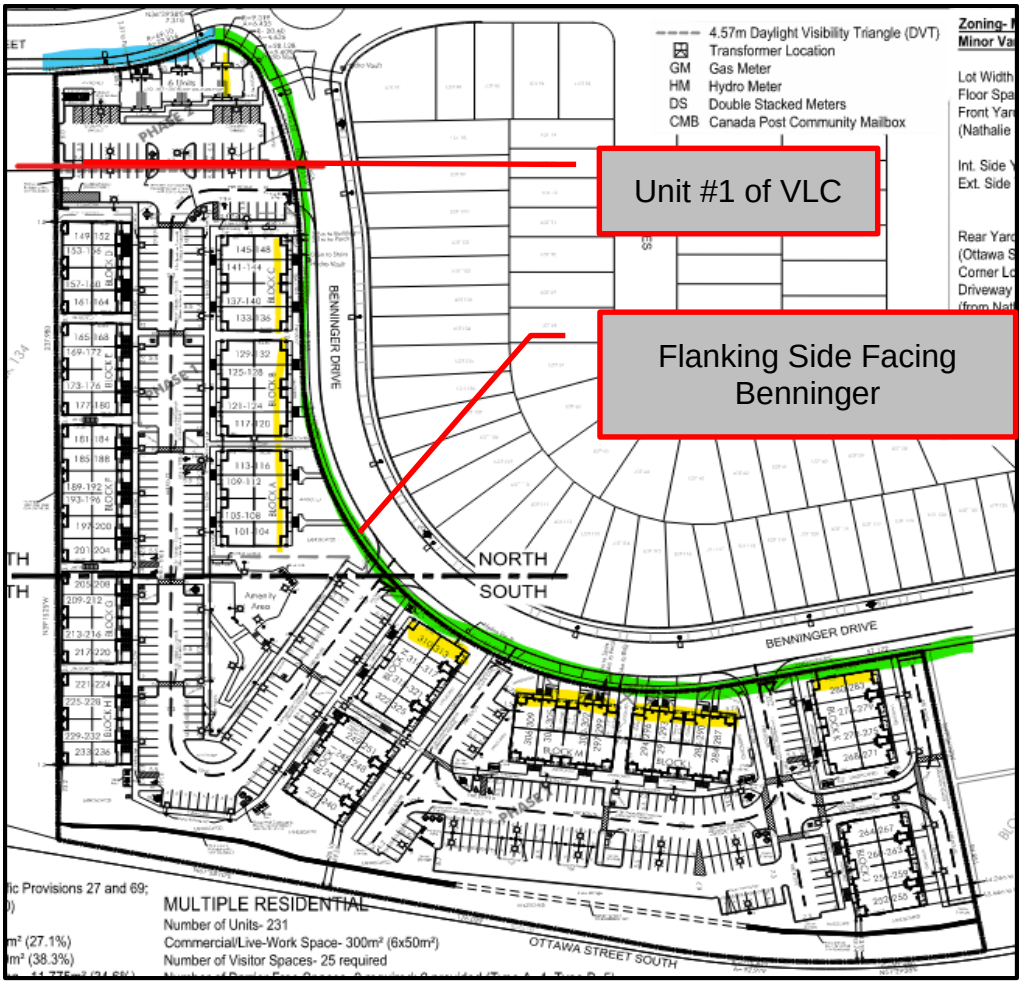

Figure 10: The Site Plan for the whole Property, illustrating the Exterior Street yards

Figure 11: Proposed Front (North) Elevation

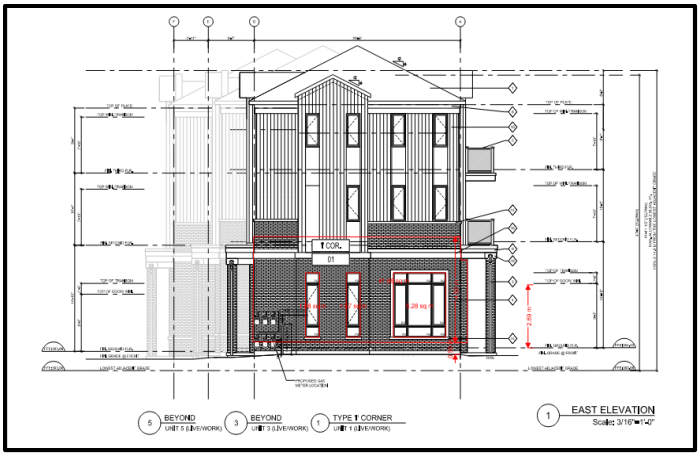

Figure 12: Proposed Flanking (East) Elevation

The intent of the Mixed Use zone is to accommodate developments that include a substantial non-residential component, typically on the ground floor of a mixed-use building. However, the site-specific provision for this property overrides that requirement, creating a zoning framework that does not fully align with the standard mixed-use regulations. The proposed live-work units integrate seamlessly with the residential character of the site while introducing opportunities for small-scale retail, office, or service uses.

Based on the above, the requested variances meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?
The requested variances are considered minor because they do not change the permitted uses, density, or overall site design. Parking remains on-site, ensuring there is no negative impact on neighboring properties or the streetscape. In addition, the proposed live-work units introduce a modest non-residential component, supporting the creation of a more complete community in a mixed-use zone that allows for only residential use.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?
The proposed live/work units introduce a non-residential component that can serve the community and enhance the mixed-use character of the site. Parking will remain fully within the property and will be accompanied by enhanced landscaping to mitigate its appearance from the street. This design approach ensures functionality and minimizes visual impact, while the additional parking helps avoid excessive street parking. Based on these considerations, the requested variances are desirable and appropriate for the development.

Environmental Planning Comments:
No concerns. All natural heritage issues and Tree Management Policy compliance were addressed through the Environmental Impact Statement and General Vegetation Overview and Detailed Vegetation Plan submitted in support of Zoning By-law Amendment Application and Draft Plan of Subdivision Application 30T-08204. All trees in this area were approved for removal at that time.

Heritage Planning Comments:
No heritage comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed variances, provided a building permit for the live/work units is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
No Comments or Concerns.

Parks and Cemeteries/Forestry Division Comments:
No concerns, no requirements. All Parks and Forestry requirements will be addressed through Site Plan Application SPB25/070/B.

Transportation Planning Comments:
The applicant has requested a minor variance to permit a maximum parking requirement of 330 parking spaces (1.4 parking spaces per dwelling unit) instead of the maximum permitted 301 parking spaces (1.3 parking spaces per dwelling unit). This increase is intended to respond to market demand in an area where public transit options are limited and not considered a practical alternative for residents. Transportation Services has reviewed the applicant's rationale and supports the proposed variance.

Six Nations of the Grand River Elected Council (SNGREC) Comments:
Treaty Rights Accommodation and Compensation
Further development of the land infringes on Six Nations Aboriginal and Treaty Rights by essentially guaranteeing land will not be returned to a natural state and by negatively impacting the environment through emissions and use of resources. Developments on this land fall under the Duty to Consult and Accommodate, meaning Six Nations of the Grand River must be consulted with and accommodated for impacts to their rights.

SNGREC requires that this development is paired with compensation for impacts to these rights and to the environment. Compensation should include environmental enhancement and could also include other forms such as increased numbers of affordable units and discounts for Six Nations people. Please contact lrlust@sixnations.ca to schedule a meeting to collaborate on determining compensation. SNGREC requires commitment to compensation before Detail Design.

Minor Variance-Specific Comment:
Parking: SNGREC encourages minimizing parking and does not support the increased parking minimums. New developments should have a transit-oriented future in mind and should avoid promoting car-centric living. Instead, developers should be considering mixed-use developments and working with the City to implement transit options.

Site Plan Related Comments:
Landscaping: SNGREC requires that native plant species be prioritized in landscaping efforts and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape

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Bird and Light Friendly Design: SNGREC requests that the buildings and streetscapes are designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and directing light downwards. Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

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https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Region of Waterloo Comments:
No concerns.

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 (2014)*

- *Growth Plan for the Greater Golden Horseshoe*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *PL110574-Apr-16-2012.pdf*
- *INDEX OF AMENDING BY-LAWS*
- *Zoning By-law 2019-051*
- *DSD-2021-242 A 2021-140 - 630 Benninger Drive*
- *30CDM-23202*
- *30CDM-24211*
- *DSD-2024-483- B 2024-030 - 630 Benninger Drive*

PLANNING, DEVELOPMENT
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Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: Emmett Vanson
To: Committee of Adjustment (SM)
Cc: Peter Graham
Subject: SNGREC Environmental Comments Re: Committee of Adjustment Application Review - December 9, 2025 Meeting
Date: Monday, November 17, 2025 11:52:44 AM
Attachments: Outlook-01a2z2tl.png
SNGREC Env Comments re Kitchener CoA Dec 9 meeting.pdf

Hello,

Attached are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on. I did not have any comments for any minor variances that not referenced in the attached documents.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (thank you),
Emmett Vanson, BSc. **(he/him)**
Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council - Lands and Resources Department - Consultation and Accommodation Process Team
lrlust@sixnations.ca

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From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, November 14, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: [External] ACTION REQUIRED - Committee of Adjustment Application Review - December 9, 2025 Meeting

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, December 9, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, November 24, 2025.

If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Nov 17, 2025

To: City of Kitchener Committee of Adjustment Via: Email

Greetings,

Included are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on.

1720 Glasgow St

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. SNGREC requests the replacement of Mugho Pine and Hicks Yew from the Plant List with native species.

SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

107 Young St W

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

131 Gage Avenue

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

532 & 546 Courtland Ave E

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

630 Benninger Drive

Treaty Rights Accommodation and Compensation

Further development of the land infringes on Six Nations Aboriginal and Treaty Rights by essentially guaranteeing land will not be returned to a natural state and by negatively impacting the environment through emissions and use of resources. Developments on this land fall under the Duty to Consult and Accommodate, meaning Six Nations of the Grand River must be consulted with and accommodated for impacts to their rights. SNGREC requires that this development is paired with compensation for impacts to these rights and to the environment. Compensation should include environmental enhancement and could also include other forms such as increased numbers of affordable units and discounts for Six Nations people. Please contact lrlust@sixnations.ca to schedule a meeting to collaborate on determining compensation. SNGREC requires commitment to compensation before Detail Design.

Minor Variance-Specific Comment:

Parking

SNGREC encourages minimizing parking and does not support the increased parking minimums. New developments should have a transit-oriented future in mind and should avoid promoting car-centric living. Instead, developers should be considering mixed-use developments and working with the City to implement transit options.

Site Plan Related Comments:

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

SNGREC strongly encourages the creation of pollinator gardens using native plant species in landscaped areas not intended for human movement. Pollinator gardens can offer food, breeding space, and sanctuary for pollinators that are harmed by human expansion as they lose functional habitat, and their remaining habitat becomes more fragmented. Community gardens could also be implemented alongside pollinator gardens for an

added community benefit. These will also increase the visual attractiveness of the area.

Bird and Light Friendly Design

SNGREC requests that the buildings and streetscapes are designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and directing light downwards.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

2922 King St E

Parking Minimums

SNGREC supports the reduced parking minimums.

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

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Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (Thank you) and kind regards

Emmett Vanson, Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council – Lands and Resources – Consultation and Accommodation Process Team

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Jade McGowan, Student Planner, 519-707-4759**

WARD(S) INVOLVED: **Ward 2**

DATE OF REPORT: **November 26, 2025**

REPORT NO.: **DSD-2025-480**

SUBJECT: **Minor Variance Application A2025-119- 455 Old Chicopee Trail**

RECOMMENDATION:

That Minor Variance Application A2025-119 for 455 Old Chicopee Trail requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a rear yard setback for an addition of 4.8 metres and a rear yard setback for a deck of 4.2 metres instead of the minimum required 7.5 metres to facilitate the construction of an addition and deck at the rear of the existing detached dwelling, generally in accordance with drawings prepared by AEDP Group Inc., dated November 16, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application for 455 Old Chicopee Trail to facilitate the construction of an addition in the rear yard and the construction of a deck in the exterior side yard.
- The key finding of this report is that the requested relief meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the western side of Old Chicopee Trail between Daimler Drive and Fairway Road North, in the Centerville Chicopee Planning Community.

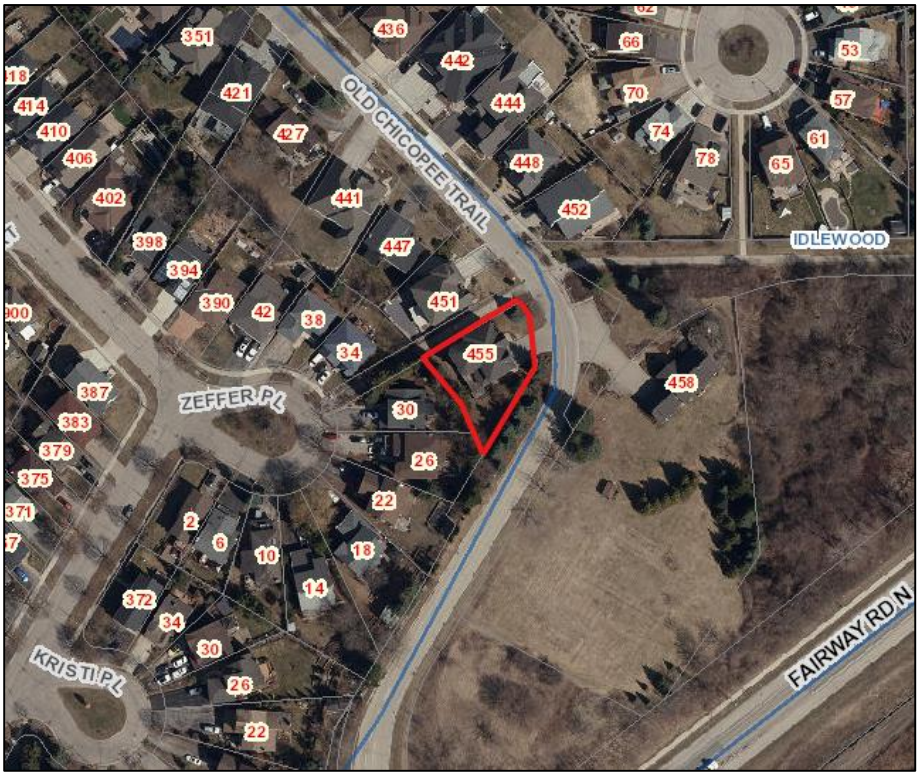

Figure 1: Location Map (Subject Property Outlined in Red)

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 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

Figure 2: Street View of Subject Property

Figure 3: Exterior Side Yard

Figure 4: Rear Yard Addition Location

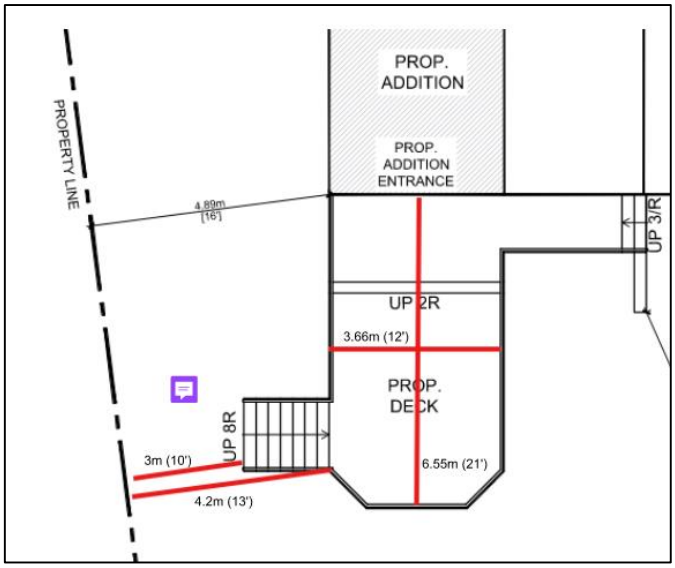

Figure 5: Deck dimensions and setbacks

The purpose of the application is to facilitate the construction of a rear yard addition to the existing detached dwelling and the construction of a deck in the exterior side yard. The proposed addition would be in the location of an existing deck, and the deck will be relocated to the exterior side yard. A minor variance is required to allow a rear yard setback of 4.8 metres for the addition and 4.2 metres for the deck, greater than 0.6 metres in height. Staff completed a site visit on November 19th, 2025.

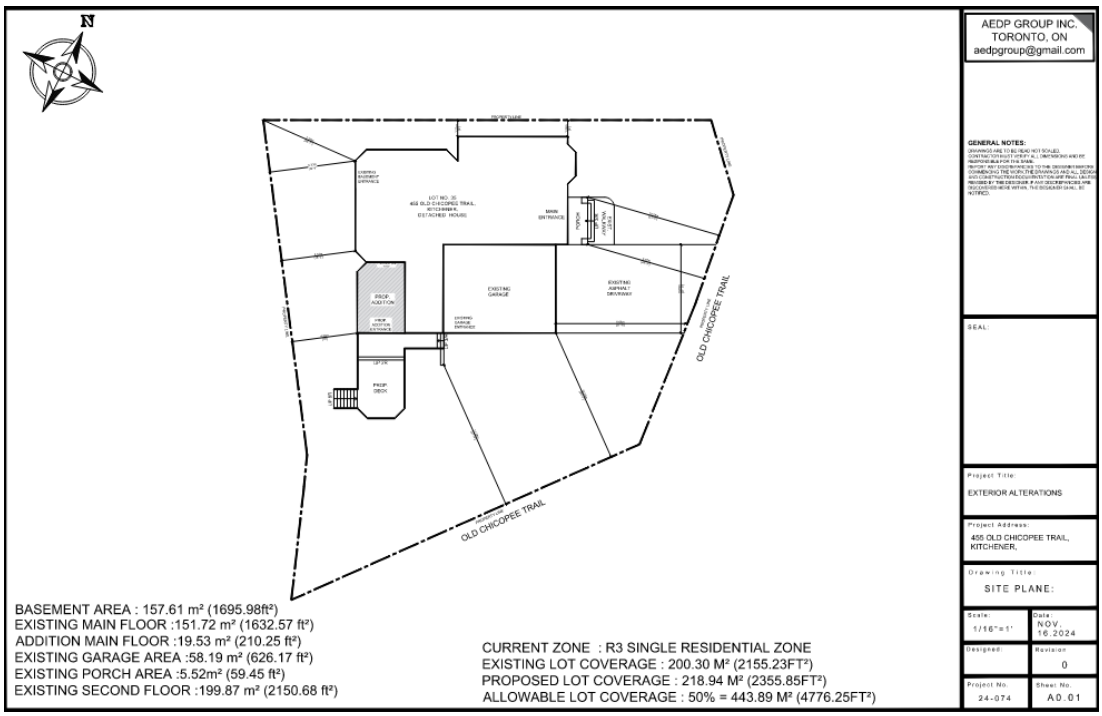

Figure 6: Proposed Site Plan

REPORT:

Planning Comments:

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

The intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types. The proposed rear yard addition is a natural extension of the existing detached dwelling. The proposed exterior side yard deck will extend from the proposed addition and serve as an outdoor amenity area. Therefore, Planning Staff are of the opinion that the requested variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the Zoning By-law rear yard setback regulation is to provide a sufficient amenity area and privacy from neighbouring dwellings. The property was previously zoned under Zoning By-law 85-1 which defined the rear lot line as the point formed by the intersection of the side lot lines in the case of a corner lot. The rear yard setback to the western most point of the lot maintains the required 7.5 metres and is legal non-conforming. The property has since been brought into Zoning By-law 2019-051 which defines the rear yard as the yard extending from the exterior side yard to the interior side lot line in the case of a corner lot. As such, relief is required to permit the addition.

Section 4.14.4.a) of the Zoning By-law outlines that decks located in the exterior side yard may project into a required front yard or exterior side yard provided certain conditions are met. The Section does not state that the deck, greater than 0.6 metres in height, may project into the required rear yard. As such, the deck shall meet the regulations required for the building with which it is associated in the applicable zone meaning relief is also required from Section 7.3 Table 7-2, to permit a reduced rear yard setback to the deck.

Due to the irregular shape of the property, it is Staff's opinion that sufficient amenity area for the dwelling will still be provided in the southern area of the rear and exterior side yard. The proposed deck will provide addition usable outdoor amenity area and the addition will also function as indoor amenity area for residents. In addition, Staff do not anticipate any privacy concerns as the subject property is well treed along the rear and exterior side lot lines. Therefore, Planning Staff are of the opinion that the requested variances maintain the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The proposed addition will be in the location of an existing deck and will serve as a natural extension of the existing dwelling. Staff do not anticipate any significant or adverse impacts resulting from the new addition and attached deck and proposed reduced rear yard setback. Therefore, Planning Staff are of the opinion that the effects of the requested variances are minor in nature.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?
The proposed addition will provide additional interior living space for the existing dwelling. The deck will provide additional outdoor amenity space that will increase the usability of the exterior side yard. Therefore, Planning Staff are of the opinion that the requested variances are desirable and appropriate for the use of the land.

Environmental Planning Comments:
No comments.

Heritage Planning Comments:
No comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the rear yard addition and deck.

Engineering Division Comments:
No concerns.

Parks and Cemeteries/Forestry Division Comments:
There are existing City-owned street trees within the right-of-way on Old Chicopee Trail. The trees could be impacted by proposed construction activities. **It is expected that all City owned tree assets will be fully protected to City standards** throughout demolition and construction as per Chapter 690 of the current Property Maintenance By-law. Tree Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

Transportation Planning Comments:
Transportation Services have no concerns with this application.

Region of Waterloo Comments:
No concerns.

Grand River Conservation Authority (GRCA)
GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals**
519-783-8913

PREPARED BY: **Sheryl Rice Menezes, Senior Planning Technician**
519-783-8944

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

DATE OF REPORT: **November 27, 2025**

REPORT NO.: **DSD-2025-489**

SUBJECT: **Minor Variance Application A2025-122 – 117 Samuel Street**

RECOMMENDATION:

That Minor Variance Application A2025-122 for 117 Samuel Street requesting Permission under Section 45(2)(a)(ii) of the Planning Act to expand a 'Legal Non-Conforming Use', a 5-unit multiple dwelling having a parking area of 3 parking spaces, to recognize a multiple dwelling having 6 dwelling units and to recognize a parking area having 4 parking spaces with the following:

- **i) to permit a motor vehicle on a parking space to encroach 4.1 metres into the 7 metre x 7 metre Corner Visibility Triangle (CVT) whereas the By-law does not permit encroachments into the CVT;**
- **ii) to permit a parking lot to have parking spaces that do not ingress and egress in a forward motion;**
- **iii) to permit a parking lot to be setback 0 metres from the westerly interior side lot line instead of the minimum required 1.5 metres;**
- **iv) to permit a parking space to have a length of 5.1 metres instead of the minimum required 5.5 metres;**
- **v) to permit a parking lot to be located in the front yard whereas the Zoning By-law does not permit parking lots in the front yard; and,**
- **vi) to permit a parking lot to be setback 0 metres from the front lot line (Krug Street) and 2.9 metres from the exterior side lot line (Samuel Street) instead of the minimum required 3 metres;**

in accordance with the drawings prepared by JR Design and Consultants, dated September 2025, Revision #2, BE APPROVED, subject to the following conditions:

1. **That the Owner demarcates the four (4) approved off-street parking spaces; as well as to clearly identify the asphalt area that is not used for parking, which is**

located along the Samuel Street flankage, to the satisfaction of the Manager, Development Approvals, and,

2. **That the Owner shall complete the work, identified in Condition No. 1 above, by April 30, 2026. Any request for a time extension must be approved in writing by the Manager, Development Approvals prior to completion date set out in this decision. Failure to complete the condition will result in this approval becoming null and void.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application for Permission in order to legalize the use of the subject property as a 6-unit multiple dwelling with a parking area having four off-street spaces.
- The key finding of this report is that the requested Permission under Section 45 (2) (a) (ii) meets the two criteria as outlined in the report below.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

Figure 1: Aerial Photo

BACKGROUND:
The subject property is located at the south-west corner of Samuel and Krug Streets.

It 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 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the Minor Variance Application is to see Permission to legalize the expansion of a 'Legal Non-Conforming Use', 5 unit multiple dwelling with three (3) off-street parking space to a 6-unit multiple dwelling with four (4) off-street parking spaces with consideration to the size and location of the parking spaces.

Figure 2: View from Krug Street
(Area marked with yellow hatching not to be used for parking).

REPORT:

History:
The subject building was constructed in 1951 as a 5-unit multiple dwelling under Zoning By-law 1823. At that time, there was no minimum number of parking spaces required for the use. From review of the file history, there appears to have been no parking spaces developed at that time.

A survey, dated February 10, 1961, shows a gravelled drive for the apartment building that accommodated three parking spaces, and which has been accepted as 'legal non-conforming' regarding size (depth) of the parking spaces and their location on the property. This 'legal non-conforming status' was determined by previous Planning Staff as the three (3) parking spaces existed prior to Zoning By-law 4830 (dated October 9, 1962).

In 1989, under Zoning By-law 4830, a Minor Variance Application was submitted by a previous owner and considered by the Committee of Adjustment to add a 6th dwelling unit within the existing building. At that time, the application was refused because of insufficient parking for 6 units. However, it is noted that the Zoning By-law requirement in 1989 for multiple dwellings was at a higher rate (1.25 parking spaces per dwelling unit).

Under the existing Zoning By-law, 2019-051, the current owner wishes to legalize the sixth dwelling unit and the parking area which contains 4 deficient parking spaces.

Planning Comments:

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(ii). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

Figure 3: View from Krug St of the interior side yard

Figure 4: View from corner intersection of Krug and Samuel Streets. (Area marked with yellow hatching is not to be used for parking)

Is Approval in the Public Interest?
Historically, the sixth dwelling unit has existed for some time without permission. This application is to legalize the use and ensure Building and Fire Code regulations are met for the tenants.

Regarding the expansion of the parking area to have four (4) parking spaces, staff note the following.

To have four (4) parking spaces instead of the required 6 spaces is supportable in this area as it is near public transit. There is a bus stop at the corner of Krug and Samuel Streets and there is a light rail transit station approximately 750 metres from the property (at Charles and Cedar Streets). As well, the location is within walking distance of the downtown a shopping plaza and other amenities;

Permitting parking spaces to encroach into the Corner Visibility Triangle is supportable. It is noted that the CVT is taken at the intersection of the property lines. When the CVT is viewed at the intersection of the curbs, there is clear visibility to traffic at the intersection.

Permitting the parking spaces to have a length of 5.1 metres rather than the required 5.5 metres is supportable. Staff note that there exists city-owned land between the property line along Krug Street and the sidewalk. This is sufficient for the parking depth of a motor vehicle (5.5 metres). Therefore, there is no impact on the streetscape in the consideration of legalizing this parking area by reducing this measurement within the property line.

Lastly, permitting a parking lot to have motor vehicles that do not ingress and egress in a forward motion is supportable, to be setback 0 metres from the westerly interior side lot line rather than the required 1.5 metres; to be located in the front yard whereas the Zoning By-law does not permit parking lots in the front yard; and permitting a parking lot to be setback 0 metre from the front lot line (Krug Street) and 2.9 metres from the exterior side lot line (Samuel Street) rather than the required 3 metre setback is supportable. The parking layout has existing sometime without concerns.

Transportation Planning staff advise that after reviewing the existing site conditions and the rationale provided, they can support a parking area having four (4) parking spaces of this size and in their configuration and location on the property.

Planning staff note that legalizing the existing 6th unit is in the public interest as it will support a gentle intensification and the City's Housing Pledge in a built form conducive to dwelling units.

Any Adverse or Unacceptable Impacts?
Though the use of the building as a 6-unit multiple dwelling appears to have existed since at least 1989, without permission, it has not received any complaints regarding the number of dwelling units.

The applicant has attached to the application four letters from neighbours in support of the Minor Variance Application.

Regarding the existing paved area along Krug Street, the applicant has agreed not to have any parking spaces extend beyond the Samuel Street façade line. Therefore, Staff are recommending a condition to demarcate the parking spaces and ensure that the no-parking area is differentiated from the parking area, such as painted lines as shown in Figures 2 and 4.

Staff are of the opinion that there are no adverse or unacceptable impacts in approving this requested Minor Variance Application for Permission.

Environmental Planning Comments:
No concerns.

Heritage Planning Comments:
The property municipally addressed as 117 Samuel Street is located within the Central Frederick Cultural Heritage Landscape (CHL). The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The

proposed application is not anticipated to have any adverse impacts to the CHL's attributes. Thus, staff have no comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed variance provided a building permit to legalize the 6th dwelling unit is obtained. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
No concerns.

Figure 5: View from Samuel Street from rear yard towards Krug Street

Parks and Cemeteries/Forestry Division Comments:
No concerns or requirements.

Transportation Planning Comments:
Transportation Services and Planning staff have engaged with the applicant regarding the proposed variances. After reviewing the existing site conditions and the rationale provided, Transportation Services supports the requested variances.

Given that some residential units will not include an associated parking space, Transportation Services recommends unbundling parking and offering spaces separately

from the lease or purchase of residential units. This approach promotes the efficient use of parking resources by allowing residents who do not require parking to avoid incurring additional costs.

Region of Waterloo Comments:
No concerns.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

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www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From:
To: Committee of Adjustment (SM)
Subject: Re: Committee of Adjustment A2025-122 @ 117 Samuel St.,Kitchener
Date: Thursday, December 4, 2025 8:15:35 PM

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To: Committee of Adjustment, City of Kitchener Dec 04, 2025

From: Henry Eitzen

Re: Committee of Adjustment A2025-122 @ 117 Samuel St.,Kitchener

History of apartment building at 117 Samuel St.

My brother and I in our inherited family home at Krug St. Our parents purchased our home in 1955, before the apartment building at 117 Samuel St was built. The owner of the 117 Samuel St property at the time was a . was a dishonest man. He told our parents he was just planning to renovate the existing century home. After the work began, it soon became obvious his plan was to construct the building in question. City records should indicate whether initially applied for a building permit or applied for a renovation permit and later was granted a zoning bylaw exception and building permit after the construction had begun (without the required permit).
Unfortunately, for our family, the City of Kitchener allowed to complete the construction. **The result of this unjustified decision by the City of Kitchener was that profited while our family suffered a loss to our property's value. This loss of value to our property is permanent.**

Requested Committee of Adjustment Actions

Given that the original building permit issued by the City of Kitchener in the 1950's was financially injurious to the surrounding area's property values and the building continues to be a depreciating factor for adjacent properties, **the application for a 6th unit as well as any request for expansion of the parking lot should be rejected.** As the heirs to Krug St., we can be considered as the original party who's adjacent property has been permanently depreciated. We have never received any form of compensation from the City of Kitchener after it permitted the apartment building to be constructed next our property. We assume the city will also not offer to compensate local homeowners for an additional realty valuation downgrade of their properties if the Committee of Adjustment approves a 6th unit. Given the controversial history of 117 Samuel St., it may be questionable whether approval of any application to increase the number of permitted units could withstand a legal suit. The City of

Kitchener should never have issued the initial zoning exception due to the fact that permitting the apartment to be built caused a financial loss for several homeowners.

We also request the City of Kitchener complete an inspection of 117 Samuel St. for possible current bylaw infractions. This brief provides the Committee of Adjustment with strong evidence that a 6th unit may have been installed and the property owner(s) may be illegally collecting rent payments from a 6th unit since June. An inspection of the rear fencing is required to address the issue of unlawful encroachment.

Current bylaw issues at 117 Samuel St

This past June, we witnessed new tenants moving into the building. The new tenants have been parking overnight on the street. The new tenants vehicle license plate number can be provided upon request. Since all other tenants vehicles are still parked in their designated spots, there is a strong possibility the 6th apartment has been installed and the property owner(s) are illegally collecting rent from the occupants of an apartment that does not have the required bylaw adjustment.

I'm unsure as to how many tenant vehicles are permitted on this property. Currently, their are 6 vehicles as 1 parking spot has been lengthened for the unit that has 2 vehicles. There is no room to park another vehicle on this property as there is a bus stop on the corner. One of the parking spots is already a proximity hazard to this bus stop.

The property rear fencing that backs onto 77 Krug St. does not conform to Kitchener's required fencing bylaw standards. The wooden fence is in disrepair and leans onto our adjacent property. The fence is wholly owned by 117 Samuel st. A few years ago, someone associated with the apartment building trespassed onto our property at Krug St. and without permission, drove a few metal stakes into the ground in an effort to straighten the leaning fence. The City of Kitchener cannot allow this act of encroachment to stand.

Henry Eitzen

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Tim Seyler, Senior Planner, 519-783-8920**

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

DATE OF REPORT: **November 26, 2025**

REPORT NO.: **DSD-2025-490**

SUBJECT: **Minor Variance Application A2025-123 – 20 Gildner Street**

RECOMMENDATION:

That Minor Variance Application A2025-123 for 20 Gildner Street requesting relief from Section 6, Table 6-3, of Zoning By-law 2019-051, to permit a lot width of 12.3 metres instead of the minimum required 18 metres and a lot area of 693.7 square metres instead of the minimum required 700 square metres, in accordance with Site Plan Application SPB/097/G, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to facilitate the construction of 2 additional dwelling units within an already existing 10 unit multiple dwelling, for a total of 12 dwelling units on the subject property.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north side of Gildner Street near the intersection of Park Street and Gildner Street.

Figure 1 - Location Map: 20 Gildner Street

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the construction of 2 additional dwelling units within an already existing 10 unit multiple dwelling, for a total of 12 dwelling units on the subject property. The applicant is requesting a reduced lot width of 12.3 metres rather than the minimum required lot width of 18 metres, and a reduced lot area of 693.7 square metres rather than the minimum required lot area of 700 square metres.

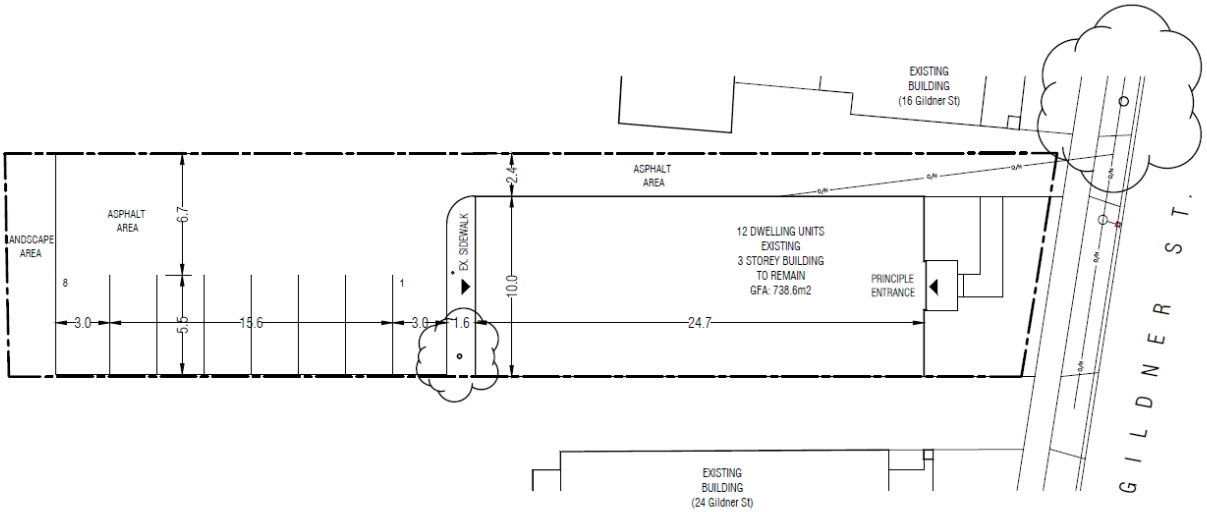

Figure 2 – Proposed overall Site Plan

The applicant is proposing to convert existing storage space and laundry facilities to provide 2 additional units within the existing building on the subject property. The remaining units will also be renovated to include new laundry facilities within the units. There is no loss of dwelling units on the property, nor will there be any loss of existing tenants. During the renovations the existing storage shed at the back of the property will be removed in order to modify the existing parking layout to the new proposed layout. An existing access easement with the adjacent property at 16 Gildner St over the driveway will be maintained to provide access to the rear parking area.

Further, Section 6.3.2 c) of the Zoning By-law states that existing buildings may be converted for more dwelling units and only subject to the minimum lot width and minimum lot area regulations and parking spaces cannot be located within the front yard and exterior side yards. The application is for interior renovations only and no changes to the exterior of the building are proposed therefor the existing setbacks are considered to be legal non-conforming.

Figure 3 – Existing building – 20 Gildner Street

Figure 4 – Existing rear yard (structure to be removed)

REPORT:

Planning Comments:

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

The intent of the 'Strategic Growth Area A' land use designation is to accommodate intensification with existing predominantly low-rise residential neighbourhoods that are located further away from rapid transit station stops, or where the lands are generally too small to support high rise buildings. The designation anticipates a majority of development will occur through infill development including missing middle housing and compatible non-residential uses. The renovations to include 2 additional units within an existing 10-unit building is considered to be gentle intensification and infill development within the existing neighbourhood. Planning Staff are of the opinion that the proposed development meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the lot width and lot area regulations is to ensure that a lot is large enough to support a multiple dwelling and to ensure appropriate setbacks can be met in a compatible way. The property is an existing multiple dwelling, and the additional units will be within the existing building. While parking is proposed to continue to be provided, the 2 additional dwelling units do not generate any new required parking. No changes are being made to the external portions of the building, and the property has shown that a multiple dwelling

can function within the neighbourhood with no concerns. Staff is off the opinion that the requested variances for a reduced lot width and lot area meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?
The effects of the reduced lot width and lot area are considered minor, as the reductions ensure that the existing building can remain and renovated for an additional 2 units for a total of 12 dwelling units. There will be no exterior changes to the building and no significant changes noticeable to the surrounding neighbourhood. As the proposed variances are not expected to impact the surrounding neighbourhood, the effects will be minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?
The requested variances are considered desirable for the appropriate development of the land. The decrease in lot width and lot area will allow an additional 2 dwelling units to be development within an existing building supporting a gentle intensification and the City's Housing Pledge.

Environmental Planning Comments:
No natural heritage planning concerns.

Heritage Planning Comments:
The subject property has no heritage status. However, it is located within the Gildner Neighborhood Cultural Heritage Landscape (CHL).The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. Since the proposed application is not proposing any exterior alterations, it is not anticipated to have any adverse impacts to the CHL's attributes. Thus, staff have no comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed variance provided a building permit for the 2 additional dwelling units is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:
Cash-in-lieu of parkland dedication will be required prior to issuance of a Building Permit. No other concerns or requirements.

Transportation Planning Comments:
Transportation Services have no concerns with this application.

Region of Waterloo Comments:
No concerns.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

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November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

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Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Jade McGowan, Student Planner, 519-707-4759**

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

DATE OF REPORT: **November 26, 2025**

REPORT NO.: **DSD-2025-488**

SUBJECT: **Minor Variance Application A2025-124 – 131 Gage Avenue**

RECOMMENDATION:

That Minor Variance Application A2025-124 for 131 Gage Avenue requesting relief from the following Sections of Zoning By-law 2019-051

i) **Section 7.3, Table 7.6, to permit an easterly interior side yard setback of 2.7 metres instead of the minimum required 3 metres;**
ii) **Section 7.3, Table 7.6, to permit a Floor Space Ratio (FSR) of 0.74 instead of the maximum permitted FSR of 0.6; and**
iii) **Section 7.6 b) to permit a front yard setback of 5.9 metres instead of the maximum permitted 5.6 metres**

to facilitate the development of a 3 storey multiple dwelling having 36 dwelling units, in accordance with 'Conditionally Approved' Site Plan Application SPF25/035/G, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application requesting relief from the minimum interior side yard setback, the maximum Floor Space Ratio, and the maximum front yard setback regulations.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.

- This report supports the delivery of core services.

BACKGROUND:
The subject property is located on the north side of Gage Avenue, between Belmont Avenue West and Waverly Road. It is located in the Cherry Hill Planning Community and the Warehouse District Cultural Heritage Landscape. The property is currently vacant. The lands immediately surrounding the subject property are comprised of the C.N. Railway to north, cluster townhouses to the east, and the Iron Horse Trail to the west.

Figure 1: Location Map (Subject Property Outlined in Red)

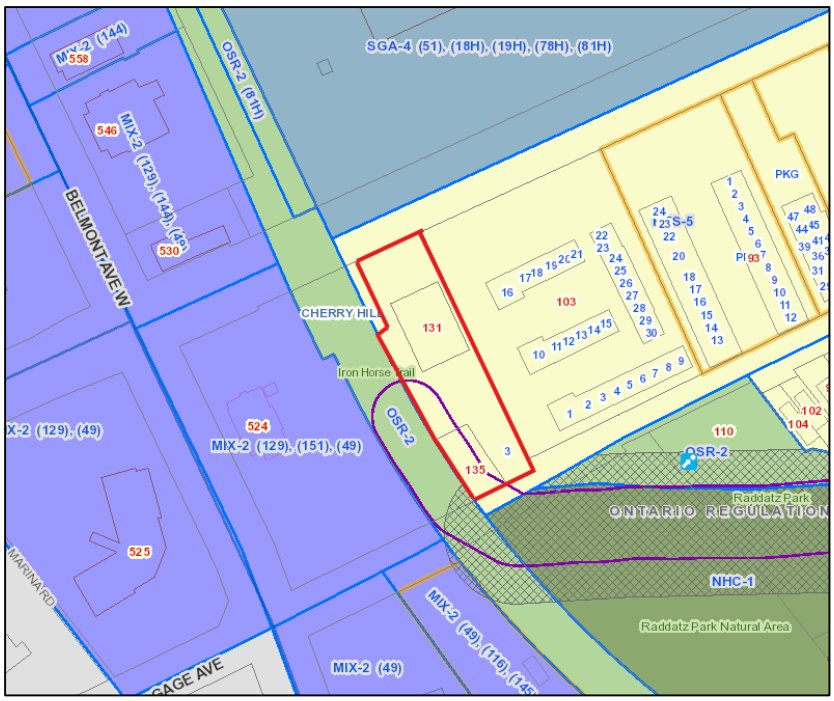

Figure 2: Zoning Land Use Map (Subject Property Outlined in Red)

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 ‘Low Rise Residential Five Zone (RES-5)’ in Zoning By-law 2019-051.

Figure 3: Subject Property

Figure 4: Eastern Interior Side Yard

The property is subject to Site Plan Application SPF25/035/G, which was ‘Conditionally Approved’ on October 23, 2025. The purpose of this application is to request Minor Variances to facilitate the construction of a multiple dwelling residential development consisting of 3 storeys and 36 residential dwelling units. The applicant is requesting a decreased easterly interior side yard setback of 2.7 metres instead of the minimum required 3 metres, to permit a Floor Space Ratio (FSR) of 0.74 instead of the maximum permitted FSR of 0.6, and an increased front yard setback of 5.9 metres instead of the maximum permitted 5.6 metres.

Staff conducted a site visit on November 19, 2025.

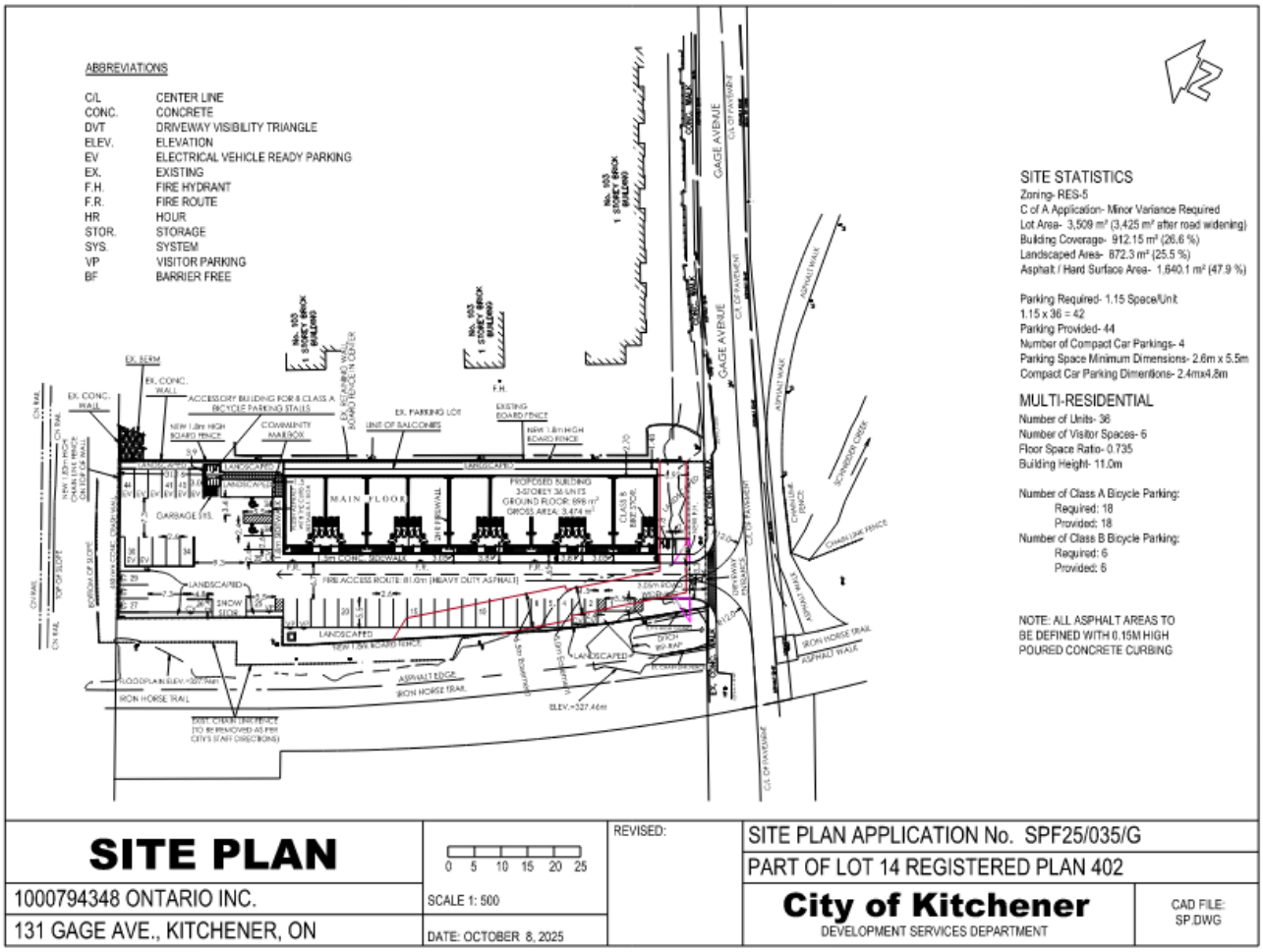

Figure 5: Conditionally Approved Site Plan

Figure 6: Proposed Elevation

REPORT:

Planning Comments:

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

The general intent of the Low Rise Residential land use designation is to accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing. The maximum Floor Space Ratio (FSR) and building height is regulated through the Zoning By-law. Official Plan policies do permit site specific increases within low rise residential zones to a Floor Space Ratio (FSR) up to a maximum of 0.75, where it can be demonstrated that the increase is compatible. A site layout that is compatible with the existing scale and character of the neighbourhood has been accomplished through the Site Plan Application process. Adequate landscaped areas and parking areas are provided on site. The proposed multiple dwelling site design maintains a low rise built form that is compatible with the scale of the surrounding neighbourhood and provides adequate landscaped and parking areas on site. Therefore, Planning Staff are satisfied that the variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The purpose of the 'RES-5' zone is to accommodate the widest range of low density dwelling types on the widest range of lot sizes in low rise areas. The intent of the interior side yard setback regulation is to preserve adequate separation between buildings, mitigate privacy concerns between properties, and ensure enough space for maintenance access. The property was previously zoned 'R-6' under Zoning By-law 85-1 which permitted a 2.5 metre side yard setback. The applicant has requested to allow an interior side yard setback of 2.7 metres where 3.0 metres is required under the new RES-5 zoning. The lot line subject to this relief is adjacent to a parking lot and driveway on the abutting property. The balconies located in this interior side yard are adequately setback from the lot line. As such, Staff do not anticipate any privacy or access concerns and are of the opinion that the requested variance for reduced interior side yard setback meets the general intent of the Zoning By-law.

The intent of the regulation for a maximum Floor Space Ratio of 0.6 for multiple dwellings is to regulate the overall massing of buildings on site and to ensure there is adequate space on-site for off-street parking, amenity areas, waste storage, snow storage, hydro transformers, community mailbox, bicycle storage, and other various site features. The site plan provided demonstrates that there is adequate space on site for the aforementioned items and through the Site Plan process staff have reviewed the plan to ensure the site functions. Staff is of the opinion that the requested variance for an increase in Floor Space Ratio meets the general intent of the Zoning By-law.

The intent of the maximum front yard setback regulation is to ensure that development maintains a consistent street line presence. The regulation outlines that the maximum front yard shall be the established front yard plus one metre. The front yard setback of the low rise residential property to the east at 103 Gage Avenue is 4.7 metres therefore the maximum front yard is 5.7 metres. Due to the 5.6 metre easement over the sanitary pipe located in the front yard, the multiple dwelling cannot meet the required setback. The easement is required by Engineering for realignment of the existing sanitary sewer. Staff are satisfied through the detailed design that the proposed multiple dwelling will maintain a street presence while making the best use of the property despite the constraints of the site. Therefore, Staff is of the opinion that the requested variance for an increase in maximum front yard meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The effects of the reduced side yard, increase in Floor Space Ratio (FSR), and increased maximum front yard setback are considered minor, as the increased floor space on site can be accommodated while providing for the necessary site features as well as maintaining the required rear yard setback. The increased floor space is not expected to increase impacts to the surrounding neighbourhood beyond what is permitted with a 0.6 Floor Space Ratio permitted as-of-right. The increased front yard setback is due to an easement spanning most of the front yard and is not expected to impact the surrounding neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variances are considered desirable for the appropriate development of the land and will provide additional dwelling units to the City's housing stock and support the City's Housing Pledge. The increase in Floor Space Ratio (FSR) and reduced side yard allows for a multiple dwelling design with more comfortable sized units and the increased front yard is desirable for future access to the sanitary services easement.

Environmental Planning Comments:

Please see separate email to Andrew Pinnell, dated November 28, 2025. Water management to enhance the Ecological Restoration Area was committed to as part of the Site Plan Approval Process. See full comments under Attachment 'B' below.

Heritage Planning Comments:

The subject property has no heritage status. However, it is located within the Warehouse District Cultural Heritage Landscape (CHL).The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. Staff would like to provide the following comments regarding the proposed design of the townhomes:

The applicant is encouraged to design the townhomes using massing and architectural details that are consistent with the established character of the neighborhood. The applicant is encouraged to consider a more neutral colour for stone - a beige as opposed to the gray. The applicant is also encouraged to have a fenestration pattern and massing that is more consistent with nearby townhome developments.

Building Division Comments:
The Building Division has no objections to the proposed variance provided a building permit for the stacked townhouse is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
No concerns.

Parks and Cemeteries/Forestry Division Comments:
All Parks and Forestry requirements, including Parkland Dedication, will be addressed through Site Plan Application SPF25/035/G.

Transportation Planning Comments:
Transportation Services have no concerns with this application.

Region of Waterloo
No concerns.

Grand River Conservation Authority (GRCA)
The GRCA has no objections to the minor variance application. A GRCA permit is required for any work within the regulated area. See full comments in Attachment 'A' below.

Six Nations of the Grand River Elected Council (SNGREC) Advisory Comments:
Bird and Light Friendly Design
SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more. Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:
https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf
https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping
SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *Site Plan Application SPF25/035/G*

ATTACHMENTS:

Attachment A – GRCA Comments
Attachment B – Environmental Planning Comments

Attachment A - GRCA Comments

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 20, 2025

Via email

GRCA File: A2025-124 – 131 Gage Ave

Marilyn Mills
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Re: Minor Variance Application (A2025-124)
131 Gage Avenue, City of Kitchener
Mansour Zarkari, 1000794348 Ontario Inc.

Dear Marilyn Mills,

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application to facilitate stacked townhouses consisting of 36 units.

Recommendation

The GRCA has no objections to the minor variance application. A GRCA permit is required for any work within the regulated area.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property is adjacent to Westmount Creek. As discussed in our site plan comments, we note that the floodplain mapping for Westmount Creek is incomplete. The applicable regulatory floodplain elevation (RFE) for the subject property is 327.96 metres (CGVD28) / 327.55 metres (CGVD2013), based on hydraulic modelling available to us and backwater conditions. As such, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24. Any new development/site alteration within the regulated area will require a permit from the GRCA.

GRCA previously provided comments on the associated site plan application, dated June 6, 2025, which indicated that we had no objections due to the proposed structure being outside of the existing and proposed floodplain. It is our understanding that the minor variance application

is to request relief for the required minimum left side yard setback, maximum lot coverage, and maximum front yard setback. We also understand that the minor variances are required as part of clearing the City's conditions for site plan approval. Based on our review of the current submission, we have no objections to the approval of the minor variance application.

We acknowledge receipt of the plan review fee of $465.00 for the associated site plan application. As such, no additional fees are required for our review of the minor variance application. Please note that a separate fee is required for a GRCA permit application.

We trust this information is of assistance. Should you have any questions, please contact the undersigned at 519-621-2763 ext. 2270 or awang@grandriver.ca.

Sincerely,

Angela Wang
Resource Planner
Grand River Conservation Authority

Copy: Mansour Zarkari, 1000794348 Ontario Inc. (via email)

Attachment B – Environmental Planning Comments

From: Barbara Steiner <Barbara.Steiner@kitchener.ca>
Sent: Friday, November 28, 2025 3:30 PM
To: Andrew Pinnell <Andrew.Pinnell@kitchener.ca>
Cc: Sandro Bassanese <Sandro.Bassanese@kitchener.ca>
Subject: City Envl Planning RE: Full Site Plan SPF25/035/G - 131 & 135 GAGE AVE

Andrew:

For my/your records, I did review GRCA's comments, the SWM Report and the Functional Servicing Report late this spring to confirm that my PSC comments regarding the water quantity/quality concerns/opportunities were incorporated into the site design. This was to ensure that the Ecological Restoration Area (ERA, Kitchener Official Plan overlay) that exists on-site coincident with the floodplain of Westmount Creek will be properly treated through the development of the site.

These studies were accepted by the City and deemed to meet the requirements for a (Scoped) EIS when development occurs on/adjacent to an Ecological Restoration Area.

Review of the studies noted above indicates that:

- quantity is being controlled to pre-development (or less) levels to prevent erosion of the Westmount Creek valleyland downstream of the site in Raddatz Park; and
- a Stormceptor OGS will be installed on-site to ensure that Level 1 ("Enhanced") MOE water quality parameters are achieved through the development.

Both of these measures will contribute to an improved Westmount Creek, and meets the tests/ requirements of KOP ERA Policies in Policies 7.C.2 34-43.

Trusting this will be carried through to implementation.

Barbara Steiner
Senior Environmental Planner | Planning | City of Kitchener
519-783-8947 | TTY 1-866-969-9994 | barbara.steiner@kitchener.ca

PLANNING, DEVELOPMENT
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www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

From:	Pateman, Doug
To:	Marilyn Mills; Committee of Adjustment (SM)
Cc:	Sliwa, Katarzyna; Banach, Isaiah; Tim Fedy; Andrew Pinnell
Subject:	Letter to the Committee of Adjustment- 1CN-1000794348 Ontario Inc., 131 and 135 Gage Avenue, Kitchener - Municipal File No. A 2025-124 (127446-1765)
Date:	Wednesday, December 3, 2025 3:37:14 PM
Attachments:	Letter to Committee of Adjustment - CN - 1000794348 Ontario Inc., 131 & 135 Gage, Kitchener - Sent December 3, 2025.pdf

You don't often get email from doug.pateman@dentons.com. Learn why this is important

Hello Ms. Mills,

On behalf of our client, Canadian National Railway Company (“CN”), please find attached a letter outlining CN’s comments and request regarding the subject minor variance application.

We kindly ask that you circulate the attached letter to the Committee Members for the December 9, 2025 meeting and confirm receipt of this email.

Thank you for your time and assistance.

Doug Pateman
Associate

My pronouns are: He/Him/His

D +1 416 862 3411
doug.pateman@dentons.com | Bio | Website
Dentons Canada LLP | 77 King Street West, Suite 400, Toronto-Dominion Centre, Toronto, ON, M5K 0A1, Canada

Logo

Our Legacy Firms | Client Experience (CX)

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Doug Pateman
Associate

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Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

December 3, 2025

File No.: 127446-1765

Sent Via Email: marilyn.mills@kitchener.ca & CofA@kitchener.ca

Marilyn Mills
Secretary-Treasurer, Committee of Adjustment
City of Kitchener
City Hall, 6th Floor
200 King Street West
Kitchener, ON N2G 4G7

Dear Ms. Mills and the Members of Committee:

Re: Committee of Adjustment - December 9, 2025 Meeting
Item 6.6 Minor Variance Application A 2025-124
131 & 135 Gage Ave, Kitchener (the "Subject Lands")
1000794348 Ontario Inc (the "Developer")

We are counsel for Canadian National Railway Company ("CN") with respect to the above-noted matter.

The Developer proposes to build a residential building with 36 residential units directly abutting CN's Guelph Subdivision. To facilitate this project, the Developer seeks certain variances to reduce the side and front yard setbacks and an increase in the FSI.

For the reasons set out in this letter, CN views this matter as premature as serious issues relating to safety and compatibility remain unaddressed. As such, we ask the Committee to defer the approval of these variances until such time as these matters have been resolved.

Background

CN set out its ongoing interests in this project on multiple occasions. On May 10, 2024 and May 16, 2025, in relation to the concurrent site plan application, CN provided comments, including a list of proposed conditions, most of which remain unresolved. This correspondence is attached as Appendices "A" and "B", respectively.

The City conditionally approved the site plan application on October 23, 2025. CN subsequently submitted a letter to Mr. Andrew Pinnell, Senior Planner, on November 12, 2025, requesting that City Staff not support any application for minor variance until issues of safety and compatibility are addressed, including registering a CN Development Agreement and Environmental Easement on the Subject Lands. A copy of this letter is attached as Appendix "C".

Puyat Jacinto & Santos ► Link Legal ► Zaanouni Law Firm & Associates ► LuatViet ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

As the Developer's application materials were only provided to Dentons Canada LLP yesterday, three days prior to the Staff report's public release, our office's ability to provide technical comments was limited, despite our requests for advance notice.

CN's Role and Concerns

CN owns and operates significant rail infrastructure in the City of Kitchener, including the Guelph Subdivision immediately north of the Subject Lands. CN's operations are integral to both Kitchener's and Canada's economy. The City of Kitchener's Official Plan acknowledges the need for land use compatibility with CN's infrastructure. Policy 6.C.3.18 states that all proposed development adjacent to railways must ensure appropriate safety measures to the satisfaction of the City in consultation with the railways, including CN.

Key aspects of compatibility between railways and sensitive uses include provisions for a crash wall, study of noise and vibration, confirmation of setback distances, review of stormwater management matters, among others. As CN's Guelph Subdivision is a "major facility" under the Provincial Planning Statement ("PPS"), Policy 3.5 requires that development avoid, or if avoidance is not possible, minimize and mitigate potential adverse effects. Where avoidance is not possible, the City is required to protect the long-term viability of CN's infrastructure from incompatible sensitive uses (PPS, s. 3.5).

We are not aware of what work was done by the Developer or the City to satisfy these policies.

To address noise and vibration issues, CN asks that the Developer enter into an agreement under the *Industrial and Mining Lands Compensation Act* (the "Development Agreement") and grant CN an Environmental Easement in relation to noise emissions over the Subject Lands. These documents provide notice and set out responsibilities for how noise and vibration mitigation will be implemented and maintained for the long-term. These requirements remain unaddressed.

As noted in our previous correspondence to Mr. Pinnell, the City's approvals to date do not address ongoing land use compatibility between sensitive uses and rail uses as envisioned by the City's Official Plan Policy 6.C.3.18. In the conditional site plan approval, CN Warning Clauses are included, which are helpful to inform residents, but do not identify how noise mitigation will be addressed or how it will be maintained to ensure the long-term viability of CN's infrastructure, as required by the PPS.

The Developer's requested variances, individually and collectively, do not maintain the general intent and purpose of the Official Plan or Zoning By-law. While the Developer has proposed crash walls along the CN right-of-way, without a Development Agreement secured on title to the Subject Lands, the construction and maintenance of these crash walls is not guaranteed. Simply, without a Development Agreement, the proposal does not align with the general intent and purpose of the Official Plan nor Zoning By-law, thus would fail the statutory test for a minor variance as the appropriate safety measures such as security fencing, crash walls and setbacks are not secured. The CN Development Agreement secures the long term safety measures between CN's operations and the Developer's sensitive uses.

It is the intent and purpose of the Official Plan to ensure the continued safety of residents living in proximity to railway operations. Absent the registration of the Development Agreement and Environmental Easement, the Developer's proposal does not meet this intent and purpose. In addition to Policy 6.C.18, Policy

4.C.1.8(d) specifically requires that developments mitigate any adverse impacts where minor variances are requested.

Given that the Developer has yet to finalize the form of mitigation required as a result of CN operations, any increase in FSI brings even more sensitive users into proximity with CN's operations. The Official Plan explicitly requires that adverse impacts, such as that of noise and vibration, be mitigated. Simply, absent a Development Agreement securing both noise and vibration mitigation for a future higher-density use, as envisioned by the increased FSI variance, this Committee cannot reasonably determine that the variances meet the intent and purpose of the Official Plan.

In addition, the Developer's proposal cannot be considered desirable for the appropriate development of land because absent a CN Development Agreement in place to secure essential mitigation measures, the comfort of future residents cannot be guaranteed. Without the Development Agreement, there is no guarantee that crash walls, security fencing, and noise/vibration mitigation will be constructed or maintained over the long term. These measures are critical to ensuring compatibility between the increased FSI on the Subject Lands and CN's Guelph Subdivision. Approving the variances without a binding Development Agreement would expose future users of the sensitive uses to ongoing safety and nuisance risks and undermine the long-term viability of CN's operations, contrary to the PPS and the City's Official Plan.

Simply put, it is undesirable to permit a sensitive use adjacent to a major facility without a clear, enforceable plan for construction and maintenance of mitigation measures. In CN's view this means the Developer also failed the second statutory test for a minor variance being the desirable and appropriate development of the Subject Lands. A minor variance proposing reduced setbacks would bring multiple sensitive residents closer to CN operations without adequate mitigation. The purpose of the Development Agreement is to secure the form and type of mitigation measures required for the proposal of sensitive uses. If approved, an inadequate crash wall, or the absence of one, could seriously compromise the safety of the Subject Lands. Residents would be subjected to ongoing rail operations and increased exposure to noise and vibration if the proposal is approved as submitted.

Again, absent a secured Development Agreement on title to the Subject Lands, the development cannot be considered desirable or appropriate. To be appropriate and desirable, the proposed use must be safe and adverse impacts adequately mitigated.

In CN's view, absent a registered Development Agreement and Environmental Easement, compatibility between the proposed residential uses and CN's operations remains uncertain and inconsistent with the Provincial Policy Statement, the intent and purpose of the Official Plan, and the Zoning By-law. For this reason, the Committee of Adjustment should refrain from granting the Minor Variance for the Subject Lands until CN has confirmed that compatibility issues have been resolved, including through registration of the CN Development Agreement and Environmental Easement.

CN notes that as-of-right setback reductions of 10%, recently introduced through O. Reg. 257/25, do not apply to lands within 300 metres of a railway line. The Province was careful to maintain setback distances in proximity to rail to ensure long-term safety and compatibility between sensitive land uses and railway operations.

CN is prepared to work with the Developer to address its issues, such that these lands can be used for a sensitive use, notwithstanding that they are located immediately next to a major facility. However, it is premature for this Committee to proceed with approval until appropriate noise, vibration, and crash safety measures have been properly addressed and secured.

Request for Deferral

CN respectfully requests that the Committee of Adjustment defer consideration of the minor variance application until the safety and compatibility issues raised in this letter have been addressed. Specifically, we ask that this matter not proceed until a CN Development Agreement and Environmental Easement have been registered on title to the Subject Lands.

Please ensure that a copy of this letter is provided to the Committee members in advance of the December 9, 2025, meeting.

Best Regards,

Dentons Canada LLP

Doug Pateman

Associate

Attachments:

Appendix “A” email dated May 10, 2024
Appendix “B” email dated May 16, 2025
Appendix “C” letter dated November 12, 2025

Copy:

Tim Fendy, counsel for the Developer
Client
Andrew Pinnell, Senior Planner
Katarzyna Sliwa and Isaiah Banach, Counsel for CN

Appendix "A"

Pateman, Doug

From: Proximity
Sent: Friday, May 10, 2024 3:39 PM
To: Sandra.Djuric@kitchener.ca
Cc: planning.applications@kitchener.ca
Subject: 2024-05-10-CN Comments_Notice of (SP/MV) Pre-Submission Consultation for 131 & 135 Gage Ave
Attachments: 131 & 135 Gage Ave - Application_for_Pre-submission_Consultation.pdf; 131 & 135 Gage Ave - Cover Letter.pdf; 131 & 135 Gage Ave - Draft Concept Plans.pdf

Hello Sandra,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Guelph Subdivision Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual application approval:

1. Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1. If the integration of a safety berm is not feasible a crash wall must be design following the attached standards developed by AECOM. CN will require for the crash wall design to be peer reviewed and approved by AECOM.

2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.

3. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant.

4. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ±3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.

5. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

   "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. 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). 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."

6. The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.

7. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm/crashwall, fencing, and noise/ vibration mitigation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.

8. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

9. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a noise and vibration study, a crash wall design reviewed and approved by AECOM and a storm water management report taking into consideration FCM/RAC development guidelines.

Please, note that a CN work permit may be required for construction works within 10 meters from CN right of way. A work permit application may be submitted to CN public works via permits.gld@cn.ca, for their review and authorisations prior to the construction phase of the project.

We request that CN Rail and the proximity@cn.ca email be circulated on any and all public notices and notice of decisions with respect to this and future land use planning applications with respect to the subject site.

Thank you

CN Proximity
proximity@cn.ca

From: Sandra Djuric <Sandra.Djuric@kitchener.ca>
Sent: Wednesday, May 8, 2024 1:21 PM
To: Adam Clark <Adam.Clark@kitchener.ca>; Andrew Pinnell <Andrew.Pinnell@kitchener.ca>; Arwa Alzoor <Arwa.Alzoor@kitchener.ca>; Barbara Steiner <Barbara.Steiner@kitchener.ca>; Barry Cronkite <Barry.Cronkite@kitchener.ca>; Brad Biskaborn (Canada Post <brad.biskaborn@canadapost.postescanada.ca>; Brian Bateman <Brian.Bateman@kitchener.ca>; Brian Bennett <Brian.Bennett@kitchener.ca>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Carrie Musselman <Carrie.Musselman@kitchener.ca>; Christine Wagner <Christine.Wagner@kitchener.ca>; Proximity <proximity@cn.ca>; Cory Bluhm <Cory.Bluhm@kitchener.ca>; CP Rail <Real_estatecanada@cpr.ca>; Craig Dumart <Craig.Dumart@kitchener.ca>; Darren Becks <Darren.Becks@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Don Corbett

<dcorbett@regionofwaterloo.ca>; Ellen Kayes <Ellen.Kayes@kitchener.ca>; Eric Schneider <Eric.Schneider@kitchener.ca>; Fire Prevention (SM) <FirePrevention@kitchener.ca>; Garett Stevenson <Garett.Stevenson@kitchener.ca>; Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>; Goderich-Exeter Railway <gexr-csc@gwrr.com>; GRCA-Planning <planning@grandriver.ca>; Greig Cameron <greig.cameron@enovapower.com>; Howard (Shen-Hao) Chang (SChang@regionofwaterloo.ca) <SChang@regionofwaterloo.ca>; Landuse Planning <landuseplanning@hydroone.com>; Janine Oosterveld <Janine.Oosterveld@kitchener.ca>; Jennifer Young <Jennifer.Young@kitchener.ca>; Jessica Vieira <Jessica.Vieira@kitchener.ca>; Joanne McCallum <Joanne.McCallum@kitchener.ca>; John Zunic <John.Zunic@kitchener.ca>; Jordan MacLaughlin <Jordan.MacLaughlin@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katey Crawford <Katey.Crawford@kitchener.ca>; Katie Anderl <Katie.Anderl@kitchener.ca>; Operations Technologist (SM) <Operations.Technologist@kitchener.ca>; Kristen Heinitz <Kristen.Heinitz@kitchener.ca>; Lenore Ross <Lenore.Ross@kitchener.ca>; Leslie Collins <Leslie.Collins@kitchener.ca>; Lolita Paroski <Lolita.Paroski@kitchener.ca>; Matt Ruetz <Matt.Ruetz@kitchener.ca>; Development Coordinator <development.coordinator@metrolinx.com>; Michele Kamphuis <Michele.Kamphuis@kitchener.ca>; Michelle Drake <michelle.drake@kitchener.ca>; Mike Balch <Mike.Balch@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Moira Coughlan <Moira.Coughlan@kitchener.ca>; Natalie Goss <Natalie.Goss@kitchener.ca>; Nicole Jutzi <Nicole.Jutzi@kitchener.ca>; Ontario Power Generation <executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Pegah Fahimian <Pegah.Fahimian@kitchener.ca>; Planning Applications <planningapplications@regionofwaterloo.ca>; RMO - Risk Management Official (rmo@regionofwaterloo.ca) <rmo@regionofwaterloo.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Robert Schipper <Robert.Schipper@kitchener.ca>; Rogers Communications Canada (SWOGR-PERMITS@rci.rogers.com) <SWOGR-PERMITS@rci.rogers.com>; Rojan Mohammadi <Rojan.Mohammadi@kitchener.ca>; Rosa Bustamante <Rosa.Bustamante@kitchener.ca>; Sandra Djuric <Sandra.Djuric@kitchener.ca>; Sandro Bassanese <Sandro.Bassanese@kitchener.ca>; Scott Berry <Scott.Berry@kitchener.ca>; Shaun Wang <shaun.wang@enovapower.com>; Sheryl Rice Menezes <Sheryl.RiceMenezes@kitchener.ca>; Source Protection Risk Management <RiskManagementOfficial@regionofwaterloo.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tanya Roberts <Tanya.Roberts@kitchener.ca>; Tara Zhang <Tara.Zhang@kitchener.ca>; Tim Donegani <Tim.Donegani@kitchener.ca>; Tim Seyler <Tim.Seyler@kitchener.ca>; Tina Malone-Wright <Tina.MaloneWright@kitchener.ca>; Viane Resh <Viane.Resh@kitchener.ca>; Victoria Grohn <Victoria.Grohn@kitchener.ca>; Waterloo Catholic District School Board <planning@wcdsb.ca>; WRDSB (planning@wrdsb.ca) <planning@wrdsb.ca>; WSP (Bell Canada) <circulations@wsp.com>; City of Waterloo circulation (zoningpreconsultation@waterloo.ca) <zoningpreconsultation@waterloo.ca>
Cc: Andrew Pinnell <Andrew.Pinnell@kitchener.ca>
Subject: Notice of (SP/MV) Pre-Submission Consultation for 131 & 135 Gage Ave

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Please feel free to forward to anyone else that may have an interest in attending.

PLEASE NOTE: PRE-SUBMISSION CONSULTATION APPLICATIONS ARE 'CONFIDENTIAL'.

MEETING DATE & TIME: June 6, 2024 @ 1:00pm – 2:00pm (staff only meeting May 30, 2024)

MEETING LOCATION: MS Teams – virtual meeting

SITE: 131 & 135 Gage Ave

APPLICANT/AGENT: Ali Keyhani

PROPOSAL: (SP/MV)

A 40 unit stacked townhouse development.

CITY STAFF:
AMANDA: AP24/032 or 24 111945
Bluebeam: https://secure-web.cisco.com/18a7M4NP1RfqlrwE2CEb6TE_KQQF3q5cW9irS8B1e7EQSqy8D85N198aN3Pg_Rza4sBllkL5LK2PxBL3YZ95EPaHO_zxO1Y0ssUb6AEMIQTnGc1RKa41LALhCFi_0wIvGe24iDA_yH9IMVT87LmexfLLnBhsxhMyvVFsej9NNobjwoVLPjqkTAfWmdZhlb78d-sse_obEdatjWHcibxZA0tz-8khhGt2PYpho693UYCaOlstes_4ACh76FvjjyOlbA10z21InxYSfOJcYHLq_faH8d9HNPMVQsHDYNhN4jStjGDbFbgPXpC_v-lhrEUjs_Q-owxbhTPVLFkk4Kv3jhF7Vln_sn4_fA3mCuaE7i5Ie8VVzhIFd1xYLd9cQFBaPmPRtKNKCqsX79YVxgnn9miXfoNRmjQmzV9CPgLBQHVE/https%3A%2F%2Fstudio.bluebeam.com%2Fhyperlink.html%3Flink%3Dstudio.bluebeam.com%2Fsessions%2F322-287-770

EXTERNAL AGENCIES:
ShareFile: https://secure-web.cisco.com/1cIhAaiWO6Mmcfr4WQr676LJv1bLRDln6djJCVQNxFmQd0JTKIMhkOhj4n3BBRB-WSefYTL2-6tDpu61djjy5hjRc8-H74svnB7aDDdLUZvF6oS7Ff_e7bx8J_xTnUMOzDtU2Osg8k9t4Dqt_LPiYNCm6YLl5c_ppax6tJvFilYdDBJwXvphYGJ-7YwN4DxVVlWWlyhoVkAP-2K6fdUYTe0uXL0r_9298OLRZUviuBo4JvxwFUyavKahHBpJjnFf3-8h1o68XIZOHgWeU9iScaPF7CXYIG4uxE1NLkwDlutOY3CvxuNlXpW_VVli5EN9jz_GdrjGIpp3uyfnHI0m25Idu9tpzrcNyStnVpUbAieBPRaDZx1zh_txrepppYXKq16-jDWEaJU9fUQEeQkR6Oy6llGq3FpE8sI_O-kDhLcU/https%3A%2F%2Fkitchener.sharefile.com%2Fhome%2Fshared%2Ffodcf5f1-81b0-49b9-9d81-d480db18c736

STAFF/AGENCIES INVITED TO ATTEND:
Andrew Pinnell, Viane Resh, Dwayne Hordyk, Jessica Vieira, Barbara Steiner, Engineering (delegate), Transportation (delegate),
Mike Balch, Sandro Bassanese, Regional Planning (delegate), GRCA (delegate)
Garett Stevenson (optional), Tina Malone-Wright (optional), Utilities (optional), Park Planning (optional)

Questions and comments should be directed to file planner, @Andrew Pinnell.

Kind Regards,
Sandra Djuric, BA

Program Assistant, Site Development | Development & Housing Approvals Division – Development Services Department | City of Kitchener |519.741.2200 x7316 | TTY 1-866-969-9994 | sandra.djuric@kitchener.ca

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Appendix “B”

Pateman, Doug

From: Proximity
Sent: Friday, May 16, 2025 8:33 PM
To: Andrew Pinnell
Subject: 2025-05-16_CN Comments_Circulation of Full Site Plan SPF25/035/G - 131 & 135 GAGE AVE
Attachments: Circulation Memo for 131 & 135 Gage Ave.pdf; 131 Gage - Standard Site Plan.pdf; 131 Gage - Site Plan Application - 2025-04-10 - Signed.pdf; 131 Gage - Cover Letter & Response to Pre-Consultation Comments.pdf

Hello Andrew,

Thank you for circulating CN on the application noted in subject. It is noted that the subject site is adjacent to CN's Main Line. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's objective regarding developments in proximity to railway operations is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of the future development's residents and users is not negatively affected. CN, in collaboration with Railway Association of Canada and the Federation of Canadian Municipalities, developed the Guidelines for New Development in Proximity to Railway Operations in order to promote proper planning around railway operations. The Guidelines can be found at https://www.proximityissues.ca.

CN requests for the implementation of the following criteria as conditions of an eventual application approval:

1. All proposed buildings to be occupied by sensitive land uses shall be setback 30 metres from a Principal Main line with an appropriate safety berm abutting the railway right of way;

2. The required safety berm shall be adjoining and parallel to a Principal Main line right-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1;

3. A specific crash barrier study and design must be produced for reduced safety setbacks, to the satisfaction of the Municipality, in consultation with the appropriate railway operator;

4. A chain link fence of minimum 1.83 metre height shall be installed and maintained along the mutual property line shared with the railway right of way;

5. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant.

6. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ±3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.

7. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

8. “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 meters from the land the subject hereof. 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). 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.”

9. The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.

10. All proposed vehicular property access points shall be located at a minimum 30 metre setback from at-grade railway crossings

11. Areas designed for private amenity spaces such as playgrounds, should not be constructed closer than 30 meters form the railway’s right of way.

12. The Owner shall through restrictive covenants to be registered on title, and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and noise/vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.

13. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

14. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favor of CN.

CN anticipates the opportunity to review a detailed site plan, a N&V study, a crash wall design and a storm water management report taking into consideration the FCM/RAC development guidelines.

In order to ensure the safety of railway operations, CN’s operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN’s property must be arranged through a work permit.

Thank you

CN Proximity
proximity@cn.ca

From: Sandra Djuric
Sent: Thursday, May 15, 2025 9:28 AM
To: Jennifer Arends ; Fire Prevention (SM) ; Ellen Kayes ; Chris Spere ; Sarah Boss ; Dave Seller ; Canada Post - Brad

Biskaborn (brad.biskaborn@canadapost.postescanada.ca) ; Katherine Hughes ; David Paetz ; Mike Balch ; Viane Resh ; Park Planning (SM) ; Planning Applications ; pdlairportconstruction@regionofwaterloo.ca; Enova Power Corp. - Greig Cameron ; Enova Power Corp. - Shaun Wang ; Landuse Planning ; Bell Circulations ; John Mcintosh - Rogers Circulation ; Adrien Alexson (Adrien.alexson@netflash.ca) ; Dave Wintrip (Dave.Wintrip@netflash.ca) ; Proximity ; Operations Technologist (SM) ; WRDSB - Planning ; WCDSB - Planning ; Garett Stevenson ; Tina Malone-Wright ; Natalie Goss ; Sandro Bassanese ; Justin Readman ; Scott Van Schyndel ; Berry Vrbanovic ; Debbie Chapman ; _DL_#_COR_Mayors-Office-Everyone
Cc: Andrew Pinnell
Subject: Circulation of Full Site Plan SPF25/035/G - 131 & 135 GAGE AVE

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A three-storey 36-units stacked townhouses multiple dwelling.

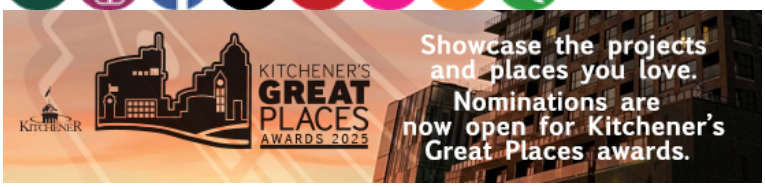
CITY STAFF
AMANDA: SPF25/035/G or 25 112320

EXTERNAL AGENCIES
ShareFile: https://kitchener.sharefile.com/home/shared/foe28610-e1ad-4655-b459-190bf7834244

Questions and comment should be directed to file planner @Andrew Pinnell.

Kind Regards,
Sandra Djuric, H.BA

Program Assistant, Site Development | Development & Housing Approvals Division – Development Services Department | City of Kitchener |519.783.8908 | TTY 1-866-969-9994 | sandra.djuric@kitchener.ca



Kitchener.ca/GreatPlaces – **Open until April 30th**

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Appendix “C”

DENTONS

Doug Pateman
Associate

doug.pateman@dentons.com
D +1 416 862 3411

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

November 12, 2025

File No.: 127446-1765

Sent Via Email:andrew.pinnell@kitchener.ca

Andrew Pinnell
Senior Planner
City of Kitchener
City Hall, 6th Floor
200 King Street West
Kitchener, ON N2G 4G7

Dear Mr. Pinnell:

Re: **Conditional Approval of Site Plan Application - SPF25/035/G**
131 & 135 Gage Ave (the "Subject Lands")
1000794348 Ontario Inc (the "Developer")
CN Comments on Development Status

We are counsel for Canadian National Railway Company ("CN") with respect to the above noted matter.

The Developer's proposed development shares a property boundary with a CN mainline and, as a result, CN has an interest in this project. CN provided comments to the City of Kitchener via email on May 10, 2024 and May 16, 2025, attached as Appendices "A" and "B", respectively.

After receiving this request, the City of Kitchener provided the Developer with a conditional approval of its site plan application on October 23, 2025. CN kindly requests that Kitchener City Staff:

1. Not proceed to support an application for minor variance filed by the Developer prior to the registration of the CN Development Agreement and Environmental Easement on the Subject Lands;

2. Provide notice to our office when the Developer files for a minor variance; and

3. Amend the conditional site plan approval to include a condition for the Developer to enter into and register on title a CN Development Agreement and Environmental Easement.

CN's Role and Concerns

CN owns and operates significant rail infrastructure in the City of Kitchener including a corridor that runs directly north of the Subject Lands. CN's operations are integral to both Kitchener's and Canada's economy. The City of Kitchener's Official Plan also acknowledges the need for land use compatibility with CN's

Puyat Jacinto & Santos ► Link Legal ► Zaanouni Law Firm & Associates ► LuatViet ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

infrastructure. Policy 6.C.3.18 states that all proposed development adjacent to railways must ensure appropriate safety measures to the satisfaction of the City in consultation with the railways, including CN.

Key aspects of compatibility between railways and sensitive uses include provisions for a crash wall along parking spaces, review of stormwater management reports, and a requirement that the Developer enter into an agreement under the *Industrial and Mining Lands Compensation Act* (the "Development Agreement") and grant CN an Environmental Easement in respect of the Subject Lands.

In reviewing the conditional site plan approval, we note that issues of ongoing land use compatibility, as envisioned by the City of Kitchener's Official Plan, remain unaddressed. The conditional site plan approval includes CN Warning Clauses, which is helpful to *warn* residents of certain things. However, the conditional site plan approval does not address long-term compatibility and maintenance of mitigation through the use of a CN Development Agreement and Environmental Easement.

In CN's view, absent a registered Development Agreement and Environmental Easement, compatibility between the proposed residential uses and CN's operations is uncertain and therefore inconsistent with the Provincial Planning Statement. For this reason, the conditions of site plan approval should be updated to include the requirement for a CN Development Agreement and Environmental Easement.

CN and the Developer have been working together to determine the adequate mitigation required to develop sensitive uses on the Subject Lands. Once the Developer and CN finalize the required noise and vibration mitigation on the Subject Lands to facilitate its development, a Development Agreement can be circulated and resolved between the parties.

We understand the Developer may be seeking minor variances to support development on the Subject Lands, as described in the conditional site plan approval. We respectfully request that the City of Kitchener refrain from supporting any minor variances until CN has confirmed that compatibility issues have been resolved with the Subject Lands, including through the use of the CN Development Agreement and Environmental Easement. Further, for the reasons noted above, we request that the City of Kitchener amend the conditional site plan approval to include entering into a CN Development Agreement and Environmental Easement as a condition of the Developer's site plan approval.

Please provide us with notice of all public meetings, hearings, and Staff reports associated with the Subject Lands.

If you have any questions or wish to discuss this matter further, please contact us.

Best Regards,

Dentons Canada LLP

Doug Pateman

Associate

Attachments:

Appendix “A” email dated May 10, 2024
Appendix “B” email dated May 16, 2025

Copy:

Tim Fendy, counsel for the Developer
Client
Katarzyna Sliwa and Isaiah Banach, Counsel for CN

From: Emmett Vanson
To: Committee of Adjustment (SM)
Cc: Peter Graham
Subject: SNGREC Environmental Comments Re: Committee of Adjustment Application Review - December 9, 2025 Meeting
Date: Monday, November 17, 2025 11:52:44 AM
Attachments: Outlook-01a2z2tl.png
SNGREC Env Comments re Kitchener CoA Dec 9 meeting.pdf

Hello,

Attached are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on. I did not have any comments for any minor variances that not referenced in the attached documents.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (thank you),
Emmett Vanson, BSc. **(he/him)**
Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council - Lands and Resources Department - Consultation and Accommodation Process Team
lrlust@sixnations.ca

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From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, November 14, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: [External] ACTION REQUIRED - Committee of Adjustment Application Review - December 9, 2025 Meeting

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, December 9, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, November 24, 2025.

If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Nov 17, 2025

To: City of Kitchener Committee of Adjustment Via: Email

Greetings,

Included are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on.

1720 Glasgow St

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. SNGREC requests the replacement of Mugho Pine and Hicks Yew from the Plant List with native species.

SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

107 Young St W

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

131 Gage Avenue

Site Plan Related Comments:

Bird and Light Friendly Design

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https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

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532 & 546 Courtland Ave E

Site Plan Related Comments:

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https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

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630 Benninger Drive

Treaty Rights Accommodation and Compensation

Further development of the land infringes on Six Nations Aboriginal and Treaty Rights by essentially guaranteeing land will not be returned to a natural state and by negatively impacting the environment through emissions and use of resources. Developments on this land fall under the Duty to Consult and Accommodate, meaning Six Nations of the Grand River must be consulted with and accommodated for impacts to their rights. SNGREC requires that this development is paired with compensation for impacts to these rights and to the environment. Compensation should include environmental enhancement and could also include other forms such as increased numbers of affordable units and discounts for Six Nations people. Please contact lrlust@sixnations.ca to schedule a meeting to collaborate on determining compensation. SNGREC requires commitment to compensation before Detail Design.

Minor Variance-Specific Comment:

Parking

SNGREC encourages minimizing parking and does not support the increased parking minimums. New developments should have a transit-oriented future in mind and should avoid promoting car-centric living. Instead, developers should be considering mixed-use developments and working with the City to implement transit options.

Site Plan Related Comments:

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

SNGREC strongly encourages the creation of pollinator gardens using native plant species in landscaped areas not intended for human movement. Pollinator gardens can offer food, breeding space, and sanctuary for pollinators that are harmed by human expansion as they lose functional habitat, and their remaining habitat becomes more fragmented. Community gardens could also be implemented alongside pollinator gardens for an

added community benefit. These will also increase the visual attractiveness of the area.

Bird and Light Friendly Design

SNGREC requests that the buildings and streetscapes are designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and directing light downwards.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

2922 King St E

Parking Minimums

SNGREC supports the reduced parking minimums.

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

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Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (Thank you) and kind regards

Emmett Vanson, Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council – Lands and Resources – Consultation and Accommodation Process Team

REPORT TO:	**Committee of Adjustment**
DATE OF MEETING:	**December 9, 2025**
SUBMITTED BY:	**Tina Malone-Wright, Manager, Development Approvals 519-783-8913**
PREPARED BY:	**Andrew Pinnell, Senior Planner, 519-783-8915**
WARD INVOLVED:	**Ward 10**
DATE OF REPORT:	**November 27, 2025**
REPORT NO.:	**DSD-2025-482**
SUBJECT:	**Minor Variance Application A2025-125 50-56 Weber Street West and 107 Young Street**

RECOMMENDATION:

That Minor Variance Application A2025-125 for 50-56 Weber Street West and 107 Young Street, requesting relief from the following Sections of Zoning By-law 2019-051:

- **i) Section 6.4.3, Table 6-4, to permit a yard setback of 1.3 metres (from the rear lot line) instead of the minimum required 3 metres;**
- **ii) Section 5.6, Table 5-5 to permit 68 parking spaces instead of the maximum permitted 41 parking spaces;**
- **iii) Section 6.4.3, Table 6-4, for Storeys 7 and Above, to permit a yard setback of 3 metres (from the interior lot line) on Storeys 7 and 8 instead of the minimum required 6 metres;**
- **iv) Section 6.4.3, Table 6-4, to permit a Building Height, within 15 metres of a lot with an SGA-1 Zone of 24 metres, instead of the maximum permitted 20 metres;**
- **v) Section 6.4.3, Table 6-4, to permit a yard setback where the lot abuts a lot with an SGA-1 Zone of 1.3 metres instead of the minimum required 7.5 metres; and**
- **vi) Section 5.10. a) to permit a Loading Space to be located within 0.6 metres of a street line instead of the minimum required 6 metres;**

to facilitate the development of an 8-storey residential building containing 31 regular Dwelling Units and 2 Lodging Houses for a total of 33 Dwelling Units, in accordance with Site Plan Application SP21/132/W/AP, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to facilitate the redevelopment of the subject property with an 8-storey residential building containing 31 regular Dwelling Units and 2 Lodging Houses for a total of 33 Dwelling Units.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

Figure 1 – Subject Property (outlined in red) in context of surrounding neighbourhood

BACKGROUND:

The applicant is pursuing a Minor Variance Application to facilitate the redevelopment of the subject property with an 8-storey residential building.

The subject property is composed of 3 abutting lots that have been consolidated for redevelopment. The property is located directly across Weber Street from the boundary of Downtown and the St. Louis – St. Mary's Campus of the Waterloo Catholic District School Board. The property immediately to the southeast (i.e., 48 Weber St W) contains a 3.5-storey, 40-unit multiple dwelling that was renovated in 2015-2016. The property to the northeast (i.e., 65 Roy St) contains a 1.5 storey, 6-unit multiple dwelling ("six-plex"). The property to the north (i.e., 109 Young St) contains a 2.5 storey residential care facility, currently operated by Marillac Place – a home that supports young mothers. The lands on the opposite side of Young Street contain a mix of low-density residential uses.

The subject property is located at the intersection of Weber Street West and Young Street, in the Civic Centre Planning Community. The subject property is located within the Civic Centre Heritage Conservation District (CCHCD) and currently contains three existing buildings:

Address	Storeys	Proposed Future Status
50-52 Weber St W	1.5	To be demolished to prepare for redevelopment
56 Weber St W	2.5	To be demolished to prepare for redevelopment
107 Young St	1.5	To be retained and incorporated into the proposed redevelopment

Figure 2 – Photo of subject property taken from the intersection of Weber St W and Young St looking northeast.

In June 2023, Site Plan Application SP21/132/W/AP received 'Conditional Approval' for the redevelopment of the subject property (see approved Site Plan drawings, attached). The Site Plan Application would facilitate the construction of an 8-storey residential building containing 31 regular Dwelling Units and 2 Lodging Houses (one Lodging House on Level 3 and the other on Level 4) for a total of 33 Dwelling Units. The building would have a Floor Space Ratio (FSR) of 3.37. Two levels of underground parking are planned with a total of 68 parking spaces – 33 parking spaces on the upper level and 35 parking spaces on the lower level. A total of 33 Class A and 6 Class B bicycle parking stalls would be provided.

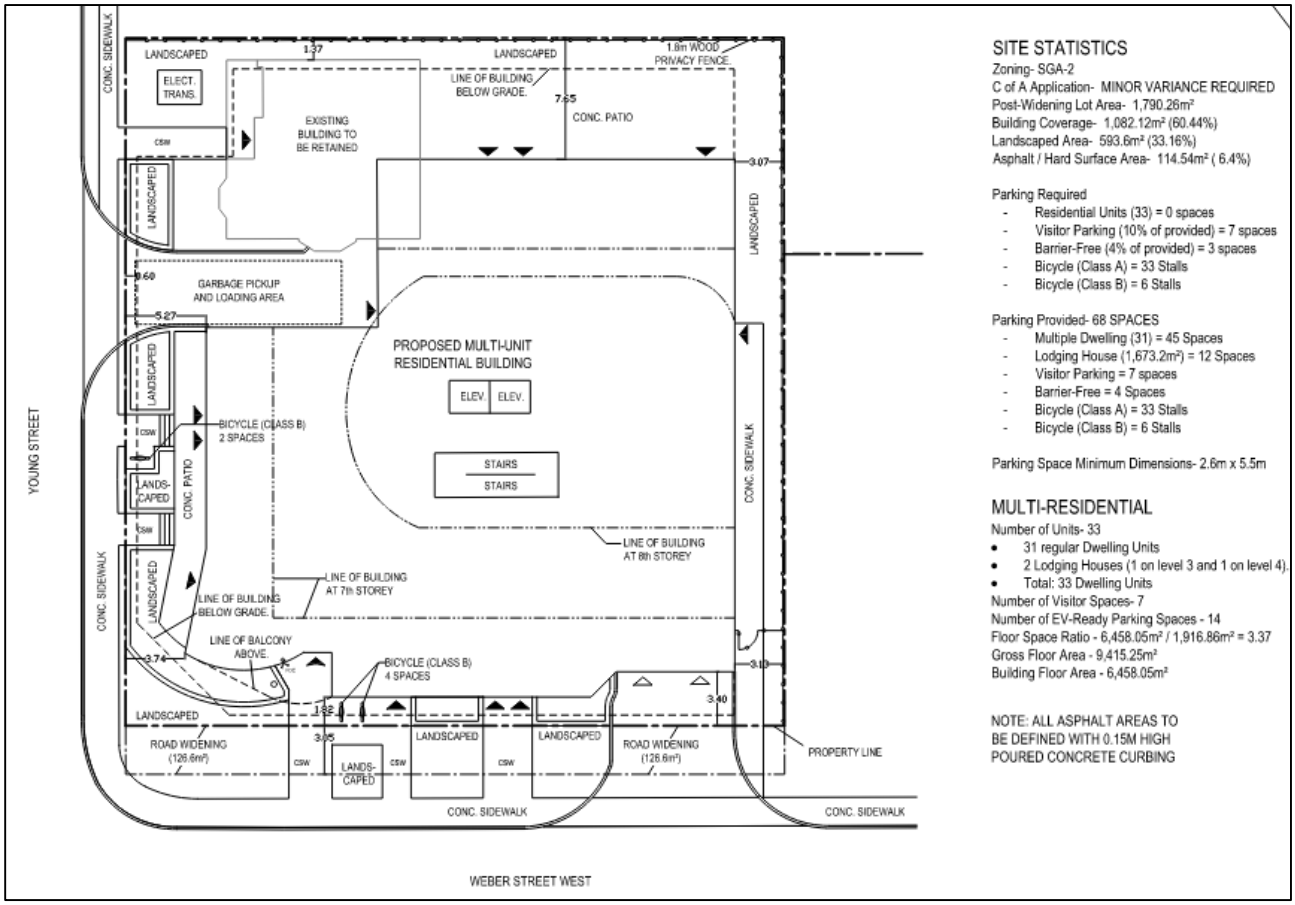

Figure 3 – Excerpt of Conditionally-Approved Site Plan Drawing.

The existing buildings have already undergone a heritage review and have been considered by Heritage Kitchener and City Council. The demolitions for 50-52 Weber Street West and 56 Weber Street West were approved by Council in 2020. The applicants have submitted Heritage Impact Assessments (HIAs). Both the HIAs are still in their draft phases and have not yet been approved by the Director of Development and Housing Approvals. The Phase II HIA has concluded that the proposed development conforms to the policies and guidelines regarding new development in the CCHCD and would not result in any adverse impacts to the CCHCD's cultural heritage value.

A Heritage Permit Application for the demolition of the rear porch of 107 Young Street and the construction of the 8-storey building will be considered by Heritage Kitchener Committee at its December 2, 2025 meeting. Staff are recommending approval, pending the fulfillment of certain conditions which include approval of proposed elevations by Heritage Planning staff, approval of the HIA, and heritage clearance provided by Heritage Planning staff, prior to the issuance of a building permit. These conditions will ensure that the proposed development continues to conform to the policies and guidelines of the Heritage Conservation District Plan, and ensure the long-term conservation of the CCHCD as a whole.

The subject property is identified as ‘Protected Major Transit Station Area’ (PMTSA) on Map 2 – Urban Structure of the Official Plan (being within the Kitchener City Hall PMTSA) and is designated ‘Strategic Growth Area A’ on Map 3 – Land Use. The property is zoned ‘Strategic Growth Area Two Zone (SGA-2)’ in Zoning By-law 2019-051.

Development and Housing Approvals staff visited the site on November 21, 2025.

One of the Site Plan conditions requires that, prior to Site Plan Approval, relief via a Minor Variance Application be submitted, receive approval, and be in full force and effect. In this regard, the applicant is now requesting relief from the following sections of Zoning By-law 2019-051, via the subject Minor Variance Application:

1. Section 6.4.3, Table 6-4, to allow a yard setback of 1.3 metres (from the rear lot line), instead of the minimum required 3.0 metres;
2. Section 5.6, Table 5-5 to allow 68 parking spaces, instead of the maximum permitted 41 spaces;
3. Section 6.4.3, Table 6-4, for Storeys 7 and Above, to allow a yard setback of 3.0 metres (from the interior lot line) on Storeys 7 and 8, instead of the minimum required 6.0 metres;
4. Section 6.4.3, Table 6-4, to allow a building height within 15 metres of a lot with an SGA-1 Zone of 24.0 metres, instead of the maximum required 20.0 metres;
5. Section 6.4.3, Table 6-4, to allow a yard setback where the lot abuts a lot with an SGA-1 Zone of 1.3 metres, instead of the minimum required 7.5 metres; and
6. Section 5.10. a) to allow a loading space to be located within 0.6 metres of a street line, instead of the minimum required 6 metres.

It should be noted that the applicant also applied for relief from Section 6.4.3, Table 6-4, to allow a yard setback of 1.8 metres (from the front lot line), instead of the minimum required 3 metres. However, after review by Staff, it has been determined that such relief is not required, since under Section 4.21 a) of Zoning By-law 2019-051, prior to the road widening required through the related Site Plan Application, the proposed development would comply, having a yard setback of 4.8 metres.

REPORT:

Planning Comments:

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:

<u>General Intent of the Official Plan</u>
The Official Plan contains numerous policies that are relevant to the subject application, for example:

3.C.2.17. The planned function of Protected Major Transit Station Areas, in order to support transit and rapid transit, is to:
   a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels;
   b) provide connectivity of various modes of transportation to the transit system;

c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and,
d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies a) through d) above should not be interpreted to mean that every property located within a Protected Major Transit Station Area is necessarily appropriate for major intensification.

3.C.2.18. The following Protected Major Transit Station Areas shall be planned to achieve the following minimum densities:… c) Victoria Park and Kitchener City Hall Station: 160 residents and jobs combined per hectare;…

11.C.1.37. The City will require development and/or redevelopment and public works in the Protected Major Transit Station Area to support and contribute to a high quality public realm. To do this the City will:
a) Ensure streetscape design supports safe and comfortable walking, cycling and rolling throughout the station area, including to and from transit stops.
b) Require a high quality public realm at grade which includes sidewalks, street furniture, street trees and landscaping. Where this is not achieved within the public right of way, encourage these placemaking elements to be located on private property or in shared ownership….
e) Encourage landscape screening between the public right of way and any visible surface parking, loading/service areas or back of house functions.
f) Encourage pedestrian shelter and bicycle parking along streets that connect to transit stops and/or contain existing or planned active transportation infrastructure…

15.D.2.1. The Urban Growth Centre (Downtown) and Protected Major Transit Station Areas, as shown on Map 3 and Map 4, will be the primary focus areas in the city for intensification.

15.D.2.55. The Strategic Growth Area A land use designation will accommodate a range of low and medium density residential housing types including those permitted in the Low Rise Residential and Medium Rise Residential land use designation

15.D.2.5. Notwithstanding policies 4.C.1.8 and 4.C.1.9, site specific applications which seek relief from the implementing zoning through a minor variance(s) or amendment to the Zoning By-law, and/or seek to amend this Plan will consider the following factors:
a) Compatibility with the planned function of the subject lands and adjacent lands;

b) Suitability of the lot for the proposed use and/or built-form;
c) Lot area and consolidation as further outlined in Policy 3.C.2.11;
d) Compliance with the City's Urban Design Manual and Policy 11.C.1.34;
e) Cultural heritage resources, including Policy 15.D.2.8; and,
f) Technical considerations and other contextual or site specific factors.

15.D.2.6. The implementing zoning may regulate matters related to built form including, but not limited to, building length, floor plate area, on-site separation between buildings, and off-site separation between buildings.

15.D.2.28. Where new parking spaces are proposed to be developed in combination with all new development or redevelopment, the City will:
a) Consider parking space reductions where warranted where such new development or redevelopment will enhance and contribute to the planned function of the Urban Growth Centre (Downtown);
b) Encourage owners/applicants to utilize Transportation Demand Management (TDM) measures;
c) Encourage owners/applicants to provide cash-in-lieu of required parking;
d) Encourage parking structures that are integrated with other uses as the desired form of parking;
e) Encourage required off-street parking to be located away from and/or screened from the view of the public realm; and,
f) Discourage the creation of new surface parking lots and commercial parking facilities.

With respect to the Official Plan, Development and Housing Approvals (DHA) staff advises that the requested variances will facilitate appropriate redevelopment and intensification that supports existing and planned transit and rapid transit service levels within the Kitchener City Hall PMTSA. It would assist in achieving the City's minimum density goal of 160 residents and jobs combined per hectare. The proposed development will help provide 33 residential units. At 8-storeys in height, the proposed built form and land use represents 'missing middle' and medium density development that is both pedestrian-friendly and transit-oriented.

Moreover, the requested variances would facilitate a built form that is compatible with the planned function of the subject property and adjacent properties. The proposal represents a desirable consolidation of three to facilitate comprehensive redevelopment at an appropriate scale. In addition, the design of the proposed development has been accepted by City Heritage Planning and Urban Design staff for conformity with heritage policy and urban design guidelines.

Urban Design Policy 11.C.1.37 encourages screening between the public right-of-way and visible loading / servicing areas. While the proposed loading / servicing area off Young Street (side street) will be visible from the street, it will be unobtrusive, representing a small percentage of the façade width (see Figure 4). Also, the fact that all parking will be

located underground, with an entrance to Weber Street (main street), will ensure that parking / loading functions do not become the focus of the Young Street façade.

In this regard, DHA staff is of the opinion that the requested variances meet the general intent of the City's Official Plan.

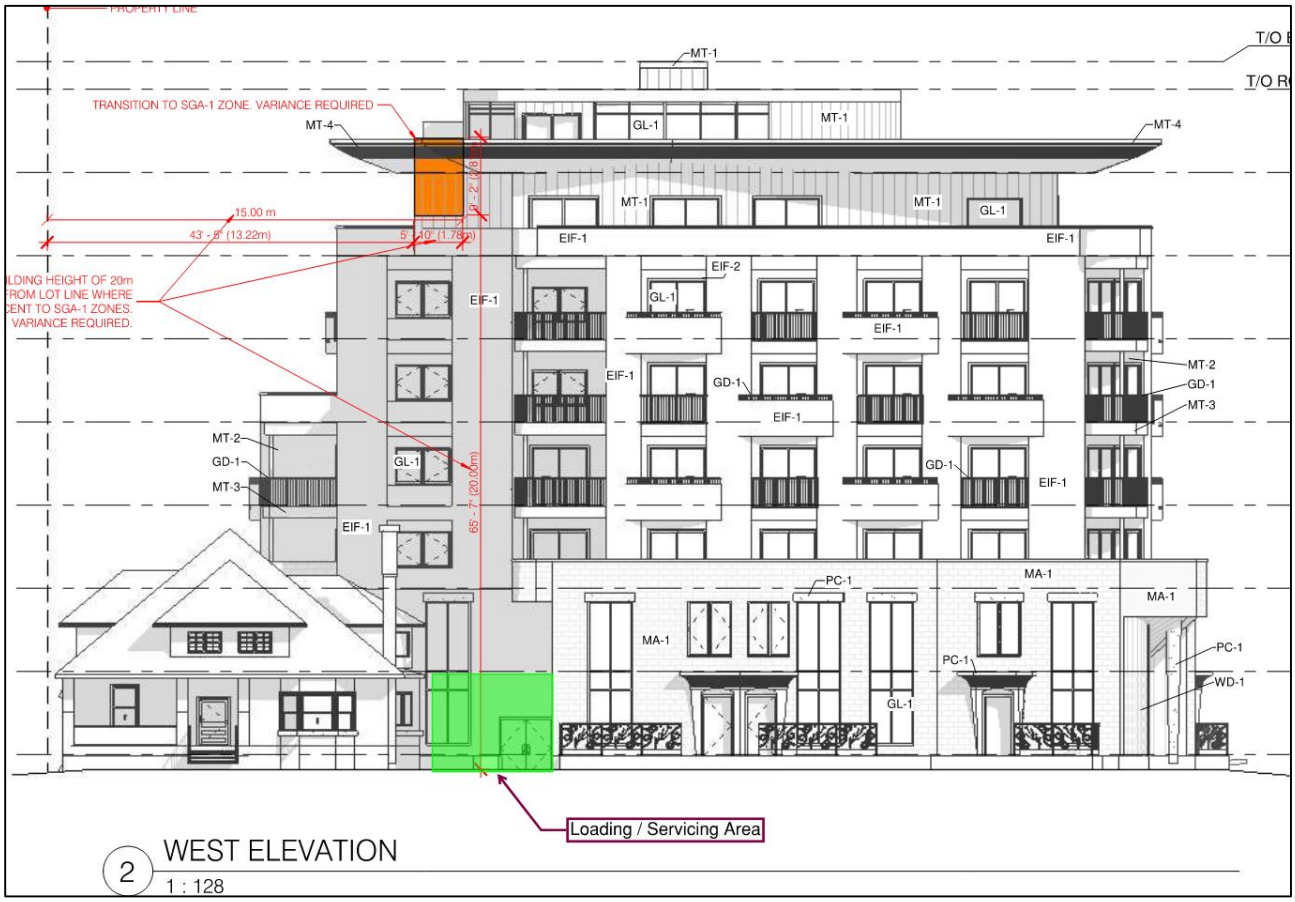

Figure 4 – Proposed Loading / Servicing Area (shown in green).

General Intent of the Zoning By-law

It should be noted that the Site Plan Application that will be facilitated by the subject application, was approved in June 2023, well before the SGA-2 Zone came into effect (as an update to By-law 2019-051). The Site Plan underwent a rigorous planning, urban design, and heritage planning review under the previous CR-3 Zone / By-law 85-1. While the proposal would have required variances under By-law 85-1, these variances were significantly different than the ones requested under the current SGA-2 Zone / By-law 2019-051. For example, a variance would have been required under By-law 85-1 to reduce the minimum distance separation (MDS) between lodging houses, whereas MDS is not required for lodging houses under By-law 2019-051. Also, no parking maximums were required under By-law 85-1, whereas parking maximums are now required in PMTSAs, including the SGA-2 Zone, under By-law 2019-051. Staff suggests that the Committee keep this fact in mind when deciding the subject application.

Variance 1

The applicant is requesting to allow a yard setback of 1.3 metres (from the rear lot line), instead of the minimum required 3.0 metres. The purpose of the yard setback requirement

is to ensure adequate buffering between adjacent properties and the public right-of-way. In this case, staff advises that this request for relief is essentially a legalization of the setback between the rear lot line and the existing single detached dwelling (107 Young Street). The only reason a variance is required is because additional gross floor area is being added to the property as a whole, with the proposed 8-storey building to be attached to the existing dwelling. The proposed 8-storey building itself will maintain a setback of 7.65 metres, which does not require a variance.

Variances 2 and 6
The applicant is requesting parking and loading-related variances to allow 68 parking spaces, instead of the maximum permitted 41 parking spaces (31 regular dwelling units x 1.3 = 41) and to allow a Loading Space to be located within 0.6 metres of a street line, instead of the minimum required 6 metres. In this regard, it should be noted that *all* parking will be located below grade with access to the underground parking garage off Weber Street West. No parking will be visible from the street.

DHA staff understands from the applicant that the living/housing model for residents of the proposed building would be different than that of traditional rental buildings. According to the applicant, three organizations would operate the housing/living situation for certain units, while other units would be rented in the traditional manner:

- *Abbeyfield* would operate the two Lodging Houses – one Lodging House on Level 3 and the other on Level 4. Each Lodging House would contain 16 bedrooms, for a total of 32 residents. According to their website, “Abbeyfield Houses exists to enable seniors to stay in their communities in safe, affordable, family-style shared housing designed to foster companionship and ward off social isolation.”
- *Senior Women Living Together* (SWLT) would operate 6 of the regular dwelling units, accounting for 18 residents. According to SWLT’s website, “We believe that affordable housing is a human right and intend to ensure that every senior woman will have housing options that allow her to maintain her independence, autonomy and dignity.”
- *Marillac Place* will also operate some Dwelling Units within the building (three 1-bedroom units).
- The balance of the regular Dwelling Units would be rented in a traditional manner.

The applicant has confirmed that the proposed use is 31 regular Dwelling Units and 2 Lodging Houses and would *not* have a Residential Care Facility or Group Home component.

The living/housing arrangements of 50 residents would be organized by Abbeyfield and SWLT. According to the applicant, this unique situation comes with unique needs, including, for example, a higher demand for parking. It must be noted that Lodging Houses do not require a maximum parking ratio under the Zoning By-law. Lodging Houses are the only residential use *without* a maximum parking ratio. Accordingly, the maximum parking requirement is applied *only* to the *regular* Dwelling Units. In this case, the maximum parking requirement may be viewed as onerous considering:

- That the maximum parking ratio is based on the number of Dwelling Units, *excluding* Lodging Houses and *excluding* the number of bedrooms contained within Lodging Houses; and

- The unique nature of the proposed use and living / housing arrangements (i.e., involvement of Abbeyfield, SWLT, and Marillac Place).

Hypothetically, if each of the 32 bedrooms within the Lodging Houses was assigned the same maximum parking ratio as that of the 31 regular Dwelling Units, the maximum parking for the Lodging Houses would be 42 spaces and the overall maximum parking (regular Dwelling Units plus Lodging Houses) would be 83 parking spaces, whereas only 68 parking spaces are proposed.

Also, the applicant advises that the parking demand for the building will be greater than the 33 parking spaces that can be accommodated by the upper parking level. To accommodate the additional parking demand, the applicant further advises that,

> "It doesn't make financial sense to construct a portion of a level of parking, also, structurally, it is likely that it will be required to construct the entire level (if a portion of the level is to be used as parking) in any case, to address the needs of the footings. If the maximum parking limit is enforced, that would greatly reduce the livability of these affordable units and would also mean burying expensive infrastructure that won't be visible from the onset."

Regarding the setback of the loading space, as aforementioned, while the loading and servicing area are not proposed to be screened from Young Street, they will remain unobtrusive, comprising only approximately 12% of the overall façade width along Young Street (see Figure 4).

Variances 3, 4, and 5
The applicant is requesting the following relief:

3. For Storeys 7 and Above, to permit a yard setback of 3 metres (from the interior lot line) on Storeys 7 and 8, instead of the minimum required 6 metres [applicable abutting properties: 48 Weber St W and 65 Roy St];
4. To permit a Building Height within 15 metres of a lot with an SGA-1 Zone of 24 metres (within 4.7 metres of the interior side lot line), instead of the maximum permitted 20 metres [applicable abutting properties: 109 Young St and 65 Roy St]; and
5. To permit a yard setback where the lot abuts a lot with an SGA-1 Zone of 1.3 metres (i.e., 1.3 metres to rear lot line; 3.0 metres to interior lot line), instead of the minimum required 7.5 metres [applicable abutting properties: 109 Young St and 65 Roy St].

These setbacks and maximum building height requirements are meant to provide buffering and a transition to abutting properties, particularly to those properties that are zoned 'SGA-1' (in this case, 65 Roy Street and 109 Young Street).

Regarding *Variance 3*, Building Code requirements will be maintained relative to the interior side lot line. It should also be noted that it is only Storeys 7 and 8 that would not comply with the 'SGA-2' Zone. The abutting building at 48 Weber Street West is only 3.5 storeys in height and does not possess any rooftop amenity space which might otherwise be impacted by a loss of privacy. Also, the six-plex at 65 Roy Street would be located

approximately 24 metres from the 7th storey and 26 metres from the 8th storey of the proposed building and a parking lot is located within the space between, which is not likely to be redeveloped.

Regarding *Variance 5*, the proposed building height is approximately 21 metres (7 storeys) within 13.2 metres of 109 Young Street, as shown on the *East Elevation* drawing included with the application form, rather than the required 15 metres. This is negligible. No variance is required for the 8th storey relative to 109 Young Street.

The proposed Building Height is approximately 21 metres (7 storeys) within 3 metres of the southwest corner of 65 Roy Street and 24 metres (8 storeys) within 4.7 metres of the southwest corner 65 Roy Street. However, the building on 65 Roy Street itself is separated from the subject property by a parking lot that is unlikely to redevelop and is located approximately 24 metres from the 7th storey of the proposed building and 26 metres from the 8th storey.

Regarding *Variance 5*, the only reason that a minimum yard setback variance is required relative to the rear lot line is essentially to *legalize* the setback to the existing / retained dwelling (i.e., 107 Young Street). A variance is required since additional gross floor area is being added to the property as a whole, with the proposed building proposed to be attached to the existing / retained dwelling. The proposed addition will maintain a setback of 7.6 metres, which does not require a variance.

While a minimum yard setback variance relative to the interior side lot line (only for the 13.6 metre stretch of the side lot line abutting 65 Roy Street) is required, the six-plex itself at 65 Roy Street would be located approximately 19 metres from the first six storeys of the proposed building and a parking lot is located within the space between (the 7th and 8th Storeys are located even farther from the six-plex, as aforementioned).

In this regard, DHA staff is of the opinion that all requested variances meet the general intent of the Zoning By-law.

Are the Effects of the Variances Minor?
DHA staff is of the opinion that the requested variances are minor since they are not anticipated to cause unacceptably adverse impacts on adjacent properties. All facilities necessary to support the proposed building and use are appropriately accommodated through the building and site design. The Building Code will ensure that requirements relative to lot lines and adjacent buildings are maintained.

Are the Variances Desirable for the Appropriate Development or Use of the Land, Building and/or Structure?
DHA staff is of the opinion that the requested variances are justified; they will facilitate appropriate residential intensification and allow for the establishment of 31 regular Dwelling Units and 2 Lodging Houses. The unique nature of the proposed use and living / housing arrangements, including the involvement of Abbeyfield, Senior Women Living Together, and Marillac Place, may contribute to housing that is affordable, innovative, and desirable. The Official Plan land use designation and zoning permit the proposed uses.

Environmental Planning Comments:
No comments received [Planner note: as part of the related Site Plan Application, the applicant is required to prepare a Tree Preservation / Enhancement Plan, including Arborist's report, and implement this plan, to the satisfaction of the City's Director of Development and Housing Approvals].

Heritage Planning Comments:
The subject properties municipally addressed as 50-56 Weber and 107 Young Street are located within the Civic Centre Neighborhood Heritage Conservation District and are designated under Part V of the Ontario Heritage Act. The proposed Minor Variance Application is being submitted to support Site Plan Application SP21/132/W/AP, which has received 'Conditional Approval'. Once of the conditions for Conditional Approval was that the applicant obtain a Heritage Permit for the proposed development. That Heritage Permit is being considered by Heritage Kitchener Committee on December 2, 2025. The proposed development satisfies many policies of the CCNCHD, and overall, staff do not have major concerns with the proposed Minor Variance Application.

Building Division Comments:
The Building Division has no objections to the proposed variance provided a building permit for the residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:
All Parks and Forestry requirements, including parkland dedication, will be addressed through Site Plan Application SP21/132/W/AP.

Transportation Planning Comments:
Transportation Services has completed its review of the applicant's request to increase the required parking supply from 41 spaces to 68 spaces and to reduce the loading space setback from 6 metres to 0.6 metres. Based on the rationale provided in the submission, Transportation Services supports both variances.

Regional Municipality of Waterloo:
No concerns.

Grand River Conservation Authority:
No objections.

Six Nations of the Grand River Elected Council:
Site Plan Related Comments:
Bird and Light Friendly Design
SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more. Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

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Landscaping
SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

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:

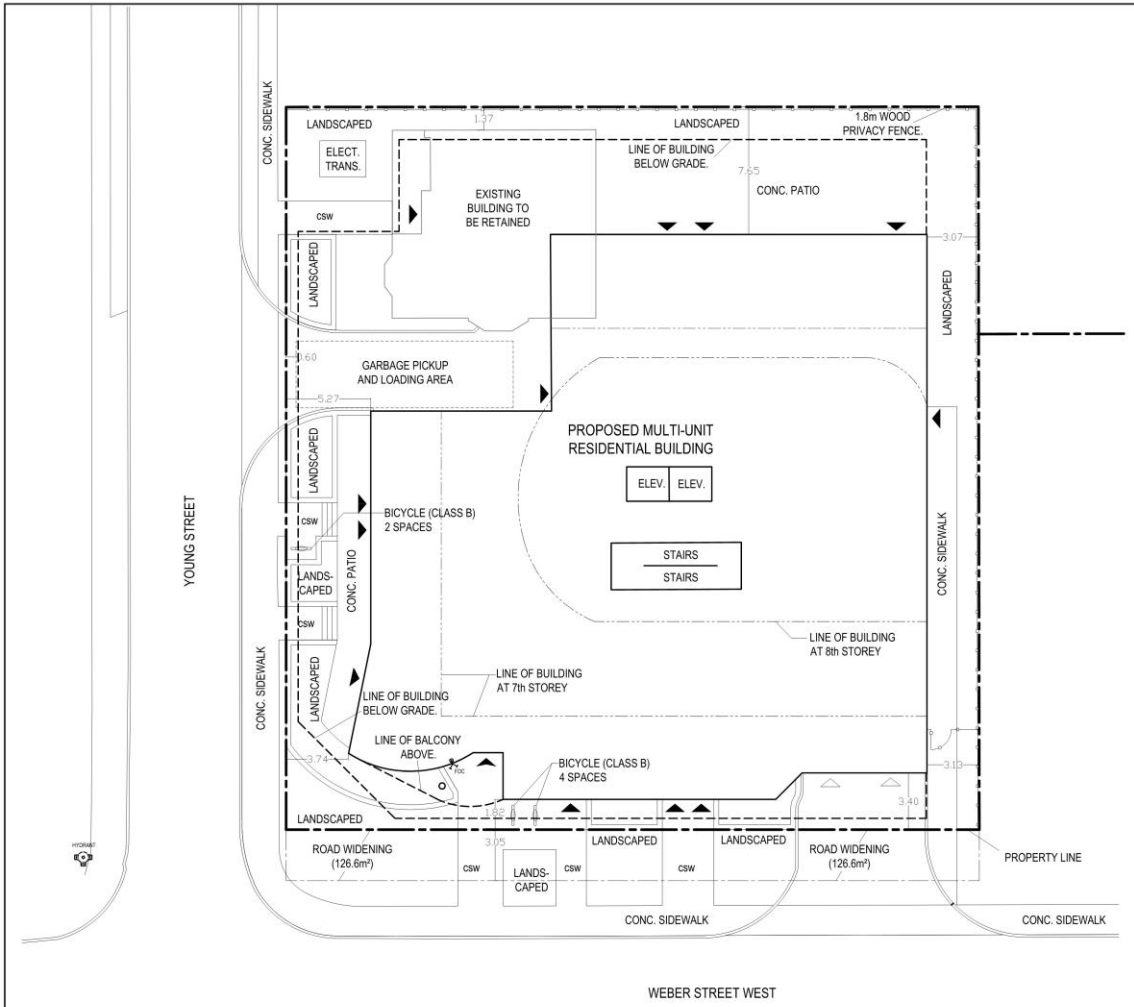
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *Site Plan Application SP21/132/W/AP*

ATTACHMENTS:

Attachment A – Approved Site Plan Drawings (x 3)



SITE STATISTICS

Zoning- SGA-2
C of A Application- MINOR VARIANCE REQUIRED
Post-Widening Lot Area- 1,790.26m²
Building Coverage- 1,082.12m² (60.44%)
Landscaped Area- 593.6m² (33.16%)
Asphalt / Hard Surface Area- 114.54m² (6.4%)

Parking Required
- Residential Units (33) = 0 spaces
- Visitor Parking (10% of provided) = 7 spaces
- Barrier-Free (4% of provided) = 3 spaces
- Bicycle (Class A) = 33 Stalls
- Bicycle (Class B) = 6 Stalls

Parking Provided- 68 SPACES
- Multiple Dwelling (31) = 45 Spaces
- Lodging House (1,673.2m²) = 12 Spaces
- Visitor Parking = 7 spaces
- Barrier-Free = 4 Spaces
- Bicycle (Class A) = 33 Stalls
- Bicycle (Class B) = 6 Stalls

Parking Space Minimum Dimensions- 2.6m x 5.5m

MULTI-RESIDENTIAL

Number of Units- 33
- 31 regular Dwelling Units
- 2 Lodging Houses (1 on level 3 and 1 on level 4).
- Total: 33 Dwelling Units

Number of Visitor Spaces- 7
Number of EV-Ready Parking Spaces - 14
Floor Space Ratio - 6,458.05m² / 1,916.86m² = 3.37
Gross Floor Area - 9,415.25m²
Building Floor Area - 6,458.05m²

NOTE: ALL ASPHALT AREAS TO BE DEFINED WITH 0.15M HIGH POURED CONCRETE CURBING

SITE PLAN

JOHN GIBSON (2482948 ONTARIO INC)

50-56 WEBER ST. WEST, & 107 YOUNG ST.

0 5 10 15 20 25

SCALE 1: 400

DATE: OCT. 21, 2021

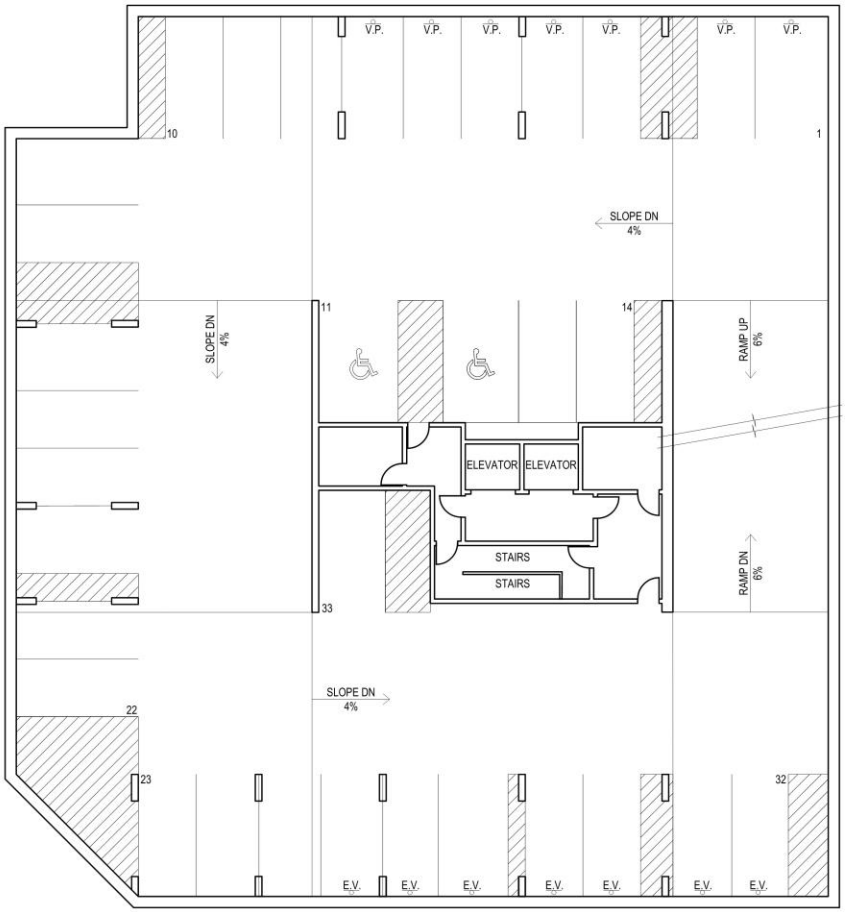
REVISED: MAY. 30, 2023

SITE PLAN APPLICATION No. SP21/132/W/AP

LEGAL DESCRIPTION LOT OF 5, D WEBER'S SURVEY, REGISTERED PLAN NO. 401

City of Kitchener
DEVELOPMENT SERVICES DEPARTMENT

CAD FILE: SP21132WAP.DWG



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PARKING 'B1'

JOHN GIBSON (2482948 ONTARIO INC)
50-56 WEBER ST. WEST, & 107 YOUNG ST.

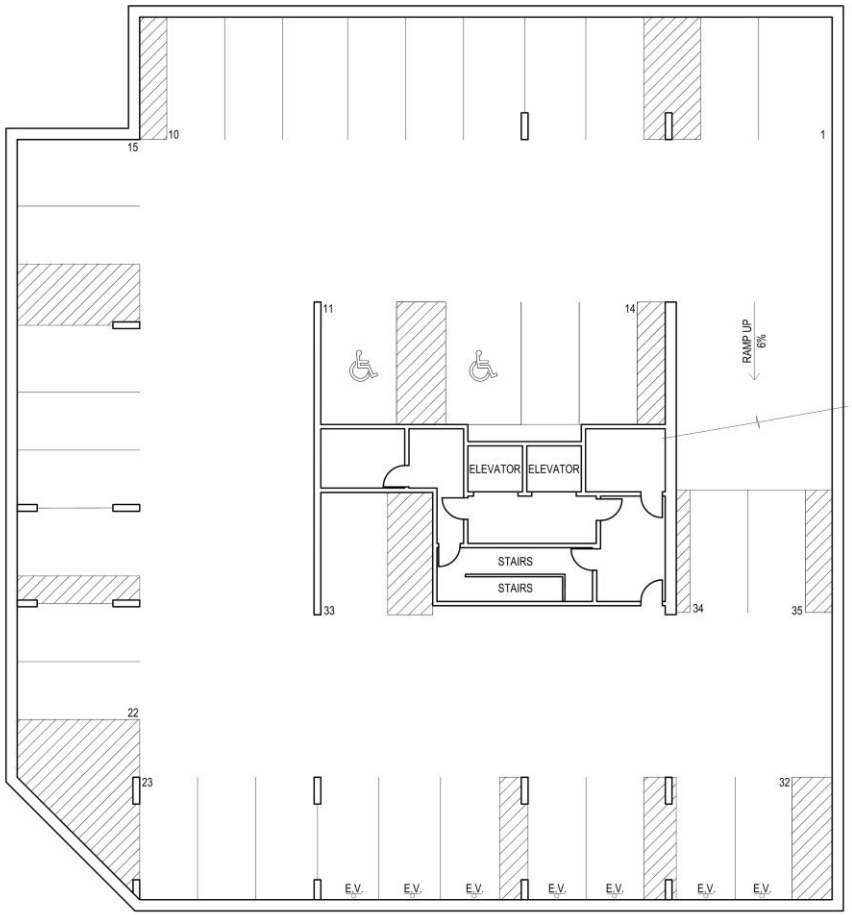
0 5 10 15 20 25
SCALE 1: 400
DATE: OCT. 21, 2021

REVISED:
MAY. 30, 2023

SITE PLAN APPLICATION No. SP21/132/W/AP
LEGAL DESCRIPTION LOT OF 5, D WEBER'S SURVEY, REGISTERED PLAN NO. 401

City of Kitchener
DEVELOPMENT SERVICES DEPARTMENT

CAD FILE:
SP21132WAP.DWG



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Post-Widening Lot Area- 1,790.26m²
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Parking Space Minimum Dimensions- 2.6m x 5.5m

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- Total: 33 Dwelling Units

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PARKING 'B2'

JOHN GIBSON (2482948 ONTARIO INC)

50-56 WEBER ST. WEST, & 107 YOUNG ST.

0 5 10 15 20 25

SCALE 1: 400

DATE: OCT. 21, 2021

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DEVELOPMENT SERVICES DEPARTMENT

CAD FILE:
SP21132WAP.DWG

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: Emmett Vanson
To: Committee of Adjustment (SM)
Cc: Peter Graham
Subject: SNGREC Environmental Comments Re: Committee of Adjustment Application Review - December 9, 2025 Meeting
Date: Monday, November 17, 2025 11:52:44 AM
Attachments: Outlook-01a2z2tl.png
SNGREC Env Comments re Kitchener CoA Dec 9 meeting.pdf

Hello,

Attached are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on. I did not have any comments for any minor variances that not referenced in the attached documents.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (thank you),
Emmett Vanson, BSc. **(he/him)**
Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council - Lands and Resources Department - Consultation and Accommodation Process Team
lrlust@sixnations.ca

Confidentiality Notice: This email, including any attachments, is for the sole purpose of the intended recipients and may contain private, confidential, and privileged information. Any unauthorized review; use, disclosure or distribution is prohibited. If you are not the intended recipient or this information has been inappropriately forwarded to you, please contact the sender by reply email and destroy all copies of the original.

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, November 14, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: [External] ACTION REQUIRED - Committee of Adjustment Application Review - December 9, 2025 Meeting

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, December 9, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, November 24, 2025.

If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Nov 17, 2025

To: City of Kitchener Committee of Adjustment Via: Email

Greetings,

Included are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on.

1720 Glasgow St

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. SNGREC requests the replacement of Mugho Pine and Hicks Yew from the Plant List with native species.

SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

107 Young St W

Site Plan Related Comments:

Bird and Light Friendly Design

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131 Gage Avenue

Site Plan Related Comments:

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532 & 546 Courtland Ave E

Site Plan Related Comments:

Bird and Light Friendly Design

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630 Benninger Drive

Treaty Rights Accommodation and Compensation

Further development of the land infringes on Six Nations Aboriginal and Treaty Rights by essentially guaranteeing land will not be returned to a natural state and by negatively impacting the environment through emissions and use of resources. Developments on this land fall under the Duty to Consult and Accommodate, meaning Six Nations of the Grand River must be consulted with and accommodated for impacts to their rights. SNGREC requires that this development is paired with compensation for impacts to these rights and to the environment. Compensation should include environmental enhancement and could also include other forms such as increased numbers of affordable units and discounts for Six Nations people. Please contact lrlust@sixnations.ca to schedule a meeting to collaborate on determining compensation. SNGREC requires commitment to compensation before Detail Design.

Minor Variance-Specific Comment:

Parking

SNGREC encourages minimizing parking and does not support the increased parking minimums. New developments should have a transit-oriented future in mind and should avoid promoting car-centric living. Instead, developers should be considering mixed-use developments and working with the City to implement transit options.

Site Plan Related Comments:

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

SNGREC strongly encourages the creation of pollinator gardens using native plant species in landscaped areas not intended for human movement. Pollinator gardens can offer food, breeding space, and sanctuary for pollinators that are harmed by human expansion as they lose functional habitat, and their remaining habitat becomes more fragmented. Community gardens could also be implemented alongside pollinator gardens for an

added community benefit. These will also increase the visual attractiveness of the area.

Bird and Light Friendly Design

SNGREC requests that the buildings and streetscapes are designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and directing light downwards.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

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2922 King St E

Parking Minimums

SNGREC supports the reduced parking minimums.

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

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Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (Thank you) and kind regards

Emmett Vanson, Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council – Lands and Resources – Consultation and Accommodation Process Team

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Evan Wittmann, Senior Planner, 519-783-8523**

WARD(S) INVOLVED: **Ward 7**

DATE OF REPORT: **December 3, 2025**

REPORT NO.: **DSD-2025-487**

SUBJECT: **Minor Variance Application A2025-126 – 1720 Glasgow Street**

RECOMMENDATION:

That Minor Variance Application A2025-126 for 1720 Glasgow Street requesting Permission under section 45(2)(a)(ii) of the Planning Act to enlarge a 'Legal Non-Conforming Use', a 'Place of Worship', to facilitate an addition to the existing building in a 'Neighbourhood Industrial Employment Zone (EMP-1)' in Zoning By-law 2019-051, generally in accordance with drawings prepared by Wayne Long Architects, dated March 2004, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application for Permission to facilitate a proposed addition to a Legal Non-Conforming Use at 1720 Glasgow Street.
- The key finding of this report is the application meets the applied tests and is recommended for approval.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located at the far northwest corner of the City, on the western side of Glasgow Street. The surrounding area generally consists of a mix of employment, major utility, places of worship, and residential uses .

The site currently features one building, which is currently used as a place of worship. A large parking area is located in the front yard of the site. The site is approximately 290 metres long and 61 metres wide, with a considerable grade change down towards the rear of the site. This rear area is GRCA regulated.

Figure 1: Subject Site, View From The Street (Taken November 21, 2025)

Figure 2: Subject Site, View To Rear Of Site (Taken November 21, 2025)

The subject property is identified as ‘Industrial Employment Area’ on Map 2 – Urban Structure and is designated ‘General Industrial Employment’ on Map 3 – Land Use in the City’s 2014 Official Plan.

The property is zoned ‘Neighbourhood Industrial Employment Zone (EMP-1)’ in Zoning By-law 2019-051. The ‘EMP-1’ Zone permits a range of industrial and employment uses. The existing place of worship is not a permitted use in this zone; however, the place of worship was legally established as a use prior to the current Zoning By-law taking effect, resulting in a ‘Legal Non-Conforming Status’.

The purpose of the Minor Variance Application is to permit the construction of a new building addition to the existing place of worship building. The addition is proposed to be located at the front of the existing building, with a new parking area being proposed to the rear. The plans originated in 2004, with a future Phase 2 and Phase 3 being proposed. The current plan is in keeping with this original “Phase 2”. “Phase 3” was a rear addition between the proposed parking area and the existing building but is no longer part of the expansion plans for the church.

Figure 3: Urban Structure (Map 2 Of Official Plan)

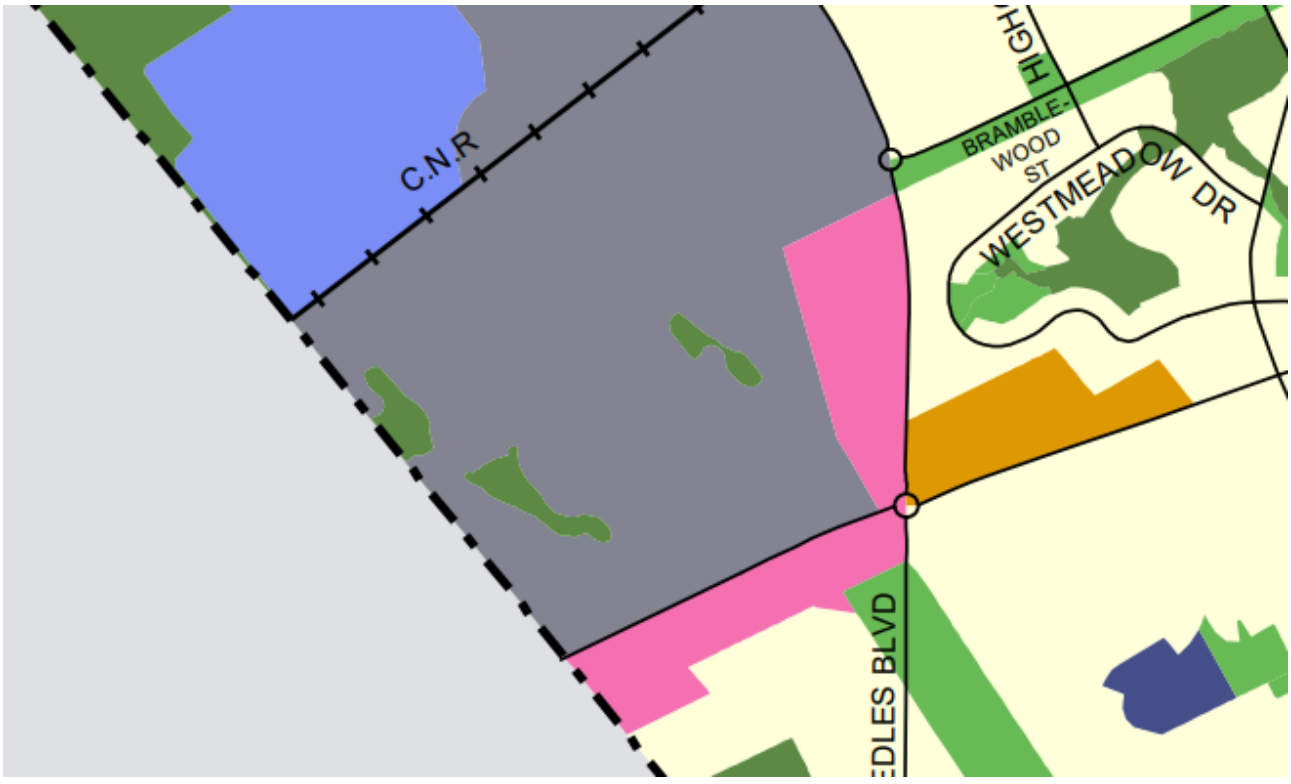

Figure 4: Land Use Designation (Map 3 Of Official Plan)

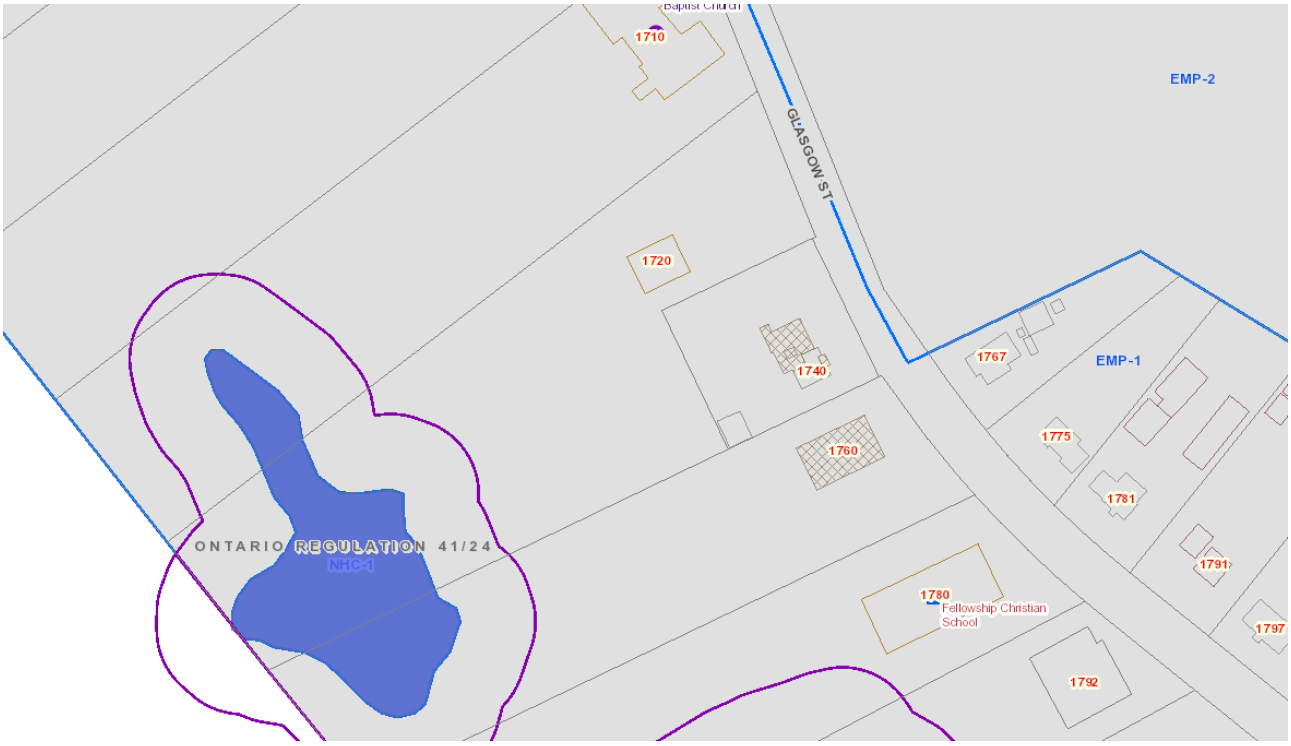

Figure 5: Zoning By-Law 2019-051

REPORT:

Planning Comments:

Case law sets out the tests to be applied by the Committee of Adjustment in considering applications under Section 45(2)(a)(ii). It should be noted that the test to be applied is not the four-part test for minor variances under Section 45(1) but rather whether the approval of the application:

1. Is in the public interest; and
2. Creates unacceptable or adverse impact upon abutting properties.

Is Approval in the Public Interest?
The site is just over 4 hectares in area. While a substantial size, the site has significant development constraints, primarily in the form of the slope towards the rear of the property, which is GRCA regulated area and zoned 'Natural Conservation Zone (NHC-1)'. This results in roughly half the site being not being feasible for development. The proposal to develop the front portion of the site would be a more efficient use of the site. While the site is planned for employment uses, the nature of the addition, being an auditorium for a non-residential use, would not preclude a permitted use from occupying the site in the future. As the site is currently underdeveloped, permitting the proposed addition may result in an easier transition to an employment use in the future.

Any Adverse or Unacceptable Impacts?
The proposed addition would be located between the existing building and the street, an area currently used for parking. While the addition may bring additional visitors to the location, parking to accommodate the increased size is planned to be located behind the

existing building. The addition is generally in keeping with the size of nearby uses, including the place of worship on the property abutting to the north. The GRCA regulated area to the rear of the site will not be disturbed, resulting in no adverse environmental impacts.

Environmental Planning Comments:
No concerns since large addition is proposed at the front of the existing structure further away from the Locally Significant Wetland (Kitchener Natural Heritage Study) at the rear of the property. Also since this area is already hardened as a parking lot, stormwater management and drainage should not change.

Heritage Planning Comments:
No comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed variance provided a building permit for the addition to the church is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:
Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:
No concerns, no requirements.

Transportation Planning Comments:
Transportation Services have no concerns with this application.

Six Nations of the Grand River Elected Council:
Site Plan Related Comments:

Bird and Light Friendly Design
SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

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Landscaping
SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after

decades of seeming fine. SNGREC requests the replacement of Mugho Pine and Hicks Yew from the Plant List with native species. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

Region of Waterloo:
No concerns.

Grand River Conservation Authority:
GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains a wetland and the regulated allowance adjacent to the wetland. A copy of GRCA's resource mapping is attached.

Due to the presence of the above-noted features, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

It is understood that the proposed minor variance application requests an extension of the legal non-conforming use to facilitate an expansion of the existing church. GRCA staff reviewed the plans circulated and confirmed that the proposed development is outside of the regulated area noted above. As such, the GRCA has no objection to the approval of this minor variance application.

Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance, and the applicant will be invoiced in the amount of $300.00 for GRCA's review of this application.

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.

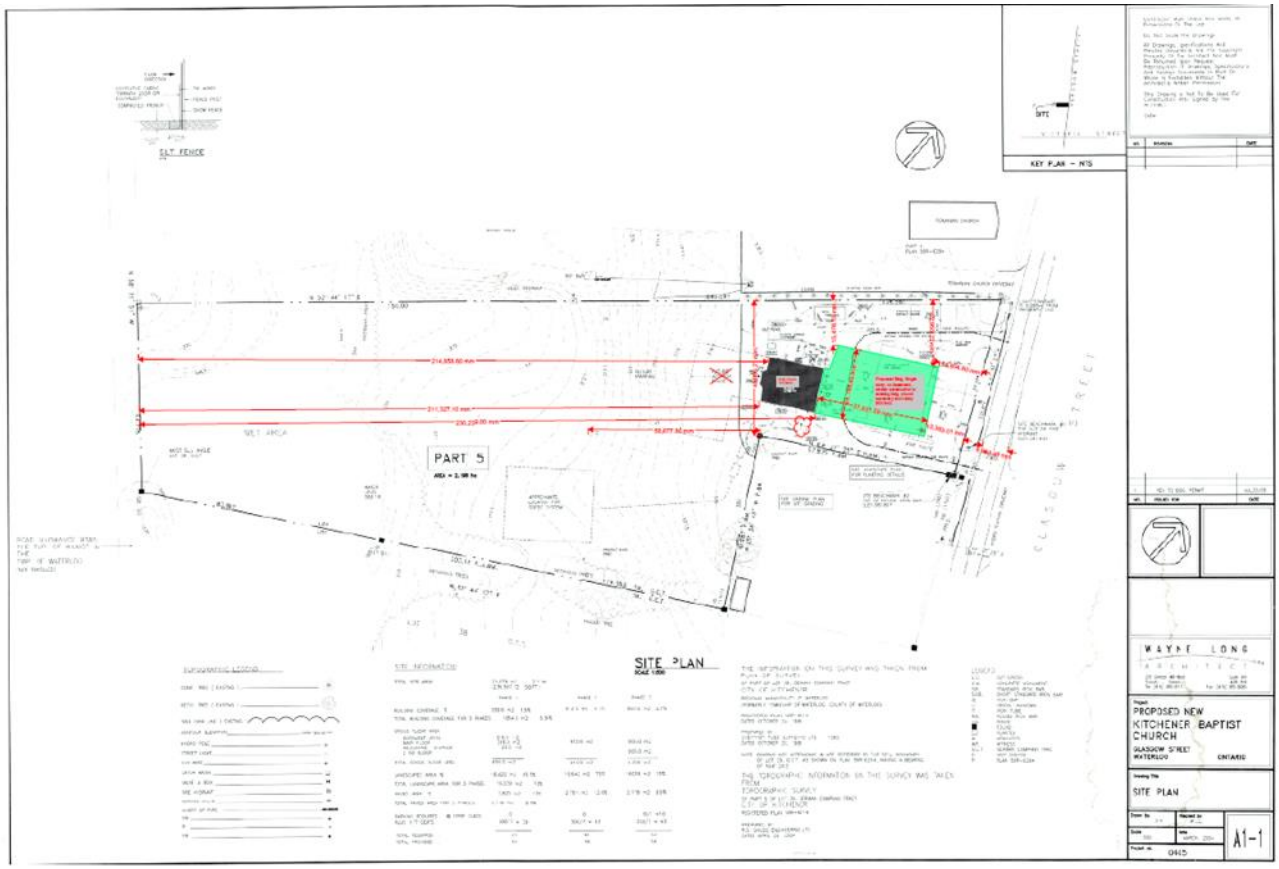
PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Site Plan

Attachment A – Site Plan



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

GRCA File: A2025-126 – 1720 Glasgow Street

Marilyn Mills
City of Kitchener
200 King Street West
Kitchener, ON N2G 4O7

Dear Marilyn Mills,

Re: Application for Minor Variance A 2025-126
1720 Glasgow Street, City of Kitchener
Kitchener Baptist Church

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application requesting an extension of the legal non-conforming use.

Recommendation
The GRCA has no objection to the proposed minor variance application.

GRCA Comments
GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains a wetland and the regulated allowance adjacent to the wetland. A copy of GRCA's resource mapping is attached.

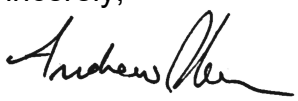
Due to the presence of the above-noted features, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

It is understood that the proposed minor variance application requests an extension of the legal non-conforming use to facilitate an expansion of the existing church. GRCA staff reviewed the circulated plans and confirmed that the proposed development is outside of the regulated area noted above. As such, the GRCA has no objection to the approval of this minor variance application.

Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of $300.00 for GRCA's review of this application.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,



Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: *Kitchener Baptist Church (via email)
Luke Passmore, Frey Building Contractors (via email)

Grand River Conservation Authority

Date: Nov 17, 2025
Author: ah

A2025-126 - 1720 Glasgow Street

Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
  - Steep
  - Oversteep
  - Toe
- Slope Valley (GRCA)
  - Steep
  - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)
- Conservation Area Boundary (GRCA)

Copyright Grand River Conservation Authority, 2025.

Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. See Sources and Citations for details.

Scale 1:2,857

NAD83 UTM Zone 17N (EPSG:26917)

Map Centre (X,Y): 535388.37, 4808160.27 | Map Link

This map is not to be used for navigation | 2024 Ortho (ROWG)

From: Emmett Vanson
To: Committee of Adjustment (SM)
Cc: Peter Graham
Subject: SNGREC Environmental Comments Re: Committee of Adjustment Application Review - December 9, 2025 Meeting
Date: Monday, November 17, 2025 11:52:44 AM
Attachments: Outlook-01a2z2tl.png
SNGREC Env Comments re Kitchener CoA Dec 9 meeting.pdf

Hello,

Attached are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on. I did not have any comments for any minor variances that not referenced in the attached documents.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (thank you),
Emmett Vanson, BSc. **(he/him)**
Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council - Lands and Resources Department - Consultation and Accommodation Process Team
lrlust@sixnations.ca

Confidentiality Notice: This email, including any attachments, is for the sole purpose of the intended recipients and may contain private, confidential, and privileged information. Any unauthorized review; use, disclosure or distribution is prohibited. If you are not the intended recipient or this information has been inappropriately forwarded to you, please contact the sender by reply email and destroy all copies of the original.

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, November 14, 2025 4:13 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: [External] ACTION REQUIRED - Committee of Adjustment Application Review - December 9, 2025 Meeting

Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, December 9, 2025, have been loaded and circulated through ShareFile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must be sent to CofA@kitchener.ca no later than 12 noon on Monday, November 24, 2025.

If you have no comments for the Committee's consideration, you do not need to respond.

Connie Owen
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2203 | TTY 1-866-969-9994 | cofa@kitchener.ca

Six Nations of the Grand River Elected Council – Lands and Resources – Land Use Team
Tel: 519-445-0330
1721 Chiefswood Road, Ohsweken ON N0A 1M0
Fax: 519-753-3449

Nov 17, 2025

To: City of Kitchener Committee of Adjustment Via: Email

Greetings,

Included are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding the Dec 9th Committee of Adjustments meeting. Please note that due to lack of previous consultation, most comments relate to the site plan or design of the application rather than the minor variance itself. Please ensure that this is communicated to the proponents when comments are passed on.

1720 Glasgow St

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. SNGREC requests the replacement of Mugho Pine and Hicks Yew from the Plant List with native species.

SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

107 Young St W

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

131 Gage Avenue

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

532 & 546 Courtland Ave E

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

630 Benninger Drive

Treaty Rights Accommodation and Compensation

Further development of the land infringes on Six Nations Aboriginal and Treaty Rights by essentially guaranteeing land will not be returned to a natural state and by negatively impacting the environment through emissions and use of resources. Developments on this land fall under the Duty to Consult and Accommodate, meaning Six Nations of the Grand River must be consulted with and accommodated for impacts to their rights. SNGREC requires that this development is paired with compensation for impacts to these rights and to the environment. Compensation should include environmental enhancement and could also include other forms such as increased numbers of affordable units and discounts for Six Nations people. Please contact lrlust@sixnations.ca to schedule a meeting to collaborate on determining compensation. SNGREC requires commitment to compensation before Detail Design.

Minor Variance-Specific Comment:

Parking

SNGREC encourages minimizing parking and does not support the increased parking minimums. New developments should have a transit-oriented future in mind and should avoid promoting car-centric living. Instead, developers should be considering mixed-use developments and working with the City to implement transit options.

Site Plan Related Comments:

Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

SNGREC strongly encourages the creation of pollinator gardens using native plant species in landscaped areas not intended for human movement. Pollinator gardens can offer food, breeding space, and sanctuary for pollinators that are harmed by human expansion as they lose functional habitat, and their remaining habitat becomes more fragmented. Community gardens could also be implemented alongside pollinator gardens for an

added community benefit. These will also increase the visual attractiveness of the area.

Bird and Light Friendly Design

SNGREC requests that the buildings and streetscapes are designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and directing light downwards.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf

2922 King St E

Parking Minimums

SNGREC supports the reduced parking minimums.

Site Plan Related Comments:

Bird and Light Friendly Design

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, directing light downwards, and more.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf

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Landscaping

SNGREC requires that native plant species are prioritized in landscaping efforts, and that invasive or potentially invasive species are completely avoided. Non-native species are less ecologically beneficial, and some non-native species can become invasive even after decades of seeming fine. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

Thank you for taking my comments. Please do not hesitate to reach out if you have any questions or concerns or connect me with proponents if they have questions or concerns.

Niá:wen (Thank you) and kind regards

Emmett Vanson, Land Use and Stewardship Technician
Six Nations of the Grand River Elected Council – Lands and Resources – Consultation and Accommodation Process Team

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Brian Bateman, Senior Planner, 519-783-8905**

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

DATE OF REPORT: **November 28, 2025**

REPORT NO.: **DSD-2025-485**

SUBJECT: **Consent Application B2025-032 - 776 Rockway Drive**

RECOMMENDATION:

That Consent Application B2025-032 for 776 Rockway Drive requesting Consent to sever a parcel of land having a lot width of 7.6 metres on Rockway Drive, a lot depth of 36.6 metres, and a lot area of 278.3 square metres. The lands to be retained will also have a lot width of 7.6 metres on Rockway Drive, a lot depth of 36.6 metres, and a lot area of 277.9 square metres to allow each half of a proposed Semi-Detached Dwelling having 3 Additional Dwelling Units (ADUs) (Attached) be dealt with independently, BE APPROVED subject to the following conditions:

1. **That the 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 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 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 Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development**

Approvals.

5. **That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.**

6. **That the Owner obtains a Demolition Permit, for the existing detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.**

7. **That the Owner shall:**

   a) **Prepare a Tree Preservation Plan for the Severed and Retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans and the City's Director, Parks and Cemeteries, and where necessary, implemented prior to any demolition, grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of street trees, a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.**

   b) **That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.**

8. **That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of $11,862.00.**

9. **That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**

10. **That the 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.**

11. **That the 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.**

12. **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.**

13. **That the 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.

14. **That prior to final approval the Owner submits the Consent Application Review Fee of $350.00 to the Region of Waterloo.**

REPORT HIGHLIGHTS:

- The purpose of this report is to assess a request to sever a parcel of land that would allow each half of a proposed Semi-Detached Dwelling with 3 attached ADUs be dealt with independently.
- The key finding of this report is the proposal is considered good planning. Semis are a permitted use in the zoning for this property and there are no variances required to facilitate the proposed lotting fabric nor the use of a semi with ADUs. Staff is therefore recommending approval of the consent subject to conditions.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on Rockway Drive near Rockway Gardens and Rockway Golf Course. The neighbourhood is comprised of a mix of low and mid-rise residential uses. The subject property contains an existing detached dwelling (see Figures 1 and 2) that is proposed to be demolished to construct a semi-detached dwelling.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure, is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The subject property is not within a Cultural Heritage Landscape identified on Map 9 in the Official Plan.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. This zone permits the use of a Semi-Detached Dwelling with up to 3 Additional Dwelling Units (ADUs) (Attached) providing the zoning regulations can be met.

The purpose of the application is to sever a parcel of land to permit each half of a new Semi-Detached Dwelling, with 3 attached ADUs, to be dealt with independently (see Figure 3).

A Zoning Occupancy Permit (see Figure 4) has been issued to validate the use and compliance with the zoning regulations. Demolition Control, a Demolition Permit, demolition of the dwelling and a Building Permit, are required before the Consent receives Final Approval and new dwelling can be built.

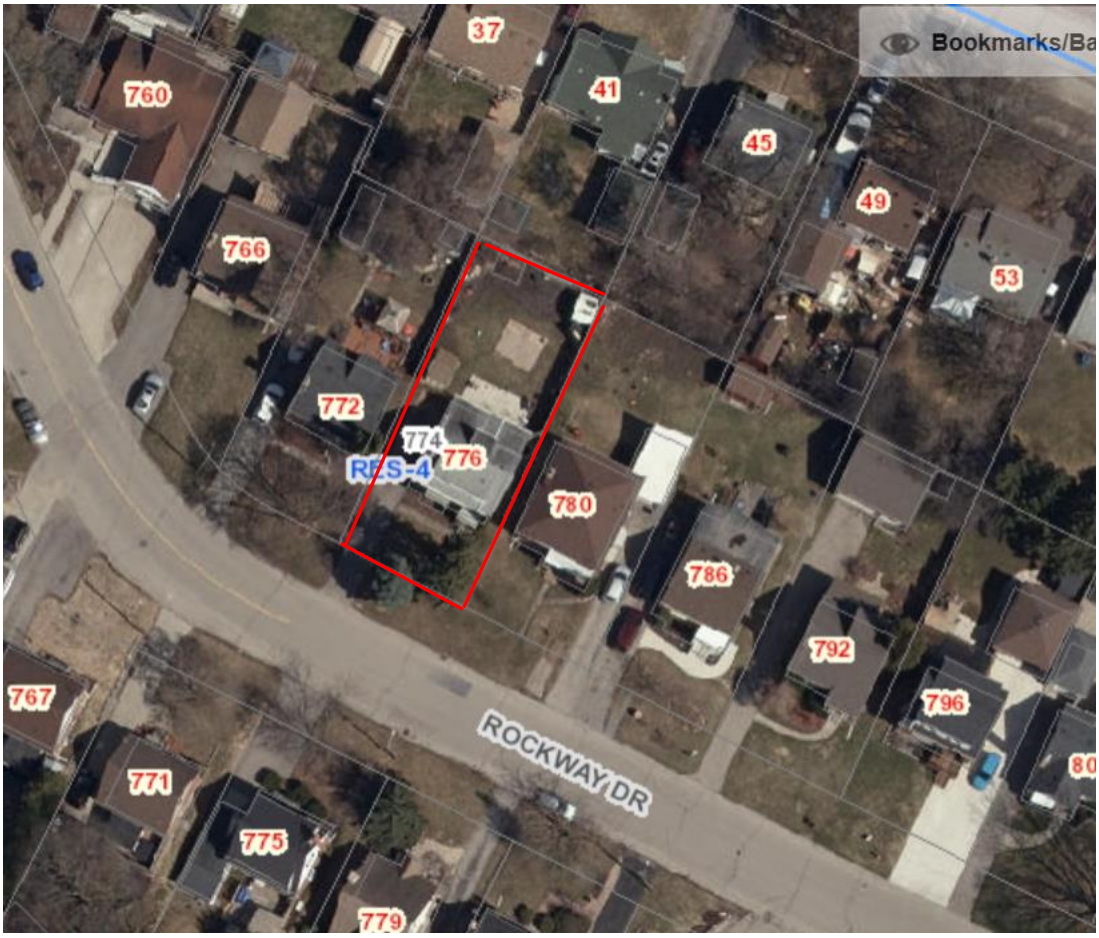


Figure 1 - Location Map - 776 Rockway Drive (outlined in red)

Figure 2 – Photo of 776 Rockway Drive

It is noted that the foundation for the future building/dwelling has not yet been poured or surveyed and a Reference Plan and Building Location Survey was not provided and submitted with the Consent Application. Typically, best practices dictate that prior to the Consent of a property proposed to contain an attached dwelling, the foundation is to be set and surveyed so as to accurately capture the new lot line as constructed. The City is cognisant of the construction challenges and excavation costs that this process poses, and as such, will permit Consent Applications to proceed ahead of the foundation being poured and surveyed. The Applicant is submitting this application with confidence that the future foundation will coincide with the proposed lot dimensions and setbacks, no maintenance easements are necessary and is proceeding with the application at this time **'at their own risk'**. A new condition is proposed to be added to these types of Consent Approvals as follows:

"**That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals**".

Should the common wall of the foundation not be located on the common lot line, or the setbacks of the building/dwelling do not meet zoning requirements, the Applicant will be required to rectify and/or submit new Committee of Adjustment Applications to resolve the errors and/or deficiencies at their own expense.

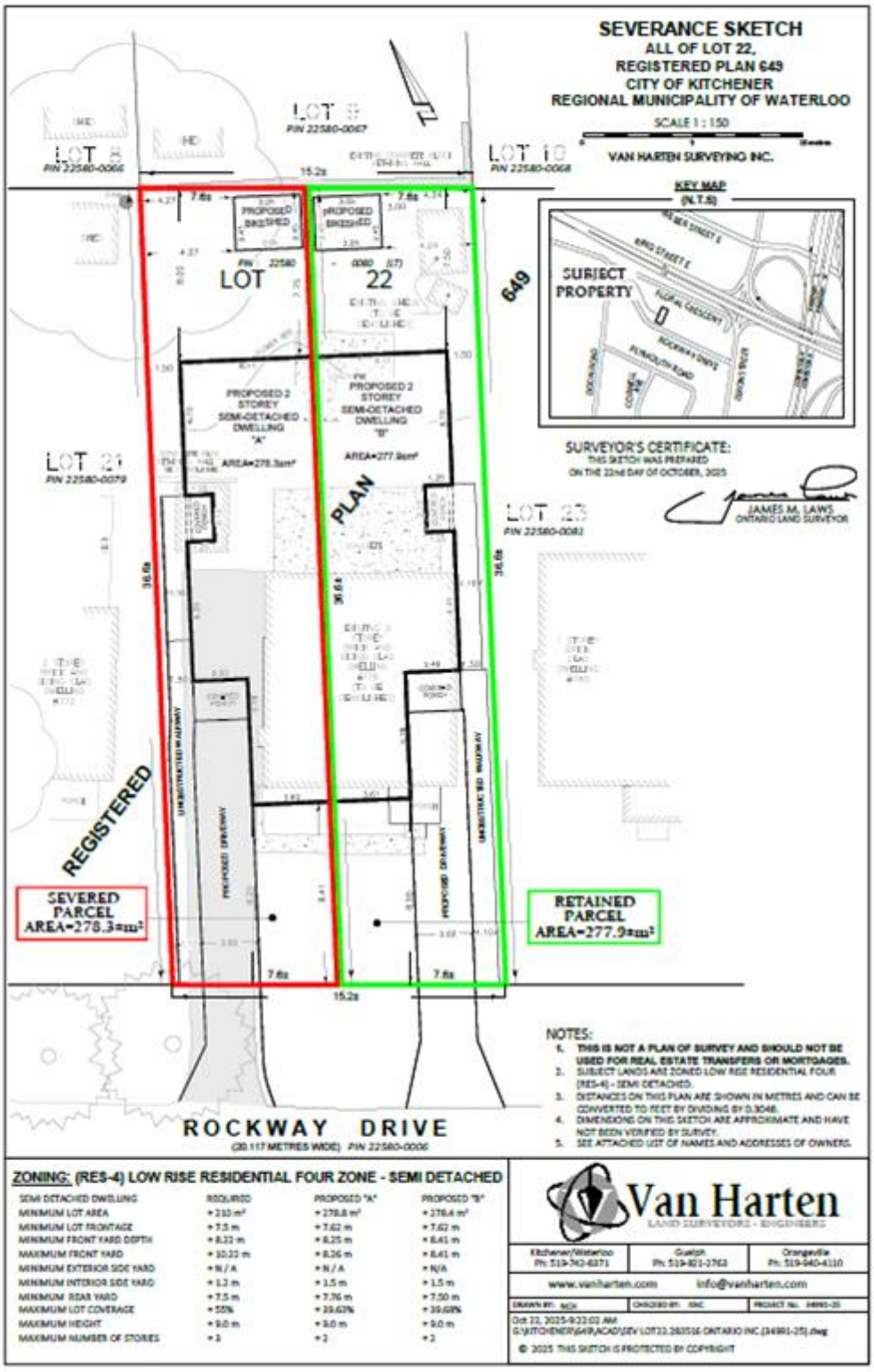
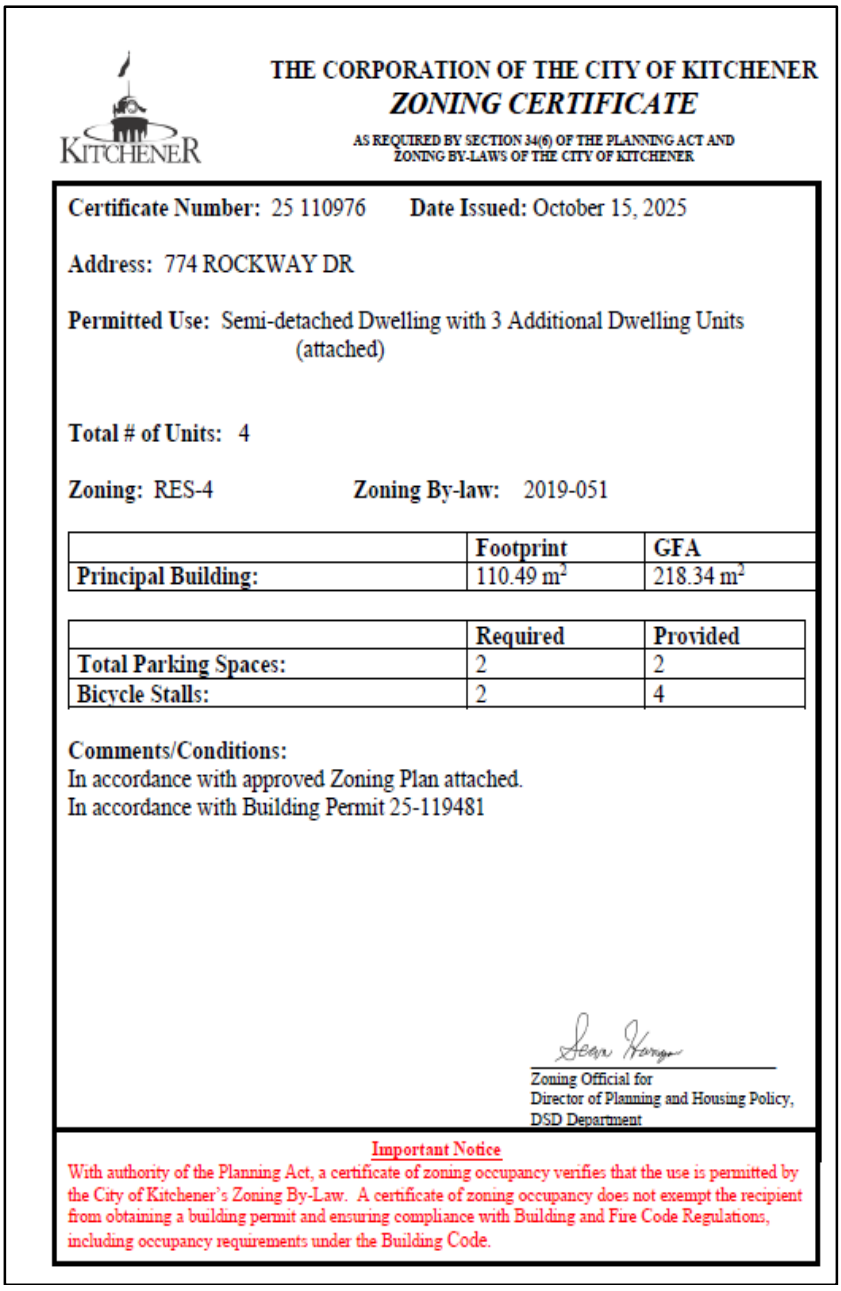


Figure 3 – Severance Sketch



THE CORPORATION OF THE CITY OF KITCHENER

ZONING CERTIFICATE

AS REQUIRED BY SECTION 34(6) OF THE PLANNING ACT AND ZONING BY-LAWS OF THE CITY OF KITCHENER

Certificate Number: 25 110976 **Date Issued:** October 15, 2025

Address: 774 ROCKWAY DR

Permitted Use: Semi-detached Dwelling with 3 Additional Dwelling Units (attached)

Total # of Units: 4

Zoning: RES-4 **Zoning By-law:** 2019-051

	Footprint	GFA
Principal Building:	110.49 m^2	218.34 m^2

	Required	Provided
Total Parking Spaces:	2	2
Bicycle Stalls:	2	4

Comments/Conditions:
In accordance with approved Zoning Plan attached.
In accordance with Building Permit 25-119481

Zoning Official for
Director of Planning and Housing Policy,
DSD Department

Important Notice

With authority of the Planning Act, a certificate of zoning occupancy verifies that the use is permitted by the City of Kitchener's Zoning By-Law. A certificate of zoning occupancy does not exempt the recipient from obtaining a building permit and ensuring compliance with Building and Fire Code Regulations, including occupancy requirements under the Building Code.

Figure 4 – Zoning Occupancy Certificate

REPORT:

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

Provincial Planning Statement (PPS 2024)
In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Staff are satisfied that the proposed infill severance application is consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) states that

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

Regional Official Plan (ROP):
ROP Urban Area policies state that the focus of the Region's future growth shall be within the Urban Area. The subject lands fall within the 'Urban Area' and 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 and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional polices require 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. Staff are satisfied that the proposed severance application adheres to these policies and conforms to the ROP.

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 Official Plan.

Section 17.E.20 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). Policy 17.E.20.5 states 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-law 2019-051

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. This Zone category permits the use of a Semi-Detached Dwelling with up to 3 ADUs (Attached) providing the zoning regulations can be met. A Zoning Occupancy Certificate has been issued confirming compliance with the zoning regulations.

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 lot is 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. The severed lands front onto an established public street and are serviced with municipal services. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

Environmental Planning Comments:

Request the standard consent condition to enter into an agreement to complete, submit, obtain approval of, and implement a Tree Preservation and Enhancement Plan (TPEP) for both the severed and retained lots, prior to site alteration, demolition and/or building permit. In this case it would be appropriate to require the TPEP as a condition of Final Approval given that a Demolition Permit is required in advance of obtaining the Certificate of the Official. Although the Applicant may not be actively clearly all of the conditions of this Consent at the time of consideration of Demolition Control/Permit of the existing detached dwelling, the Applicant is advised that the TPEP Condition is still applicable and must be approved prior to Demolition Permit issuance.

Heritage Planning Comments:

No concerns or comments.

Resident Comments

Staff wish to acknowledge a letter (see attachment) received from a member of public voicing concern with the proposal as it relates to heritage. Planning Staff discussed this matter with Heritage Staff. Heritage Planning Staff confirm that this property has no heritage value and is not contiguous to and across from any identified heritage resources.

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.
- 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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.
- The side yard currently accommodates overland stormwater flows. A sidewalk is required to the rear yard in accordance with the Zoning By-law. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Parks and Cemeteries/Forestry Division Comments:

Cash-in-lieu of park land dedication will be required at the time of severance for the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **$11,862.00.** Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.6 metres and a land value of $36,080.00 per frontage metre, which equals $13,710.40. In this case, a per unit cap of $11,862.00 has been applied.

There is an existing City-owned street tree within the right-of-way on Rockway Drive. **It is expected that all City owned tree assets will be fully protected to City standards** throughout demolition and construction as per Chapter 690 of the current Property Maintenance By-law. Tree Protection and Enhancement Plans to Forestry's satisfaction will be required outlining complete protection of City assets prior to any demolition or building permits being issued.

Transportation Planning Comments:

No concerns.

Region of Waterloo Comments:

Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of $350.00 per application to the satisfaction of the Region of Waterloo.

GRCA Comments:
No concerns.

SNGREC Comments:
No comments.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

..

PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali, MCIP, RPP
File: D20-20/25 KIT
November 24, 2025

Connie Owen
Administrative Clerk, Legislative Services
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Dear Ms. Owen:

Re: Comments on Consent Applications – B 2025-032 to B2025-036 (inclusive)
Committee of Adjustment Meeting – December 9, 2025
City of Kitchener

File: B2025-032
Address: 776 Rockway Dr
Description: Plan 649, Lot 22
Owner: 2832516 Ontario Inc c/o Tara Bruwer-Sutton
Applicant: Masri O Inc Architects c/o Reema Masri

The applicant/owner is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of each lot with a semi-detached duplex, providing 4 units per dwelling, for a total of 8 units. The existing single detached dwelling will demolished. The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configuration is as follows:
Severed – 278.8 sqm area with 7.62m frontage
Retained – 278.422 sqm with 7.62m frontage

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Low-Rise Residential in the City of Kitchener Official Plan, and zoned RES-4.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for Consent. Regional Staff acknowledge receipt of the S. 59 Notice.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.

File: B2025-033
Address: 104 Brentwood Ave
Description: Plan 651, Lot 158
Owner: Veasna Suon
Applicant: Masri O Inc Architects c/o Reema Masri

The applicant/owner is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of each lot with a semi-detached duplex, providing 4 units per dwelling, for a total of 8 units. The existing single detached dwelling will demolished. The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configuration is as follows:
Severed – 277.9 sqm area with 7.6m frontage
Retained – 277.9 sqm with 7.6m frontage

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Low-Rise Residential in the City of Kitchener Official Plan, and zoned RES-4.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for Consent. Regional Staff acknowledge receipt of the S. 59 Notice.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.

File: B2025-034/5
Address: 67/71 Blucher St
Description: Plan 328, Lot 6; Plan 339, Part lot 4
Owner: Marko Podobnik
Applicant: GSP Group Inc c/o Kristen Barisdale

The applicant/owner is proposing consent to sever to create a new residential lot and to create reciprocal easements for shared access/servicing. The lot to be severed (71 Blucher) contains an existing linear townhouse building (10 units). The lot to be retained (67 Blucher) contains an existing linear townhouse building (4 units) which would be demolished to in order to develop two 8-unit linear stacked townhouse (total of 16 units).

The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are required to facilitate the consent for the severed lands, pertaining to lot width, and setbacks. The ands were subject to Stamp B Site Plan Approval (SP23/073/B/TS) in Feb 2024 to formalize existing conditions. SP23/084/B/TS conditional site plan approval was granted in March 2024 for the redevelopment of 67 Blucher.

The proposed lot configuration is as follows:
Retained - B2025-034 - - 67 Blucher – 1,594.68 sqm with 26.8m frontage
Severed – B2025-035 - 71 Blucher - – 2,127,47 sqm area with 5.8m frontage

The subject lands are designated Built-Up Area (within the Urban Boundary), with an MTSA (Central Station) and Urban Growth Centre (Downtown Kitchener) in the Regional Official Plan (ROP), Low-Rise Residential and Community Area in the City of Kitchener Official Plan, and zoned RES-5.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of kKitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice and this will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):

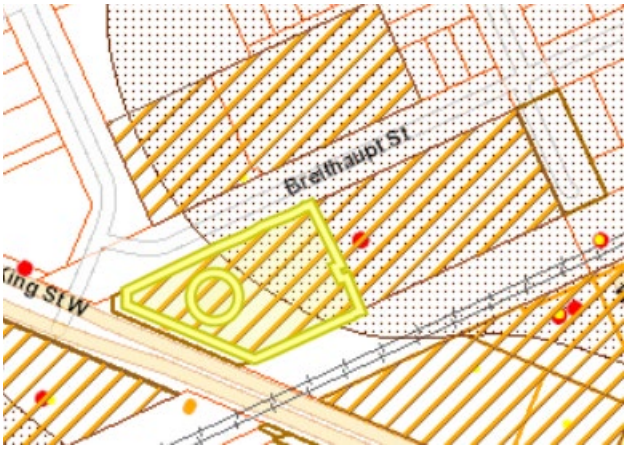
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo

File: B2025-036
Address: 25 Breithaupt St
Owner: 2184647 Ontario Ltd c/o Perimeter Development
Applicant: MHBC c/o Juliane von Westerholt

The purpose of consent is to establish a long-term lease in excess of 21 years for the subject lands. The lease is between Perimeter Group and Google. The lease includes the use of the entire building located at 25 Breithaupt Street including floors 1 to 5 and the penthouse floors, as well as access to the parking garage.

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Strategic Growth Area (B) in the City of Kitchener Official Plan, and zoned SGA-4,(51)(19H)(81H) and SGA-3(54)(132)133)(81H).

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are medium and/or high threat(s) identified on and/or adjacent to the subject property. There is one (1) known threat extent mapped, and one (1) Record of Site Condition.



Record of Site Condition
RSC Number: 223120
Site Address: 51 BREITHAUPT STREET, KITCHENER, ON N2H 5G5, 25 BREITHAUPT STREET, KITCHENER, ON N2H 5G5
Intended Property Use: Commercial
QP Employer: GHD LIMITED
Filing Date: Mar 23, 2017 8:00 PM
Certification Date: May 26, 2016 8:00 PM
Site Conditions: Full Depth Generic Site Conditions Standard, with Potable Ground Water, Coarse Textured Soil, for Commercial property use, with RA

Known Threat Extent
THREAT_ID: 3800
Description: Plume of contaminated groundwater estimated per 2005 XCG report

Threats Inventory

Threat ID: 20911
Company: COLLINS & AIKMAN CANADA INC.
Threat Rank: Medium
Address: 51 BREITHAUPT ST
NAICS: 314110
NAICS Description: Carpet and Rug Mills
Location Code: Inherited geocode value (i.e. previous databases, consultants, other RMOW departments); methodology, reliability and accuracy unknown
Source Table: 2003 Dun & Bradstreet Business Listing

Threat ID: 3578
Company: CANADIAN CONSOLIDATED/MERCHANTS/DOMINION RUBBER CO
Threat Rank: Medium
Address: 51 BREITHAUPT ST
SIC E 1980: 1599
SIC E 1980 Description: Other Rubber Products Industries
Location Code: Automatic or manual geocode (remnant of IPCS classification), reliability and accuracy good
Source Table: Kitchener-Waterloo Historical Survey – Businesses

Threat ID: 6041
Company: PERSTORP COMPONENTS (CANADA) INC.
Threat Rank: Medium
Address: 51 BREITHAUPT ST
SIC E 1980: 1699
SIC E 1980 Description: Other Plastic Products Industries n.e.c.
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: 1993 Dun & Bradstreet Business Listing

Threat ID: 14332
Company: COLLINS & AIKMAN
Threat Rank: High
Address: 51 BREITHAUPT STREET
NAICS: 336390
NAICS Description: Other Motor Vehicle Parts Manufacturing
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Threat ID: 32233
Company: PERIMETER DEVELOPMENT INC.

Threat Rank: High
Address: 51 BREITHAUPT STREET
NAICS: 531310
NAICS Description: Real Estate Property Managers
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Threat ID: 13687
Company: PERSTORP COMPONENTS CANADA INC.
Threat Rank: High
Address: 51 BREITHAUPT STREET
SIC E 1980: 1611
SIC E 1980 Description: Foamed and Expanded Plastic Products Industry
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Hydrogeology & Source Water Protection Plan

The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice which will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees

Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo.

General Comments

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, MCIP, RPP
Planner
Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: Marilyn Mills
To: Committee of Adjustment (SM)
Subject: FW: KITCHENER - 776 ROCKWAY DRIVE - B 2025.032
Date: Tuesday, December 2, 2025 10:34:26 AM
Attachments: image001.png

From: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>
Sent: Tuesday, December 2, 2025 10:33 AM
To: Marilyn Mills <Marilyn.Mills@kitchener.ca>
Subject: KITCHENER - 776 ROCKWAY DRIVE - B 2025.032

> You don't often get email from landuseplanning@hydroone.com. Learn why this is important

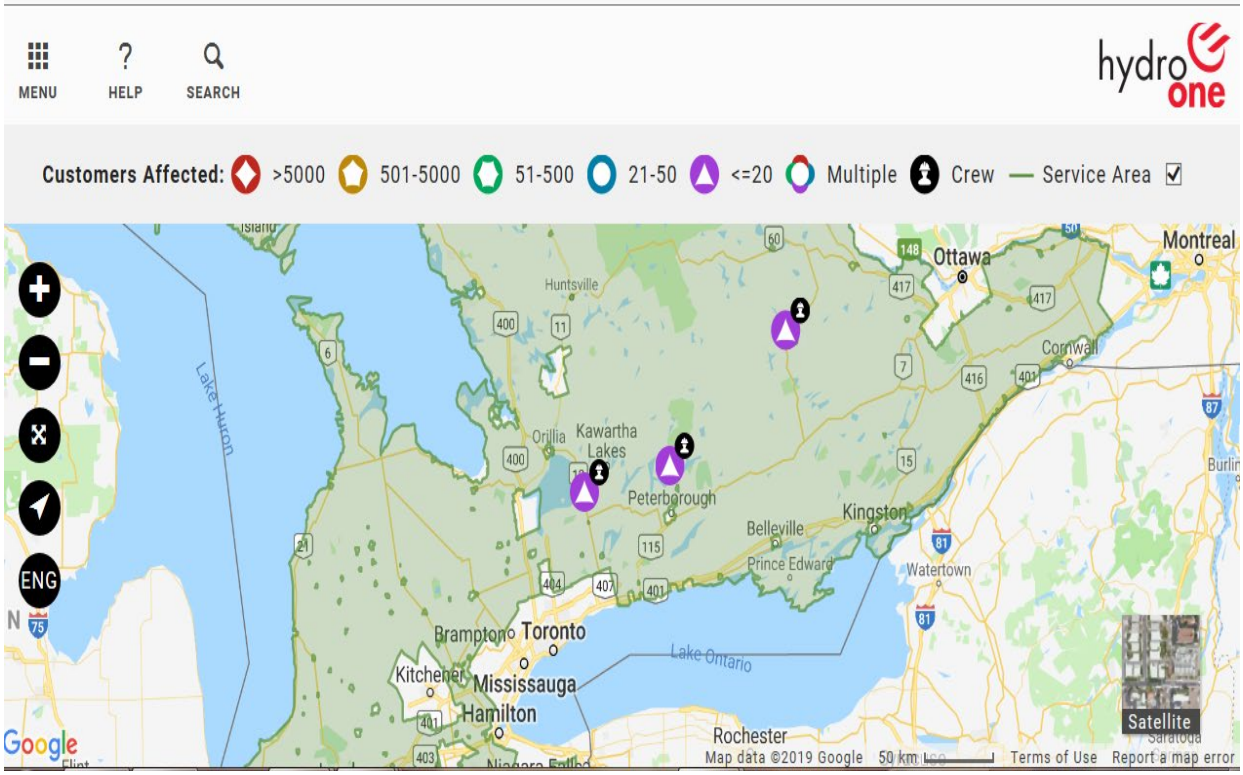
Hello,

We are in receipt of your Application for Consent, B 2025.032 dated 2025-11-21. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact Land Use Planning.

Thank you,

Land Use Planning Department
Hydro One Networks Inc.
Email: LandUsePlanning@HydroOne.com

From:
Sent: Sunday, November 23, 2025 7:30 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: 776 Rockway Drive (B2025-032)

My written submission opposing the notice of application for 776 Rockway Drive Kitchener (B2025-032) from;

Tracy Livingstone

I am a homeowner of Rockway Drive (built in 1952) and have lived in this beautiful **"historical"** neighborhood" for almost 15 years. I purchased my home in this specific area due to the stunning classic Victorian gardens only steps away from home. An old vibe neighborhood with no sidewalks and unique characteristics, including each single family home having it's own distinct aesthetic look with a history of our homes being built as far back as 1952. Rockway Gardens built in 1928 is considered a historical site and the gardens have a long association with the Kitchener Horticultural Society, which has maintained and beautified the site for decades. They are also associated with individuals important to the community, such as garden founder J. Albert Smith.

Heritage Designation: A heritage study found that the gardens meet the criteria for protection under the Ontario Heritage Act. The City of Kitchener has designated it as a Cultural Heritage Landscape

This neighborhood prides itself in maintaining this historical vibe with each home having unique elements from the 1950's along with each single family home that sits on their own plot of land, providing more distance from neighbors, which reduces noise and offers greater privacy and of course a long-term investment. I did not purchase my home 15 years ago to have a semi-detached dwelling, each half having 3 additional dwelling units next to me. I understand that we are facing a housing crisis, however allowing this development will not only destroy the historical look of Rockway Drive (and the rest of the neighborhood) but it will also decrease the value of our homes that we worked so hard to have. Who wants to buy a home with a sixplex unit beside it .....

This property at 776 Rockway Drive (and proposed build) is too narrow for two buildings and 6 units, not to mention providing a parking lot and vehicles to park. Each one of us on Rockway Drive enjoy sitting in our backyards with our beautiful gardens (and privacy) to only have an influx of exhaust fumes now entering our backyards and our homes. I can't image where the parking lot for this unit would be, destroy the back yard and lay asphalt so the homes that surround this dwelling are greatly impacted with the smell of exhaust fumes while we are trying to enjoy our backyard ? This is outrageous .....

Allowing this type of build at 776 Rockway Drive will greatly impact our privacy by having units looking into peoples windows as well as significant, major changes to our stunning and beautiful neighborhood. This will also set a precedent for our neighborhood to have buildings shoved into very small spaces.

It's horrible that the new owner of 776 Rockway Drive (a hungry landlord) wants to come to Rockway Drive with a lack of respect for a neighborhoods heritage look is outrageous. The area of Rockway is RES4 which generally allows for low-density residential dwellings. This home located at 776 Rockway sits on a very small piece of land (built back in the 1950's) this home has character and would certainly make a family happy if left alone and simply rented.

This neighborhood of Rockway Drive just finished another fight of bike lanes that were going to be installed and we won !! Reroute before you uproot (Rockway Gardens) was yet another battle that this entire community of Rockway came together to fight.

Please do not allow this application and build to follow through and allow Rockway Drive to maintain our look by adhering to specific guidelines and best practices that preserve our area's unique character and historical integrity.

Please protect our neighborhood and do not pass this application. We cannot allow a landlord to come to Rockway Drive and completely destroy our street, our neighborhood, our privacy, our heritage.

Please stop this.

Garbage Concerns

This unit and its proposed plans to demolish the existing home, sever the property and build an additional 8 units does meet the requirements for garbage removal and the new cart system that is being implemented in March 2026.

A property owner with a 3-6 unit building (each registered unit will receive one garbage cart. Two green carts will be shared between the 3-6 units).

Properly storing garbage, yard waste and recycling in a back shed on this property will only add to the current rat problem this neighborhood has been dealing with over the past year. Not to mention the increased risk of smell to the surrounding neighbours.

The waste management rule is that more than 6 units on a property requires private collection or a dumpster. If the proposed severance is approved, there would be 4 units on each side of the semi - detached dwelling which qualifies for municipal curb side pick up for waste.

So in total we would have 8 large new black garbage bins at the curb for pick up weekly ??? Is there enough curb side space for all these garbage bins and what about all the recycling bins, how would everything fit ? This would also create a hazard to pedestrians walking on the street since we do not have any sidewalks.

This is too many units on this property without this beautiful street starting to look congested and the historical component gone !!

Sincerely,
Tracy Livingstone

From:
To: Committee of Adjustment (SM); Debbie Chapman
Cc: Marilyn Mills
Subject: B 2025-032 - 776 Rockway Drive
Date: Wednesday, December 3, 2025 9:27:56 PM

Good Day,

I am writing to share my thoughts and concerns regarding the proposed plans to sever the land at 776 Rockway and the plan to build two two-level dwellings, each with four units, for a total of eight units. After reviewing the documents I've received, I understand that the development would also include four parking spaces and eight bike stalls.

While I am not opposed to the idea of replacing the existing house with new, thoughtfully designed dwellings, I do have concerns regarding the scale and impact of this development on our cherished neighborhood and the precedent it will be setting for other homes going up for sale. I truly appreciate that the developer is mindful of maintaining the overall height and scale of the building to blend with the surrounding residential area, but I fear that placing eight units on just two lots may result in very small living quarters (320-600 sq.ft)—especially when it comes to the comfort and long-term happiness of the tenants.

As a resident of this wonderful neighborhood for over ten years, I've witnessed firsthand how close-knit our community is. We have neighbors who support each other and look out for one another, and many seniors who may want to downsize but remain in this area. It's our hope that new residents will join us and enjoy the warmth and support of a community they can truly call home. However, when I think about the potential size of these units and the experiences we've already had with other small-scale developments, I worry that these units may feel more like cramped spaces than true homes. We've already seen developments with similar layouts—many of which have yet to be completed—and we've heard from tenants who find the living spaces too small for comfort. With knowing the square footage range of these units, I also have concerns regarding the units themselves. If each unit is to be equipped with its own in-suite laundry, valuable space within each unit will be taken up by these necessary appliances.

Another point I'd like to raise is the absence of green space within the proposed plan. I believe it's essential that the property includes outdoor space for residents to enjoy, whether that's for relaxation, gardening, or simply sitting outside with neighbors, especially since balconies are not part of the plan because of the minimum setbacks required. Our community values these shared green spaces, and they provide more than just aesthetic beauty—they help foster a sense of connection. As it stands, the plan seems to prioritize concrete and parking over green space, which could be detrimental to the overall feel of the area in the long term and to the tenants residing there.

Speaking of parking, I'm also concerned about the limited number of parking spaces in the proposal —only four spaces for eight units. With our neighborhood's current infrastructure and the reality that not everyone will be able to rely solely on bikes or public transit, this limited parking raises questions about where overflow vehicles will be parked. Will there be additional provisions made for visitors or residents with multiple cars?

Another concern with 4 units on each lot, that means there will be 8 large compost bins and 8 large garbage bins and recycling bins outside at all time. Whether its at the curb for pickup, or stored somewhere inconvenient for the tenants. We also have a rodent problem in this area, with several houses hiring pest control, which is not safe for the wild life that feed off the rodents.

In light of these concerns, I'd like to offer an alternative suggestion. Rather than severing the land to

build 2 compact units, we should keep the land as is, and allow bigger developments decades down the road and setting an example of the possibilities to lightly increase density with comfortable living. Perhaps the developer could consider building a two-story building (possibly with basement like 15 Floral) with 4-6 livable units or 3 or 4 townhomes like 739 Rockway drive , which would allow for more space per unit, additional parking in the front, and a greater opportunity to include green space in the back, less cramped quarters and a secure area for garbage/compost. This would not only provide residents with a more comfortable living environment but would also maintain the charm and livability of the neighborhood for decades to come.
I truly believe that thoughtful development can enhance our neighborhood without compromising its warmth and sense of community. I hope my concerns are taken into consideration as we work together to create a development that benefits everyone.

Thank you for your time and I wish to be notified of decisions made with this property.
Gina Georgiou

From:
To: Committee of Adjustment (SM)
Subject: Application No B 2025-032
Date: Thursday, December 4, 2025 3:43:57 PM

You don't often get email from Learn why this is important

I visited many houses and neighborhoods prior to making a choice to live in the Rockway neighborhood. It's a beautiful neighborhood consisting of two story, one and half story, bungalows, three and six plex's. Each dwelling somewhat different but they are unified and it looks and operates like a community. This neighborhood is for families. Neighbors don't just know the people who live beside them but many neighbors from other streets, so I guess you could say we are close knit neighborhood. Neighbors help each other out which I believe contributes to why Rockway is considered a desirable community to live in.

I recognize that as time goes by there will be changes to our neighborhood as most houses are reaching 75+ years, some maintained better than others and there will always be investors and developers that will be looking to purchase, rebuild and make a profit. That being said, this is my home and I'm very concerned with the proposal for the building on 776 Rockway. This proposal to severance the property and then build 2 buildings that appear as one building and then operate them separately is interesting. It allows the builder to build more units, which I guess is more profitable for them.

To be clear, I am opposed to severing of this property for so many reasons. Severing the property allows the builder to have 4 very small units for each property. There is little green space in my opinion and does not fit well within our existing neighborhood. We do have 3 and 6 plex buildings in this neighborhood however there is adequate green space allowing residents to sit outside and enjoy, perhaps have a small vegetable or flower garden. This building will use most of the green space for the building, bike sheds and garbage/recycle sheds/buildings.

I don't believe the proposed properties are for families and I suspect the studio's will be transient. These units will just be too small for people to feel comfortable to stay for long. I thought we learnt this lesson during Covid that people need a little space?

The existing proposal 8 units, 4 parking spots will be an issue as it is everywhere else in KW where an effort has been made to reduce parking spots. There are ads every week with individuals looking to rent a parking spot. I recognize the city of Kitchener allows/encourages reduced parking spaces, and in some areas it makes sense. That being said, people drive cars and continue to drive cars, when there is no room in the drive they park on the street, we are seeing this everywhere. In this case maybe the street during the day and Rockway Golf Course overnight? This property is located where there is a slight turn on Rockway Drive, parking on the street will be a safety issue for cars and pedestrians, there are no sidewalks on this street. Cars parked on the street (residents or visitors) will force people to walk around them on the street. This is a busy street with a high school where students are dropped off and picked up daily, a golf course and Rockway Gardens within 1-2 blocks of this building. This is

a safety issue. In this case, for this property, I believe more parking should be available.

I am also concerned with flooding, the green space will be reduced significantly on this property, our properties are on incline from the top of Rockway by the golf course down to Dixon and there have been several instances where residents have encountered flooding, for many more than once. Some residents have made some changes installing pavers and stone and now receive storm water credits for making changes allowing additional drainage, this should be highly considered. The green space in our neighborhood is important to mitigate this from re-occurrence. I suspect additional flooding would also impact to Schneider's Creek as well?

As I understand the waste management rules, this building / units will qualify for curbside pick up. If there are 8 units, that is 8 bins for garbage and 16 for recycle, effective March 2026, re-cycle will be reduced to every 2 weeks. We have existing rodent concerns in this neighborhood to begin with there are numerous raccoons, skunks and rats. I am aware of 4 properties in our area including my own where a professional company has been hired to eliminate, mitigate or prevent issues on their property. At least one property had an infestation of rats in their house. Garbage has to be maintained to not create a bigger problem than we have. Garbage and recycle from 8 units is way too much and very concerning on how that could even be managed properly.

I think when a new building is coming into a neighborhood, it should be built to be unified with the existing neighborhood. The building can be modern, but should fit into the neighborhood with the other houses, exterior should be brick, attractive. I see the letter with the application to the committee of adjustment references the intention to maintain this however without details I'm not sure if we should have faith that will occur. Who will monitor this, regardless of what is built on this property?

I was pleased the building height would be 2 story and I could support 4 nice sized units with 4 parking spots allowing the developer to have a profit and 4 families to have a nice unit to live in.

Neighbors privacy should be respected and protected at all costs. There is no reason that the new residents should be looking into someone else's property or vice versa. It should never be necessary for an existing resident to have to build a large wooden fence to maintain their privacy.

My property corner butts this property and my house was built with many windows, I have fears of being at the dinner table and looking into someone's apartment. I have these fears as I have no idea what this building will look like.

I am aware of 'bill C23'. I am also aware that there are thousands and thousands well in excess of 30,000 approved building applications in Kitchener approved by our council and planning teams where the shovel has not hit the ground as yet, four of these 20+ towers are within two blocks of this property. I see an abundance of apartment rentals in my neighborhood and throughout the city so I do not see any urgency or need to have 8 units jammed into this building.

This is my home and my neighborhood. I would be in favor of less more spacious units, and more green space. These type of units would be welcomed by residents ready to downsize from their house to an apartment.

At the end of the day, I would like to see a building that people will enjoy to live in, fits in our neighborhood. I want to see a building that will ensure my properties value is maintained or exceeded by the new building. I don't want the sale of my house someday to be impeded by this building.

I would encourage the Committee of Adjustment to do what's right when decisions are made, there are so many reasons to not do this. It's important to consider whether it's appropriate or permissible for here. I thank you for taking my input and concerns into consideration.

Lori Mark

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Brian Bateman, Senior Planner, 519-783-8905**

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

DATE OF REPORT: **November 24, 2025**

REPORT NO.: **DSD-2025-486**

SUBJECT: **Consent Application B2025-033 – 104 Brentwood Avenue**

RECOMMENDATION:

That Consent Application B2025-033 for 104 Brentwood Avenue requesting Consent to create a lot and retain a lot each having a lot width of 7.6 metres on Brentwood Avenue, a lot depth of 36.6 metres, and a lot area of 277.9 square metres to allow each half of a proposed Semi-Detached Dwelling, having 3 Additional Dwelling Units (ADUs) (Attached) to be dealt with independently, BE APPROVED subject to the following conditions:

1. **That the 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 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 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 Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals.**

5. **That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.**

6. **That the Owner obtains a Demolition Permit, for the existing detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.**

7. **That the Owner shall:**

   a) **Prepare a Tree Preservation Plan for the Severed and Retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any demolition, grading, servicing, tree removal or the issuance of building permits. 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. If necessary, the plan shall include required mitigation and or compensation measures.**

   b) **That the Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.**

8. **That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of $11,862.00.**

9. **That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**

10. **That the 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.**

11. **That the 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.**

12. **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.**

13. **That the 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.**

14. **That prior to final approval the Owner submits the Consent Application Review Fee of $350.00 to the Region of Waterloo.**

REPORT HIGHLIGHTS:

- The purpose of this report is to assess a request to sever a parcel of land that would allow each half of a proposed Semi-Detached Dwelling with 3 attached ADUs be dealt with independently.
- The key finding of this report is the proposal is considered good planning. Semi-Detached Dwellings are a permitted use in the zone category applicable to the subject property and there are no variances required to facilitate the proposed lotting fabric nor the use of a Semi-Detached Dwelling with ADUs. Staff is therefore recommending approval of the Consent Application subject to conditions.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on Brentwood Drive near the intersection of Jackson Avene close to Eastwood Collegiate Institute. The neighbourhood is comprised of a mix of low and mid-rise residential uses. The subject property contains an existing detached dwelling (see Figures 1 and 2) that is proposed to be demolished to construct a Semi-Detached Dwelling with 3 Additional Dwelling Units (ADUs) (Attached).

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 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. This zone permits the use of a Semi-Detached Dwelling with up to 3 ADUs providing the zoning regulations can be met.

The purpose of the application is to sever a parcel of land to permit each half of a new Semi-Detached Dwelling, with 3 ADUs (Attached) in each side, to be dealt with independently (see Figure 3).

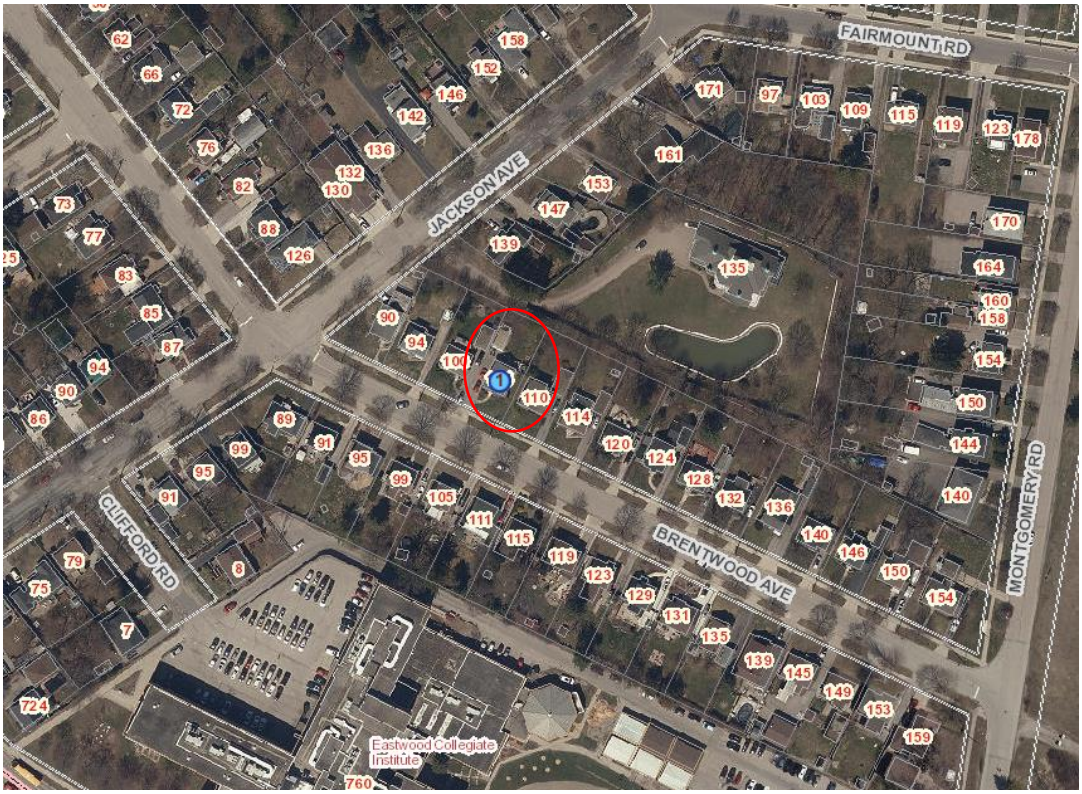


Figure 1 – Aerial Photo of Subject (outlined in red) and Surrounding Lands

Figure 2 – Photo of 104 Brentwood Avenue

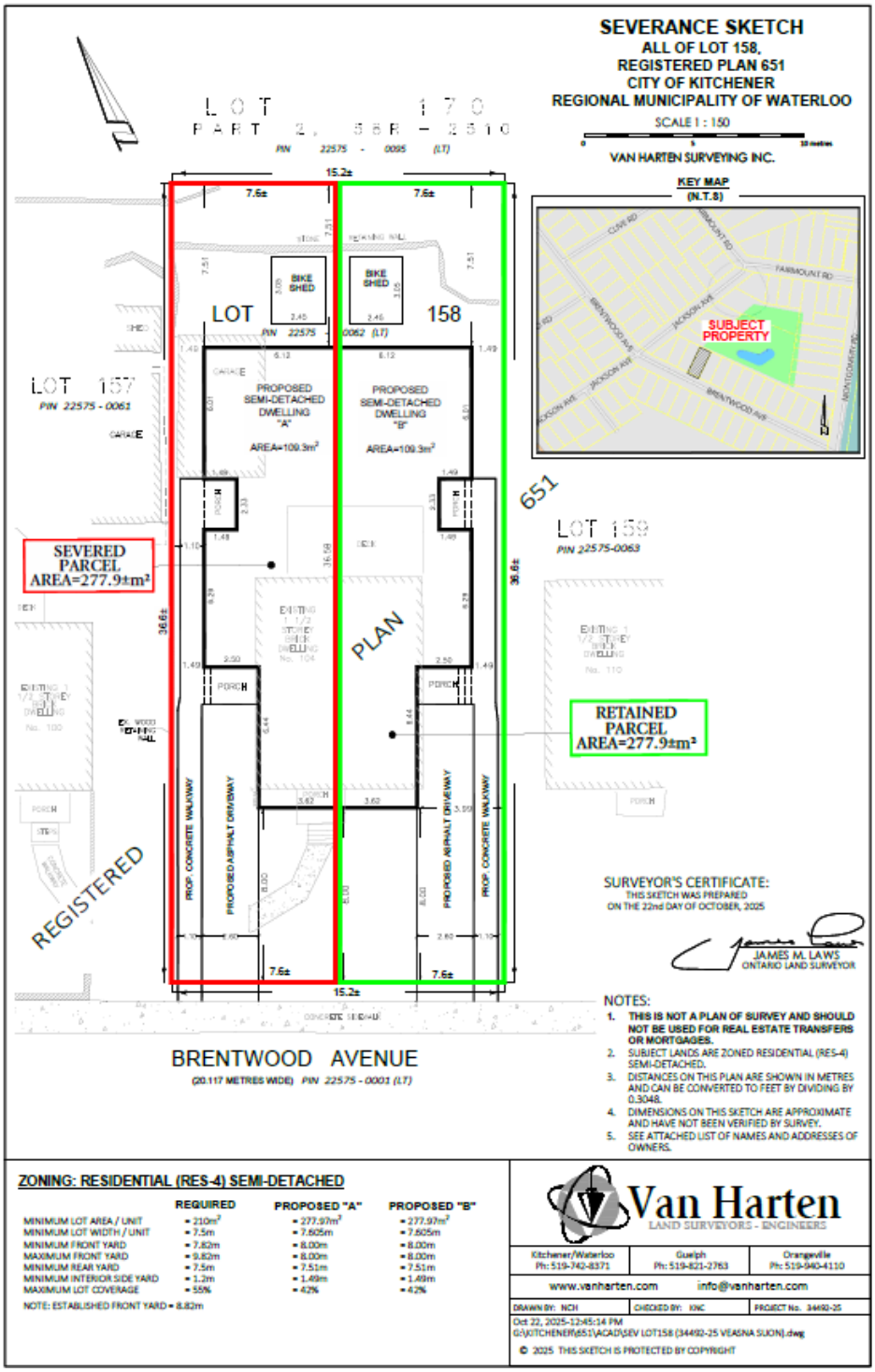
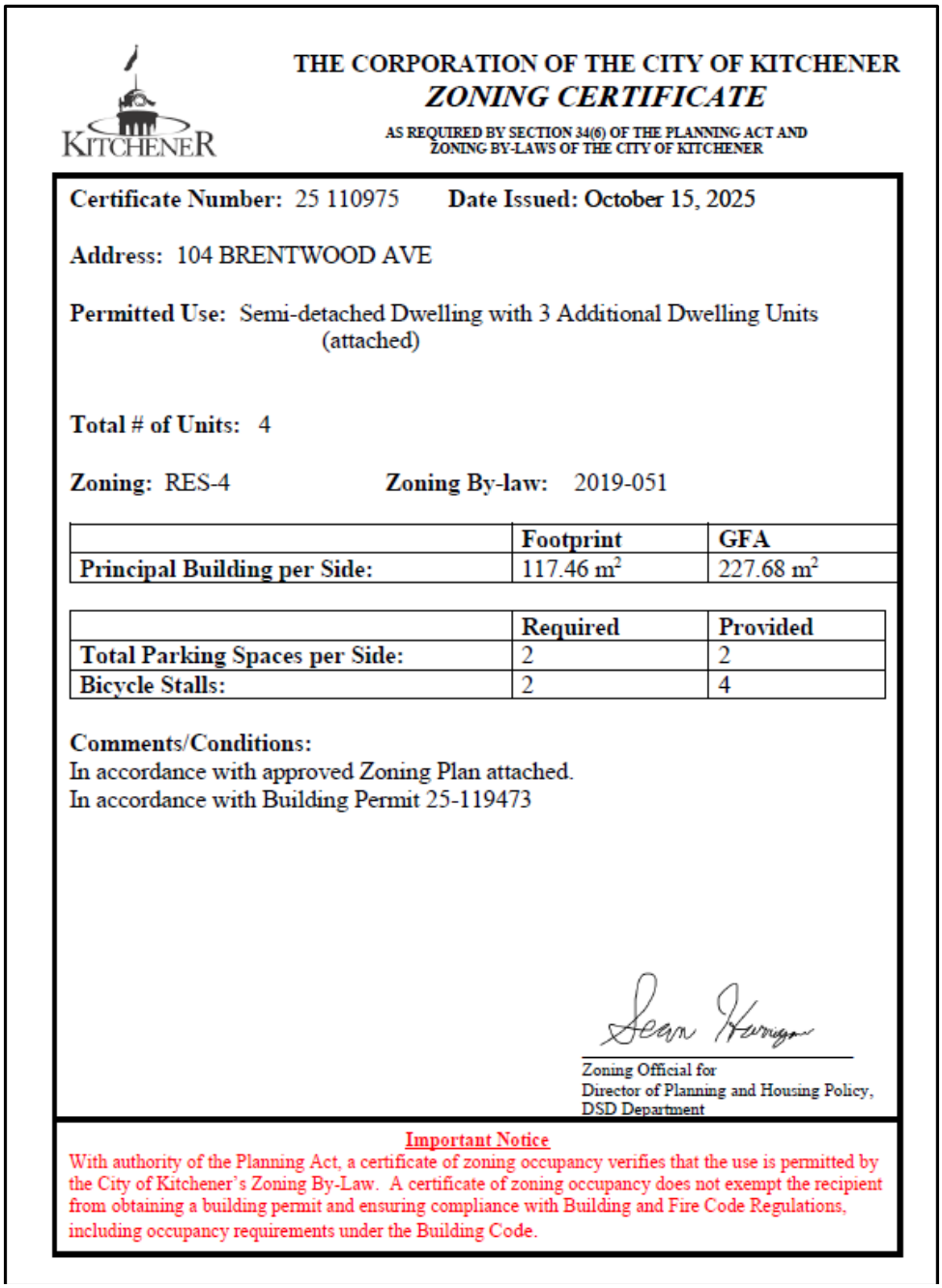


Figure 3 – Proposed Severance Sketch

A Zoning Occupancy Permit (see Figure 4) has been issued to validate the use and compliance with the zoning regulations. Note that Demolition Control, a Demolition Permit, demolition of the dwelling and a Building Permit, are required before the Consent receives Final Approval and new dwelling can be built.



THE CORPORATION OF THE CITY OF KITCHENER

ZONING CERTIFICATE

AS REQUIRED BY SECTION 34(6) OF THE PLANNING ACT AND ZONING BY-LAWS OF THE CITY OF KITCHENER

Certificate Number: 25 110975 **Date Issued:** October 15, 2025

Address: 104 BRENTWOOD AVE

Permitted Use: Semi-detached Dwelling with 3 Additional Dwelling Units (attached)

Total # of Units: 4

Zoning: RES-4 **Zoning By-law:** 2019-051

	Footprint	GFA
Principal Building per Side:	117.46 m^2	227.68 m^2

	Required	Provided
Total Parking Spaces per Side:	2	2
Bicycle Stalls:	2	4

Comments/Conditions:
In accordance with approved Zoning Plan attached.
In accordance with Building Permit 25-119473

Zoning Official for
Director of Planning and Housing Policy,
DSD Department

Important Notice

With authority of the Planning Act, a certificate of zoning occupancy verifies that the use is permitted by the City of Kitchener's Zoning By-Law. A certificate of zoning occupancy does not exempt the recipient from obtaining a building permit and ensuring compliance with Building and Fire Code Regulations, including occupancy requirements under the Building Code.

Figure 4 – Zoning Occupancy Certificate

It is noted that the foundation for the future building/dwelling has not yet been poured and surveyed and a Reference Plan and Building Location Survey were not provided and submitted with the Consent Application. Typically, best practices dictate that prior to the Consent of a property proposed to contain an attached dwelling, the foundation is to be set and surveyed so as to accurately capture the new lot line as constructed. The City is cognisant of the construction challenges and excavation costs that this process poses, and as such, will permit Consent Applications to proceed ahead of the foundation being poured and surveyed. The Applicant is submitting this application with confidence that the future foundation will coincide with the proposed lot dimensions and setbacks, no maintenance easements are necessary and is proceeding with the application at this time

‘at their own risk’. A new condition is proposed to be added to these types of Consent Approvals as follows:

> **“That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals.”**

Should the common wall of the foundation not be located on the common lot line, or the setbacks of the building/dwelling do not meet zoning requirements, the Applicant will be required to rectify and/or submit new Committee of Adjustment Applications to resolve the errors and/or deficiencies at their own expense.

REPORT:

Planning Comments:

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

Provincial Planning Statement (PPS 2024)
In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Staff are satisfied that the proposed infill severance application is consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

Regional Official Plan (ROP):
ROP Urban Area policies state that the focus of the Region’s future growth shall be within the Urban Area. The subject lands fall within the ‘Urban Area’ and 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 and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional polices require 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. Staff are satisfied that the proposed severance application adheres to these policies and conforms to the ROP.

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 Official Plan.

Section 17.E.20 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). Policy 17.E.20.5 states 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-law 2019-051

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. This Zone category permits the use of a Semi-Detached Dwelling with up to 3 ADUs (Attached) providing the zoning regulation can be met. A Zoning Occupancy Certificate has been issued confirming the zoning regulations are being met.

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 lot is 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. The severed lands front onto an established public street and are serviced with municipal services. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

Environmental Planning Comments:
Request the standard consent condition to enter into an agreement to complete, submit, obtain approval of, and implement a Tree Preservation and Enhancement Plan (TPEP) for both the severed and retained lots, prior to site alteration, demolition and/or building permit. In this case it would be appropriate to require the TPEP as a condition of Final Approval given that a Demolition Permit is required in advance of obtaining the Certificate of the Official. Although the Applicant may not be actively clearly all of the conditions of this Consent at the time of consideration of Demolition Control/Permit of the existing detached dwelling, the Applicant is advised that the TPEP Condition is still applicable and must be approved prior to Demolition Permit issuance.

Heritage Planning Comments:
No comments or 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.
- 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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.
- The side yard currently accommodates overland stormwater flows. A sidewalk is required to the rear yard in accordance with the Zoning By-law. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage.

Parks and Cemeteries/Forestry Division Comments:
Cash-in-lieu of parkland dedication will be required at the time of severance for the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **$11,862.00.** Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.6 metres and a land value of $36,080.00 per frontage metre, which equals $13,710.40. In this case, a per unit cap of $11,862.00 has been applied.

Transportation Planning Comments:
No concerns.

Region of Waterloo Comments:
Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of $350.00 per application to the satisfaction of the Region of Waterloo.

GRCA Comments:
No concerns.

SNGREC Comments:
No comments.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali, MCIP, RPP
File: D20-20/25 KIT
November 24, 2025

Connie Owen
Administrative Clerk, Legislative Services
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Dear Ms. Owen:

Re: Comments on Consent Applications – B 2025-032 to B2025-036 (inclusive)
Committee of Adjustment Meeting – December 9, 2025
City of Kitchener

File: B2025-032
Address: 776 Rockway Dr
Description: Plan 649, Lot 22
Owner: 2832516 Ontario Inc c/o Tara Bruwer-Sutton
Applicant: Masri O Inc Architects c/o Reema Masri

The applicant/owner is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of each lot with a semi-detached duplex, providing 4 units per dwelling, for a total of 8 units. The existing single detached dwelling will demolished. The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configuration is as follows:
Severed – 278.8 sqm area with 7.62m frontage
Retained – 278.422 sqm with 7.62m frontage

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Low-Rise Residential in the City of Kitchener Official Plan, and zoned RES-4.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for Consent. Regional Staff acknowledge receipt of the S. 59 Notice.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.

File: B2025-033
Address: 104 Brentwood Ave
Description: Plan 651, Lot 158
Owner: Veasna Suon
Applicant: Masri O Inc Architects c/o Reema Masri

The applicant/owner is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of each lot with a semi-detached duplex, providing 4 units per dwelling, for a total of 8 units. The existing single detached dwelling will demolished. The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configuration is as follows:
Severed – 277.9 sqm area with 7.6m frontage
Retained – 277.9 sqm with 7.6m frontage

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Low-Rise Residential in the City of Kitchener Official Plan, and zoned RES-4.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for Consent. Regional Staff acknowledge receipt of the S. 59 Notice.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.

File: B2025-034/5
Address: 67/71 Blucher St
Description: Plan 328, Lot 6; Plan 339, Part lot 4
Owner: Marko Podobnik
Applicant: GSP Group Inc c/o Kristen Barisdale

The applicant/owner is proposing consent to sever to create a new residential lot and to create reciprocal easements for shared access/servicing. The lot to be severed (71 Blucher) contains an existing linear townhouse building (10 units). The lot to be retained (67 Blucher) contains an existing linear townhouse building (4 units) which would be demolished to in order to develop two 8-unit linear stacked townhouse (total of 16 units).

The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are required to facilitate the consent for the severed lands, pertaining to lot width, and setbacks. The ands were subject to Stamp B Site Plan Approval (SP23/073/B/TS) in Feb 2024 to formalize existing conditions. SP23/084/B/TS conditional site plan approval was granted in March 2024 for the redevelopment of 67 Blucher.

The proposed lot configuration is as follows:
Retained - B2025-034 - - 67 Blucher – 1,594.68 sqm with 26.8m frontage
Severed – B2025-035 - 71 Blucher - – 2,127,47 sqm area with 5.8m frontage

The subject lands are designated Built-Up Area (within the Urban Boundary), with an MTSA (Central Station) and Urban Growth Centre (Downtown Kitchener) in the Regional Official Plan (ROP), Low-Rise Residential and Community Area in the City of Kitchener Official Plan, and zoned RES-5.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of kKitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice and this will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):

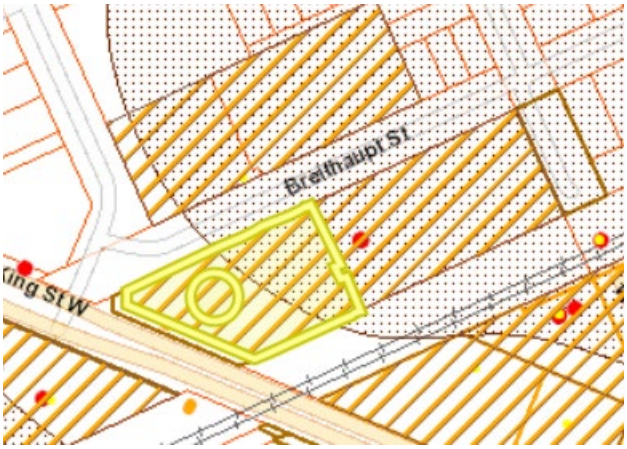
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo

File: B2025-036
Address: 25 Breithaupt St
Owner: 2184647 Ontario Ltd c/o Perimeter Development
Applicant: MHBC c/o Juliane von Westerholt

The purpose of consent is to establish a long-term lease in excess of 21 years for the subject lands. The lease is between Perimeter Group and Google. The lease includes the use of the entire building located at 25 Breithaupt Street including floors 1 to 5 and the penthouse floors, as well as access to the parking garage.

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Strategic Growth Area (B) in the City of Kitchener Official Plan, and zoned SGA-4,(51)(19H)(81H) and SGA-3(54)(132)133)(81H).

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are medium and/or high threat(s) identified on and/or adjacent to the subject property. There is one (1) known threat extent mapped, and one (1) Record of Site Condition.



Record of Site Condition
RSC Number: 223120
Site Address: 51 BREITHAUPT STREET, KITCHENER, ON N2H 5G5, 25 BREITHAUPT STREET, KITCHENER, ON N2H 5G5
Intended Property Use: Commercial
QP Employer: GHD LIMITED
Filing Date: Mar 23, 2017 8:00 PM
Certification Date: May 26, 2016 8:00 PM
Site Conditions: Full Depth Generic Site Conditions Standard, with Potable Ground Water, Coarse Textured Soil, for Commercial property use, with RA

Known Threat Extent
THREAT_ID: 3800
Description: Plume of contaminated groundwater estimated per 2005 XCG report

Threats Inventory

Threat ID: 20911
Company: COLLINS & AIKMAN CANADA INC.
Threat Rank: Medium
Address: 51 BREITHAUPT ST
NAICS: 314110
NAICS Description: Carpet and Rug Mills
Location Code: Inherited geocode value (i.e. previous databases, consultants, other RMOW departments); methodology, reliability and accuracy unknown
Source Table: 2003 Dun & Bradstreet Business Listing

Threat ID: 3578
Company: CANADIAN CONSOLIDATED/MERCHANTS/DOMINION RUBBER CO
Threat Rank: Medium
Address: 51 BREITHAUPT ST
SIC E 1980: 1599
SIC E 1980 Description: Other Rubber Products Industries
Location Code: Automatic or manual geocode (remnant of IPCS classification), reliability and accuracy good
Source Table: Kitchener-Waterloo Historical Survey – Businesses

Threat ID: 6041
Company: PERSTORP COMPONENTS (CANADA) INC.
Threat Rank: Medium
Address: 51 BREITHAUPT ST
SIC E 1980: 1699
SIC E 1980 Description: Other Plastic Products Industries n.e.c.
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: 1993 Dun & Bradstreet Business Listing

Threat ID: 14332
Company: COLLINS & AIKMAN
Threat Rank: High
Address: 51 BREITHAUPT STREET
NAICS: 336390
NAICS Description: Other Motor Vehicle Parts Manufacturing
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Threat ID: 32233
Company: PERIMETER DEVELOPMENT INC.

Threat Rank: High
Address: 51 BREITHAUPT STREET
NAICS: 531310
NAICS Description: Real Estate Property Managers
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Threat ID: 13687
Company: PERSTORP COMPONENTS CANADA INC.
Threat Rank: High
Address: 51 BREITHAUPT STREET
SIC E 1980: 1611
SIC E 1980 Description: Foamed and Expanded Plastic Products Industry
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Hydrogeology & Source Water Protection Plan

The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice which will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees

Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo.

General Comments

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, MCIP, RPP
Planner
Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: Landuse Planning
To: Marilyn Mills
Subject: KITCHENER - 104 BRENTWOOD AVENUE - B 2025-033
Date: Tuesday, December 2, 2025 10:39:53 AM

You don't often get email from landuseplanning@hydroone.com. Learn why this is important

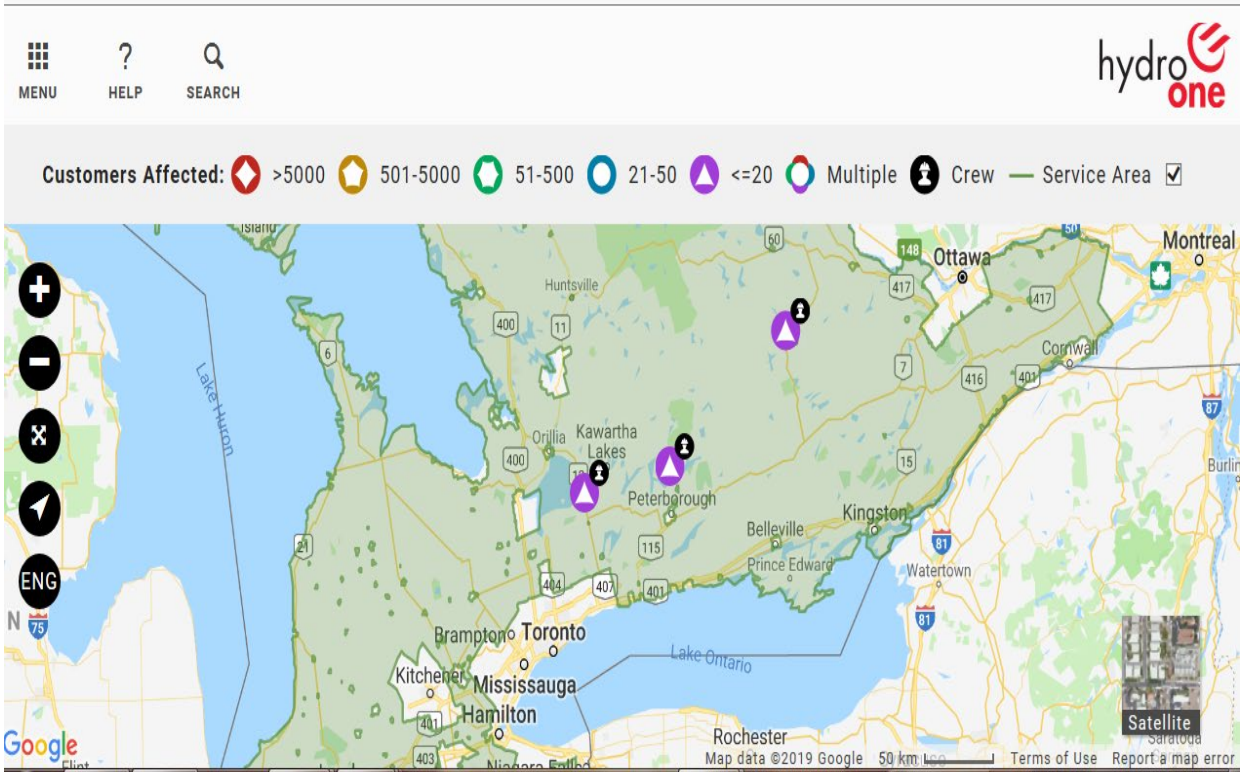
Hello,

We are in receipt of your Application for Consent, B 2025-033 dated 2025-11-21. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact Land Use Planning.

Thank you,

Land Use Planning Department
Hydro One Networks Inc.
Email: LandUsePlanning@HydroOne.com

REPORT TO: **Committee of Adjustment**

DATE OF MEETING: **December 9, 2025**

SUBMITTED BY: **Tina Malone-Wright, Manager, Development Approvals 519-783-8913**

PREPARED BY: **Eric Schneider, Senior Planner, 519-783-8918**

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

DATE OF REPORT: **November 26, 2025**

REPORT NO.: **DSD-2025-491**

SUBJECT: **Minor Variance Application A2025-127 – 71 Blucher Street**
Consent Application B2025-034 - 71 Blucher Street
Consent Application B2025-035 - 67 Blucher Street

RECOMMENDATION:

A. <u>Minor Variance Application A2025-127 - 71 Blucher Street</u>

That Minor Variance Application A2025-127 for 71 Blucher Street requesting relief from Section 7.3, Table 7-5, of Zoning By-law 2019-051 to permit the following:

i) a lot width of 5.8 metres instead of the minimum required 19 metres;
ii) a rear yard setback of 3.2 metres instead of the minimum required 6 metres; and
iii) an interior side yard setback (adjacent to 79 Blucher Street) of 3 metres instead of the minimum required 4.5 metres;

to facilitate Consent Application B2025-034 and recognize the lot and setbacks of the severed parcel, municipally addressed 71 Blucher Street, generally in accordance with drawings prepared by GSP Group, dated October 24, 2025, BE APPROVED.

B. <u>Consent Application B2025-034 – 71 Blucher Street (Severed Parcel)</u>

That Consent Application B2025-034 for 71 Blucher Street requesting Consent to sever a parcel of land having a lot width of 5.8 metres on Blucher Street, a lot depth of 108.8, metres and a lot area of 2127.4 square metres and to create an easement having an approximate width of 6 metres and a depth of 110 metres, for the purposes of shared access and parking, in favour of 67 Blucher Street, BE APPROVED subject to the following conditions:

1. **That Minor Variance Application A2025-127 receive final approval.**

2. **That the 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 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 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.**

5. **That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the existing building/foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals.**

6. **That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Manager, Development Applications:**

    a) **a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and**

    b) **a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.**

7. **That a satisfactory Solicitor's Undertaking to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor be provided to the City Solicitor.**

8. **That the Owner install 2 "Class B" bicycle parking spaces on the retained lands and install 2 "Class B" bicycle parking spaces on the severed lands to the satisfaction of the Director of Development and Housing Approvals.**

9. **That at the sole option of the City's Director, Development and Housing Approvals, that the 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 Manager, Site Plans, and registered on title to the severed and retained lands, which shall include the following:

a) That prior to initiation of any site development works, grading or issuance of a Demolition and/or Building Permit the Owner agrees to submit and receive approval of a Site Plan to the satisfaction of the City's Manager, Site Plans, which reflects, at minimum, the proposed changes to the lot size and any associated changes to the operation and/or functioning of the site.

Should a Site Plan Application be approved, to the satisfaction of the City's Manager, Site Plans, in accordance with the condition above prior to endorsement of the deed, the above noted condition shall not be required to be registered on title.

10. That at the sole option of the City's Director, Development and Housing Approvals, the 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 Director, Development and Housing Approvals, which shall include the following:

a) That the Owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. 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. If necessary, the plan shall include required mitigation and or compensation measures.

b) The Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.

c) The Owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.

11. That the Owner shall:

a) Complete a Building Code Assessment for the existing dwellings proposed to be retained on the Severed and Retained parcel of land, prepared by a qualified person, to confirm that the proposed property line and any of the building adjacent to this new property line complies with the Ontario Building Code, to the satisfaction of the City's Chief Building Official. The assessment shall address items such as, but not limited to, spatial separation of existing buildings' wall face, and shall include recommendations such as closing in of openings pending spatial separation calculation results.

b) A Building Permit shall be obtained for any remedial work/ upgrades required by the Building Code Assessment.

12. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.

13. That the 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.

14. That the 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.

15. 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.

16. That the 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.

17. That prior to final approval the Owner submits the Consent Application Review Fee of $350.00 to the Region of Waterloo.

18. That prior to final approval the Owner submits a valid Section 59 notice.

C. <u>Consent Application B2025-035 – 67 Blucher Street (Easement on Retained Parcel)</u>

That Consent Application B2025-035 for 67 Blucher Street requesting Consent to create an easement having an approximate width of 6 metres and a depth of 110 metres, for the purposes of shared access and parking in favour of 71 Blucher Street, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2025-127 receive final approval.

2. That the 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 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 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.

5. **That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the existing building/foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals.**

6. **That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Manager, Development Applications:**

   a) **a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and**

   b) **a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.**

7. **That a satisfactory Solicitor's Undertaking to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor be provided to the City Solicitor.**

8. **That prior to final approval the Owner submits the Consent Application Review Fee of $350.00 to the Region of Waterloo.**

9. **That prior to final approval the Owner submits a valid Section 59 Notice.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review Minor Variance and Consent Applications to facilitate a severance of a lot and creation of reciprocal access easements for a property containing two cluster townhouse buildings, one with 10 dwelling units (71 Blucher Street) and one with 4 dwelling units (67 Blucher Street).
- The key finding of this report is that the minor variance meets the 4 tests of the Planning Act, and that the proposed consents to sever the lot and create the easements are appropriate to facilitate the functional access to the rear parking areas on each of the resultant lots.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property

and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the south side of Blucher Street between Hett Avenue and Ellis Street.

Figure 1: Location Map:67-71 Blucher Street

The subject property is identified as a '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 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate a severance of a lot and creation of reciprocal access easements for a property containing two cluster townhouse buildings, one with 10 dwelling units (71 Blucher Street) and one with 4 dwelling units (67 Blucher Street).

On March 22, 2024 the City granted Conditional Approval for Site Plan Application SP23/084/B/TS to demolish the existing 4-unit cluster townhouse building on 67 Blucher Street and replace it with a two stacked townhouse buildings containing a total of 16 dwelling units.

On May 21, 2024 the Committee of Adjustment approved minor variance application A2024-037 which granted relief for front yard setback, rear yard setback, and Floor Space Ratio (FSR) for the proposed 16-unit development, in the context of that development occurring on the whole lot containing the existing 10 unit cluster townhouse building addressed as 71 Blucher Street.

With the subject applications discussed in this report, the applicant is seeking to separate the lot into two lots, one which would contain the existing 10 unit cluster townhouse building on 71 Blucher (Severed lands) and one which would currently contain the 4 unit cluster townhouse building and is proposed to be developed with two new stacked townhouse buildings totalling 16 units on 67 Blucher Street (Retained lands).

Figure 2: View of Subject Lands from Blucher Street (November 21, 2025)

Figure 3: View of Existing 4-Unit Cluster Townhouse Dwelling at 67 Blucher Street (November 21, 2025)

Figure 4: View of Existing 10-Unit Cluster Townhouse Dwelling at 71 Blucher Street (November 21, 2025)

It is noted that a Reference Plan and Building Location Survey were not provided and submitted with the Consent Applications. The Applicant is submitting these applications

with confidence that the existing building/foundation will coincide with the proposed lot dimensions and setbacks, the proposed easement is in its correct location no other easements are necessary and is proceeding with the applications at this time **'at their own risk'**. A new condition is proposed to be added to these types of Consent Approvals as follows:

> **"That the Owner provide a Building Location Survey and/or Reference Plan, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the existing building/foundation, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals."**

Should the setbacks of the building/dwelling not meet zoning requirements, the location and/or configuration of the proposed easement is not correct, the Applicant will be required to rectify and/or submit Committee of Adjustment Applications to resolve the errors and/or deficiencies at their own expense.

REPORT:

Planning Comments Minor Variance Application A2025-127:

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

The subject property is designated 'Low Rise Residential' in the Official Plan. The intent of this designation is to encourage a range of different forms of housing to achieve a low density neighbourhood. The requested variances will facilitate a shared driveway and support the permitted uses and continue to maintain the low rise character of the properties and surrounding neighbourhood. It is the opinion of staff that the requested variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Lot Width

The intent of the regulation that requires a minimum lot width of 19 metres is to ensure that there is adequate lot size to accommodate a multiple dwelling building, along with sufficient space and access to street frontage for site functionality including servicing, access to parking areas, and waste collection. This regulation is intended for typical, rectangular shaped lots. The proposed new lot configuration creates an irregular shaped lot with a narrow access at the street line that widens significantly at the rear of the site. While the frontage at the street line is 5.8 metres, this increases to approximately 30 metres in width in the portion of the lot containing the existing building. The 5.8 metre lot width at the street line, along with the area proposed to be an access and servicing easement created through a concurrent Consent Application (B2025-035) on the 67 Blucher Street property provides for sufficient site functionality in the opinion of staff and therefore meets the general intent of the Zoning By-law.

Rear Yard Setback
The intent of the regulation that requires a minimum rear yard setback of 6 metres for a cluster townhouse dwelling is to provide for adequate amenity space and adequate building separation. The regulation is intended to apply to the rear of a building as it faces a rear property line, or where a functional rear yard would typically be located. The existing building at 71 Blucher Street is oriented as such that the functional rear yards face east, towards the interior property line. These functional rear yards for the cluster townhouse units are located 7.6 metres from that property line, demonstrating an adequate amenity area and building separation. Therefore, the request for a reduction in rear yard setback meets the general intent of the Zoning By-law in the opinion of staff.

Interior Side Yard Setback
The intent of the regulation that requires a minimum interior side yard setback of 4.5 metres for a cluster townhouse is to ensure adequate building separation. The requested reduction in setback to 3 metres represents an existing building that faces the rear yards of two existing detached dwellings facing Blucher Street. The adjacency to rear yards demonstrates adequate building separation as the existing detached dwellings are located approximately 24 metres from the rear lot line, totalling 27 metres of building separation. Should the detached dwellings be redeveloped in the future, it would still provide a minimum 7.5 metre rear yard setback and total building separation of 10.5 metres. Therefore, the requested variance for reduction to interior side yard setback meets the general intent of the Zoning By-law in the opinion of staff.

Is/Are the Effects of the Variance(s) Minor?
With respect to the lot width, staff are of the opinion that the site can function with a shared access and do not expect adverse impacts or effects as a result of the request for a reduction in lot width. With respect to the rear and interior side yard setbacks, this represents an existing building and no changes to the building at 71 Blucher Street are proposed. In the opinion of Staff, the effects of the requested variances can be considered minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?
The requested variances will facilitate the orderly development of the land with low rise residential uses that are permitted in the Zoning By-law. The requested variances are considered desirable for the appropriate development of the lands in the opinion of staff.

Planning Comments Consent Application B2025-034 & 2025-035:

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

Provincial Planning Statement (PPS 2024)
Staff are satisfied that the proposed consent applications are consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

Regional Official Plan (ROP):
ROP Urban Area policies state that the focus of the Region's future growth shall be within the Urban Area. The subject lands fall within the 'Urban Area' and 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 and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional polices require 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. Staff are satisfied that the proposed consent applications adhere to these policies and conforms to the ROP.

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 Official Plan.

Section 17.E.20 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). Policy 17.E.20.5 states 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."

Staff are satisfied that the proposed consent applications to sever into two lots with easements for shared access and servicing meets the criteria set out in Policy 17.E.20.5

of the Official Plan. Although the resultant lot fabrics are irregular in shape and width at the street line, the original lot is irregular in shape and represents an existing condition within the neighbourhood. Further, the shared access will result in a situation whereas legally it is two lots but will appear to function as one lot.

Section 17.E.20.4 of the Official plan states: Consents may be permitted for the creation of a new lot, boundary adjustments, rights of-way, easements, long-term leases and to convey additional lands to an abutting lot provided an undersized lot is not created.

The applications are requesting consent to create easements on both the severed and retained lots. Staff are satisfied that the consent to create easements is appropriate for the orderly development of the lands.

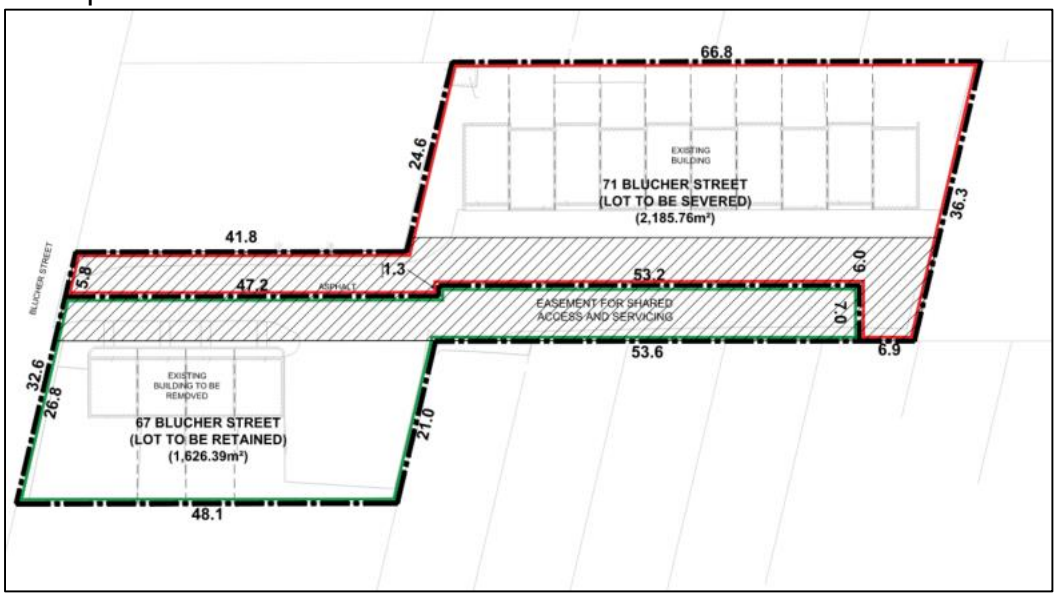


Figure 5: Severance Sketch

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Five Zone (RES-5)' in Zoning By-law 2019-051. Minor variances for lot width and yard setbacks as part of concurrent Minor Variance Application A2025-127 have been discussed in this report.

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 severed lands front onto an established public street and are serviced with municipal services. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

With respect to the criteria for granting easements contained in Section 54(2) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the creation of reciprocal access easements to facilitate shared access and servicing is desirable and appropriate.

Environmental Planning Comments:
Please include the standard consent condition to enter into an agreement to complete, submit, obtain approval of, and implement a Tree Preservation and Enhancement Plan for both the severed and retained lots. Shared ownership trees may be a concern.

Heritage Planning Comments:
The property municipally addressed as 71 Blucher Street has no heritage status. However, it is located within the Mt. Hope/Breithaupt Neighborhood Cultural Heritage Landscape (CHL). The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplaned Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The proposed severance is not anticipated to have any adverse impacts to the CHL's attributes. Thus, staff have no comments or concerns.

The property municipally addressed as 67 & 71 Blucher Street is located within the Mt. Hope/Breithaupt Neighborhood Cultural Heritage Landscape (CHL). The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The proposed easement is not anticipated to have any adverse impacts to the CHL's attributes. Thus, staff have no comments or concerns.

Building Division Comments:
The Building Division has no objections to the proposed consent provided for the retained land:

1. A qualified designer is retained to complete a Building Code Assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall addresses such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.

2. A Building Permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment.

Engineering Division Comments:
<u>B2025-034 – 71 Blucher Street</u>

- 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.
- 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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

B2025-035 – 67 Blucher Street

- 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.
- 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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

Parks/Operations Division Comments:

A2025-127 – 71 Blucher Street

No concerns.

B2025-034 – 71 Blucher Street

All Parks and Forestry requirements, including parkland dedication, will be addressed through SP23/074/B/TS for 67 Blucher Street.

B2025-035 – 67 Blucher Street

No concerns.

Transportation Planning Comments:

Transportation Services have noted that the proposed easement is larger than what is anticipated to be required. However, staff do not object to the application, as the proposed easement is not expected to create any safety or operational concerns.

Region of Waterloo Comments:
The applicant/owner is proposing consent to sever to create a new residential lot and to create reciprocal easements for shared access/servicing. The lot to be severed (71 Blucher) contains an existing linear townhouse building (10 units). The lot to be retained (67 Blucher) contains an existing linear townhouse building (4 units) which would be demolished to in order to develop two 8-unit linear stacked townhouse (total of 16 units).

The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are required to facilitate the consent for the severed lands, pertaining to lot width, and setbacks. The lands were subject to Stamp B Site Plan Approval (SP23/073/B/TS) in Feb 2024 to formalize existing conditions. SP23/084/B/TS conditional site plan approval was granted in March 2024 for the redevelopment of 67 Blucher Street.

The proposed lot configuration is as follows:
Retained - B2025-034 - - 67 Blucher – 1,594.68 sq. m. area with 26.8 m frontage
Severed – B2025-035 - 71 Blucher - – 2,127.47 sq. m. area with 5.8 m frontage

The subject lands are designated Built-Up Area (within the Urban Boundary), with an MTSA (Central Station) and Urban Growth Centre (Downtown Kitchener) in the Regional Official Plan (ROP), Low-Rise Residential and Community Area in the City of Kitchener Official Plan, and zoned RES-5.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice and this will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of $350.00 per application to the satisfaction of the Region of Waterloo.
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo.

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:

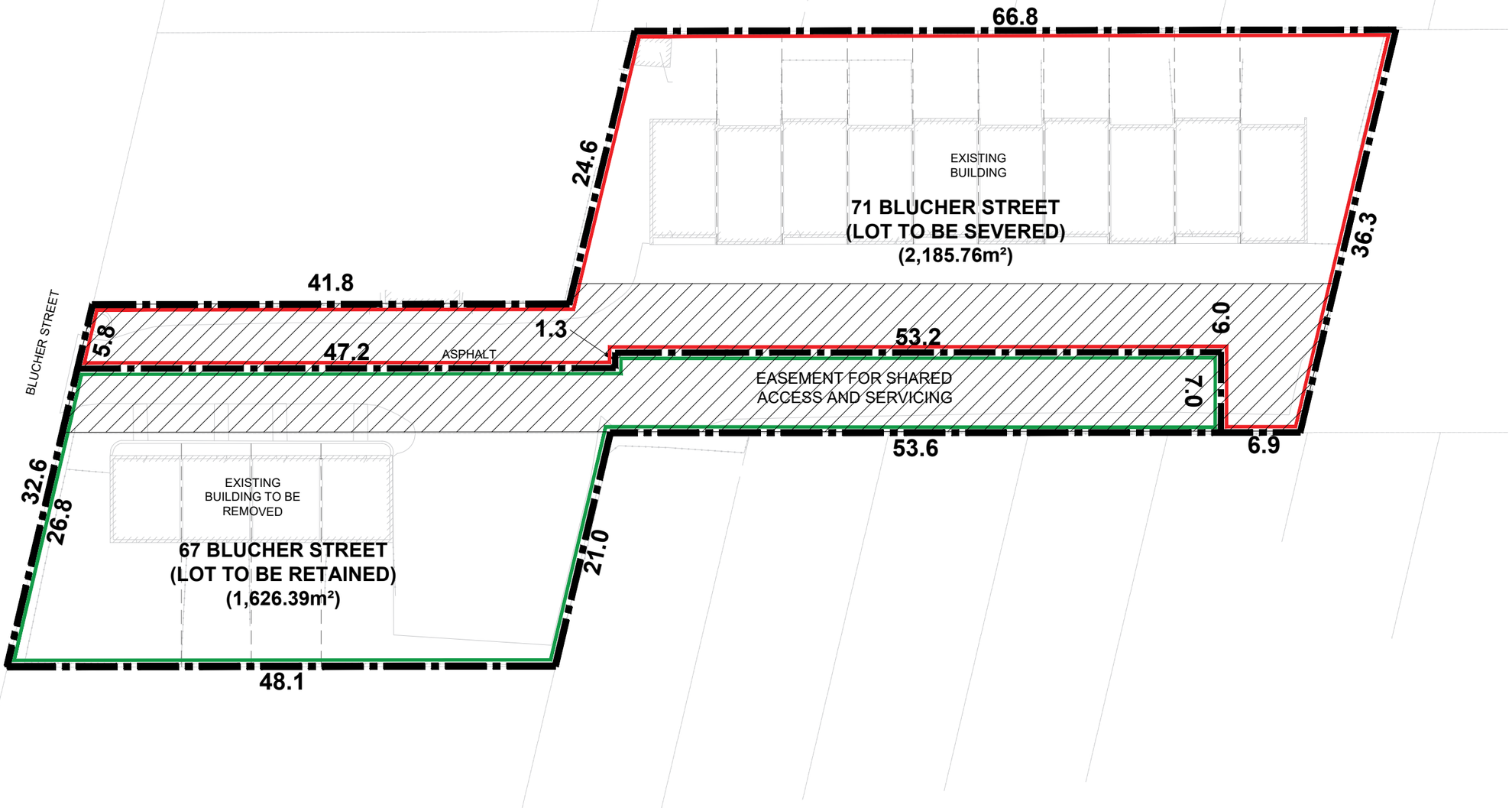
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2024-225 (Minor Variance Application A2024-037)*

ATTACHMENTS:

Attachment A – Severance Sketch
Attachment B – Severance Sketch- New Site Plan
Attachment B – Severance Sketch- Original Site Plan



Reviewed by Patrick Haramis, OLS

SEVERANCE SKETCH

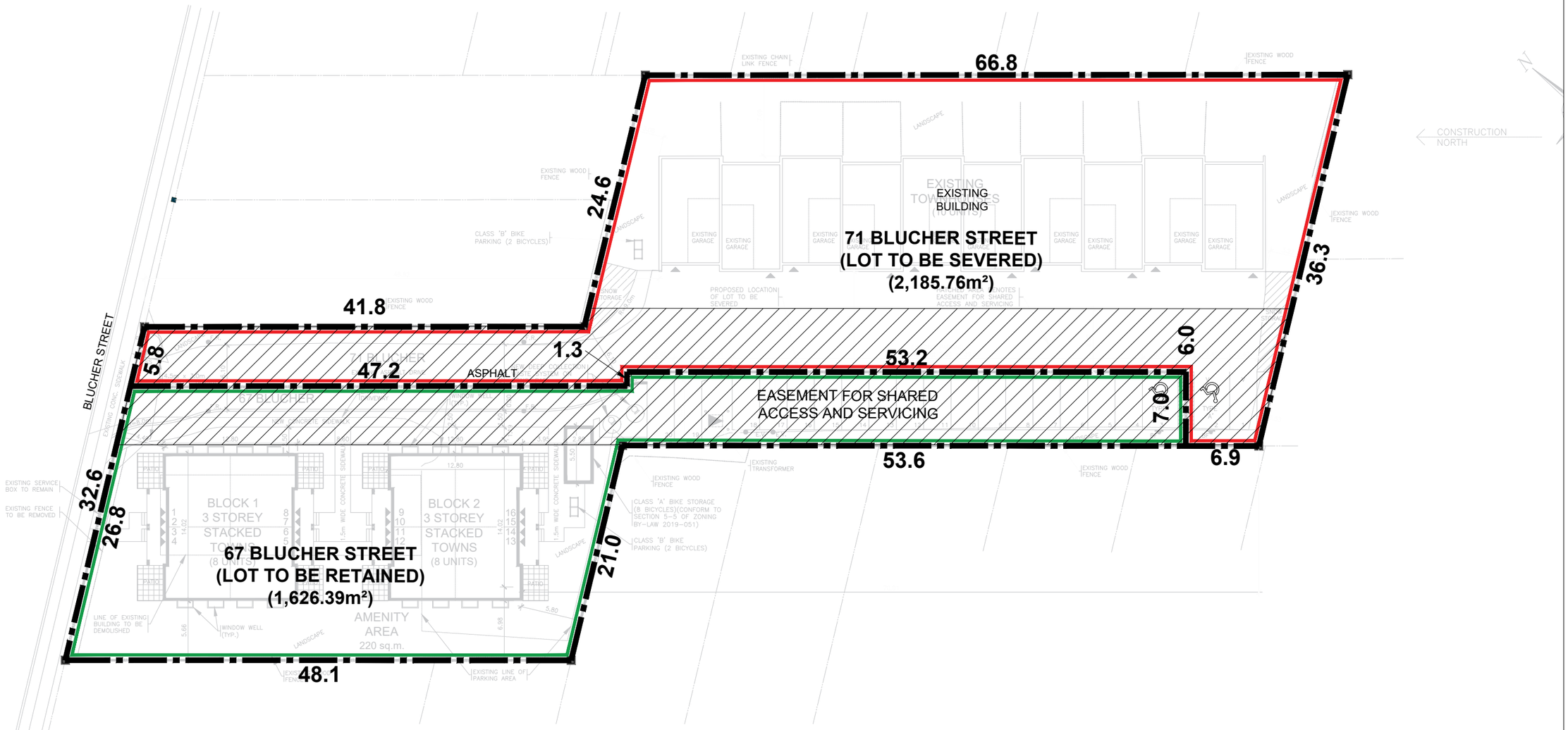
67 & 71 BLUCHER STREET, KITCHENER

0 2.5 5 7.5 12.5 20

NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.

Scale 1:400 | October 29th, 2025 | Project No. 25107 | Drawn By: EF

GSP group



Reviewed by Patrick Haramis, OLS

SEVERANCE SKETCH - NEW SITE PLAN

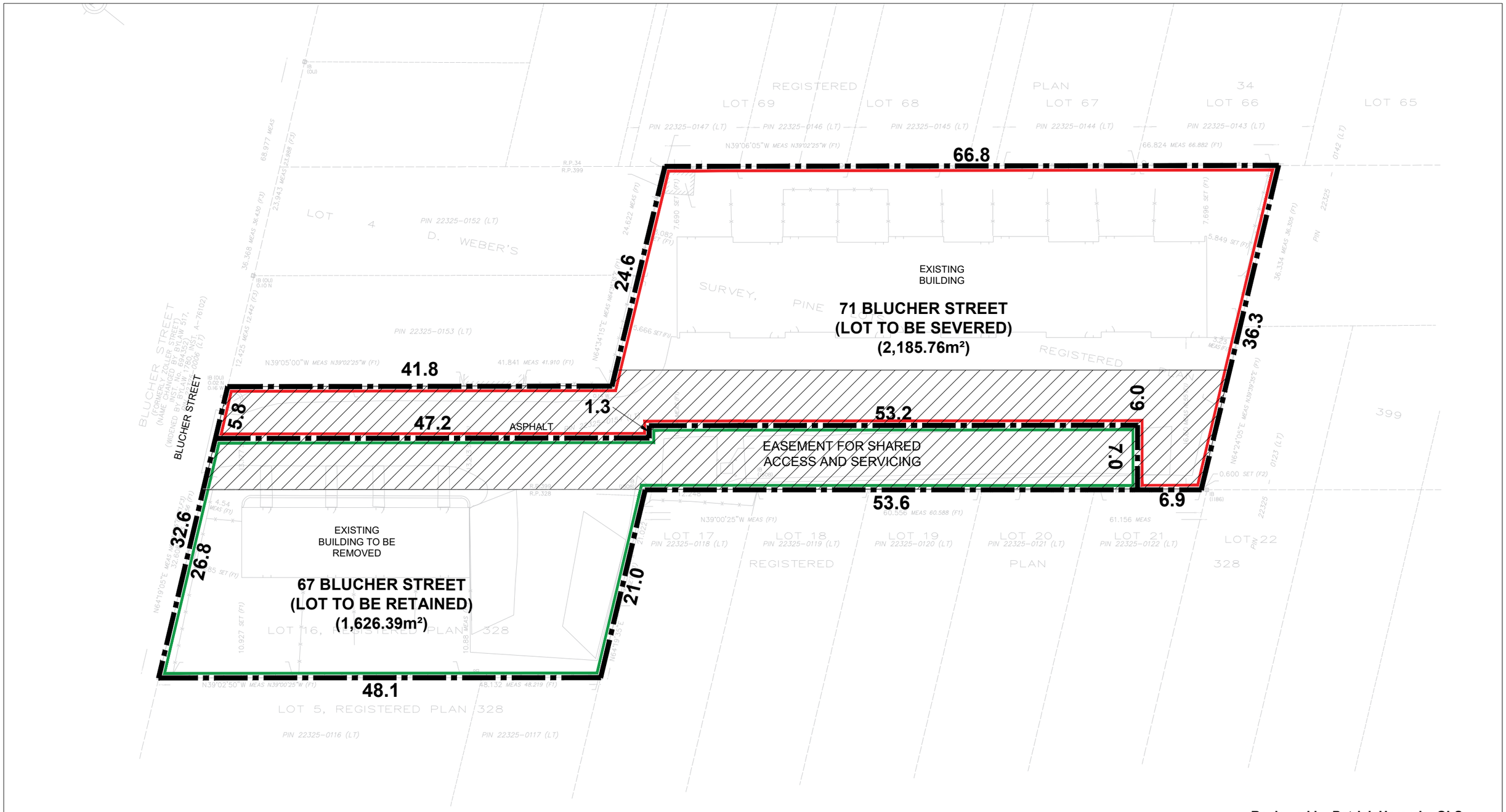
67 & 71 BLUCHER STREET, KITCHENER

0 2.5 5 7.5 12.5 20

NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.

Scale 1:400 | October 29th, 2025 | Project No. 25107 | Drawn By: EF

GSP group



Reviewed by Patrick Haramis, OLS

SEVERANCE SKETCH - ORIGINAL SITE PLAN

67 & 71 BLUCHER STREET, KITCHENER

0 2.5 5 7.5 12.5 20

NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.

Scale 1:400 | October 29th, 2025 | Project No. 25107 | Drawn By: EF

GSP group

PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES
150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Erica Ali, MCIP, RPP
File: D20-20/25 KIT
November 24, 2025

Connie Owen
Administrative Clerk, Legislative Services
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Dear Ms. Owen:

Re: Comments on Consent Applications – B 2025-032 to B2025-036 (inclusive)
Committee of Adjustment Meeting – December 9, 2025
City of Kitchener

File: B2025-032
Address: 776 Rockway Dr
Description: Plan 649, Lot 22
Owner: 2832516 Ontario Inc c/o Tara Bruwer-Sutton
Applicant: Masri O Inc Architects c/o Reema Masri

The applicant/owner is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of each lot with a semi-detached duplex, providing 4 units per dwelling, for a total of 8 units. The existing single detached dwelling will demolished. The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configuration is as follows:
Severed – 278.8 sqm area with 7.62m frontage
Retained – 278.422 sqm with 7.62m frontage

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Low-Rise Residential in the City of Kitchener Official Plan, and zoned RES-4.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for Consent. Regional Staff acknowledge receipt of the S. 59 Notice.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.

File: B2025-033
Address: 104 Brentwood Ave
Description: Plan 651, Lot 158
Owner: Veasna Suon
Applicant: Masri O Inc Architects c/o Reema Masri

The applicant/owner is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of each lot with a semi-detached duplex, providing 4 units per dwelling, for a total of 8 units. The existing single detached dwelling will demolished. The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configuration is as follows:
Severed – 277.9 sqm area with 7.6m frontage
Retained – 277.9 sqm with 7.6m frontage

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Low-Rise Residential in the City of Kitchener Official Plan, and zoned RES-4.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for Consent. Regional Staff acknowledge receipt of the S. 59 Notice.

Fees
Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.

File: B2025-034/5
Address: 67/71 Blucher St
Description: Plan 328, Lot 6; Plan 339, Part lot 4
Owner: Marko Podobnik
Applicant: GSP Group Inc c/o Kristen Barisdale

The applicant/owner is proposing consent to sever to create a new residential lot and to create reciprocal easements for shared access/servicing. The lot to be severed (71 Blucher) contains an existing linear townhouse building (10 units). The lot to be retained (67 Blucher) contains an existing linear townhouse building (4 units) which would be demolished to in order to develop two 8-unit linear stacked townhouse (total of 16 units).

The subject lands are currently serviced through municipal water and waste services, with access to a local road. Minor variance applications are required to facilitate the consent for the severed lands, pertaining to lot width, and setbacks. The ands were subject to Stamp B Site Plan Approval (SP23/073/B/TS) in Feb 2024 to formalize existing conditions. SP23/084/B/TS conditional site plan approval was granted in March 2024 for the redevelopment of 67 Blucher.

The proposed lot configuration is as follows:
Retained - B2025-034 - - 67 Blucher – 1,594.68 sqm with 26.8m frontage
Severed – B2025-035 - 71 Blucher - – 2,127,47 sqm area with 5.8m frontage

The subject lands are designated Built-Up Area (within the Urban Boundary), with an MTSA (Central Station) and Urban Growth Centre (Downtown Kitchener) in the Regional Official Plan (ROP), Low-Rise Residential and Community Area in the City of Kitchener Official Plan, and zoned RES-5.

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of kKitchener. Noting, there are no medium or high threats identified on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan
The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice and this will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees
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Regional staff have no objection to this application, subject to the following condition(s):

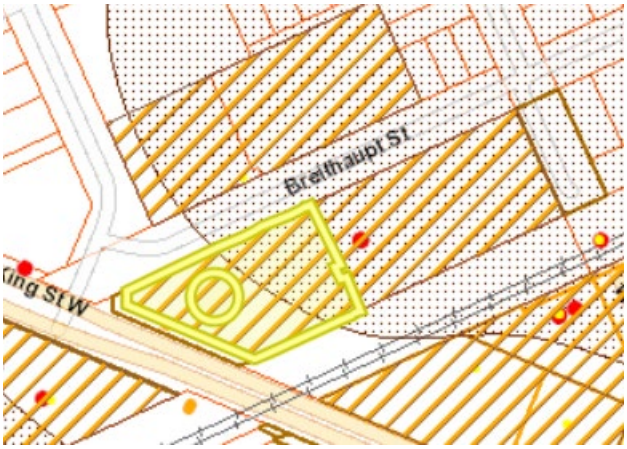
1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo

File: B2025-036
Address: 25 Breithaupt St
Owner: 2184647 Ontario Ltd c/o Perimeter Development
Applicant: MHBC c/o Juliane von Westerholt

The purpose of consent is to establish a long-term lease in excess of 21 years for the subject lands. The lease is between Perimeter Group and Google. The lease includes the use of the entire building located at 25 Breithaupt Street including floors 1 to 5 and the penthouse floors, as well as access to the parking garage.

The subject lands are designated Built-Up Area within the Urban Boundary in the Regional Official Plan (ROP), Strategic Growth Area (B) in the City of Kitchener Official Plan, and zoned SGA-4,(51)(19H)(81H) and SGA-3(54)(132)133)(81H).

Threats Inventory Database (Advisory)
The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. Noting, there are medium and/or high threat(s) identified on and/or adjacent to the subject property. There is one (1) known threat extent mapped, and one (1) Record of Site Condition.



Record of Site Condition
RSC Number: 223120
Site Address: 51 BREITHAUPT STREET, KITCHENER, ON N2H 5G5, 25 BREITHAUPT STREET, KITCHENER, ON N2H 5G5
Intended Property Use: Commercial
QP Employer: GHD LIMITED
Filing Date: Mar 23, 2017 8:00 PM
Certification Date: May 26, 2016 8:00 PM
Site Conditions: Full Depth Generic Site Conditions Standard, with Potable Ground Water, Coarse Textured Soil, for Commercial property use, with RA

Known Threat Extent
THREAT_ID: 3800
Description: Plume of contaminated groundwater estimated per 2005 XCG report

Threats Inventory

Threat ID: 20911
Company: COLLINS & AIKMAN CANADA INC.
Threat Rank: Medium
Address: 51 BREITHAUPT ST
NAICS: 314110
NAICS Description: Carpet and Rug Mills
Location Code: Inherited geocode value (i.e. previous databases, consultants, other RMOW departments); methodology, reliability and accuracy unknown
Source Table: 2003 Dun & Bradstreet Business Listing

Threat ID: 3578
Company: CANADIAN CONSOLIDATED/MERCHANTS/DOMINION RUBBER CO
Threat Rank: Medium
Address: 51 BREITHAUPT ST
SIC E 1980: 1599
SIC E 1980 Description: Other Rubber Products Industries
Location Code: Automatic or manual geocode (remnant of IPCS classification), reliability and accuracy good
Source Table: Kitchener-Waterloo Historical Survey – Businesses

Threat ID: 6041
Company: PERSTORP COMPONENTS (CANADA) INC.
Threat Rank: Medium
Address: 51 BREITHAUPT ST
SIC E 1980: 1699
SIC E 1980 Description: Other Plastic Products Industries n.e.c.
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: 1993 Dun & Bradstreet Business Listing

Threat ID: 14332
Company: COLLINS & AIKMAN
Threat Rank: High
Address: 51 BREITHAUPT STREET
NAICS: 336390
NAICS Description: Other Motor Vehicle Parts Manufacturing
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Threat ID: 32233
Company: PERIMETER DEVELOPMENT INC.

Threat Rank: High
Address: 51 BREITHAUPT STREET
NAICS: 531310
NAICS Description: Real Estate Property Managers
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Threat ID: 13687
Company: PERSTORP COMPONENTS CANADA INC.
Threat Rank: High
Address: 51 BREITHAUPT STREET
SIC E 1980: 1611
SIC E 1980 Description: Foamed and Expanded Plastic Products Industry
Location Code: Automatic address match in MapInfo with assessment points, reliability and accuracy good
Source Table: Waste Generating Companies

Hydrogeology & Source Water Protection Plan

The subject lands are located in a Source Plan Protection Area where restrictions or prohibitions may apply in accordance with the Clean Water Act, Part IV. As such a Notice of Source Protection Plan Compliance (S. 59 Notice) is required as part of a formal application for Consent. Regional Staff are not in receipt of the S. 59 Notice which will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Fees

Regional staff are not in receipt of the required consent review fee of $350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment.

Regional staff have no objection to this application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of $350 per application to the satisfaction of the Region of Waterloo.
2. That the applicant submit the Notice of Source Protection Plan Compliance (S. 59 Notice) to the satisfaction of the Region of Waterloo.

General Comments

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, MCIP, RPP
Planner
Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

November 18th, 2025

Connie Owen
City of Kitchener
200 King Street West
P.O. Box 1118
Kitchener, ON N2G 4G7

File No.: D20-20/
VAR KIT GEN

Subject: Committee of Adjustment Meeting December 9, City of Kitchener

Regional staff has reviewed the following Committee of Adjustment applications and have the following comments:

1) A 2025 – 117 – 2922 King Street East – No Concerns
2) A 2025 – 118 – 630 Benninger Drive – No Concerns
3) A 2025 – 119 – 455 Old Chicopee Trail – No Concerns
4) A 2025 – 120 – 532 Courtland Avenue East – No Concerns
5) A 2025 – 121 – 546 Courtland Avenue East – No Concerns
6) A 2025 – 122 – 117 Samuel Street – No Concerns
7) A 2025 – 123 – 20 Gildner Street – No Concerns
8) A 2025 – 124 – 131 Gage Avenue – No Concerns
9) A 2025 – 125 – 50-56 Weber Street West & 107 Young Street – No Concerns
10) A 2025 – 126 – 1720 Glasgow Street – No Concerns
11) A 2025 – 127 – 71 Blucher Street – No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above-mentioned Application numbers to the undersigned.

Yours Truly,

JFalshaw CM

Joshua Beech Falshaw
Transportation Planner
jbeechfalshaw@regionofwaterloo.ca

Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 21, 2025 via email

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
200 King Street West
Kitchener, ON, N2G 4G7

Dear Marilyn Mills,

Re: Committee of Adjustment Meeting – December 9, 2025

Applications for Minor Variance
A 2025-117 2922 King Street East
A 2025-118 630 Benninger Drive
A 2025-119 455 Old Chicopee Trail
A 2025-122 117 Samuel Street
A 2025-123 20 Gildner Street
A 2025-125 50-56 Weber Street West & 107 Young Street
A 2025-127 71 Blucher Street

Applications for Consent
B 2025-032 776 Rockway Drive
B 2025-033 104 Brentwood Avenue
B 2025-034 71 Blucher Street
B 2025-035 67 Blucher Street

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications.

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Should you have any questions, please contact me at aherreman@grandriver.ca or 519-621-2763 ext. 2228.

Sincerely,

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: Landuse Planning
To: Marilyn Mills
Subject: KITCHENER - 67 AND 71 BLUCHER ST - B 2025-034 AND B 2025-035
Date: Tuesday, December 2, 2025 10:42:13 AM

You don't often get email from landuseplanning@hydroone.com. Learn why this is important

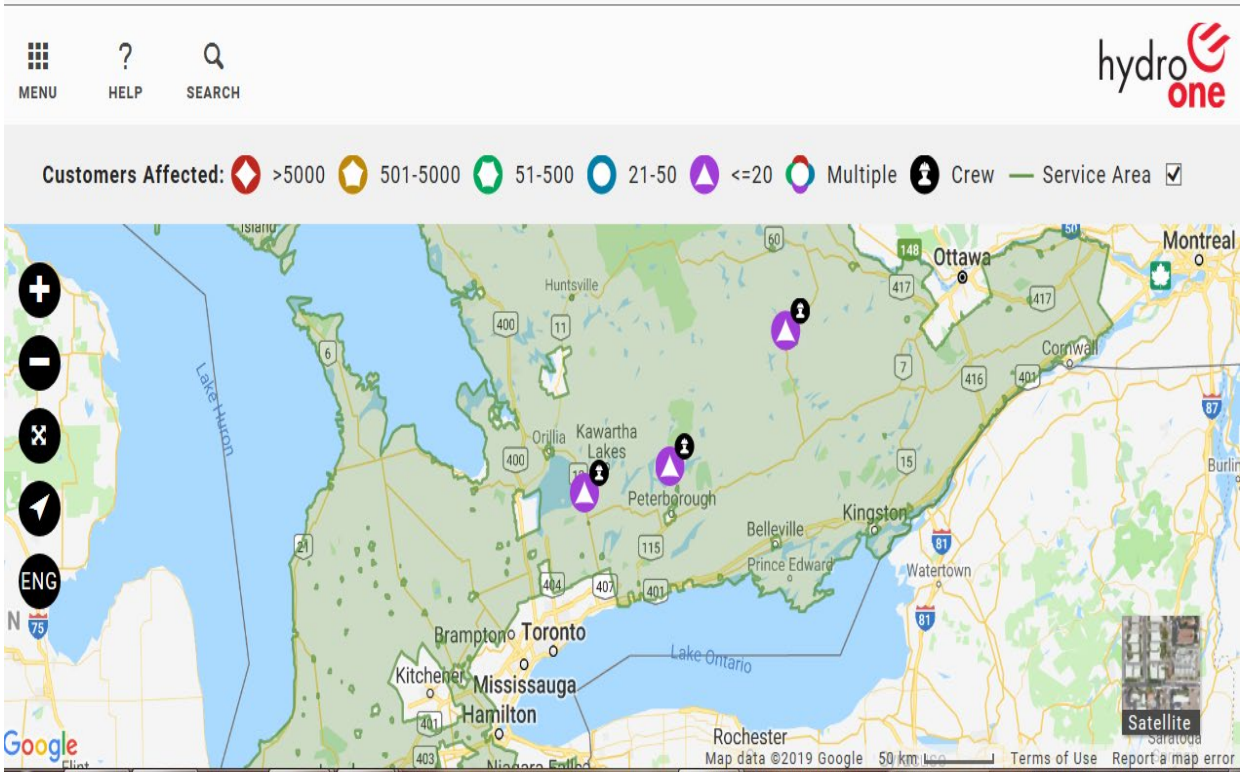
Hello,

We are in receipt of your Application for Consent, B 2025-034 AND B 2025-035 dated 2025-11-21. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact Land Use Planning.

Thank you,

Land Use Planning Department
Hydro One Networks Inc.
Email: LandUsePlanning@HydroOne.com