



Committee of Adjustment Agenda

Tuesday, November 18, 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, NOVEMBER 18, 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 A 2025-109 - 29 Edna Street, DSD-2025-418 4

Requesting a minor variance to permit an Additional Dwelling Unit (ADU) (Detached) to have a lot coverage of 21.6% rather than the maximum permitted 15% to facilitate the construction of a Detached ADU in the rear yard of the subject property.

6. NEW BUSINESS

6.1 A 2025-113 - 25 Eby Street South, DSD-2025-456 19

Requesting a minor variance to permit a street line façade opening of 10% rather than the minimum required 20%, to facilitate the construction of a rear yard addition to the existing building for a main floor restaurant, in accordance with Site Plan Application SPB25/075/E.

6.2 A 2025-114 - 21 Sherwood Avenue, DSD-2025-452 31

Requesting a minor variance to permit a front yard setback of 5.3m rather than the minimum required 6.3m to facilitate the construction of a mud room addition at the front of the existing detached dwelling.

6.3 A 2025-115 - 475-477 Lancaster Street West, DSD-2025-448 43

Requesting minor variances to permit a parking requirement of 56 parking spaces (0.9 parking spaces per dwelling unit) rather than the minimum required 61 parking spaces (1 parking space per dwelling unit); and, to permit three (3) new ground floor dwelling units with no private patio that is a minimum of 11sq.m. in area whereas a private patio that is a minimum of 11sq.m. is required, to facilitate the development of 3 new dwelling units to an existing multiple residential development having 58 dwelling units, for a total of 61 dwelling units, in accordance with Site Plan Application SPB25/056/L.

6.4 A 2025-116 - 60 Sandsprings Crescent, DSD-2025-455 55

Requesting a minor variance to permit a westerly side yard setback of 0.9m rather than the minimum required 1.2m to facilitate the construction of a roof attached to the existing dwelling, over an existing rear patio.

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 31st day of October, 2025.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment

REPORT TO: Committee of Adjustment

DATE OF MEETING: October 21, 2025

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

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: October 3, 2025

REPORT NO.: DSD-2025-418

SUBJECT: Minor Variance Application A2025-109 - 29 Edna Street

RECOMMENDATION:

That Minor Variance Application A2025-109 for 29 Edna Street requesting relief from the Section 5.22.1 c) of Zoning By-law 85-1 to permit a lot coverage of 21.6% instead of the maximum permitted 15%, to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the subject property, generally in accordance with drawings prepared by JR Design and Consultants, dated September 2025, BE APPROVED, subject to the following conditions:

1. That the Owner shall modify the existing driveway, to provide a driveway and a distinguishable unobstructed walkway, in accordance with the regulations of Zoning By-law 2019-051.
2. That the Owner shall complete the work, identified in Condition No. 1 above, by June 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.
3. That prior to any grading, servicing or the application or issuance of a Demolition and/or Building Permit, the Owner shall submit a plan, prepared by a qualified consultant, to the satisfaction and approval of the City's Manager, Site Plans, showing the following:
 - (i) the proposed location of all buildings (including accessory buildings and structures), decks and driveways;
 - (ii) the location of any existing buildings or structures to be removed or relocated;

- (iii) the proposed grades and drainage;
- (iv) the location of all trees to be preserved, removed or potentially impacted on or adjacent to the subject lands, including notations of their size, species and condition;
- (v) justification for any trees to be removed;
- (vi) outline tree protection measures for trees to be preserved; and
- (vii) If necessary, the plan shall include required mitigation and/or compensation measures.

Any alteration or improvement to the lands including grading, servicing, tree removal and the application or issuance of any Demolition and/or Building permits shall be in compliance with the approved plan. Any changes or revisions to the plan require the approval of the City's Manager, Site Plans.

4. That the Owner shall grant Metrolinx an Environmental Easement for Operational Emissions. The Environmental Easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property.
5. That the Owner shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:

“Warning: The Applicant is advised that the subject land is located within Metrolinx’s 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to permit the construction of an Additional Dwelling Unit (ADU)(Detached) in the rear yard of 29 Edna Street.
- The key finding of this report is that the requested minor variance meets all 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 and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. Notice of the application is also mailed to all property owners

within 30 metres of the subject property, however given the Canada Post Strike this was not possible.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the south-west side of Edna Street and Victoria Street North. It is in the Central Frederick neighbourhood which is primarily comprised of low-rise residential and commercial uses.

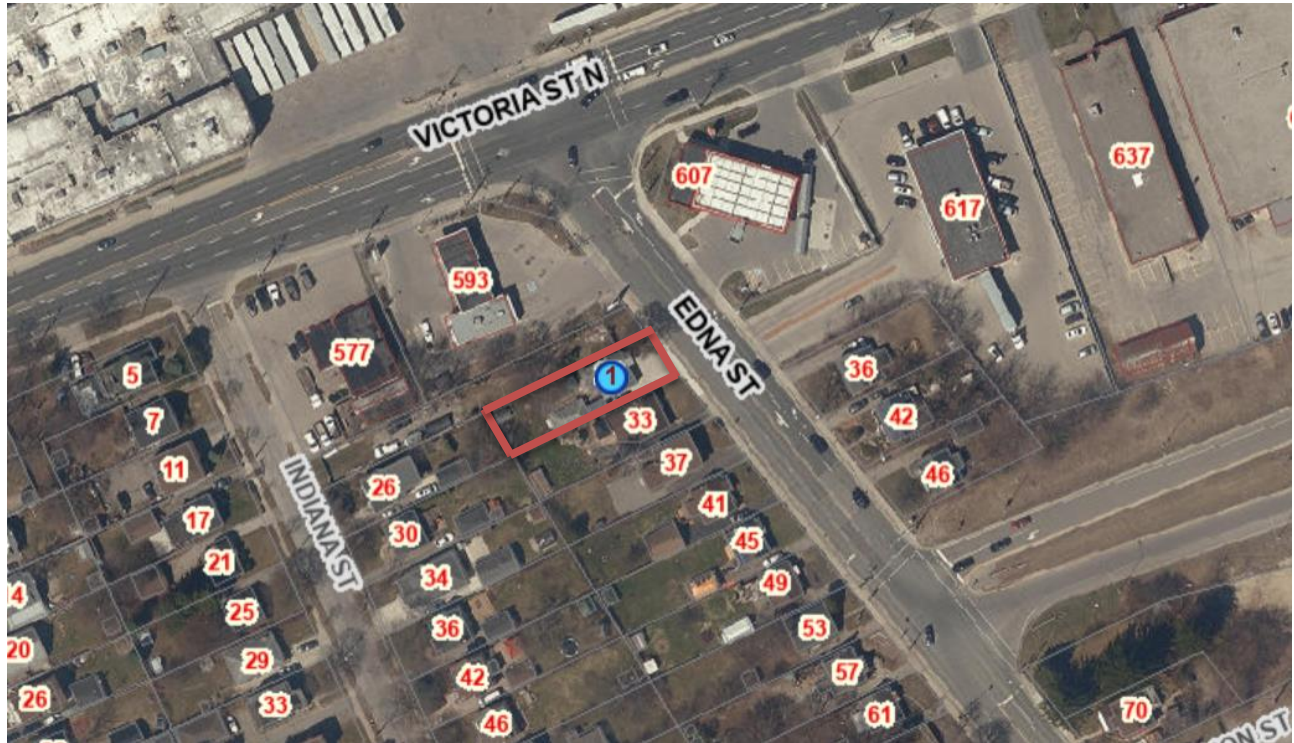


Figure 1: Location Map – 29 Edna Street (Outlined in Red)

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Conservation A' on Map 20 – Central Frederick Neighbourhood Plan for Land Use in the City's 1994 Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1

The purpose of the application is to review a Minor Variance Application to facilitate the construction of an Additional Dwelling Unit (ADU)(Detached) in the rear yard of the subject property.

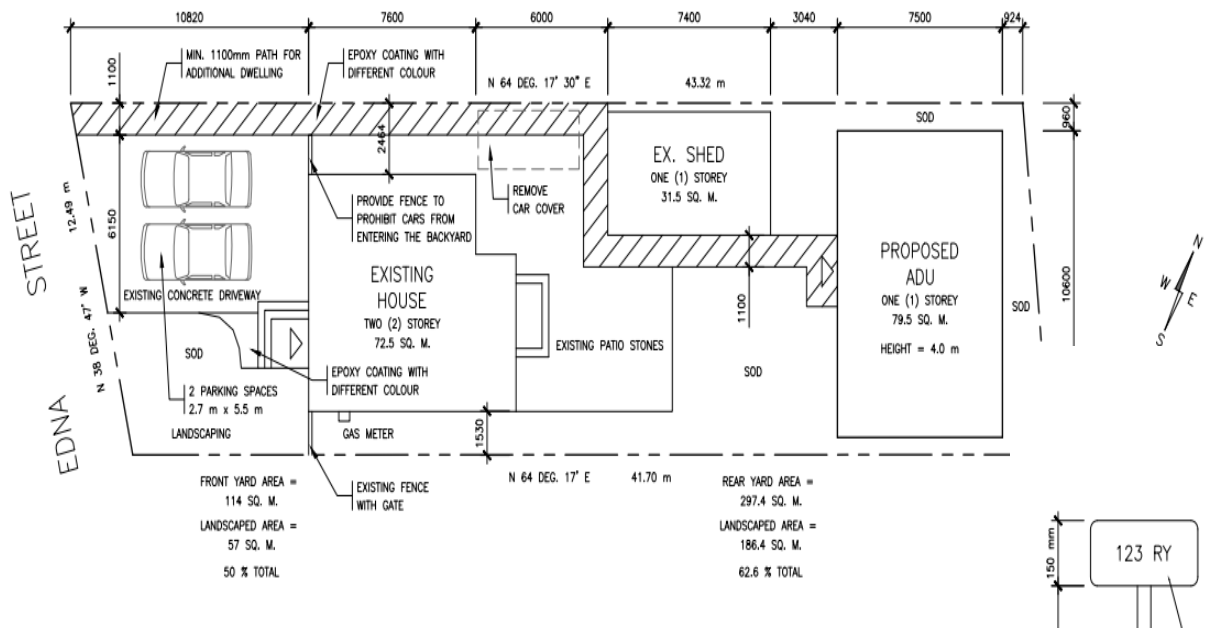


Figure 2: Site Plan of Requested Variance for Accessory Building

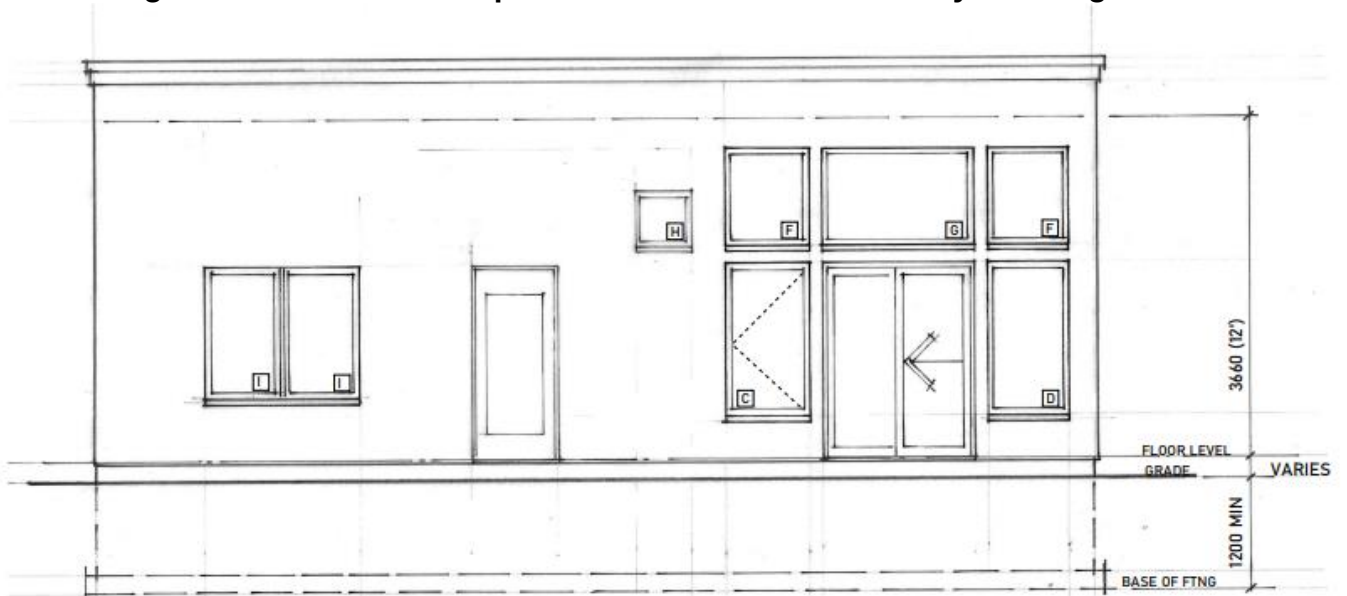


Figure 3: Front Elevation of Proposed Structure

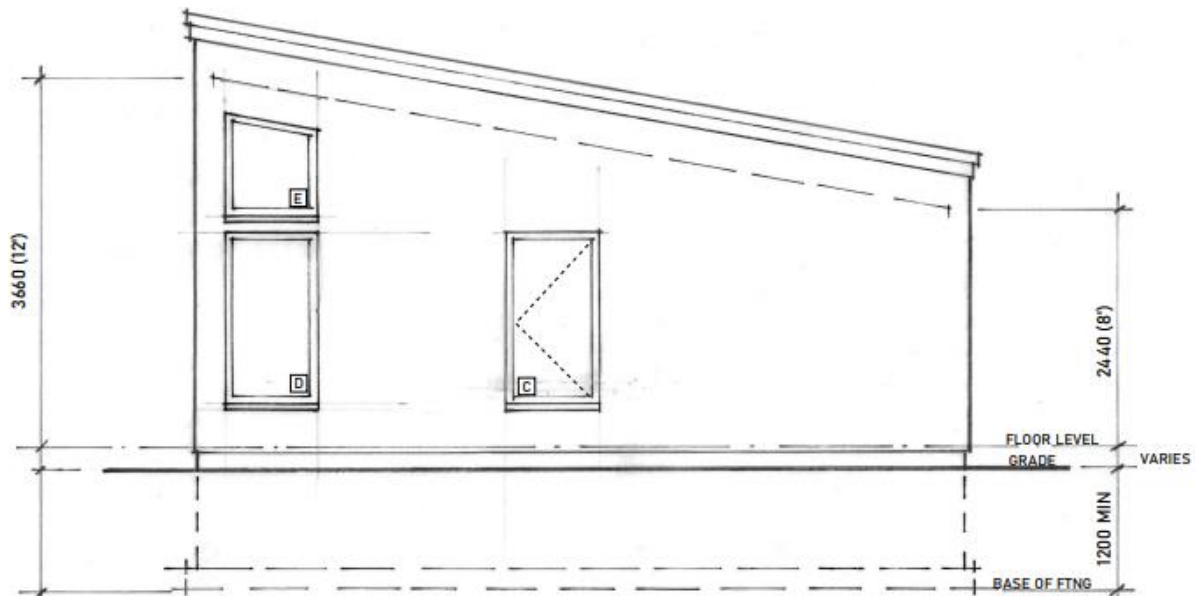


Figure 4: Right Elevation of Proposed Structure

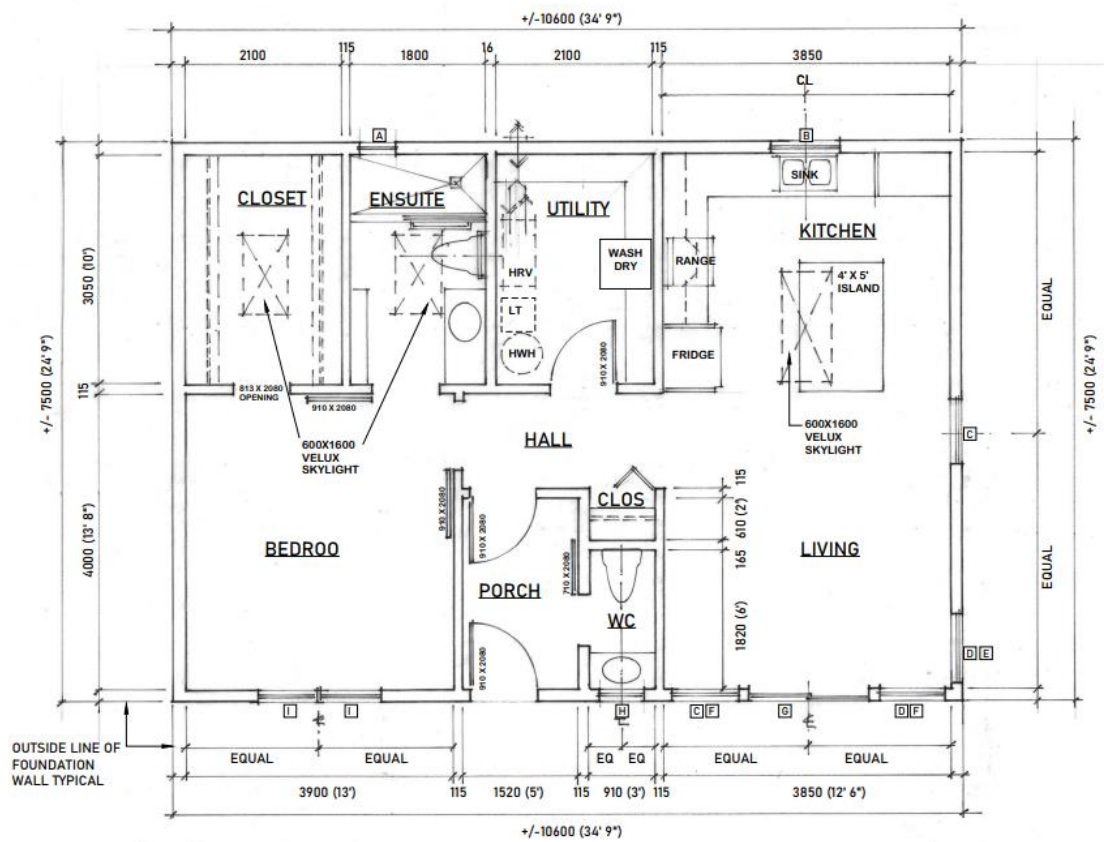


Figure 5: Floor Plan of Proposed Structure

Development and Housing Approvals Staff conducted a site visit on October 1, 2025.



Figure 6: Existing Site Conditions as of October 1, 2025



Figure 7: Existing Driveway (To be Modified in Accordance with the 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 Conservation - A' designation is to preserve the scale, use and intensity of existing development. This designation is applied to those portions of the community where the vast majority of land use are single detached dwellings. The dwellings are in good structural condition, and they are exhibits of the characteristics of a stable family-oriented area. Policy 4.C.1.23 in the 2014 Official Plan permits up to 3 Additional Dwelling Units (ADUs) subject to meeting any other applicable policies in the Official Plan and Zoning By-law regulations.

4.C.1.23. The City may permit up to three additional dwelling units, attached and/or detached, on a lot which contains a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling as the principal use, unless otherwise limited by the policies of this Plan, and in accordance with the City's Zoning By-law, in order to provide additional housing options to Kitchener homeowners and residents.

The proposed Additional Dwelling Unit use of the property conforms to the land use designation and is a desirable addition to a residential property. Staff is in opinion that requested variance to construct Additional Dwelling Unit (ADU)(Detached) meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum lot coverage is to ensure that accessory buildings remain secondary to the principal building. Combining the ADU and the existing shed exceeds the maximum permitted 15% lot coverage of accessory buildings by 6.6% or 32.6 square metres. However, when considered independently the ADU does not exceed the maximum permitted size of 80 square metres and the existing shed does not exceed the 15% coverage of the lot. Also, both the existing shed and the ADU individually comply with the maximum 15% permitted lot coverage. Staff is of opinion that the variance meets the general intent of the Zoning By-law, with the shed and ADU remaining secondary and accessory to the principal building.

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

The variance is minor in nature. The combined 32.6 square metres increased lot coverage is not noticeable when compared to the overall size of the structures relative to the lot. The ADU will be located at the far rear of the property. The effects of the variance will be minor as the increased lot coverage will not be discernable or noticeable from the streetscape.

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

The variance for an increased lot coverage is a desirable and an appropriate use of the land as it facilitates the construction of an Additional Dwelling Unit (ADU). The increased lot coverage will improve the usability of the land by accommodating the ADU and shed and provide an opportunity for gentle intensification adjacent to an urban and transit corridor.

Environmental Planning Comments:

There are no natural heritage features/functions, however, there appear to be trees in shared ownership which may be affected by the construction of the ADU. Please include the Standard condition to complete a Tree Protection and Enhancement Plan.

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 detached ADU.

Engineering Division Comments:

No comments or concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No concerns.

Metrolinx Comments:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such rightof-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com

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. Notice of the application is also mailed to all property owners within 30 metres of the subject property, however given the Canada Post Strike this was not possible.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (1994 and 2014)*
- *Zoning By-law 85-1*



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

Septmeber 29th, 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 October 21, City of Kitchener

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

- 1) A 2025 – 076 – Sydney Street South – No Concerns
- 2) A 2025 – 101 – 199 Breithaupt Street – No Concerns
- 3) A 2025 – 102 – 282 Tremaine Cresent – No Concerns
- 4) A 2025 – 103 – 129 Saint George Street – No Concerns
- 5) A 2025 – 104 – 23 Donnenwerth Drive – No Concerns
- 6) A 2025 – 105 – 1010 Copper Leaf Cresent – No Concerns
- 7) A 2025 – 106 – 43 Maurice Street – No Concerns
- 8) A 2025 – 107 – 904 Isaiah Place – No Concerns
- 9) A 2025 – 108 – 32 & 42 Windom Road – No Concerns
- 10)A 2025 – 109 – 29 Ednad Street – No Concerns
- 11)A 2025 – 110 – 600 Queen Street South – No Concerns
- 12)A 2025 – 111 – 396 Southill Drive – No Concerns
- 13)A 2025 – 112 – 54 Mount Hope & 509 Park 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



October 3, 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 – October 21, 2025

Applications for Minor Variance

A 2025-101 199 Breithaupt Street
A 2025-102 282 Tremaine Crescent
A 2025-103 129 St. George Street
A 2025-104 23 Donnenwerth Drive
A 2025-105 1010 Copper Leaf Crescent
A 2025-106 43 Maurice Street
A 2025-107 904 Isaiah Place
A 2025-108 32 & 42 Windom Road
A 2025-109 29 Edna Street
A 2025-110 600 Queen Street South
A 2025-111 396 Southill Drive
A 2025-112 509 Park Street & 54 Mount Hope Street

Applications for Consent

B 2024-031 829 Stirling Avenue South
B 2025-026 96 Third Avenue
B 2025-027 60 Gage Avenue
B 2025-028 62 Gage Avenue
B 2025-029 64 Gage Avenue
B 2025-030 66 Gage Avenue
B 2025-031 509 Park Street & 54 Mount Hope 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,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

TO: Kitchener – Committee of Adjustments
200 King Street West, 6th Floor, P.O. Box 1118, Kitchener ON N2G 4G7

CC: cofa@kitchener.ca

DATE: September 29th, 2025

RE: Adjacent Development Review: A2025-109
29 Edna Street, Toronto, ON
Minor Variance

Metrolinx is in receipt of the Minor Variance application for 29 Edna Street, to permit an additional dwelling unit on site in the rear yard of the property, as circulated on September 26th, 2025, and to be heard at Public Hearing on October 21st, 2025. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Guelph Subdivision which carries Kitchener GO Train service.

GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Best Regards,
Jenna Auger
Project Analyst, Adjacent Construction Review (ACR)
20 Bay Street | Toronto | Ontario | M5J 2W3
T: (416)-881-0579

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**").

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.

REPORT TO: Committee of Adjustment

DATE OF MEETING: November 18, 2025

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

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

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: October 30, 2025

REPORT NO.: DSD-2025-456

SUBJECT: Minor Variance Application A2025-113 – 25 Eby Street South

RECOMMENDATION:

That Minor Variance Application A2025-113 for 25 Eby Street South, requesting relief from Section 6.3.2, Table 6-3, of Zoning By-law 2019-051 to permit a minimum street line façade openings of 10% instead of the minimum required 20%, to facilitate a rear yard addition to the existing building for a main floor restaurant, in accordance with the 'Conditionally Approved' Site Plan Application SPB25/075/E, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to facilitate a rear ground floor addition to the restaurant
- The key finding of this report is that the requested minor variance meets 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 city's commercial core between King Street East and Charles Street East, to the west of Cedar Street North.



Figure 1: Location Map

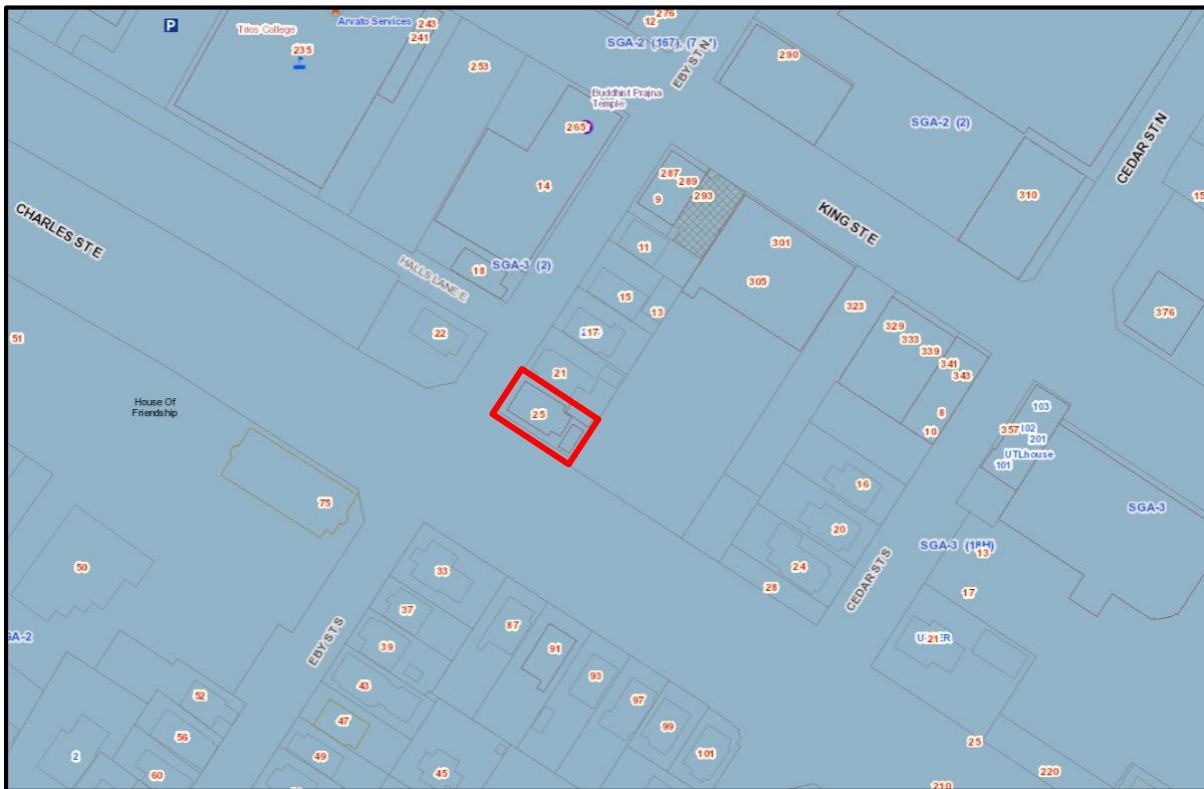


Figure 2: Zoning Map

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

The property is zoned 'High Rise Growth Zone (Limited) Zone (SGA-3)' with Site-Specific Provision (2) in Zoning By-law 2019-051.

The subject property is currently a mixed-use building. The ground floor contains a restaurant that was established in 2005, following the approval of a building permit to convert the ground floor of a single detached dwelling into a café/restaurant with a side porch. As part of this Building Permit, the second floor was converted into office space, as it lacked a kitchen and therefore did not function as a dwelling unit.

The property was recently rezoned under the *Growing Together* Zoning framework, which amended zoning regulations for Major Transit Station Areas within the city's core. Previously zoned as 'East Market Zone (D-2)', the property is now zoned 'SGA-3' with Site-Specific Provision (2). The 'SGA' Zone includes regulations regarding the minimum percentage of street-facing façade openings.

Recently, a new Stamp Plan B Site Plan Application was made for a rear addition and to reintroduce residential use on the second floor by adding a kitchen, thereby converting it into a dwelling unit.

As the property is located on a corner lot, a rear addition on the ground floor affects the flanking street line façade. This results in a total number of windows/openings that falls below the minimum required by the Zoning By-law.

The purpose of this application is to legalize the rear addition on the ground floor of the mixed-use building and permit it to be used for a restaurant use, despite the reduced number of façade openings.

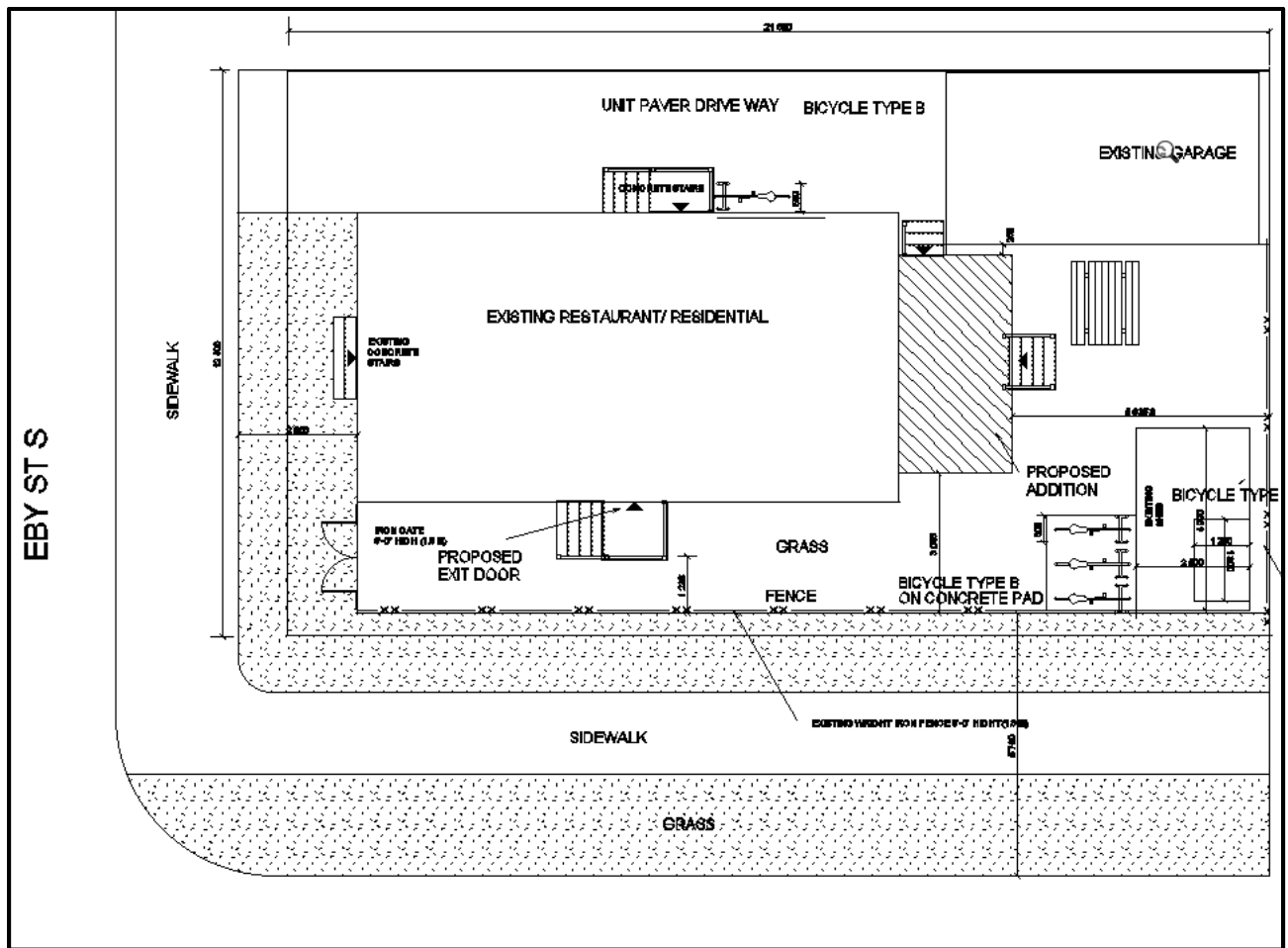


Figure 3: Conditionally Approved Site Plan

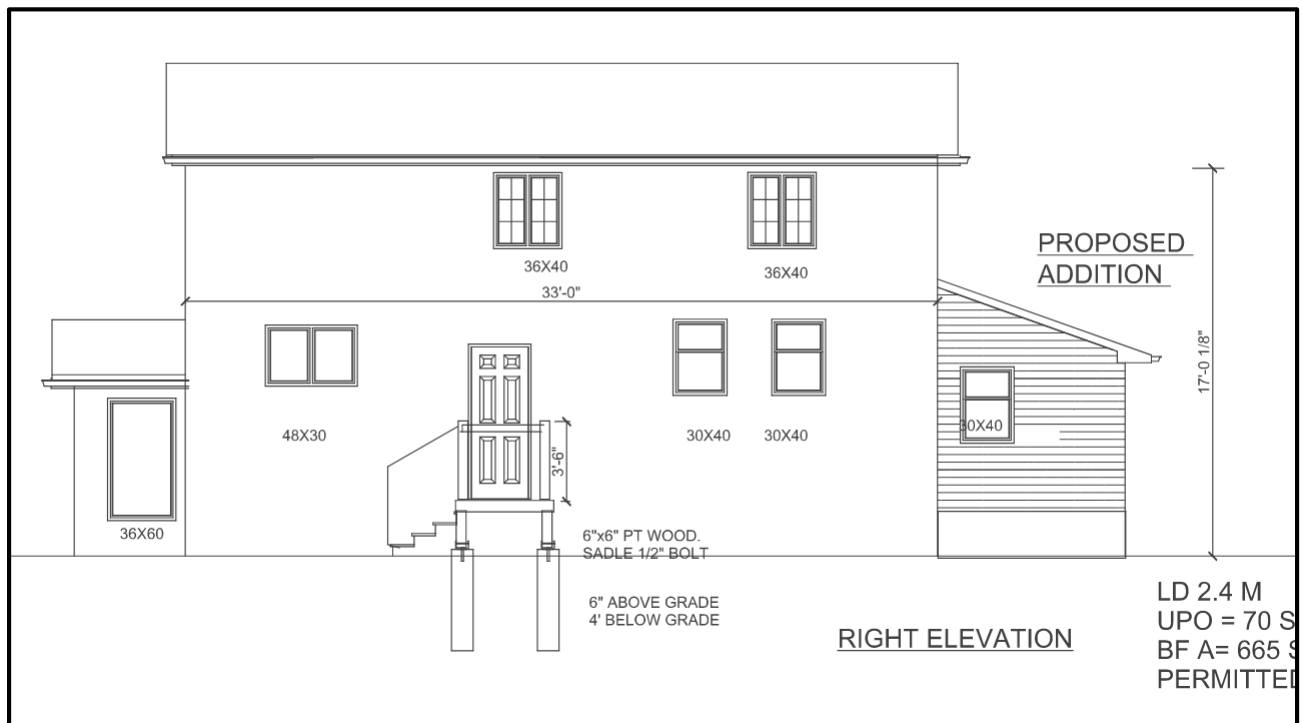


Figure 4: North Side Exterior Elevation

Development and housing staff visited the site on October 30, 2025.

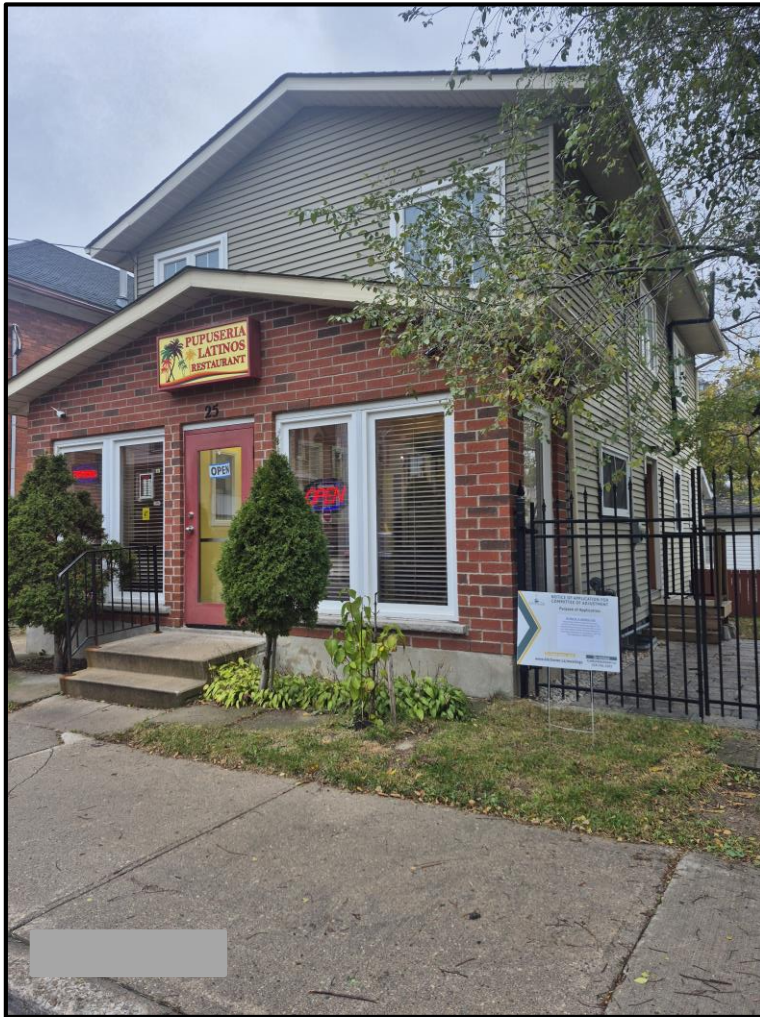


Figure 5: Front elevation of the Site

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

Policy 15.D.2.4 in the Official Plan states that the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas will be planned for continued commercial viability and all other land use designations allowing commercial development will have regard for and in no way compromise this planned function of the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas.



Figure 6: Exterior Side Elevation

In addition, Policy 15.D.2.5 discusses if an application is seeking 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.

This variance will recognize an existing building with its rear addition on an existing lot. The restaurant will provide commercial component and will be compatible with the surrounding built form of the area. Accordingly, it is staff's opinion that the requested variance will meet the general intent of the Official Plan

General Intent of the Zoning By-law

The intent of the Zoning By-law requirement for minimum street line façade openings is to promote active street frontages, enhance the pedestrian experience, and encourage high-quality urban design.

In this case, the reduced façade openings result from an existing condition. The building was originally constructed as a single detached dwelling, and then the ground floor was converted into a restaurant through a Building Permit. Its built form reflects its residential origins, maintaining a low-rise profile that is consistent with neighbouring buildings and structures and does not dominate the streetscape. The rear addition is modest in scale and includes a small window that aligns with the existing architectural character of the building.

Given these existing conditions, the proposed variance is considered to meet the intent of the Zoning By-law by maintaining compatibility with the surrounding built form while supporting the continued mixed-use function of the property.

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

The requested variance is considered minor as the built form is existing, and the rear addition is aligned with the existing built form. The rear addition is modest in scale and includes a small window that aligns with the existing architectural character of the building. While the overall façade openings fall below the minimum required, the impact on the streetscape is minimal due to the building's existing condition, trees in front of the building wall and its continued compatibility with adjacent properties.

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

The variance is desirable and appropriate as the built form matches the neighbourhood characteristics of a modest 2-storey mixed-use building, with residential appearance, which provides a non-residential unit that is well integrated into the existing urban fabric and aligns with the Strategic Growth Area objectives by supporting mixed-use intensification near a Major Transit Station Area

Environmental Planning Comments:

No natural heritage features/functions. Trees-whether City street trees or required landscaping, would be addressed through the Site Plan Application process.

Heritage Planning Comments:

The property municipally addressed as 25 Eby Street South has no heritage status. However, it is located adjacent to 33 Eby Street South, which is designated under Part IV of the Ontario Heritage Act. It is also located adjacent to Cedar Hill Neighbourhood Cultural Heritage Landscape. The proposed application is not anticipated to have an adverse negative impact on these cultural heritage resources. Hence, staff have no comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority (GRCA) Comments:

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

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Kitchener ON N2G 4J3 Canada
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Fax: 519-575-4449
www.regionofwaterloo.ca

October 24, 2025

File No.: D20-20/VAR KIT

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

Subject: Committee of Adjustment Meeting November 18, 2025, City of Kitchener

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

- 1) A 2025 – 113 – 25 Eby Street S – No Concerns
- 2) A 2025 – 114 – 21 Sherwood Avenue – No Concerns
- 3) A 2025 – 115 – 475-477 Lancaster Street West – No Concerns
- 4) A 2025 – 116 – 60 Sandsprings Crescent – 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,

A handwritten signature in black ink, appearing to read "T. Kinear", followed by the initials "CM" in a cursive script.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



October 30, 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 – November 18, 2025

Applications for Minor Variance

A 2025-113 25 Eby Street South
A 2025-114 21 Sherwood Avenue
A 2025-115 475-477 Lancaster Street West
A 2025-116 60 Sandsprings Crescent

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,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - November 18, 2025 Meeting
Date: Tuesday, October 28, 2025 10:33:38 AM
Attachments: [image001.png](#)

Good morning,

Thank you for circulating the following agenda.

Upon review, it is noted that no applications fall within Metrolinx review zones. As such, Metrolinx issues no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: October 23, 2025 12:42 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - November 18, 2025 Meeting

EXTERNAL SENDER: Do not click any links or open any attachments unless you trust the sender and know the content is safe. EXPÉDITEUR EXTERNE: Ne cliquez sur aucun lien et n'ouvrez aucune pièce jointe à moins qu'ils ne proviennent d'un expéditeur fiable, ou que vous ayez l'assurance que le contenu provient d'une source sûre.
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Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, November 18, 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 3, 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

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 18, 2025

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

PREPARED BY: Maitland Graham, Student Planner, 519-783-7879

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: October 31, 2025

REPORT NO.: DSD-2025-452

SUBJECT: Minor Variance Application A2025-114 – 21 Sherwood Avenue

RECOMMENDATION:

That Minor Variance Application A2025-114 for 21 Sherwood Avenue requesting relief from Section 7.3, Table 7-2, of Zoning By-law 2019-051, to permit a front yard setback of 5.3 metres instead of the minimum required 6.3 metres, to facilitate the construction of a mud room addition at the front of the existing detached dwelling, generally in accordance with drawings prepared by Igor Polevychok, dated September 17, 2025, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application requesting a front yard setback of 5.3 metres rather than the minimum required setback of 6.3 metres.
- The key finding of this report is that all four tests of the Planning Act have been met.
- 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 Sherwood Avenue, which is predominantly comprised of low rise detached dwellings.

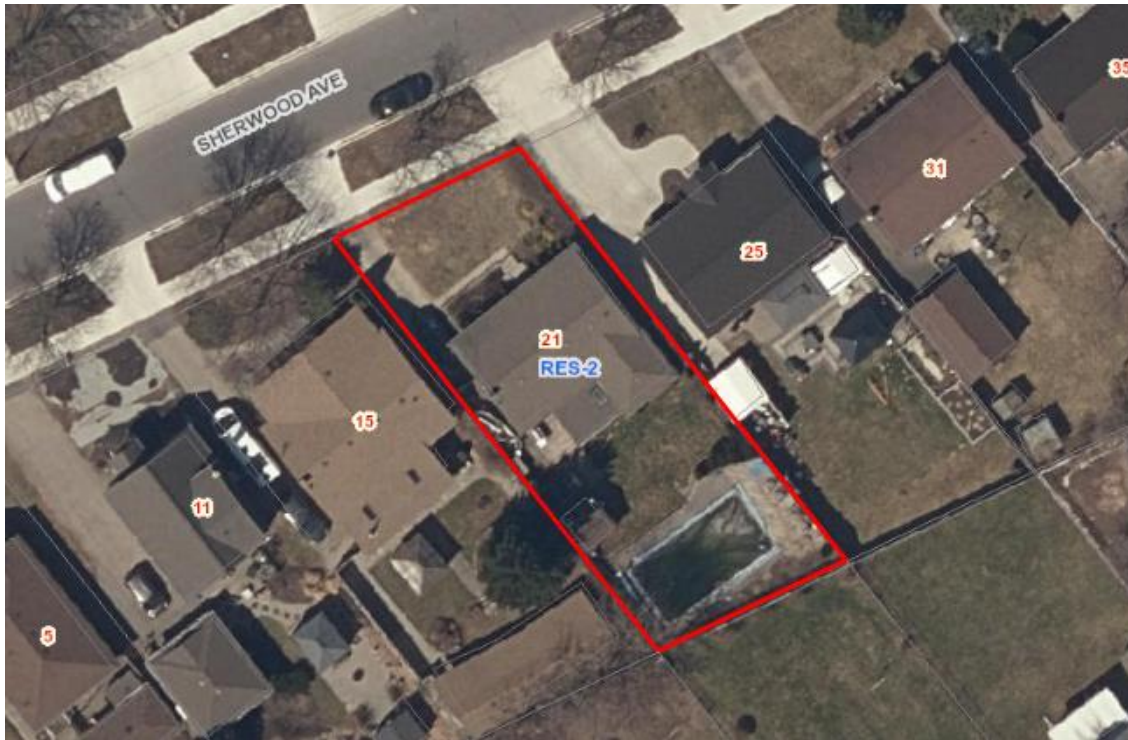
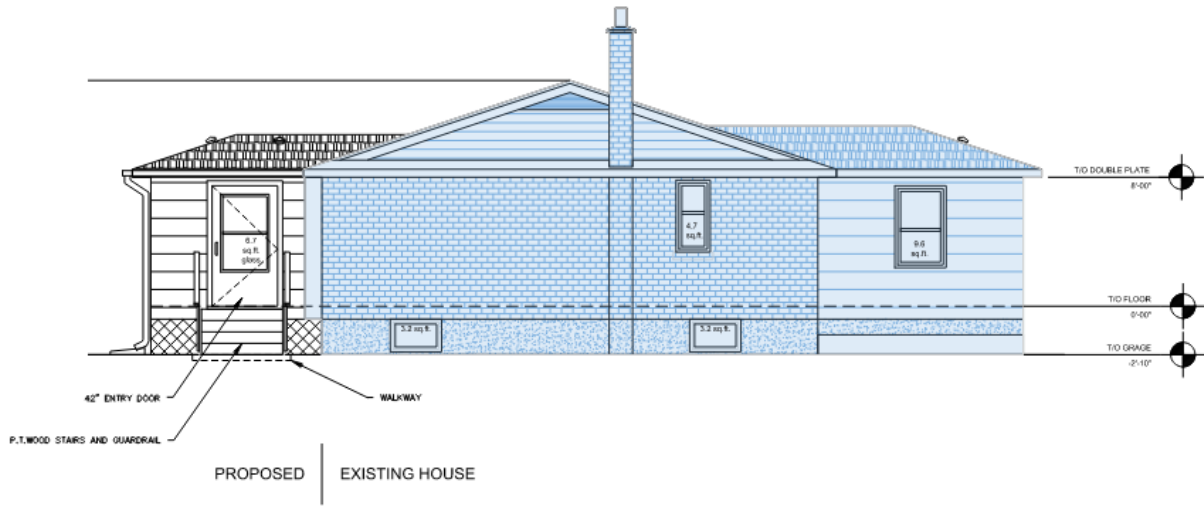


Figure 1: Aerial view of the Subject Property.

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.

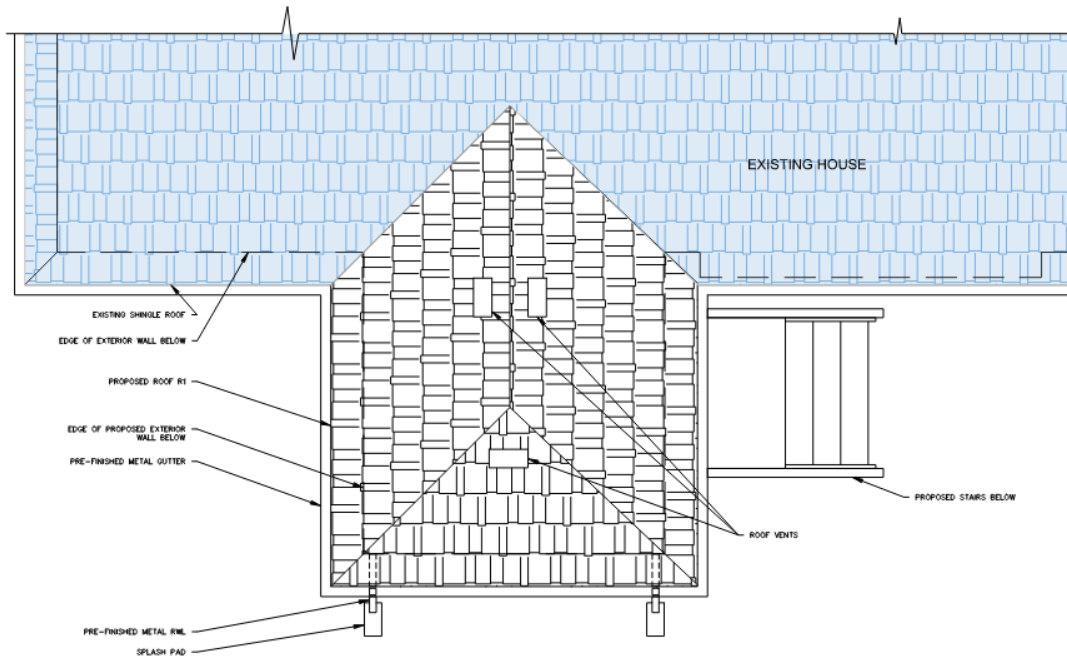
The purpose of the application is to review a request for relief from Section 7.3, Table 7-2, to permit a 5.3 metre front yard setback instead of the minimum required 6.3 metres setback required by Zoning By-law 2019-051 to facilitate the construction of a mud room addition.



1 WEST ELEVATION
A5.2 3/16"=1'-0"

- NOTES:**
1. EXPOSED BUILDING FACE: 530 sq.ft. (49.2sq.m.)
 2. UNPROTECTED OPENINGS: 40 sq.ft. (3.7sq.m.)
 3. LIMITING DISTANCE: 8'-0" (2.4M)
 4. ALLOWED AREA OF LUD FOR 8' (2.4M) LUD IS 13.5%.
 5. ALL STRUCTURES ASSUME EXISTING EXCEPT NOTED.

Figure 4: West Elevation of the Subject Property.



1 ROOF PLAN
A4.1 3/8"=1'-0"

Figure 5: Top view of the proposed addition.



Figure 6: Site photo of 21 Sherwood Avenue.



Figure 7: Left side view of the proposed addition location, showing the neighbouring property's projection into the front yard.



Figure 8: Right side view of the proposed addition location.

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 'Low Rise Residential' on Map 3 – Land Use. The intent of the Low Rise Residential designation is to accommodate a diverse range of low-rise housing types while maintaining the low-density character of the neighbourhood. The use of the property for a detached dwelling is permitted, and a front yard mud room addition is a natural extension of the living space. Planning Staff is of the opinion that the proposed minor variance to facilitate a mud room addition in the front yard meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the minimum front yard setback is to ensure adequate separation between a dwelling and the street line to address noise, pollution, safety and privacy considerations. The regulation also ensures an ample amount of front yard amenity space, facilitation of greater stormwater management, and promotes uniformity of built form along the street and within the neighbourhood.

For properties within an Appendix 'D' Neighbourhood, the front yard setback is determined by the established front yard defined as the average front yard setback of the closest abutting properties minus one metre. The average setback of the abutting properties was determined to be 7.3 metres, requiring a minimum 6.3 metre front yard setback for the building on the subject property.

Planning Staff are of the opinion that a reduction to 5.3 metres would remain compatible with the built form along the street and within the neighbourhood, as supported by the abutting property, 15 Sherwood Avenue, which has a similar front yard projection as seen in Figure 7. The reduced front yard setback will continue to provide an adequate amount of front yard space for amenities and stormwater management, while maintaining sufficient separation from the street line to avoid adverse impacts related to noise, pollution, safety or privacy factors.

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

The effects of the requested front yard setback variance are considered minor as the abutting property at 15 Sherwood Avenue features a similar projection into the front yard. The proposed addition would not be visually prominent or out of character with the surrounding neighbourhood. Planning staff are therefore of the opinion that the effects of the requested variance will be minor in nature.

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

The proposed mud room addition is a natural extension of the subject property's living space and is compatible with the streetscape setbacks and neighbourhood built form. Planning Staff have the opinion that the proposed variance is desirable for the appropriate development of the dwelling on the subject property in the context of the streetscape.

Environmental Planning Comments:

No natural heritage or tree management policy concerns.

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 addition to the existing detached dwelling.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

There is an existing City-owned street tree within the right-of-way on Sherwood Avenue. The tree 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.

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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Fax: 519-575-4449
www.regionofwaterloo.ca

October 24, 2025

File No.: D20-20/VAR KIT

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

Subject: Committee of Adjustment Meeting November 18, 2025, City of Kitchener

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

- 1) A 2025 – 113 – 25 Eby Street S – No Concerns
- 2) A 2025 – 114 – 21 Sherwood Avenue – No Concerns
- 3) A 2025 – 115 – 475-477 Lancaster Street West – No Concerns
- 4) A 2025 – 116 – 60 Sandsprings Crescent – 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,

A handwritten signature in black ink, appearing to read "T. Kinear", followed by the initials "CM" in a cursive script.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



October 30, 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 – November 18, 2025

Applications for Minor Variance

A 2025-113 25 Eby Street South
A 2025-114 21 Sherwood Avenue
A 2025-115 475-477 Lancaster Street West
A 2025-116 60 Sandsprings Crescent

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,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - November 18, 2025 Meeting
Date: Tuesday, October 28, 2025 10:33:38 AM
Attachments: [image001.png](#)

Good morning,

Thank you for circulating the following agenda.

Upon review, it is noted that no applications fall within Metrolinx review zones. As such, Metrolinx issues no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: October 23, 2025 12:42 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - November 18, 2025 Meeting

EXTERNAL SENDER: Do not click any links or open any attachments unless you trust the sender and know the content is safe. EXPÉDITEUR EXTERNE: Ne cliquez sur aucun lien et n'ouvrez aucune pièce jointe à moins qu'ils ne proviennent d'un expéditeur fiable, ou que vous ayez l'assurance que le contenu provient d'une source sûre.
--

Hello,

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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 3, 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

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 18, 2025

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

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

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: October 30, 2025

REPORT NO.: DSD-2025-448

SUBJECT: Minor Variance Application A2025-115
475-477 Lancaster Street West

RECOMMENDATION:

That Minor Variance Application A2025-115 for 475-477 Lancaster Street West, requesting relief from the following Sections of Zoning By-law 2019-51:

- i) Section 5.6 a), Table 5-5, to permit a parking requirement of 56 parking spaces (0.9 parking spaces per dwelling unit) instead of the minimum required 61 parking spaces (1 parking space per dwelling unit); and
- ii) Section 7.3, Table 7-6, to permit three (3) new ground floor dwelling units to not provide a private patio that is a minimum of 11 square metres in area, whereas a private patio that is a minimum of 11 square metres is required;

to facilitate the development of three (3) new dwelling units to an existing multiple residential development having 58 dwelling units, for a total of 61 dwelling units, in accordance with 'Conditionally Approved' Site Plan Application SPB25/056/L, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to facilitate the creation of 3 new dwelling units within an existing multiple dwelling building
- 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 Bridgeport West neighbourhood, north of Highway 8 to the west of Lancaster Street West.

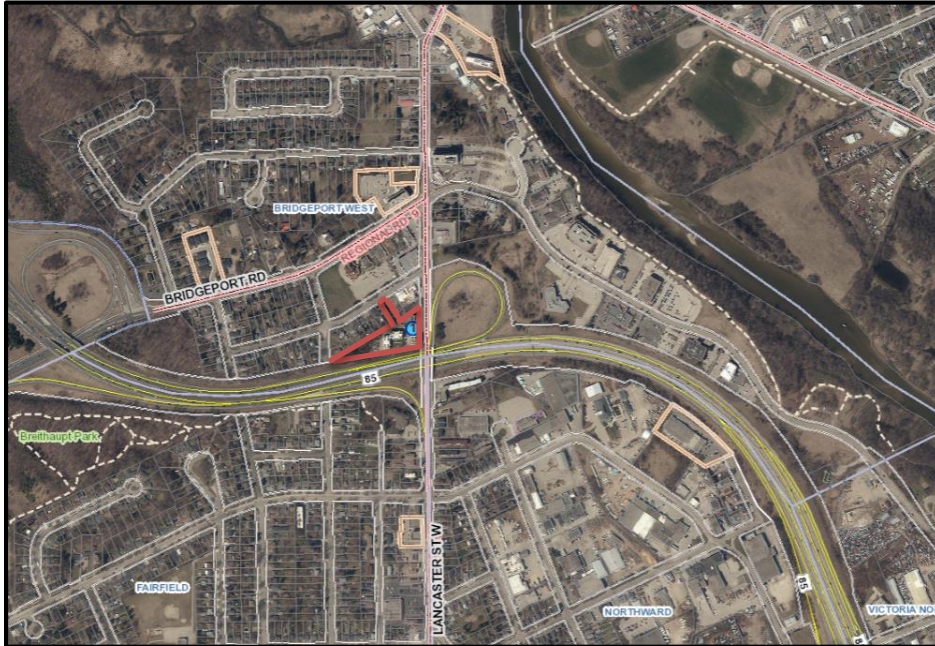


Figure 1: Area Map

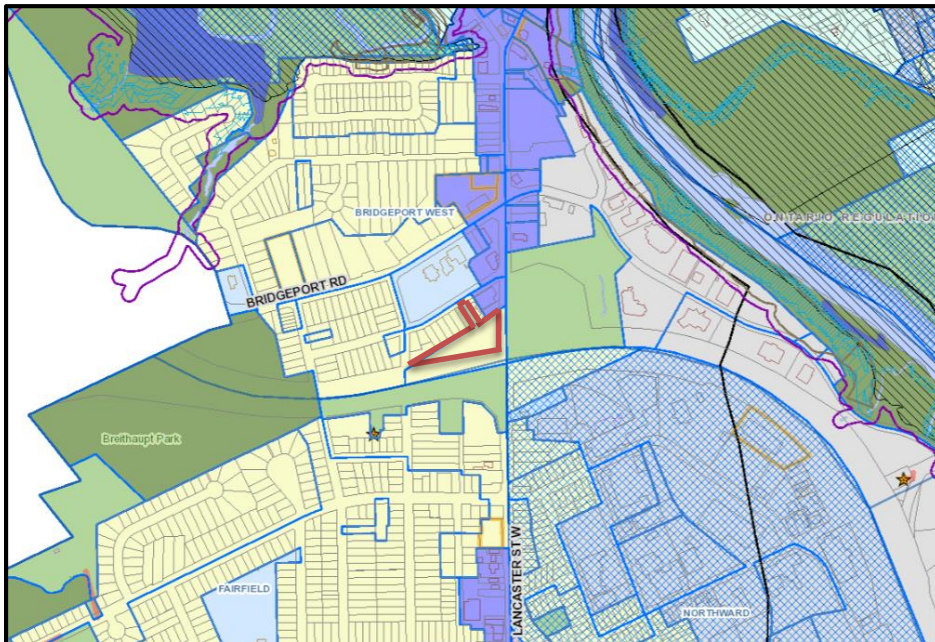


Figure 2: Zoning Map

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)' under Zoning By-law 2019-051.

This site was developed in 1980 with two (2) multiple-dwelling residential buildings. Building #475 contains 28 dwelling units and Building #477 contains 30 units. The site is currently identified as non-profit housing. The applicant has submitted a Stamp Plan B Site Plan Application SPB25/056/L to add 3 dwelling units in the attached garages and storage room within the existing multiple dwelling building at 475 Lancaster Street West and to update the parking lot. With this proposal, the total number of dwelling units on the site will increase to 61. The proposed variances relate to:

- Reduction in the required number of parking spaces required per dwelling unit.
- The requirement for a private patio for the ground-floor unit.

The Stamp Plan B Site Plan Application has been reviewed with all applicable divisions and agencies and has received 'Conditional Approval', subject to receiving approval of the Minor Variances.

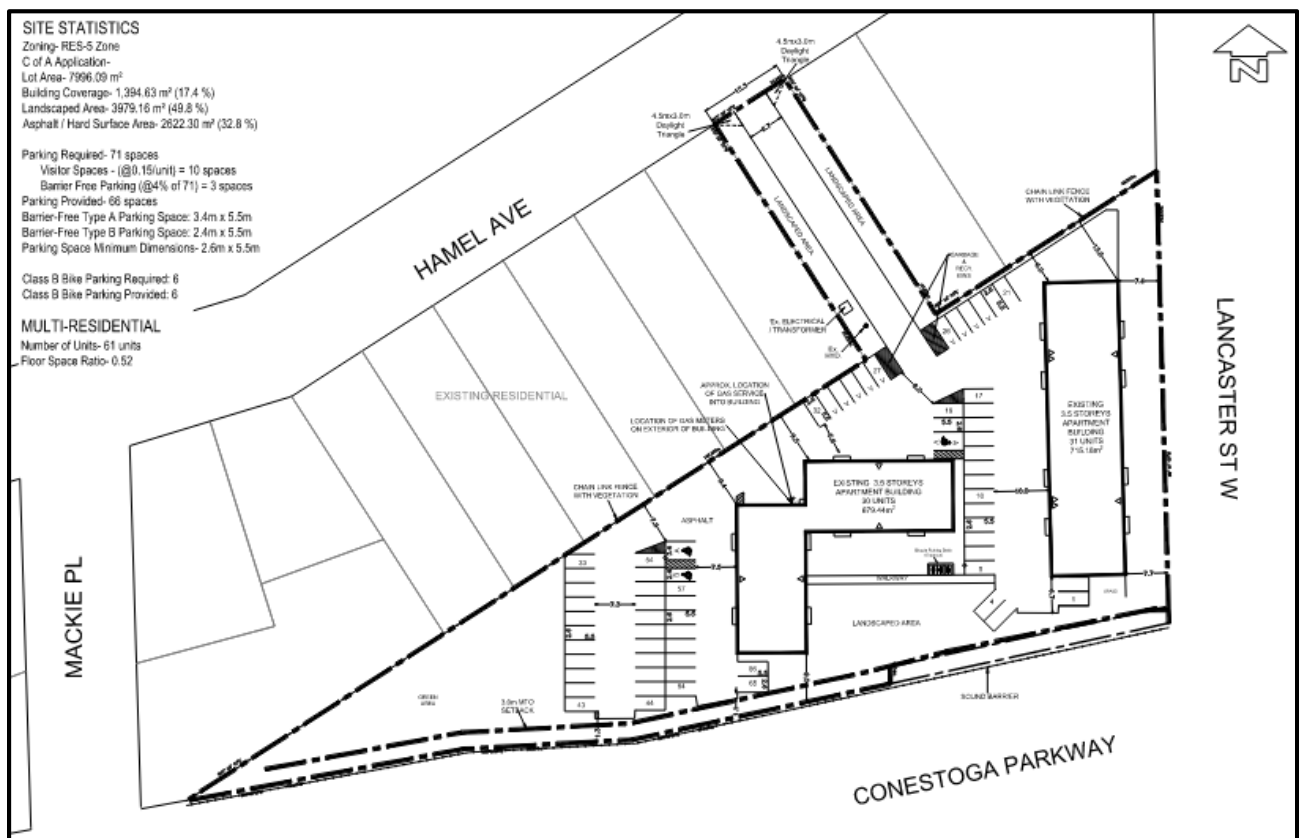


Figure 3: The Proposed Site Plan

Development and housing staff visited the site on October 30, 2025.



Figure 4: The Existing Site and Parking Area

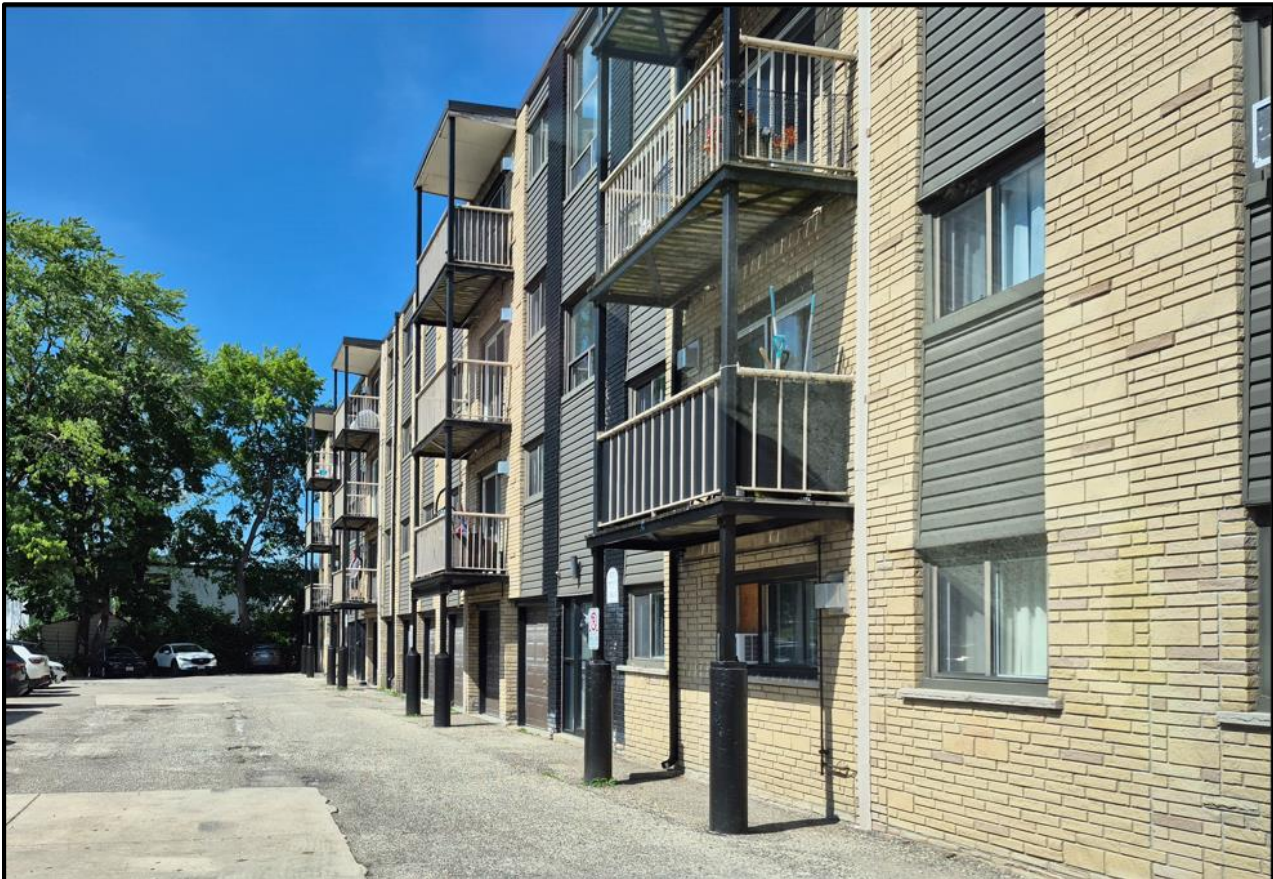


Figure 5: Building # 475, where the Additional Units will be added



Figure 6: The Driveway Entrance Leading to the Site

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

Policy 15.D.3.3. in the City's Official Plan states that to support the successful integration of different housing types, specifically multiple residential developments, through new development/redevelopment and/or residential intensification, within lands designated Low Rise Residential, Medium Rise Residential or High Rise Residential, the City will apply design principles in accordance with the Urban Design Policies in Section 11. An emphasis will be placed on:

- a) compatibility of building form with respect to massing, scale, design;
- b) the relationship of housing to adjacent buildings, streets and exterior areas;
- c) adequate and appropriate parking areas are provided on site; and
- d) adequate and appropriate amenity areas and landscaped areas are provided on site.

The proposal is to add three additional non-profit dwelling units within the existing building footprint, with an improved parking layout, and an existing green/ amenity area maintains the general intent of the Official plan.

General Intent of the Zoning By-law

Reduction in parking: The parking requirement intends to ensure adequate parking availability and prevent spillover onto public streets. However, for non-profit housing, a reduced rate of 0.9 spaces per unit is justified due to generally lower car ownership among residents. Additionally, the site presents existing constraints that make it challenging to add more parking in a safe and functional manner. Maintaining a lower parking ratio supports affordability, aligns with sustainable planning principles, and encourages alternative modes of transportation.

Private Patio Requirement: The requirement for a private patio for ground-floor units is intended to provide residents with adequate private outdoor amenity space, contributing to their overall quality of life. While two of the proposed units include patios, they fall short of the minimum 11 m² required by the Zoning By-law. However, the site includes landscaped areas that function as shared amenity space, fostering community interaction and supporting resident well-being. Due to existing site constraints, it is not feasible to add additional patio space.

Based on the above, it is staff's opinion that the requested variances meet the intent of the zoning By-law

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

The reduction in parking requirement is considered minor as it represents a 10% decrease, which is modest in scale and unlikely to result in significant impacts on parking availability for the site or negative impacts on the neighbourhood.

Two of the three proposed units will include small patios that, while below the minimum required size, still function as private amenity spaces. In addition, the site provides landscaped areas that serve as shared outdoor amenity space for all residents, helping to meet the intent of the Zoning By-law.

Based on these considerations, the effects of the requested variances are deemed minor

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

The proposed variances are desirable and appropriate, as they will facilitate the addition of three new units not for profit dwellings, within the existing built form that is compatible in scale, massing, and height, utilizes existing infrastructure, and supports the City's Housing Pledge.

Environmental Planning Comments:

No natural heritage concerns. Trees and Policy compliance will be addressed by Urban Designer as part of Site Plan Application.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the additional residential units 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:

No concerns, no requirements. Any Parks related concerns or comments will be dealt with through the associated Site Plan Application.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

While Staff's preference is to typically locate the barrier-free spaces between the buildings, it is understood that residents requested the parking spaces to be located on the west side of the building. Staff have no concerns with the revised location if it better serves residents.

Region of Waterloo Comments:

No concerns.

Grand River Conservation Authority (GRCA) Comments:

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:

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- *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

October 24, 2025

File No.: D20-20/VAR KIT

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

Subject: Committee of Adjustment Meeting November 18, 2025, City of Kitchener

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

- 1) A 2025 – 113 – 25 Eby Street S – No Concerns
- 2) A 2025 – 114 – 21 Sherwood Avenue – No Concerns
- 3) A 2025 – 115 – 475-477 Lancaster Street West – No Concerns
- 4) A 2025 – 116 – 60 Sandsprings Crescent – 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,

A handwritten signature in black ink, appearing to read "T. Kinear", followed by the initials "CM" in a cursive script.

Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



October 30, 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 – November 18, 2025

Applications for Minor Variance

A 2025-113 25 Eby Street South
A 2025-114 21 Sherwood Avenue
A 2025-115 475-477 Lancaster Street West
A 2025-116 60 Sandsprings Crescent

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,

A handwritten signature in black ink, appearing to read "Andrew Herreman".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

From: [Jenna Auger](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - November 18, 2025 Meeting
Date: Tuesday, October 28, 2025 10:33:38 AM
Attachments: [image001.png](#)

Good morning,

Thank you for circulating the following agenda.

Upon review, it is noted that no applications fall within Metrolinx review zones. As such, Metrolinx issues no comments or concerns for this agenda.

Best Regards,

Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

T: (416)-881-0579

20 Bay Street | Toronto | Ontario | M5J 2W3



Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: October 23, 2025 12:42 PM
To: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Subject: ACTION REQUIRED - Committee of Adjustment Application Review - November 18, 2025 Meeting

EXTERNAL SENDER: Do not click any links or open any attachments unless you trust the sender and know the content is safe. EXPÉDITEUR EXTERNE: Ne cliquez sur aucun lien et n'ouvrez aucune pièce jointe à moins qu'ils ne proviennent d'un expéditeur fiable, ou que vous ayez l'assurance que le contenu provient d'une source sûre.
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Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, November 18, 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 3, 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

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 18, 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 6

DATE OF REPORT: November 5, 2025

REPORT NO.: DSD-2025-455

SUBJECT: Minor Variance Application A2025-116 – 60 Sandsprings Cres.

RECOMMENDATION:

That Minor Variance Application A2025-116 for 60 Sandsprings Crescent requesting relief from Section 7.3, Table 7-1, of Zoning By-law 2019-051, to permit an interior side yard setback of 0.9 metres instead of the minimum required 1.2 metres, to recognize the construction of a roof, attached to the existing dwelling, over an existing rear deck, generally in accordance with drawings submitted with Minor Variance Application A2025-116, BE APPROVED, subject to the following condition:

1. That the Owner make an application for Building Permit. The application for Building Permit shall address and ensure that drainage from the existing dwelling and the deck structure on the subject property will not adversely impact 56 Sandsprings Crescent.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Minor Variance Application to recognize the addition of a covered roof over an existing deck at 60 Sandsprings Crescent.
- The key finding of this report is that the Minor Variance 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 north side of Sandsprings Crescent, between Devonglen Drive and Southwood Drive, in the Country Hills Planning Community. The property contains a detached dwelling with an attached rear deck.



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.

The purpose of the application is to request relief to legalize the construction of a roof structure attached to an existing detached dwelling over a rear deck. A minor variance is required to allow an interior side yard setback of 0.9 metres where 1.2 metres is required.

A site visit was completed by Staff on October 31st, 2025.



Figure 2: Proposed Site Plan



Figure 3: Street View of 60 Sandsprings Crescent



Figure 4: Western Interior Side Yard



Figure 5: Existing rear deck & roof structure

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 roof structure addition over an existing rear deck is a natural extension of the existing detached dwelling that will provide shade over the amenity area. Therefore, Planning Staff are of the opinion that the requested variance maintains the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the interior side yard setback regulation is to ensure an adequate setback and privacy from neighbouring properties, maintain adequate access to the rear yard and to accommodate for fire separation. The roof structure covers an existing amenity area and will be located 0.9 metres rather than 1.2 metres and does not impede access to the rear yard. Additionally, the covered deck is unenclosed, non-habitable, and does not compromise access for emergency services. The covered deck will provide another type of passive outdoor amenity space. Therefore, Planning Staff are of the opinion that the requested variance maintains the general intent of the Zoning By-law.

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

The roof structure addition will be in the location of an existing deck which is setback 0.9 metres from the side lot line. Staff do not anticipate that the reduced interior side yard setback, of 0.3 metres, will create privacy concerns for neighbors or restrict rear yard access, given the roof structure is unenclosed. Any potential drainage issues should be addressed through the Building Permit process to prevent negative impacts on adjacent properties. Therefore, Planning Staff are of the opinion that the effects of the requested variance are minor in nature.

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

The covered deck will enhance the useable amenity space for the rear yard by providing a sheltered area for passive recreation. Additionally, the applicant has stated that there is currently a problem area under the existing deck where rain and snow is accumulating, causing basement leaks. The roof structure will serve a practical purpose by improving drainage conditions, allowing rain and snow to drain away from the foundation of the detached dwelling towards the rear. As mentioned, the applicant shall ensure that there are no negative drainage impacts on neighbouring properties through the Building Permit Process. Therefore, Planning Staff are of the opinion that the requested variance is desirable for the appropriate development and use of the land.

Environmental Planning Comments:

No comments or concerns.

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 roof over the existing patio is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No Concerns.

Parks Planning Comments:

No concerns, no requirements.

Transportation Planning Comments:

No comments.

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:

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- *Official Plan (2014)*
- *Zoning By-law 2019-051*

Attachment A – Public Comment

From: mike spinache <[REDACTED]>
Sent: Saturday, November 8, 2025 10:02 AM
To: Committee of Adjustment (SM) <CommitteofAdjustment@kitchener.ca>
Subject: Objection – Minor Variance A2025-116 (60 Sandsprings Crescent) – Opposition to Reduced Side-Yard Setback

[REDACTED]

Dear Committee of Adjustment Members,

I am the homeowner at [REDACTED], directly adjacent to 60 Sandsprings Crescent, and I am writing to formally oppose Minor Variance A2025-116, which seeks to reduce the required interior side-yard setback from 1.2 metres to 0.9 metres.

The purpose of the side-yard setback, as defined in Section 4.3.1 of the City of Kitchener Zoning By-law 2019-051, is to ensure adequate light, air, privacy, drainage, and fire separation between dwellings. Reducing this requirement by 25 percent undermines these intended protections and conflicts with the general intent of the by-law. Section 4.2.2 also requires accessory structures to comply with minimum yard requirements, reinforcing the principle that side-yard spacing cannot be compromised without causing measurable impact on adjacent properties.

Further, the Ontario Building Code (OBC) under Article 9.10.15.4 and 9.10.15.5 sets minimum limiting distances to property lines for fire protection. When a building face or structure is located less than 1.2

metres from a property line, unprotected openings such as windows and eaves are restricted and construction must meet specific non-combustible or fire-rated material requirements. Any structure placed at 0.9 metres violates these fire separation standards unless it has been engineered accordingly, which does not appear to be the case.

The neighbouring property owner constructed the roof structure over their deck without first obtaining the necessary approval or permit from the City. Since this work was completed, drainage along the shared property line has been inadequate. During rainfall, their eaves overflow directly onto my property and have caused water to enter through my basement windows. This not only violates the intent of Section 4.14 of the Zoning By-law regarding proper drainage control but also presents an ongoing property damage risk.

It is my understanding that the neighbour constructed this roof structure to address pre-existing foundation issues that caused water leakage into their own basement. In doing so, they attempted to patch a private problem without approval or consideration for neighbouring properties. This approach not only disregards the City's permit process but also perpetuates the original issue. Continued neglect of the foundation problem will likely create additional drainage and structural complications over time, compounding the negative effects on adjacent homes.

There have also been By-law complaints in the past related to open flames on this same deck. With the structure positioned so close to the property line, any use of barbecues or heaters now directs smoke and heat toward my windows. When my windows are open, smoke and odour infiltrate my home, creating a safety and health concern while also diminishing comfort and enjoyment of my property.

The required 1.2 metre setback is both reasonable and intentional. It reflects the Ontario Building Code's requirements for fire separation and the City's planning principles for compatible and safe neighbourhood development. Approving this variance would reward

construction that did not follow the proper process, set a negative precedent for future compliance, and disregard the City's own by-law standards that are in place to protect residents.

For these reasons, I respectfully request that the Committee of Adjustment deny Minor Variance A2025-116 in its entirety. The reduction is not minor, does not meet the intent of the Zoning By-law or the Ontario Building Code, and directly impacts light, safety, drainage, and comfort for adjacent homeowners.

Thank you for considering my submission and taking the courtesy to reach out to me regarding this variance proposal. Please confirm receipt of this correspondence and that it will be circulated to the Committee.

Sincerely,

Mihai Spinache

Owner [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

October 24, 2025

File No.: D20-20/VAR KIT

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

Subject: Committee of Adjustment Meeting November 18, 2025, City of Kitchener

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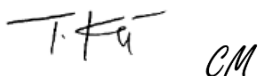
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Yours Truly,



Tanikia Kinear, C.E.T.
Senior Transportation Planner
(519) 897-5691



October 30, 2025

via email

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

Dear Marilyn Mills,

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Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

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Jenna Auger (She/Her)

Project Analyst, Adjacent Construction Review (ACR)

Development & Real Estate Management

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