Application No.: A78/21  
Meeting Date: December 16, 2021  
Ward No.: 8

Property Owner: T Rent Properties Inc.
Applicant: Mark Trent

Subject Property: PLAN 1380 PT LOT 1 RP67R2899; PART 13  
211 Shearson Cres

Proposal:
The applicant is seeking relief from Zoning By-Law 150-85 to:

1. Permit a minimum 530.7 m\(^2\) (5,712.40 ft\(^2\)) for parking, whereas 20% (1,213.63 m\(^2\)) of the lot area is required per S. 2.2.1 4 (g).

The variance will facilitate an approximate 705.54 m\(^2\) (7,594.36 ft\(^2\)) expansion to the existing industrial building. The application was previously deferred by the Committee of Adjustment at the November 10, 2022 meeting based on a staff recommendation for the applicant to provide more information.

General Information:
Zoning By-law Provisions: M2
Official Plan Designation: Business Industrial
Adjacent Zoning: M2
Adjacent Land Use: Industrial
Existing Use: Industrial
Proposed Use: Industrial

Recommendation:
The City of Cambridge Planning staff recommends approval of this application, subject to the following conditions:

1. That the plans be substantially in keeping with the sketch submitted with the minor variance application.
Staff Comments:

City of Cambridge Development Planning Section:
The property is located north of Can-Amera Parkway, south of Bishop St N and on the south side of Shearson Cres. The property is designated Industrial in the City’s Official Plan and is zoned M2 Business Industrial in the City’s Zoning By-law. The Site is also part of the L. G. Lovell Industrial Park. The Site is a rectangular-shaped parcel of land and is relatively flat. The subject property covers an approximate area of 6,068 m² (1.50 acres) and is developed with a one storey industrial building. The site is currently zoned for industrial use and the on-site building has been present since 1989. In addition to the building, the subject property is completed with a paved parking lot in the northeast portion of the site, providing vehicular access from Shearson Crescent. The remainder of the site is completed with landscaped areas.

The property currently operates with a parking deficiency of close to 8% of the lot area, or 17 parking spaces. The applicant has indicated that they are close to capacity with their current parking but it works for their present needs. The applicant is proposing to add an addition to the building building mostly for more equipment and racking. The applicant will need to go through Site Plan for the addition. For the site plan to be approved, the applicant must meet the parking standard of 20% of the lot area (close to 40 parking spaces), or request relief from the Zoning By-law from the Committee of Adjustment through a minor variance. The proposed addition will result in an increase of parking, bringing the total to 23 parking space or 12.5% of the lot area. The applicant has indicated that the added extension may bring in more staff (50% more), but that the facility will be expanding to a two-shift operation which will manage the parking usage. The application was deferred at the November 10, 2021 Committee of Adjustment meeting for the applicant to submit a parking justification letter. Some concerns were raised by staff regarding the truck turning movements and the proximity to the parking stall. The applicant has verified that a 53-foot highway truck can maneuver the parking lot without interference. In addition, the proposed driveway and parking layout will become a one-way driveway around the building, alleviating the need for trucks to turn or change direction on the property.

Provincial Policy Statement
The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. It provides for appropriate development while protecting public resources of provincial interest, public health and safety, and the quality of the natural and built environment. Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety are the main policy themes within the plan. There are no concerns with these policies and therefore the application is consistent with the Provincial Policy Statement.

Four Tests of a Minor Variance
Does the proposal maintain the general intent and purpose of the Official Plan?
The City of Cambridge Official Plan designates the subject property as 'Business Industrial'.
This designation supports a broad range of industrial related uses in order to provide employment lands and opportunities in the City. The land use is not changing as a result of the minor variance. The applicant is looking to expand their operations by adding an addition to the current building, which is permitted in the Business Industrial designation. Planning staff are of the opinion that the general intent of the City’s Official Plan is maintain

**Does the proposal maintain the general intent and purpose of the City’s Zoning By-law?**
The property is zoned M2. The M2 zone allows for a number of general industrial uses where no outdoor storage is provided and all operations are entirely conducted within wholly enclosed buildings. The proposed development is a permitted industrial use within the M2 Zone and the design is in compliance with all development setbacks and other applicable provisions of the Bylaw, with the exception of the parking requirements subject to this application. The intent of the parking provision in the by-law is to ensure that properties have a sufficient parking supply for current and future needs on the site. The site currently operates at a deficiency with 17 parking spaces, close to 8% of the lot area. The existing bylaw requires 20% of the lot area to be parking, requiring close to 40 spaces. The planned expansion to the building, roadway and parking would increase the parking to 23 spaces. Although the draft new Zoning By-law is not approved or in effect, it should be noted that the current by-law’s parking requirements are much higher than what is being proposed in the draft. Although this by-law is not in effect, it demonstrates the intent of the parking provision and the direction that the City is going in with regards to parking. It also demonstrates that the current by-law from 1985 requires an oversupply of parking on this site. Staff are satisfied with the parking statistics provided by the applicant and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

**Is the proposal desirable for the development and use of the lands?**
The proposed parking supply of 23 spaces seems appropriate for developments of this size and within the surrounding area. The proposed plan will provide more parking than what is currently being provided for on the site and provide an improvement to current conditions. The plan also brings more functionality to the site. The proposed driveway and parking layout will become a one-way driveway around the building, which will alleviate the need for trucks to turn or change direction on the property. This is desirable for the use of lands as the trucks currently have to encroach on to the neighbouring property in its current configuration. Staff are satisfied that the proposal is desirable for the development and use of the lands.

**Is the proposal minor in nature?**
The proposed parking supply of 23 spaces seems appropriate for developments of this size within the surrounding area. Although a parking reduction of >50% may not appear minor as when written, the subject lands have already been operating at a parking deficiency. The parking reduction will technically be adding more parking as parking stalls are not being removed. Lands around the area appear to be of similar parking arrangements and deficiencies. Staff are of the opinion that the variance is minor in nature.
Based on the above noted analysis, planning staff are of the opinion that the minor variance generally meets the intent of the Zoning By-law and Official Plan, is minor in nature and is appropriate for the development of the lands; therefore staff recommends approval of the variance application.

**Regional Municipality of Waterloo:**

The Region of Waterloo has no comment on this application.

**Grand River Conservation Authority:**

The Grand River Conservation Authority has no comment on this application.

**Energy+ Inc.:**

Comments not received.

**City of Cambridge Building Section:**

City of Cambridge Building Division has no comment on this application.

**City of Cambridge Transportation Engineering Section:**

The City of Cambridge Transportation Division has no comments in regards to this application.

**City of Cambridge Project Engineer:**

Development Engineering has no comment with regards to this application.

**City of Cambridge Fire Department:**

- Proper signage should be installed not only above the wall hydrant but also directional signage from the front of the building indicating where the hydrant is located further back on the side of the building.

- Install no parking signs for fire route.

**City of Cambridge Senior Planner-Heritage:**

Comments not received.

**City of Cambridge Economic Development:**

Economic Development has no comment in relation to this application.

**City of Cambridge Sustainability Planner:**

Comments not received.
Aerial

Subject Property

Zoning

M2 Zone
Proposed Site Plan
Application No.: B23/21         Meeting Date: December 16, 2021         Ward No.: 4
A75/21 & A74/21

Property Owner: Patel Chintan Ramesh

Applicant: Paul Singh

Subject Property: PLAN D8 PT LOT 12
248 Main St

Proposal:

B23/21
The applicant is requesting to sever a residential property to create a new parcel with an approximate area of 340.78 m² (0.084 ac) and 15.55 m (51.02 ft.) frontage along Lincoln Ave. The severed lot is proposed to accommodate a new single detached dwelling.

The retained parcel is proposed to have an approximate area of 491.3 m² (0.12 ac) and 26.54 m (87.07 ft.) frontage along Main Street. The retained parcel contains an existing triplex that is proposed to remain, to be converted back into a duplex.

A75/21 (severed)
As a result of the severance application the applicant is also requesting the following minor variances from Zoning By-law 150-85 lot to permit:

1) A lot area of 340 m² (0.084 ac) whereas 450 m² (0.11 ac) is required in the R4 zone.

A74/21 (retained)
The applicant is further requesting the following minor variances from the Zoning By-law 150-85 to permit on the retained lot:

1) A rear setback of 6.58 m (21.59 ft) whereas 7.5m (24.61 ft) is required in the R4 zone;
2) An exterior side yard setback of 3.3 m (10.83 ft) whereas 6 m (19.69 ft) is
Application No.: B23/21, A75/21 & A74/21
Date of Meeting: December 16, 2021
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required in the R4 zone;

3) A lot area of 491 m² (0.12 ac) whereas 540 m² (0.13 ac) is required for a corner lot in the R4 zone; and,

4) A maximum of 2 units permitted, whereas s.4.2.8.2 allows for 3 units.

General Information:
Zoning By-law Provisions: R4 s.4.2.8.2
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4, RM3
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:

B23/21
City of Cambridge Planning Staff recommends approval based on the following conditions:

1. That prior to final approval, the owner/applicant submits a copy of the deposited reference plan indicating the boundaries of the parcels, any easements/rights-of-way and building locations, to the satisfaction of the Planning Services Division;

2. That prior to final approval, the owner/applicant pay cash-in-lieu of parkland at 5% of the value of the severed land. The applicant shall provide an opinion of value from a qualified appraiser, with an appraisal date of December 15, 2021, to the satisfaction of Realty Services, in determining the value of the severed land;

3. That a servicing plan be prepared, to the satisfaction of City of Cambridge Development Engineering, detailing the location of the existing and proposed services for each lot.

4. That a grading plan be prepared, to the satisfaction of City of Cambridge Development Engineering, for the overall development, including proposed locations of roof leaders, rear yard catch basins (if required) and swales.

5. That the applicant/owner submit a spatial separation report to the satisfaction of the Building Division to verify that the existing amount of unprotected opening permitted to face the new property line complies with the spatial separation requirements of the Ontario Building Code;

6. That a demolition permit be obtained for the existing accessory structure on the
7. That a building permit be obtained in order to convert the property from a triplex to a duplex;

8. That prior to final approval, the owner/applicant submit the Regional consent review fee of $350.00 per new lot created;

9. That a legal survey be provided to Energy+, showing the existing property, existing easements, existing dwelling, existing hydro pole(s), anchors, secondary hydro wire-feed to the existing dwelling, proposed severance, proposed dwellings, proposed driveway, proposed electric plant. The survey must include dimensions;

10. The Applicant will be responsible for 100% cost to service the new lot. The Applicant will be responsible for all costs to re-locate or upgrade as a result of this Application. Energy+ Inc. WILL NOT approve a severance on a lot with no service. As per Current Conditions of Service, latest edition, only one service per property is permitted. Allow MINIMUM 6 months for Energy+ Inc. to process an estimate;

11. That the above conditions must be fulfilled and the document for conveyance be presented with the required fee of $250 for signing on or before December 17, 2022, after which time this consent will lapse.

A74/21 (retained)

City of Cambridge Planning Staff recommends approval based on the following conditions:

1. That a building permit be obtained for the conversion of the triplex into a duplex.

A75/21 (severed)

1. That a minimum driveway length of 6.0 m beyond property line is required;

2. That an access permit through Transportation Engineering be obtained prior to the removal of, alteration to or construction of any new accesses;

3. That the development be substantially in keeping with the plans submitted with the minor variance application; and,

4. That the development be restricted to a two storey single detached dwelling unit.

Staff Comments:

City of Cambridge Development Planning Section:
The subject property is a corner lot located at the intersection of Main St and Lincoln Ave and is currently developed with a detached dwelling and a detached garage. The subject land is currently designated Low/Medium Density Residential in the City’s Official Plan and is zoned R4 s.4.2.8.2 (Single Detached Residential) in the City’s Zoning By-law No. 150-85, as amended. The special provision in the zoning allow for the existing dwelling to be converted into three units. Surrounding zoning in the area is R4 and RM3.

The proposed severance will result in one new residential lot with a frontage of 15.55 m (51.02 ft.) on Lincoln Ave and a lot area of 340.78 m² (0.084 ac). The retained parcel will have a frontage of 10.10 m (33.14 ft), and an area of 491.3 m² (0.12 ac) The retained parcel is proposed to be used as a duplex whilst the conveyed parcel is proposed to be used as a single detached dwelling.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Proposed Frontage</th>
<th>Proposed Area</th>
<th>Required Frontage</th>
<th>Required Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conveyed</td>
<td>15.55 m (51.02 ft.)</td>
<td>340.78 m² (0.084 ac)</td>
<td>15 m</td>
<td>450 m² (0.11 ac)</td>
</tr>
<tr>
<td>Retained</td>
<td>26.54 m (87.07 ft.)</td>
<td>491.3 m² (0.12 ac)</td>
<td>18 m</td>
<td>540 m² (0.13 ac)</td>
</tr>
</tbody>
</table>

City of Cambridge Official Plan
The subject land is currently designated as “Low/Medium Density Residential” in the City’s Official Plan. The “Low/Medium Density Residential” land use designation applies to residential areas within the built-up area of the City and permits a range of housing types.

The “Low/Medium Density Residential” allows for up to 40 units per hectare (uph). The property is 831.66 m² (0.083 ha) and currently allows for 3 units, equivalent to 36 uph. The additional minor variance requested to limit the existing property to 2 units would ensure that the property meets the required density targets. With the recommended conditions in place, Planning staff is of the opinion that the general intent of the City’s Official Plan is maintained.

Provincial Policy Statement (2020)
The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The intent of the PPS is to help balance development interests with protection of public interests such as public health and safety, natural resources and the quality of the natural and built environment.

Policy 1.1.3.1 states that: “Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.” The subject property is located in the settlement area where development is encouraged.
Policy 1.1.3.2 indicates that land use patterns within the settlement area shall be based on densities that make efficient use of land, are appropriate given the infrastructure available, minimize negative impacts to air quality and climate change, support active transportation and provide a range of opportunities for intensification and redevelopment. Planning staff are of the opinion that the proposal is consistent with the PPS.

A Place to Grow (2020)
A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2020, provides long-term land use planning direction for the Greater Golden Horseshoe area of Ontario. The document provides policy guidance in regards to growth management, transportation, intensification, Greenfield development, protection of employment lands, etc. Section 2.2 of the Growth Plan sets out that growth will be directed to settlement areas, where municipal infrastructure is available and complete communities can be supported. The Growth Plan states that all municipalities will encourage intensification to achieve a desired urban structure, identify an appropriate type and scale of development, and ensure that lands are zoned and development is designed to support complete communities in the built-up area.

Region of Waterloo Official Plan (2015)
The subject property is designated as “Urban Area: Built-Up Area” in the Regional Official Plan. Chapter 2 of the Official Plan (Shaping Waterloo Region’s Urban Communities) states that the overall goal is to promote balanced growth by directing a greater share of urban development towards the existing Built-Up Area. Section 2.C.2 provides direction to ensure 45% of new residential development in the Region occurs within the Built-Up Area as it has the greatest capacity to accommodate for growth and development pertaining to the availability of infrastructure, servicing, and transit options. Chapter 3 of the Official Plan (Livability in Waterloo Region) states that the overall goal is to create vibrant urban and rural places. In respect to creating vibrant urban places, Section 3.A encourages municipalities to provide a range and mix of housing and individual lot intensification where appropriate. The severance will allow for the creation of a new lot for the construction of a new residential dwelling.

City of Cambridge Zoning By-Law
The subject property is zoned R4 s.4.2.8.2 (Single Detached Residential). As a result of the severance, both properties will require minor variances.

A74/21 (retained)

The applicant is further requesting the following minor variances from the Zoning By-law 150-85 to permit on the retained lot:
1. A rear setback of 6.58 m (21.59 ft) whereas 7.5m (24.61 ft) is required in the R4 zone.
2. An exterior side yard setback of 3.3 m (10.83 ft) whereas 6 m (19.69 ft) is required in the R4 zone.
3. A lot area of 491m² (1610.98 ft²) whereas 540m² (1771.65ft²) is required for a corner lot in the R4 zone.

A75/21 (severed)
As a result of the severance application the applicant is also requesting the following minor variances from Zoning By-law 150-85 lot to permit:

1. A lot area of 340 m² (1115.49 ft²) whereas 450 m² (1476.38 ft²) is required in the R4 zone.

The intent of the rear yard setback is to provide amenity space, privacy and separation between dwellings. The setback on the retained property is an existing condition and no changes are being proposed. Staff are of the opinion that formalizing this setback through a variance will not have any impact on the neighbouring property. The intent of the minimum exterior side yard setback is to maintain a consistent streetscape and ensure adequate sightlines are maintained. No changes are being proposed to the existing home and the exterior side yard setback will just formalize an existing condition. Planning staff are of the opinion that formalizing the setbacks will not have a negative impact on the streetscape or any adjacent neighbours. The intent of the minimum lot area and frontage requirement is to ensure there is adequate space to maintain setbacks, spatial separation, provide parking, amenity space and open landscaping. The proposed home on the severed parcel can meet all parking and setback requirements and amenity and open space. In addition, the Building department has requested a spatial separation report for the new home.

Planning Act s.51(24)
The following criteria have been considered under Section 51(24) of the Planning Act:

- The effect of development of the proposed subdivision on matters of provincial interest
- Whether the plan conforms to the Official Plan and adjacent plans of subdivision
- The suitability of the land for the purposes for which it is to be subdivided
- The adequacy of the existing road network
- The dimensions and shapes of the proposed lots
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions if any,
Application No.: B23/21, A75/21 & A74/21
Date of Meeting: December 16, 2021
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on adjoining land

- The adequacy of utilities and municipal services

Staff are of the opinion that severance for the purpose of residential construction on this site is an appropriate and desirable use of the land. The function and use of the land will be in accordance with applicable policy and regulation. As such, staff do not anticipate any negative impacts as a result of the proposed severance. Staff is of the opinion that a plan of subdivision is not required for the proper and orderly development of the municipality under s. 53(1) of the Planning Act for the subject property.

Based on the above noted analysis, planning staff is of the opinion that with the recommended conditions, the proposed severance meets the criteria set out in s. 51(24) of the Planning Act and therefore recommend approval with conditions of application B23/21.

Based on the above noted analysis, planning staff are of the opinion that the minor variances generally meets the intent of the Zoning By-law and Official Plan, are minor in nature and are appropriate for the development of the lands; therefore staff recommends approval of the variance application A75/21 and A74/21.

Regional Municipality of Waterloo:
The owner/applicant is proposing to sever the existing residential lot into two parcels. The severed lot is proposed to accommodate a single detached dwelling with frontage along Lincoln Avenue.

Regional Fee:
The owner/applicant is required to submit the Regional consent review fee of $350.00 per new lot created prior to final approval of the consent.

Cultural Resources (Advisory Comments):
The subject property possesses the potential for the recovery of archaeological resources due to the proximity of historically mapped structures. The Region will not be requiring the submission of an Archaeological Assessment, but the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Heritage, Sport, Tourism and Culture Industries. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement
The Region has **no objection** to the proposed application, subject to the following conditions:

1. That prior to final approval, the owner/applicant submit the Regional consent review fee of $350.00 per new lot created.

**Grand River Conservation Authority:**

The Grand River Conservation Authority has no comment on this application.

**Energy+ Inc.:**

Re: **Applications to the Committee of Adjustment**

The applications submitted are subject to the following comments (3-4) and conditions (1-2):

**B23/21**

Paul Singh
248 Main St
PLAN D8 PT LOT 12

1. We require a legal survey showing the existing property, existing easements, existing dwelling, existing hydro pole(s), anchors, secondary hydro wire-feed to the existing dwelling, proposed severance, proposed dwellings, proposed driveway, proposed electric plant. The survey must include dimensions.

2. The Applicant will be responsible for 100% cost to service the new lot. The Applicant will be responsible for all costs to re-locate or upgrade as a result of this Application. Energy+ Inc. **WILL NOT** approve a severance on a lot with no service. As per Current Conditions of Service, latest edition, only one service per property is permitted. Allow **MINIMUM** 6 months for Energy+ Inc. to process an estimate.

3. All **EASEMENTS** (will be determined once satisfactory legal plan has been submitted) must be **APPROVED** and **REGISTERED** at customer’s cost.

4. Any new structures must meet current ESA and Energy+ Inc. clearances.

Please note, a legal plan, which does not satisfy the requirements states in condition #1 will be returned for revision and the process will be delayed.

**Building Division:**

**Comments**

A building permit is required for the proposed single detached dwelling construction on the severed lot.

A building permit is required for the conversion of the triplex to a duplex use on the retained lot.
A demolition permit is required for the demolition of the existing accessory structure that will be located on the severed lot where the new single detached dwelling is proposed.

**Conditions**

That the applicant submits a spatial separation report to the satisfaction of the Building Division to verify that the existing amount of unprotected opening permitted to face the new property line complies with the spatial separation requirements of the Ontario Building Code.

**City of Cambridge Project Engineer:**

**Comments:**

- Services available to the severed property are as follows:
  - Lincoln Avenue:
    - 100 mm diameter watermain
    - 200mm sanitary sewer
    - 300 mm diameter storm sewer
  - Separate municipal services (water and sanitary) will be required for each proposed lot (completed by City forces at 100% Owner/Builder’s cost).
  - Verification of the location of municipal services for the retained lot is required. A servicing easement will be required if any of the retained property’s servicing crosses the severed property.
  - Redundant water services will need to be capped at the main (completed by City forces at 100% Owner/Builders cost).
  - Consideration for drainage will be required to ensure no impacts on adjacent properties. A drainage easement may be required if the revised properties drain across each other.

**Conditions:**

- That a servicing plan be prepared, to the satisfaction of City of Cambridge Development Engineering, detailing the location of the existing and proposed services for each lot.
- That a grading plan be prepared, to the satisfaction of City of Cambridge Development Engineering, for the overall development, including proposed locations of roof leaders, rear yard catch basins (if required) and swales.

**City of Cambridge Transportation Engineering Section:**
Application No.: B23/21, A75/21 & A74/21
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Conditions of Minor Variance A75/21

- A minimum driveway length of 6.0 m beyond property line is required.
- An access permit through Transportation Engineering will be required prior to the removal of, alteration to or construction of any new accesses. The application for an access permit can be found on the City’s website at www.cambridge.ca.

City of Cambridge Fire Department:

Fire Department has no comment in regards to this application.

City of Cambridge Senior Planner-Heritage:

The subject property is adjacent to a non-designated, property of interest on the City’s Heritage Register. An HIA may be required before the issuance of a building permit to construct a new dwelling on the severed portion.

City of Cambridge Economic Development:

The City of Cambridge Economic Development has no comment on this application.

Aerial

Subject Property

Zoning
Application No.: B23/21, A75/21 & A74/21
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Conveyed Parcel

Proposed New Lot

340 m² Lot Area

3.3 m “An Exterior Side” Yard Setback

6.58 m “Rear” Setback

491 m² Lot Area

Main Street

Lot 248E
Footprint 62.78m²

Lot 248A
Footprint 115.66m²
Application No.: A86/21  Meeting Date: December 16, 2021  Ward No.: 7

Property Owner: Frank Marchio
Morrison Creek Estates Inc.

Applicant: Brandon Flewwelling
GSP Group Incorporated

Subject Property: CON 9 PT LOT 1
2321 Dundas St S

Proposal:
The applicant is seeking relief from zoning By-Law 150-85 to permit:

1. A lot frontage of 11 m for Lot 110, whereas 15 m is required;
2. A driveway located 4.1 m from the intersection of front and exterior side property lines on Lot 110, whereas 7.5 m is required;
3. A lot area of 299.6 m\(^2\) for Lot 65, whereas 450 m\(^2\) is required;
4. A driveway located 5.1 m from the intersection of front and exterior side property lines on Lot 65, whereas 7.5 m is required;
5. A lot area of 377.8 m\(^2\) for Lot 118, whereas 450 m\(^2\) is required;
6. A driveway located 6.4 m from the intersection of front and exterior side property lines on Lot 118, whereas 7.5 m is required; and,
7. A driveway located 6.75 m from the intersection of front and exterior side property lines on Block 122, whereas 7.5 m is required.

The minor variances will facilitate construction on 4 of the sites in the approved Draft Plan of Subdivision. The subject property is part of a Draft Plan of Subdivision 30T-14102, was granted a Zone Change through file R09/14, and was granted minor variances through file A71/20 and A58/21.

General Information:

Zoning By-law Provisions: R6 (S.4.1.378) and RM4 (S.4.1.379)
Official Plan Designation: LOW / MEDIUM DENSITY RESIDENTIAL; NATURAL OPEN SPACE SYSTEM
Adjacent Zoning: OS1, RM3 (S.4.1.383)
Recommendation:
City of Cambridge Planning staff recommend approval of this application, subject to the following conditions:

1. That minor variance application sketch is consistent with the plans submitted with the plan of subdivision; and
2. That the approval of the variances are limited to the following: Lot 110, Lot 65, Lot 188 and Block 122.

Staff Comments:

City of Cambridge Development Planning Section:
The Site is located along the north side of Dundas Street in southeast Cambridge. The Site is approximately 30 ha. in area. The Site is draft plan approved to permit up to 118 single detached lots, 60 street facing townhouse dwellings along with approximately 135 cluster townhouse dwellings and 240 apartment units. The requested variances apply to the single detached lots being lot 65, 110 and 118 and townhouse block 122. The single detached lots are zoned R6 (S.4.1.378) and the townhouse block is zoned RM4 (S.4.1.379).

The Site is designated Low/Medium Density Residential in the City's Official Plan. The above discrepancies were noted during a detailed review of the draft plan prior to registration. The approved draft plan conforms with the Official Plan and all other regulations of the Zoning Bylaw. As noted above, prior minor variances have been approved for similar requests on other specific lots, unfortunately, we didn't incorporate these lots into the past variance request.

Provincial Policy Statement
The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. It provides for appropriate development while protecting public resources of provincial interest, public health and safety, and the quality of the natural and built environment. Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety are the main policy themes within the plan. The application is consistent with the Provincial Policy Statement.

Four Tests of a Minor Variance
Does the proposal maintain the general intent and purpose of the Official Plan?
The Site is designated Low/Medium Density Residential in the City of Cambridge Official Plan. In keeping with the designation, a low-density residential development of single detached dwellings is proposed. The requested variances support the registration of an approved plan of subdivision and will allow for a uniform building program throughout the
community. Planning staff is of the opinion that the application conforms to the City’s Official Plan as the development aligns with the intended land use.

**Does the proposal maintain the general intent and purpose of the City’s Zoning By-law?**
The intent of the zoning by-law is to regulate land uses and regulations with respect to the placement of buildings on land. The R6 Zone and RM4 Zones are intended to accommodate a range of residential uses at varying densities. Functionally, the site will not change as a result of the requested variances. The variances sought are mainly technical in nature and have been requested to allow for consistency throughout the subdivision in terms of lot sizes and setbacks to streets for driveways. The remaining regulations of the parent zoning are intact and will be maintained. Planning staff is of the opinion that the variance maintains the general intent and purpose of the Zoning By-law.

**Is the proposal desirable for the development and use of the lands?**
The corner lots have been permitted to have smaller setbacks which will allow them to look and function like the majority of the lots in the community. The approval of the variance supports the draft plan as approved. All site design and engineering approvals have been based on the approved draft plan. The site will fully function without any issues resulting from these slight reductions to the zoning regulations. Staff are of the opinion that the variance would facilitate desirable and appropriate use of the lands given the need for more housing options.

**Is the proposal minor in nature?**
The requested variances are minor in nature as they do not result in any significant changes to the function of the proposed lots. The variances support final registration of the draft plan as approved and designed. The requested variances have been found during detailed site analysis and we believe all other zoning regulations can be achieved. Staff are of the opinion that the variance is minor in nature.

Based on the above noted analysis, planning staff are of the opinion that the minor variances generally meet the intent of the Zoning By-law and Official Plan, are minor in nature and are appropriate for the development of the lands; therefore staff recommends approval of the minor variance application.

**Regional Municipality of Waterloo:**
The Region of Waterloo has no comment on this application.

**Grand River Conservation Authority:**
The Grand River Conservation Authority (GRCA)* has no objection to the approval of this minor variance application by the City of Cambridge. Additional detailed comments are provided below.

**BACKGROUND:**

1. **Resource Issues:**
Information currently available at this office indicates that the subject lands contains portions of the Provincially Significant Sheffield Rockton Wetland Complex and their regulated allowances (refer to the enclosed map). Consequently, a portion of the subject lands are regulated by the GRCA under Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

2. Legislative/Policy Requirements and Implications:
   
   It is our understanding that the purpose of this minor variance application is to facilitate the future construction of single-detached dwellings and townhouses within the approved Draft Plan of Subdivision (30T-14102). We note that this draft plan has not been registered as of yet. Further, this proposed application requests variances that specifically affect Lots 65, 110, 118 and Block 122 of the draft plan.

   The GRCA staff participated in the review of this draft plan of subdivision and provided conditions for draft plan approval on June 26, 2019. We have reviewed this minor variance application and have no concerns with the intent of this proposal. It is our understanding that no building permits would be issued by the City of Cambridge until the draft plan has been registered. As such, it should be noted that the GRCA’s regulation limits would be revised to the boundaries of the open areas and the developable lots. Therefore, the GRCA has no objection to the approval of this minor variance application by the City of Cambridge.

3. Plan Review Fees:
   The above-noted application is within a GRCA area of interest due to the presence of the wetland areas. This application is considered a minor ‘minor variance’ application. In accordance with the GRCA's Plan Review Fee Schedule, the applicable plan review fee is $280 payable to the GRCA. Please further note that our current fee schedule is available under the Planning & Development section on our website at www.grandriver.ca.

   We trust the above is of assistance on this matter. If you require any further information, please do not hesitate to contact the undersigned at ext. 2233 or jbrum@grandriver.ca.

Yours truly,

John Brum

* These comments are respectfully submitted as advice and reflect resource concerns within the scope and mandate of the Gra
Energy+ Inc.:  
Energy+ Inc. has no objection to proposal by the Applicant/Owner for multiple minor variances to facilitate construction on four (4) sites in a draft plan of subdivision.  Any changes to the Draft Plan of Subdivision/design must be clearly marked on the drawings reviewed by Energy+ Inc., Design Technicians prior to approval of the design.  The Applicant/Owner will be required to enter into a Service Agreement with Energy+ Inc., to establish the terms and conditions to service the development at 100% cost.  Please allow a minimum of six (6) months for determination of servicing needs.  The Owner/Applicant will be responsible for 100% cost of upgrade and/or relocation of existing hydro plant that will be required as a result of this Application.  The Applicant/Owner will be responsible to grant
easements to the satisfaction of Energy+ Inc. if required as a result of this application. Early consultation with Energy+ Inc’s Service Coordinator is recommended.

**Comments:**
If relocation or upgrade is required as a result of this application, the Applicant will be responsible for 100% cost.
If easements are required as a result of this application, the Applicant will be responsible for 100% cost.
Refer to Energy+ Inc. Residential Spec book at www.energyplus.ca
Hydro poles/guy wires and anchors/padmount transformers/switching units/service pits/street light poles to be 1.5m from driveway entrances/curbs. Relocation at 100% owners’ expense.
All planting near Energy+ owned overhead power lines and padmount equipment must be installed in accordance with http://www.esasafe.com/assets/image/Tree-Planting.pdf
Must maintain required clearances (ESA & Energy+) from existing overhead electrical plant.
Owner/Applicant may be required to provide ESA clearance calculations to existing overhead and underground electrical distribution equipment. Calculations must be signed off by a P.Eng.

As per Energy+ Inc, Current Conditions to Service, latest edition, only one service per property is permitted.

**City of Cambridge Building Section:**
City of Cambridge Building Division has no comment on this application.

**City of Cambridge Transportation Engineering Section:**
The City of Cambridge Transportation Division has no comments in regards to this application.

**City of Cambridge Project Engineer:**
Development Engineering has no comment with regards to this application.

**City of Cambridge Fire Department:**
Fire Department has no comment in regards to this application.

**City of Cambridge Senior Planner-Heritage:**
Comments not received.

**City of Cambridge Economic Development:**
The City of Cambridge Economic Development has no comment on this application.
Lot 118

Lot area 377.8 m²

Parking 6.4m

Lot 110

Lot frontage of 11m

Parking 4.1m
Lot 65

Lot area of 299.6 m²

Driveway 5.1m

Block 122

Driveway 6.75m
Application No.: A89/21  Meeting Date: December 15, 2021  Ward No.: 1

Property Owner: Taqi Shahzaib

Applicant: George Sedra
GS Engineering Services

Subject Property: PLAN 58M482 LOT 78
100 Chase Cres

Proposal:
The applicant is seeking relief from Zoning By-law 108-18 to permit:

1) A total lot area of 370 m² whereas 450 m² is required; and,
2) A side yard setback of 0.15 m (.5 ft) whereas 0.7 m (2.29 ft) is required.

The minor variances will facilitate construction of a two-bedroom basement secondary dwelling unit with a side yard entrance. The original Notice of Hearing and Breakdown Report contained an error in the required interior side yard setback. Staff have confirmed that the above noted variances are correct. It is staff’s opinion that a recirculation is not needed and that the change is minor since it does not change any of the variances being requested by the applicant.

General Information:
Zoning By-law Provisions: R6 s.4.1.227
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R6, OS4
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
The City of Cambridge Planning staff recommends deferral of this application to allow staff to discuss more options with the applicant, and for the applicant to demonstrate that the staircase does not cut off access to the rear yard.
Staff Comments:
City of Cambridge Development Planning Section:
The subject lands are located to the north of Thatcher St, west of Silverthorne Dr and on the south side of Chase Cres. The lands are designated as “Low/Medium Density Residential” in the City of Cambridge Official Plan and within the R6 Residential zone with site specific provisions s.4.1.227.

Provincial Policy Statement
The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. It provides for appropriate development while protecting public resources of provincial interest, public health and safety, and the quality of the natural and built environment. Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety are the main policy themes within the plan. There are no concerns with these policies and therefore the application is consistent with the Provincial Policy Statement.

A Place to Grow-Growth Plan for the Greater Golden Horseshoe (2020)
One of the guiding principles within the Places to Grow Growth Plan supports a range of housing options, including additional residential units to serve all sizes, incomes, and ages of households. Many metropolitan regions within the Greater Golden Horseshoe are facing issues of housing affordability, which are being driven primarily by sustained population growth and factors such as a lack of housing supply with record low vacancy rates. The Places to Grow Plan helps to address these challenges by providing direction to plan for a range and mix of housing options, including additional residential units. Staff are of the opinion that this proposal meets the intent of the Places to Grow-Growth Plan for the Greater Golden Horseshoe.

Four Tests of a Minor Variance
Does the proposal maintain the general intent and purpose of the Official Plan?
The subject property is designated “Low/Medium Density Residential” in the City’s Official Plan. The “Low/Medium Density Residential” land use designation permits a range of housing types including single detached residential dwellings with accessory units. Provision of accessory residential units is one measure to help with providing more affordable forms of housing within the City. The need to allow this type of unit is recognized in Provincial policy as well as the Regional and City Official Plans. The Official Plan encourages a range and mix of housing types that are affordable and safe.

Accessory units may be established where appropriate parking arrangements can be accommodated, is subordinate to the main dwelling unit and that the accessory unit is compatible with the existing neighbourhood. The applicant can meet the parking requirements in the driveway, with the entrance in the side yard. Staff are of the opinion that this proposal meets the intent and purpose of the Official Plan.
Does the proposal maintain the general intent and purpose of the City's Zoning By-law?
The applicant is requesting a minor variance for the following:
1) A total lot area of 370 m$^2$ whereas 450 m$^2$ is required;
2) A side yard setback of 0.15 m (.5 ft) whereas 1.2 m (3.91 ft) is required.

The purpose of the lot area variance is to recognize the existing deficient lot size so that a two-bedroom accessory apartment unit can be constructed in the basement of the existing single detached dwelling. The intent of the minimum lot area requirement is to ensure the property has sufficient open space landscaping, provide parking and provide for amenity space. Planning staff is of the opinion that the variance maintains the general intent and purpose of the Zoning By-law.

The intent of the minimum interior side yard setback to steps above or below grade is to allow stairs to encroach into the required 1.2 m (4 ft.) side yard while still maintaining sufficient access to the rear yard. The property is built with a reduced interior side yard setback on the other side of the home. The home has 1.2m and 0.6m interior side yard setbacks. The staircase is being built within the 1.2m setback, leaving the 0.6m sideyard as the only access to the yard.

Staff are recommending deferral of this application for the applicant to demonstrate that the access to the rear will not be impeded as a result of the side yard staircase.

As a result of the above noted analysis, staff are recommending a deferral of the application to have more discussions with the applicant regarding the location of the staircase.

Regional Municipality of Waterloo:
The Region of Waterloo has no comment on this application.

Grand River Conservation Authority:
The Grand River Conservation Authority has no comment on this application.

Energy+ Inc.:
Energy+ Inc. has no objection to the request for multiple minor variances to facilitate construction of a secondary unit in the basement with no change to the exterior footprint of the existing home. If a second meter is required for the secondary unit, the Applicant/Owner will need to contact Energy+ Inc.’s, Service Coordinator at their earliest convenience.

Comments:
If relocation or upgrade is required as a result of this application, the Applicant will be responsible for 100% cost.
If easements are required as a result of this application, the Applicant will be responsible for 100% cost.
Refer to Energy+ Inc. Residential Spec book at www.energyplus.ca
Hydro poles/guy wires and anchors/padmount transformers/switching units/service pits/street light poles to be 1.5m from driveway entrances/curbs. Relocation at 100% owners' expense. All planting near Energy+ owned overhead power lines and padmount equipment must be installed in accordance with http://www.esasafe.com/assets/image/Tree-Planting.pdf Must maintain required clearances (ESA & Energy+) from existing overhead electrical plant. Owner/Applicant may be required to provide ESA clearance calculations to existing overhead and underground electrical distribution equipment. Calculations must be signed off by a P.Eng.
As per Energy+ Inc., Current Conditions to Service, latest edition, only one service per property is permitted.

City of Cambridge Building Section: Comments
A building permit is required for the secondary unit construction and below grade side entrance stair.

A building permit application is currently under review for the finishing of the basement of a single family dwelling with rear yard entrance stair (Planning flagged a deficient rear yard setback). A declaration submitted by the property owner as part of that application indicates a second dwelling unit is not being proposed. The applicant will need to amend the permit application and drawings as necessary based on changes indicated in this committee of adjustment application.

City of Cambridge Transportation Engineering Section:
The City of Cambridge Transportation Division has no comments in regards to this application.

City of Cambridge Project Engineer:
• Consideration for drainage will be required to ensure no impacts on adjacent properties.

• City records indicate that this lot was designed with back to front drainage with a shared site yard swale and the proposed works are only 0.15m off the property line.

Drainage is not be directed on to the neighbours property and the existing sideyard swale must not be blocked by the concreted retaining wall for the entrance stairs.

Conditions
• That a grading plan/drainage sketch be prepared, to the satisfaction of City of Cambridge Development Engineering which confirms that the swale drainage will be maintained and that drainage will not be conveyed to the neighbouring property.
City of Cambridge Senior Planner-Heritage:
Comments not received.

City of Cambridge Economic Development:
The City of Cambridge Economic Development has no comment on this application.
Site Plan

Proposed Floor Plan

Subject property

Side entrance
Application No.: A90/21  Meeting Date: December 16, 2021  Ward No.: 7

Property Owner:  Khan Farooq Ali

Applicant:  Khan Farooq Ali

Subject Property:  PLAN 58M522 LOT 13
108 Broadoaks Dr

Proposal:
The applicant is seeking relief from Zoning By-law 150-85 to permit:

1) A side yard setback of 0.2 m (0.66 ft) whereas 0.7 m (2.29 ft) is required.

The minor variances will facilitate construction of a side entry to the house. The below grade stair and side entrance have been constructed without a permit. The original Notice of Hearing and Breakdown Report contained an error in the required interior side yard setback. Staff have confirmed that the above noted variances are correct. It is staff’s opinion that a recirculation is not needed and that the change is minor since it does not change any of the variances being requested by the applicant.

General Information:

Zoning By-law Provisions: R6
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R6, OS1
Adjacent Land Use: Residential, Open Space
Existing Use: Residential
Proposed Use: Residential

Recommendation:
City of Cambridge Planning Staff recommends approval of this revised variance application and are of the opinion the changes are minor and no further circulation be required (Planning Act s.45 (18.1.1)). Planning Staff recommend approval of the application subject to the following conditions:

1. That a grading plan/drainage sketch be prepared, to the satisfaction of City of Cambridge Development Engineering which confirms that the swale drainage will be
maintained and that drainage will not be conveyed to the neighbouring property;

2. An easement shall be registered on title for 108 and 112 Broadoaks Drive as a result of the proposed foundation being located on both properties.

Staff Comments:

City of Cambridge Development Planning Section:
The subject property is located south of Maple Bush Dr, east of Chester Dr and on the south side of Broad Oaks Dr. The subject property is developed with a single detached dwelling with a single garage. The subject property is designated as Low/Medium Residential Density in the City’s Official Plan and zoned R6 Residential in the Zoning By-law. This zone permits a single detached dwelling and accessory uses. The minor variance is required to legalize a below grade staircase that was constructed without a building permit.

The applicant is requesting a minor variance to permit a minimum interior side yard setback of approximately 0.2 m (0.65 ft.), whereas the by-law requires a minimum of 0.7 m (2.29 ft.) to any steps above or below grade. The applicant is requesting the variance to facilitate the construction of the proposed stairs below grade leading to a new side entrance on the home.

The intent of the minimum interior side yard setback to steps above or below grade is to allow stairs to encroach into the required 1.2 m (4 ft.) side yard while still maintaining sufficient access to the rear yard. The proposed staircase will still allow for access to the rear yard as it is built as a “through” staircase. In addition the property maintains a 1.2m (4ft) interior side yard setback on the other side of the home that could also access the rear yard. Therefore it is not anticipated that the stairs will impede travel from the front to the rear yard.

Engineering and building staff have proposed conditions to ensure that there are no adverse impacts on the neighboring property. Staff is satisfied that with the proper conditions in place to ensure drainage is not impacted and the registration of an easement for the foundation, that there will be minimal impact as a result of a 0.3 m (0.98 ft) reduction.

It is the opinion of planning staff that with the proposed conditions, the minor variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature and desirable for the appropriate development of the property.

Based on the above noted analysis, Planning staff recommend approval of the minor variance application.

Regional Municipality of Waterloo:
The Region of Waterloo has no comment on this application.

Grand River Conservation Authority:
The Grand River Conservation Authority has no comment on this application.

**Energy+ Inc.:**
Energy+ Inc. has no objection to the request for a minor variance to facilitate construction of a side door with no other change to the exterior footprint of the existing home.

**Comments:**
If relocation or upgrade is required as a result of this application, the Applicant will be responsible for 100% cost.
If easements are required as a result of this application, the Applicant will be responsible for 100% cost.
Refer to Energy+ Inc. Residential Spec book at www.energyplus.ca
Hydro poles/guy wires and anchors/padmount transformers/switching units/service pits/street light poles to be 1.5m from driveway entrances/curbs. Relocation at 100% owners’ expense.
All planting near Energy+ owned overhead power lines and padmount equipment must be installed in accordance with http://www.esasafe.com/assets/image/Tree-Planting.pdf
Must maintain required clearances (ESA & Energy+) from existing overhead electrical plant.
Owner/Applicant may be required to provide ESA clearance calculations to existing overhead and underground electrical distribution equipment. Calculations must be signed off by a P.Eng.
As per Energy+ Inc., Current Conditions to Service, latest edition, only one service per property is permitted.

**City of Cambridge Building Section:**
**Comments**
A building permit is required for the construction of the proposed below grade entry and side entrance
The below grade stair and side entrance have been constructed without a permit.
The breakdown report indicates a 0.2m setback is being proposed but the drawings indicate the foundation for the stair as being right on the property line and the footing under the foundation wall will be located on the adjacent property. The foundation walls are required based on the proposed stair design.

**Conditions**
An easement shall be registered on title for 108 and 112 Broadoaks Drive as a result of the proposed foundation being located on both properties.

**City of Cambridge Transportation Engineering Section:**
The City of Cambridge Transportation Division has no comments in regards to this application.

**City of Cambridge Project Engineer:**
Comments

- Consideration for drainage will be required to ensure no impacts on adjacent properties.
- City records indicate that this lot was designed with a shared side yard swale and the proposed works abut right up to the property line.
- Drainage is not be directed on to the neighbours property and the existing sideyard swale must not be blocked by the concreted foundation wall.

Conditions

- That a grading plan/drainage sketch be prepared, to the satisfaction of City of Cambridge Development Engineering which confirms that the swale drainage will be maintained and that drainage will not be conveyed to the neighbouring property.

City of Cambridge Fire Department:

Fire Department has no comment in regards to this application.

City of Cambridge Senior Planner-Heritage:

Comments not received.

City of Cambridge Economic Development:

The City of Cambridge Economic Development has no comment on this application.
Site Plan

0.2m setback
Proposed Staircase Plans

Towards rear yard

Towards front yard

Site Visit
Application No.: A91/21  Meeting Date: December 16, 2021  Ward No.: 4

Property Owner:  Benjamen Johannes Smedley
Emily Katharina May Marshall

Applicant:  Benjamen Johannes Smedley
Emily Katharina May Marshall

Subject Property:  PLAN 447 PT LOT 235
37 Roseview Ave

Proposal:
The applicant is seeking relief from Zoning By-law 150-85 to permit:

1. An accessory garage structure occupying 14.3% of the total lot area whereas a maximum of 10% is permitted.

The minor variance will facilitate the construction of a garage in the rear yard of the home.

General Information:

Zoning By-law Provisions: R4
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
The City of Cambridge Planning staff recommends approval of this application substantially in accordance with the submitted sketch, subject to the following conditions:

1. That the accessory garage not be used for a home occupation;
2. That the accessory garage not be used for human habitation without a building permit; and,
3. That an access permit through Transportation Engineering be obtained prior to the removal of, alteration to or construction of any new accesses. The application for an
access permit can be found on the City’s website at www.cambridge.ca; and,

4. That prior to final approval Energy+ Inc. will need to see a legal plan depicting the proposed new garage, as well as all existing and proposed hydro plant including poles, guy wires, anchors and overhead lines. The legal plan will need to include dimensions. All ESA and Energy+ Inc. clearances to existing and proposed hydro plant must be met. Always call for locates before digging.

Staff Comments:

City of Cambridge Development Planning Section:
The subject property is located north west of Cambridge St on the north side of Roseview Ave and is currently developed with a single detached residential dwelling. The subject land is currently designated “Low/Medium Density Residential” in the City’s Official Plan and is zoned R4 (Single Detached Residential) in the City’s Zoning By-law No. 150-85, as amended. The applicant is proposing to construct an accessory garage more than 10% of the lot area.

Provincial Policy Statement
The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. It provides for appropriate development while protecting public resources of provincial interest, public health and safety, and the quality of the natural and built environment. Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety are the main policy themes within the plan. There are no concerns with these policies and therefore the application is consistent with the Provincial Policy Statement.

Four Tests of a Minor Variance

Does the proposal maintain the general intent and purpose of the Official Plan?
The subject land is currently designated as Low/Medium Density Residential in the City’s Official Plan. The Low/Medium Density Residential designation and the current R4 zone permits the existing single detached residential use and accessory structures. An accessory garage is now being proposed, which is permitted for properties designated as Low/Medium Density Residential. Planning staff is of the opinion that the general intent of the City’s Official Plan is maintained.

Does the proposal maintain the general intent and purpose of the City’s Zoning By-law?
The subject property is zoned R4 (Single Detached Residential) in the City’s Zoning By-law 150-85, as amended. The proposed accessory use is permitted; however, the proposed lot coverage of the structure exceeds what is currently permitted in the Zoning By-law. The applicant is proposing a structure that occupies 14.3% of the total lot area whereas a maximum of 10% is permitted.

The intent of the Zoning By-law with respect to maximum lot coverage is to ensure that the accessory structure remains at a scale subordinate to the principal dwelling and to ensure
there is adequate open space for drainage and to maintain open space landscaping. The minimum open landscape requirements are maintained and the garage still remain subordinate to the main home. Planning staff is of the opinion that the general intent of the City’s Zoning By-law is maintained.

**Is the proposal desirable for the development and use of the lands?**
A number of homes in the area, including those directly adjacent to the property, have similar rear yard garages. The properties in this neighbourhood back on to a laneway that has vehicular access. Given the context of the neighbourhood, available access from the laneway, and similar structures on neighbouring properties, staff are of the opinion that the variance would facilitate desirable and appropriate use of the lands.

**Is the proposal minor in nature?**
Planning staff is of the opinion that there is sufficient lot area to ensure the property has open space landscaping, amenity space and the garage will still stay subordinate to the main dwelling.

Based on the above noted analysis, planning staff are of the opinion that the minor variance generally meets the intent of the Zoning By-law and Official Plan, is minor in nature and is appropriate for the development of the lands; therefore staff recommends approval of the variance application.

**Regional Municipality of Waterloo:**
The Region of Waterloo has no comment on this application.

**Grand River Conservation Authority:**
The Grand River Conservation Authority has no comment on this application.

**Energy+ Inc.:**
Prior to approval Energy+ Inc. will need to see a legal plan depicting the proposed new garage, as well as all existing and proposed hydro plant including poles, guy wires, anchors and overhead lines. The legal plan will need to include dimensions. All ESA and Energy+ Inc. clearances to existing and proposed hydro plant must be met. Always call for locates before digging.

**Comments:**
If relocation or upgrade is required as a result of this application, the Applicant will be responsible for 100% cost.
If easements are required as a result of this application, the Applicant will be responsible for 100% cost.
Refer to Energy+ Inc. Residential Spec book at www.energyplus.ca
Hydro poles/guy wires and anchors/padmount transformers/switching units/service pits/street light poles to be 1.5m from driveway entrances/curbs. Relocation at 100% owners’ expense.
All planting near Energy+ owned overhead power lines and padmount equipment must be
installed in accordance with http://www.esasafe.com/assets/image/Tree-Planting.pdf
Must maintain required clearances (ESA & Energy+) from existing overhead electrical plant.
Owner/Applicant may be required to provide ESA clearance calculations to existing overhead
and underground electrical distribution equipment. Calculations must be signed off by a
P.Eng.
As per Energy+ Inc, Current Conditions to Service, latest edition, only one service per
property is permitted.

City of Cambridge Building Section:
Comments
A building permit is required for the proposed detached garage.

City of Cambridge Transportation Engineering Section:

Transportation Engineering Comments
  ➔ Conditions: An access permit through Transportation Engineering will be required
prior to the removal of, alteration to or construction of any new accesses. The
application for an access permit can be found on the City’s website at
www.cambridge.ca.

City of Cambridge Project Engineer:
Development Engineering has no comment with regards to this application.

City of Cambridge Fire Department:
Fire Department has no comment in regards to this application.

City of Cambridge Senior Planner-Heritage:
Comments not received.

City of Cambridge Economic Development:
The City of Cambridge Economic Development has no comment on this application.
Application No.: A91/21
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Site Plan

Proposed garage

Site Visit

Adjacent Land use: Residential
Front of lot abuts: Roseview Ave, 2 lane road
Back of lot abuts: Laneway 173, 1 lane road
Application No.: A93/21  Meeting Date: December 16, 2021  Ward No.: 2

Property Owner:  Hoopp Realty Incorporated

Applicant:  Urbacon Design/Build Corporation

Subject Property:  REG COMP PLAN 1384 LOT 2;RP67R3878 PARTS 1 & 2
220 Pinebush Rd

Proposal:
The applicant is seeking relief from Zoning By-law 150-85 to permit:

1) Provision of 497 parking spaces whereas 892 are required.

The minor variance will facilitate the construction of two industrial buildings. The subject property has an active Site Plan under File SP46/21.

General Information:

Zoning By-law Provisions: M1, S.4.1.233, S4.1.12
Official Plan Designation: Employment Corridor
Adjacent Zoning: M1, M3, CS5, R4
Adjacent Land Use: Industrial, Residential, Commercial
Existing Use: Industrial
Proposed Use: Industrial

Recommendation:
The City of Cambridge Planning staff recommends approval of this application, subject to the following conditions:

1. That the variance is granted in relation to Site Plan File SP46/21.

Staff Comments:

City of Cambridge Development Planning Section:
The subject lands are an industrial land assembly consisting of 220, 230 and 240 Pinebush Road, totaling 9.76 ha. 220 and 230 Pinebush Road were previously zoned to anticipate specific industrial projects (now abandoned) with site specific zoning, while 240 Pinebush
Road has remained unchanged with standard industrial zoning. All of the lands within the assembly are currently vacant.

The development proposal is comprised of two industrial buildings: Building 1, 19,422.97 m\(^2\), with frontage along Highway 401; and, Building 2, 20,314.38 m\(^2\), with frontage along Pinebush Road (a total site GFA of 39,737.35 m\(^2\)). The proposal includes a truck corridor, perimeter parking and areas dedicated to soft landscaping, including buffers and screening.

The applicant has indicated that the site has been designed to reduce the parking supply and replace it with pedestrian targeted features, such as interconnected pathways, oversized sidewalks, forecourts at building entrances, benches, and bicycle parking.

**Four Tests of a Minor Variance**

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject lands are located within the Built-up Area of the Official Plan (OP) and designated Employment Corridor. Lands designated Employment Corridor are located along Highway 401 and major roadways offering high visibility and convenient accessibility. The Employment Corridor designation is intended to provide prime locations within the city for prestige employment uses including advanced manufacturing, major office complexes and offices. Development within this designation is expected to display high performance standards of site design. The applicant has indicated that they are proposing an improved site design through compact urban form that incorporates areas for landscape buffers, pedestrian connections and bicycle parking. Planning staff is of the opinion that the minor variance is in general conformance with the Official Plan.

**Does the proposal maintain the general intent and purpose of the City’s Zoning By-law?**

The properties are zoned M1, M1 S.4.12 and M1 S.4.1.233. The M1 Industrial Use Class Zone permits a variety of industrial and employment uses including, but not limited to, warehousing, manufacturing, processing, offices, business and professional offices, financial institutions, industrial research and development and printing establishments.

The proposed development is a permitted industrial use within the M1 Zone and the design is in compliance with all development setbacks and other applicable provisions of the Bylaw, with the exception of Industrial Mall parking requirements subject to this application. The intent of the parking provision in the by-law is to ensure that properties have a sufficient parking supply for current and future uses on the site. The applicant has provided a parking justification report that describes current parking usage, a parking comparison in other similar municipalities and a comparison to the City’s draft new Zoning By-law. Although the draft new Zoning By-law is not approved, it should be noted that the current by-law’s requirements are much higher than what is being proposed in the draft. The current by-law required 2.5 parking spaces/100 m\(^2\). The draft new By-law, requires 1 parking space/100m\(^2\) or 1 parking space/150m\(^2\) for Industrial and Warehouse uses. Although this by-law is not in effect, it demonstrates the intent of the parking provision and the direction that the City is
going in with regards to parking. It also demonstrates that the current by-law from 1985 requires an oversupply of parking. Staff are satisfied with the Parking Justification report and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

**Is the proposal desirable for the development and use of the lands?**
The project is located on existing underutilized employment designated lands, zoned for industrial uses and ideal for new development within the community. The proposed parking supply meets the parking requirements for similar land uses located in nearby cities of similar size and will provide more parking than what is demanded at similar industrial developments within vicinity of the subject development. Staff are satisfied that the proposal is desirable for the development and use of the lands.

**Is the proposal minor in nature?**
As demonstrated by the Parking Justification Study and further supported by the City’s Draft Zoning Bylaw (unapproved), the proposed parking supply of 497 space is above the minimum targets for standard industrial developments of this size within the surrounding area. The proposed variance of 395 parking spaces is minor in nature when considering the overall context of current acceptable industrial parking requirements and when considering the intent behind the need for parking and what the City’s goals are with the new Zoning By-law.

Based on the above noted analysis, planning staff are of the opinion that the minor variance generally meets the intent of the Zoning By-law and Official Plan, is minor in nature and is appropriate for the development of the lands; therefore staff recommends approval of the variance application.

**Regional Municipality of Waterloo:**
The Region of Waterloo has no comment on this application.

**Grand River Conservation Authority:**
The Grand River Conservation Authority has no comment on this application.

**Energy+ Inc.:**
Energy+ Inc. has no objection to request for a minor variance to allow reduced parking spaces. Comments / Conditions to service the proposed two new industrial buildings will be provided at the Site Plan Control process. Please allow a minimum of six (6) months for determination of servicing needs.

**Comments:**
If relocation or upgrade is required as a result of this application, the Applicant will be responsible for 100% cost.
If easements are required as a result of this application, the Applicant will be responsible for 100% cost.
Refer to Energy+ Inc. Residential Spec book at www.energyplus.ca
Hydro poles/guy wires and anchors/padmount transformers/switching units/service pits/street
light poles to be 1.5m from driveway entrances/curbs. Relocation at 100% owners’ expense.
All planting near Energy+ owned overhead power lines and padmount equipment must be
installed in accordance with http://www.esasafe.com/assets/image/Tree-Planting.pdf
Must maintain required clearances (ESA & Energy+) from existing overhead electrical plant.
Owner/Applicant may be required to provide ESA clearance calculations to existing overhead
and underground electrical distribution equipment. Calculations must be signed off by a
P.Eng.
As per Energy+ Inc, Current Conditions to Service, latest edition, only one service per
property is permitted.

City of Cambridge Building Section:
City of Cambridge Building Division has no comment on this application.

City of Cambridge Transportation Engineering Section:

Transportation Engineering Comments:

→ On-site parking will need to meet the requirements of the Zoning Bylaw. The City
cannot guarantee the availability of existing or future municipal parking to
accommodate the parking needs of this site.

City of Cambridge Project Engineer:
Development Engineering has no comment with regards to this application.

City of Cambridge Fire Department:
Fire Department has no comment in regards to this application.

City of Cambridge Senior Planner-Heritage:
Comments not received.

City of Cambridge Economic Development:
Economic Development has no comment on this application.
Application No.: A93/21
Date of Meeting: December 16, 2021
Page 6 of 7

Site Plan

Parking reduction

Site Visit
Application No.: A97/21  Meeting Date: December 15, 2021  Ward No.: 8

Property Owner:  Peggy Marlene Davidson

Applicant:  Peggy Marlene Davidson

Subject Property:  PLAN 1450 LOT 153

26 Cranston Ave

Proposal:
The applicant is seeking relief from zoning By-Law 150-85 to permit:

1) A rear yard setback of 6.4 m (21 ft) whereas 7.5 m is required (24.61 ft)

The minor variance will facilitate construction of a rear addition onto the home.

General Information:

Zoning By-law Provisions: R4
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
The City of Cambridge Planning staff recommends approval of this application substantially in accordance with the submitted sketch

Staff Comments:

City of Cambridge Development Planning Section:
The subject property is located west of Cowan Blvd and east of Burnett Ave on the south side of Cranston Ave and is currently developed with a single detached residential dwelling with an attached double car garage. The subject land is currently designated Low/Medium Density Residential in the City’s Official Plan and is zoned R4 (Single Detached Residential) in the City’s Zoning By-law No. 150-85, as amended. The applicant is proposing to construct an addition at the rear of the home for a kitchen and family room extension.
Provincial Policy Statement
The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. It provides for appropriate development while protecting public resources of provincial interest, public health and safety, and the quality of the natural and built environment. Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety are the main policy themes within the plan. There are no concerns with these policies and therefore the application is consistent with the Provincial Policy Statement.

Four Tests of a Minor Variance

Does the proposal maintain the general intent and purpose of the Official Plan?
The subject land is currently designated as Low/Medium Density Residential in the City’s Official Plan. The Low/Medium Density Residential designation and the current R4 zone permits the existing single detached residential use and accessory structures. Planning staff is of the opinion that the general intent of the City’s Official Plan is maintained.

Does the proposal maintain the general intent and purpose of the City’s Zoning By-law?
The intent of the rear yard setback is to provide amenity space, privacy and separation between dwellings. The proposed addition will meet all the other minimum required side yard setbacks from adjacent properties to either side. The properties backing onto the subject property have large lots and sufficient rear yard setbacks providing adequate separation from the proposed addition. Therefore, staff does not anticipate a significant impact as a result of the 1.1 m rear yard setback reduction.

Is the proposal desirable for the development and use of the lands?
Planning staff are of the opinion that the proposal is desirable for the development and use of the lands as it aligns with the general land use of the area. The property itself and the surrounding properties all have large lots with adequate open space landscaping and sufficient separation.

Is the proposal minor in nature?
Planning staff are of the opinion that the development is minor in nature. Staff do not anticipate any impact on the surrounding neighbourhood and properties as a result of the minor variance. With the addition being one-storey, staff are of the opinion that onlook to the rear property will not be an issue as a result of a 1.1 m (3.6 ft) reduction.

Based on the above noted analysis, planning staff are of the opinion that the minor variance generally meets the intent of the Zoning By-law and Official Plan, is minor in nature and is appropriate for the development of the lands; therefore staff recommends approval of the variance application.
Regional Municipality of Waterloo:

The Region of Waterloo has no comment on this application.

Grand River Conservation Authority:

The Grand River Conservation Authority has no comment on this application.

Energy+ Inc.:

Energy+ Inc. has no objection to the request for multiple minor variances to facilitate construction of a rear addition. ESA and Energy+ Inc. clearances to existing and proposed hydro plant must be met. Always call for locates before digging.

Comments:

If relocation or upgrade is required as a result of this application, the Applicant will be responsible for 100% cost.

If easements are required as a result of this application, the Applicant will be responsible for 100% cost.

Refer to Energy+ Inc. Residential Spec book at www.energyplus.ca

Hydro poles/guy wires and anchors/padmount transformers/switching units/service pits/street light poles to be 1.5m from driveway entrances/curbs. Relocation at 100% owners’ expense.

All planting near Energy+ owned overhead power lines and padmount equipment must be installed in accordance with http://www.esasafe.com/assets/image/Tree-Planting.pdf

Must maintain required clearances (ESA & Energy+) from existing overhead electrical plant. Owner/Applicant may be required to provide ESA clearance calculations to existing overhead and underground electrical distribution equipment. Calculations must be signed off by a P.Eng.

As per Energy+ Inc, Current Conditions to Service, latest edition, only one service per property is permitted.

City of Cambridge Building Section:

A building permit is required for the proposed rear yard addition.

City of Cambridge Transportation Engineering Section:

The City of Cambridge Transportation Division has no comments in regards to this application.

City of Cambridge Project Engineer:

Development Engineering has no comment with regards to this application.

City of Cambridge Fire Department:

Fire Department has no comment in regards to this application.

City of Cambridge Senior Planner-Heritage:
Comments not received.

**City of Cambridge Economic Development:**

The City of Cambridge Economic Development has no comment on this application.

**Aerial**

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**R4 Zoning**

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Site Plan

Proposed addition

Rear yard setback 6.47m
Floor Plan of Addition

Addition

Side View (facing north)

Addition
Site Visit
Application No.: B35/21  Meeting Date: December 16, 2021  Ward No.: 6

Property Owner: 70 Albert Street Holding Corp.

Applicant: Andrea Sinclair
MHBC Planning

Subject Property: PLAN D11 PT LOT 1
70 Albert St

Proposal:
The applicant is seeking a boundary adjustment to a residential property. The conveyed parcel will be a portion of 70 Albert street of approximately 613 m² which will be added to 17 Highman Avenue. The retained lands will have a frontage of 45.66 m (149.8 ft) on Albert Street with an approximate depth of 64 m (209.97 ft) for an area of 2,933 m².

The purpose of the consent application for the boundary adjustment is to create a more viable parcel for the future infill development of 17 Highman Avenue.

General Information:
Zoning By-law Provisions: R5, RM3
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: RM4, R5
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
City of Cambridge Planning staff recommend approval of this consent application, subject to the following conditions:

1. That prior to final approval, the owner/applicant submits a copy of the deposited reference plan indicating the boundaries of the parcels, any easements/rights-of-way and building locations, to the satisfaction of the Planning Services Division;
2. That sections 50(3) or (5) of the Planning Act applies so that the severed lands will be merged in title with the abutting parcel, 17 Highman Drive, and that the owner/applicant provide a draft transfer from a solicitor;
3. That prior to final approval, the owner/applicant file a Record of Site Condition for the subject lands, to the satisfaction of the Region of Waterloo;

4. That the applicant verifies the location of any existing sanitary, storm and water services on the property to the satisfaction of the Building Division in order to confirm that no services will cross over any proposed property lines or are shared with any adjacent properties. Where services cross property lines easements and/or servicing agreements shall be registered on title;

5. That the applicant submit a legal survey showing the existing property, existing easements, existing dwelling, existing hydro pole(s), anchors, secondary hydro wire-feed to the existing dwelling, proposed severance, proposed dwellings, proposed driveway, proposed electric plant, to the satisfaction of Energy+. The survey must include dimensions. The Applicant is cautioned that a minimum clearance between the proposed driveway entrance and existing poles, guy wires and anchors is 1.5 metres;

6. That the Applicant will be responsible for 100% cost to service the new lot. The Applicant will be responsible for all costs to re-locate or upgrade if required as a result of this Application. Energy+ Inc. WILL NOT approve a severance on a lot with no service. As per Current Conditions of Service, latest edition, only one service per property is permitted. Allow MINIMUM 6 months for Energy+ Inc. to process an estimate;

7. That any new structures must meet current ESA and Energy+ Inc. clearances; and,

8. That the above conditions must be fulfilled and the document for conveyance be presented with the required fee of $250 for signing on or before December 17, 2022, after which time this consent will lapse.

Staff Comments:

City of Cambridge Development Planning Section:
The subject lands are located on the corner Albert St and Ballantyne Ave and comprise of an area of approximately 3,546 m² (0.87 ac) with a frontage along Albert Street and Ballantyne Avenue. The subject lands also have an existing easement for access from 70 Albert Street which allows vehicular access in favour of 17 Highman Avenue. The purpose of the consent application for the lot addition is to create a more viable parcel for the future infill development of 17 Highman Avenue. The subject lands are designated Low/Medium Density Residential in the City of Cambridge Official Plan. The portion of the subject lands that are proposed to be severed are zoned R5 (Residential) and the lands to be retained are zoned Residential (RM3) in the Zoning By-law.

The proposed lands to be severed have an area of 613 m², and currently contain two existing sheds and board fencing. The lands to be retained will have an area of 2,933 m² and contain
two existing 3-storey apartment buildings and associated parking. The retained portion of 70 Albert Street is fully developed, and the proposed severed portion is vacant and surplus to the needs of the existing apartment development. The lands containing the access easement in favour of 17 Highman Avenue will continue to be on the retained lot (70 Albert Street).

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Area</th>
<th>Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conveyed (R5 portion)</td>
<td>613 m² (0.061 ha)</td>
<td>N/A</td>
</tr>
<tr>
<td>Retained (RM3 portion)</td>
<td>2,933 m² (0.293 ha)</td>
<td>45.66 m (149.8 ft) (Albert St)</td>
</tr>
</tbody>
</table>

The boundary adjustment will regularize the lot shape for the retained lanes.

**Provincial Policy Statement (2020)**
The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The intent of the PPS is to help balance development interests with protection of public interests such as public health and safety, natural resources and the quality of the natural and built environment. Policy 1.1.3.1 states that: “Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.” The subject property is located in the settlement area where development is encouraged. Policy 1.1.3.2 indicates that land use patterns within the settlement area shall be based on densities that make efficient use of land, are appropriate given the infrastructure available, minimize negative impacts to air quality and climate change, support active transportation and provide a range of opportunities for intensification and redevelopment. The lands being conveyed are surplus and vacant and will be added to lands on 17 Highman Ave. Planning staff are of the opinion that the proposal is consistent with the PPS.

**City of Cambridge Official Plan**
The subject land is currently designated as “Low/Medium Density Residential” in the City’s Official Plan. The “Low/Medium Density Residential” land use designation applies to residential areas within the built-up area of the City and permits a range of housing types. No new development is being proposed at this time. A change in land use will not be a result of the lot addition application. Planning staff is of the opinion that the general intent of the City’s Official Plan is maintained.

**A Place to Grow (2020)**
A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2020, provides long-term land use planning direction for the Greater Golden Horseshoe area of Ontario. The document provides policy guidance in regards to growth management, transportation, intensification, Greenfield development, protection of employment lands, etc. Section 2.2 of
the Growth Plan sets out that growth will be directed to settlement areas, where municipal infrastructure is available and complete communities can be supported. The Growth Plan states that all municipalities will encourage intensification to achieve a desired urban structure, identify an appropriate type and scale of development, and ensure that lands are zoned and development is designed to support complete communities in the built-up area. The lot addition will add surplus lands to an adjacent parcel, creating a larger parcel of land for future development.

Region of Waterloo Official Plan (2015)
The subject property is designated as "Urban Area: Built-Up Area" in the Regional Official Plan. Chapter 2 of the Official Plan (Shaping Waterloo Region’s Urban Communities) states that the overall goal is to promote balanced growth by directing a greater share of urban development towards the existing Built-Up Area. Section 2.C.2 provides direction to ensure 45% of new residential development in the Region occurs within the Built-Up Area as it has the greatest capacity to accommodate for growth and development pertaining to the availability of infrastructure, servicing, and transit options. Chapter 3 of the Official Plan (Livability in Waterloo Region) states that the overall goal is to create vibrant urban and rural places. In respect to creating vibrant urban places, Section 3.A encourages municipalities to provide a range and mix of housing and individual lot intensification where appropriate. The conveyance will allow for a larger lot for future development potential.

City of Cambridge Zoning By-Law
The subject property has split zoning with the retained portion being zoned RM3 (Multi Unit Residential) and the proposed severed parcel being designated at R5 (Residential). There is currently no development being proposed on the conveyed parcel at this time. As such, no variances are being requested in relation to this minor variance application. The conveyed parcel will be a lot addition to 17 Highman Ave, which has R4 (Residential) zoning.

Planning Act s.51(24)
The following criteria have been considered under Section 51(24) of the Planning Act:

- The effect of development of the proposed subdivision on matters of provincial interest
- Whether the plan conforms to the Official Plan and adjacent plans of subdivision
- The suitability of the land for the purposes for which it is to be subdivided
- The adequacy of the existing road network
- The dimensions and shapes of the proposed lots or the buildings and structures proposed to be erected on it and the restrictions if any, on adjoining land
- The adequacy of utilities and municipal services

Staff are of the opinion that the consent for a boundary adjustment at the rear of this parcel is appropriate. The parcel being conveyed is currently vacant and surplus to the existing development at 70 Albert St. The boundary adjustment will allow for a larger and more
developable piece of land at 17 Highman Ave. No development is currently being proposed on the lands at this time.

As such, staff do not anticipate any negative impacts as a result of the proposed boundary adjustment. Staff is of the opinion that a plan of subdivision is not required for the proper and orderly development of the municipality under s. 53(1) of the Planning Act for the subject property.

Based on the above noted analysis, planning staff is of the opinion that with the recommended conditions, the proposed severance meets the criteria set out in s. 51(24) of the Planning Act and therefore recommend approval with conditions of application B35/21.

Regional Municipality of Waterloo:
70 Albert Street Holding Corp. (owners); Andrea Sinclair (MHBC Planning - applicant)

The owner/applicant is proposing a lot addition / boundary adjustment whereby a portion of 70 Albert Street will be added to 17 Highman Avenue.

Record of Site Condition:
Regional Staff note that a Record of Site Condition (RSC) will be required prior to final approval due to a medium environmental threat on the subject property from past land uses and in accordance with the Region’s “Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites” where the proposal is to add land to an abutting lot (sensitive use). This requirement was also noted in Regional Zoning By-law Amendment Pre-Submission comments for 17 Highman Avenue dated August 19, 2021. A copy of the RSC and a copy of the Acknowledgement Letter from the Ministry of the Environment, Conservation and Parks must be submitted to the Region of Waterloo to fulfill this condition.

Regional staff has no objection to the application, subject to the following condition:

1) That prior to final approval, the owner/applicant file a Record of Site Condition for the subject lands.

Grand River Conservation Authority:
The Grand River Conservation Authority has no comment on this application.

Energy+ Inc.:
The applications submitted are subject to the following comments (3) and conditions (1,2,4):

1. We require a legal survey showing the existing property, existing easements, existing dwelling, existing hydro pole(s), anchors, secondary hydro wire-feed to the existing dwelling, proposed severance, proposed dwellings, proposed driveway, proposed
electric plant. The survey must include dimensions. The Applicant is cautioned that a minimum clearance between the proposed driveway entrance and existing poles, guy wires and anchors is 1.5 metres.

2. The Applicant will be responsible for 100% cost to service the new lot. The Applicant will be responsible for all costs to re-locate or upgrade if required as a result of this Application. Energy+ Inc. WILL NOT approve a severance on a lot with no service. As per Current Conditions of Service, latest edition, only one service per property is permitted. Allow MINIMUM 6 months for Energy+ Inc. to process an estimate.

3. All EASEMENTS (will be determined once satisfactory legal plan has been submitted) must be APPROVED and REGISTERED at customer’s cost.

4. Any new structures must meet current ESA and Energy+ Inc. clearances.

Please note, a legal plan, which does not satisfy the requirements states in condition #1 will be returned for revision and the process will be delayed.

City of Cambridge Building Section:
Comments
GIS appears to indicate the water service for 17 Highman being located through the conveyed parcel and a number of properties on Albert Street.

Conditions:
That the applicant verifies the location of any existing sanitary, storm and water services on the property to the satisfaction of the Building Division in order to confirm that no services will cross over any proposed property lines or are shared with any adjacent properties. Where services cross property lines easements and/or servicing agreements shall be registered on title

City of Cambridge Transportation Engineering Section:
The City of Cambridge Transportation Division has no comments in regards to this application.

City of Cambridge Project Engineer:
Development Engineering has no comment with regards to this application.

City of Cambridge Fire Department:
Fire Department has no comment in regards to this application.

City of Cambridge Senior Planner-Heritage:
Comments not received.
City of Cambridge Economic Development:

The City of Cambridge Economic Development has no comment on this application.
Survey

Retained parcel

Severed parcel being added to 17 Highman Ave

17 Highman Ave
Application No.: B35/21
Date of Meeting: December 16, 2021

Page 9 of 9

Site Visit
Application No.: B36/21  Meeting Date: December 16, 2021  Ward No.: 4

Property Owner: Investments Dasilva Inc. Corporation

Applicant: Investments Dasilva Inc. Corporation

Subject Property: PLAN 447 PT LOT 143 PT LOT;144 21 Oxford St

Proposal:
The applicant is seeking an easement in favor of 23 Oxford Street for an existing sanitary line.

The Committee of Adjustment approved the applicant’s previous applications at the March 10, 2021 meeting for files B01/21, A08/21 and A09/21.

General Information:
Zoning By-law Provisions: R4
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
City of Cambridge Planning staff recommend approval of this consent application, subject to the following conditions:

1. That prior to final approval, the owner/applicant submits a copy of the deposited reference plan indicating the boundaries of the parcels, any easements/rights-of-way and building locations, to the satisfaction of the Planning Services Division;
2. That the easement be registered on title for both properties;
3. That above conditions must be fulfilled and the document for conveyance be presented with the required fee of $250 for signing on or before November 17, 2022,
Staff Comments:

City of Cambridge Development Planning Section:
The subject property is located south of Dundas Street North on the east side of Oxford Street. The property is designated as Low/Medium Density Residential in the Official Plan and zoned R4 Residential in the zoning By-law.

The property was previously severed through application B01/21 which created a new residential lot on Oxford St. Through the submission of a servicing plan for that application Building staff identified the need for an easement over 21 Oxford St in favour of 23 Oxford St, for an existing sanitary line.

Easements require Committee of Adjustment approval and as such the applicant has returned with the subsequent easement application.

Planning Act s. 51(24)
The following criteria has been considered under Section 51(24) of the Planning Act:

- The effect of development of the proposed subdivision on matters of provincial interest
- Whether the plan conforms to the Official Plan and adjacent plans of subdivision
- The suitability of the land for the purposes for which it is to be subdivided
- The adequacy of the existing road network
- The dimensions and shapes of the proposed lots
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions if any, on adjoining land
- The adequacy of utilities and municipal services
- The adequacy of school sites

The proposed easement will not change the existing use of the property. It will allow for the adjacent property at 23 Oxford to have an easement over the severed parcel of 21 Oxford St.

Staff is of the opinion that a plan of subdivision is not required for the proper and orderly development of the municipality under s. 53(1) of the Planning Act for the subject property.

Based on the above noted analysis, planning staff is of the opinion that with the recommended conditions, the proposed consent application meets the criteria set out in s.
51(24) of the Planning Act and therefore recommend approval of application B36/21.

Regional Municipality of Waterloo:
Investments Dasilva Inc. Corporation (owner/applicant)
The owner/applicant is seeking a utility easement in favour of 23 Oxford Street for an existing sanitary line. This proposal is related to consent application B01/21 which proposed a severance to create a new residential parcel for a single detached dwelling. Regional staff comments on B01/21 were submitted to City of Cambridge Staff dated February 24, 2021.

Cultural Heritage (Advisory):
The subject property possesses the potential for the recovery of archaeological resources due to the proximity of historically mapped structures, including the structure contained on the property which was built in approximately 1890. Because of the small size of the proposed severed lot, an Archaeological Assessment will not be required, however, the applicant should be made aware that:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Heritage, Sport, Tourism and Culture Industries. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or,

- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Regional staff has no objection to the application.

Grand River Conservation Authority:
The Grand River Conservation Authority has no comment on this application.

Energy+ Inc.:
Energy+ has no comments

City of Cambridge Building Section:
Conditions
The proposed utility easement shall be registered on both properties

City of Cambridge Transportation Engineering Section:
The City of Cambridge Transportation Division has no comments in regards to this application.

**City of Cambridge Project Engineer:**
Development Engineering has no comment with regards to this application.

**City of Cambridge Fire Department:**
Fire Department has no comment in regards to this application.

**City of Cambridge Senior Planner-Heritage:**
Comments not received.

**City of Cambridge Economic Development:**
The City of Cambridge Economic Development has no comment on this application.
Easement Required

Easement for servicing in favour of 23 Oxford

New severed parcel from 21 Oxford

21 Oxford

23 Oxford