MEETING AGENDA
Hearing of the Committee of Adjustment
Via YouTube
Wednesday October 5, 2022
6:00pm

3 Declarations of Pecuniary Interest

1. Committee Business
2. Applications
   Previously Heard Applications
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<td>B78/22, B79/22</td>
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   New Applications
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3. O.L.T. Update
4. Other business

Adjournment
Application No.: B78/22 & B79/22

Meeting Date: October 5, 2022

Ward No.: 1

Property Owner: Rare Charitable Research Reserve

Applicant: Tom Woodcock
Rare Charitable Research Reserve

Subject Property: CON 12 PT LOT 21 SURVEY; BEASLEY'S OLD PT LOT 3; 67R1753 PART 3 354.17XIRR Regional Rd

Proposal:

B78/22 & B79/22

This application was previously heard on August 31st, where Staff recommended (Council approved the motion) for deferral of the consent application to the October 5th hearing of the Committee of Adjustment to further review requirements for consultation with potentially impacted First Nation communities.

The applicant is seeking consent for two boundary adjustments with abutting parcels.

The 1st conveyed parcel (Part 1, B78/22) shall have an area of approximately 4.41 ha (10.9 acres).

The 2nd conveyed parcel (Part 2, B79/22) shall have an area of approximately 2.4 ha (5.92 acres).

The retained lands are located in the Township of North Dumfries and shall have an area of approximately 5.34 ha (13.20 acres).
Application No.: B78/22 & B79/22
Date of Meeting: October 5th, 2022
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**General Information:**
Zoning By-law Provisions: OS1
Official Plan Designation: NATURAL OPEN SPACE SYSTEM; RURAL
Adjacent Zoning: A1, RR1
Adjacent Land Use: Other
Existing Use: Other
Proposed Use: Other

**Recommendation:**
City of Cambridge Planning staff recommend **approval** of the consent application with the following conditions:

1. That the applicant apply for and receive approval of the consolidation and/or merger of the retained lands with the abutting property owned by the Applicant to the satisfaction of the Township of North Dumfries.

2. That the applicant submit an Archeological Assessment approved by the Ministry of Culture as per the Region of Waterloo’s letter of May 2007 to the City of Cambridge.

**Staff Comments**

**City of Cambridge Development Planning Section:**
The subject lands are located off of Blair Road, south of Langdon Drive. The lands were previously earmarked for the Hwy 8 west side by-pass. The purpose of the lot boundary adjustments is to sell the severed and retained parcels to two adjacent land owners, as per the agreement of purchase and sell between the current owner (RARE) and previous owner (Infrastructure Ontario). Subject lands in the Township of North Dumfries (the retained parcel) are proposed to be consolidated with abutting lands also under the ownership of RARE. In Cambridge, Langdon Hall shares the extent of the eastern boundary, as well as the western boundary for that parcel providing road access. And also in Cambridge, a private property owner shares the remaining extent of the western boundary. This application addresses the conveyed parcels in Cambridge.

The applicant intent in purchasing the subject land from the Province was to convey the portion of the lands in the City of Cambridge into ownership of neighbouring land owners. This includes reconfiguration of lot lines to expand the two abutting parcels of land with frontage on Langdon Dr and Blair. This required a Zoning By-law Amendment (approved June 2009) recognizing reduced lot area and adjusting site specific policies relating to the Langdon Hall lands.
As a result of these applications, a scoped Environment Impact Statement was reviewed by the Region of Waterloo recommending a number of items on the North Dumfries lands, which includes a portion of Environmentally Sensitive Policy Area (ESPA) 38 (Cruickston park), contiguous to ESPA 37 (Blair Swamp). The lands to be severed contain the Provincially Significant Orrs Lake Bechtel Creek Wetland, floodplain, slope valley, and the associated regulated allowance, as well as the regulated allowance to adjacent provincially significant Orrs Lake Bechtel Creek Wetland. The lands to be retained contain the regulated allowance to the provincially significant Barrie’s Lake Bauman Creek Wetland Complex and allowance to the provincially significant Orrs Lake Bechtel Creek Wetland.

The Region’s Ecological and Environmental Advisory Committee (EEAC) recommended a 30m buffer on the ESPA/wetlands, designation and zoning as open space. Other EEAC recommendations were proposed to be addressed through the consent approval process, including: consideration of an alternative route, an additional wildlife survey, a conservation easement, and smoothing buffer lines.

As a result of these applications, the applicant was also required to submit an Archeological Assessment prior to the consent application, due to the archeological potential of the property. Several Registered Archeological Sites are in proximity to the lands (including pre-contact Native sites ranging in date from circa 9500 – 800 B.P). The lands also contain areas which function as wintering/staging grounds for waterfowl and deer and distantly maintained old growth forest (known to be oriented with historic indigenous settlements).
Analysis of a severance application is typically evaluated based on the following criteria:

- Meets the general intent and purpose of the Region of Municipality of Waterloo Official Plan (“Regional OP”), and the City of Cambridge Official Plan (“City OP”)
- Meets criteria in S. 53(1) and S.51(24) of the Planning Act (“Act”)

Analysis in this case is complicated by the fact that Duty to Consult with indigenous communities arises from S.35 of the Constitution with the disposal of Crown lands. Furthermore, the duty is specifically defined as being for deep and meaningful consultation.

Crucially, the fulfillment of this Duty may influence the principle of “proper and orderly development”, which must be satisfied to grant a severance while a Municipality can have a role in procedural aspects of the Crown’s Duty to Consult, conferred through the Planning Act and Supreme Court of Canada rulings on S. 35 of the Constitution Act. (Burleigh Bay Corporation v North Kawartha Township 2017)

The Planning Staff analysis which follows is divided in two parts:

A. Addressing S.51(24) of the Planning Act concerning the proposals general conformity or consistency with the Planning policy framework.

B. Addressing S.35 of the Constitution Act, in relation to the Crown’s Duty to consult and where this intersects with the Planning policy framework

A. S. 51(24) Planning Act
The lands are designated OS1 (ZBL); Countryside/Rural (COP), Blair Heritage Conservation District (Secondary Plan); Rural Area/ Protected Countryside and Environmentally Sensitive Landscape (ROP); Rural Part V Ontario Heritage Act, and within the NHS for the GGH Growth Plan.

Generally speaking the application conforms with and implements the requirements of the Planning Act; is consistent with the Provincial Policy Statement, 2020 (“PPS”); and conforms to the Growth Plan for the Greater Golden Horseshoe, 2020 (“GP”) and the overall objectives of the Regional Municipality of Waterloo Official Plan (ROP), City of Cambridge Official Plan (“COP”). The proposal has regard for matters of provincial interest set out in s. 2 of the Planning Act. The proposal satisfies the pertinent criteria set out in s. 51(24) of the Planning Act. The Conditions of Consent Approval are reasonable, have appropriate regard to the nature of the development being proposed and comply with the requirements of s. 51(25) of the Planning Act.
Planning staff reserve the following concerns, which are addressed through the proposed conditions on approval of the consent application:

(a) Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts and connectivity along the system and between features will be maintained or, where possible, enhanced. Planning staff hold the position that greater weight lies with keeping the parcel intact and under single ownership and/or conservation easement.

(b) Development and site alteration on lands containing indigenous archaeological resources or areas of indigenous archaeological potential. Given the proximity of Registered Archaeological Deposits. Where lands contain archaeological resources or areas of archaeological potential, significant archaeological resources should be conserved. Indigenous archaeological assessments should involve engagement with the appropriate Indigenous community(s).

(c) Regularization of lot pattern, which is permitted where consent to sever is given to permit conformity with existing patterns of exclusive use and occupancy. The question of exclusive use and occupancy would be difficult to ascertain in consideration of S. 35 of the Constitution Act and the Indigenous Cultural Landscape that historically exists.

**Provincial Policy Statement**
The PPS deals with directing and managing land use to achieve efficient and resilient development and land use patterns. The PPS also recognizes the importance of leveraging rural assets and amenities and protecting the environment. The application allows a planned use to be established while at the same time, protects the agricultural area and the natural heritage features.

The subject property is located within an area that is designated for residential use and currently maintains a number of rural residential lots. The development proposal is compatible with the rural landscape and regularizing the lot pattern represents efficient use of the lands. The proposal protects and conserves key natural features. There is no apparent adverse impact to the natural heritage features or removal of any active farmland.

The applicant confirms that there will be no long-term negative impacts to the function of the woodland or slope, and the regularization of lot pattern will not result in any negative impact to habitat or areas of natural and scientific interest. The Grand River Conservation Authority indicated that it had no concerns with the proposal, emphasizing that development and site alteration are not permitted.
Growth Plan
The Guiding Principles of the GP applicable to the current proposal includes making efficient use of designated lands; protecting and enhancing the natural heritage; protecting prime agricultural areas; and, to integrate climate change considerations into land use planning.

As the lands are within the Natural Heritage System of the Growth Plan, S. 4.2.2.3 is relevant (concerning new development or site alteration). No agricultural land is being removed and no adverse impact on active farming will result. The buffers from the key natural heritages are maintained and negative impacts are not demonstrated.

City of Cambridge Official Plan
Generally speaking, the objectives of the natural heritage and environmental management of the City’s Official Plan are to:

a) maintain and improve the city’s natural environment, including the linked natural heritage system of the Grand and Speed Rivers and their tributaries, fish habitat, wetlands, woodlands, remnant prairie and savannah habitat, groundwater, soils and atmospheric resources in the interests of overall ecosystem integrity;
b) integrate the city’s built environment with its natural features in a manner that respects, protects and enhances natural features and their ecological functions wherever possible;
c) recognize and protect Landscape Level Systems, Core Environmental Features, Locally Significant Natural Areas, Natural Features Linkages and Fish Habitat as key elements of the city’s natural heritage system;
d) protect flood and erosion prone areas in co-operation with the Grand River Conservation Authority (GRCA) and other agencies;

Where Core Environmental Features are identified (i.e. provincially or regionally significant), S.3.A.3 provides that: Development or site alteration will not be permitted within Core Environmental Features, except as provided for in ROP Section 7.C (requiring an EIS). Under S.3.A.4, Locally Significant Natural Areas (unmapped) an EIS would be required for development or site alteration. 3.A.5 speaks to encouraging natural features linkages (to support functional linkages, species movement along corridors, ecological integrity, etc.). S.3.A.6 prioritizes the protection, perseveration and restoration of vegetative cover. Urban Forestry. Watershed Management. Source Water Protection.

The lands are designated Countryside/Rural (S.8.9 COP), falling within the Environmental Sensitive Landscape (Map 9), such that Policies 3.A.2.2 to 3.A.2.13 supersede the policies in Section 8.9 to the extent of any conflict. E.g.
agricultural uses and associated normal farm practices are permitted; and Urban and recreative development beyond the boundaries of Blair Village as designated in this Plan are not permitted within the Blair-Bechtel-Cruickston ESL.

S.4 speaks to the protection of Cultural Heritage, including Archeological Heritage. Where the lands are designated as part of the Blair Heritage Conservation District, S.2.12, the vision calls for conservation and preservation of the significant heritage attributes.

Region of Waterloo Official Plan
The subject lands are designated as Rural Area / Protected Countryside as shown on Map 7 of the Regional Official Plan (ROP) and within the Blair-Bechtel-Cruickston Ecologically Sensitive Landscape area as shown on Map 4 of the ROP.


While the Overall Goal in Supporting the Countryside is to protect rural character while supporting rural development, the specific objectives include:
- Permanently protect ecological and groundwater recharge functions
- Support agriculture as a predominant use
- Conserve resources, providing for sustainable use by current and future generations
- Protect and enhance … natural linkages and rural landscape

Policy 6.B.3/4 refers to the expansion of the Rural Settlement Area, providing that expansion will not be permitted where lands are designated as Environmentally Sensitive Landscape.

Policy 6.E.9 refers to Severances for Woodlands/Conservation Lands, providing that: Conveyance of lands specifically for the purpose of conserving environmental features or elements of the Greenslands Network may be permitted only where such lands are both designated and zoned in the Area Municipal official plan and zoning by-law to prohibit any use not related to conservation, and are covered by a conservation easement granted in favour of the Region, Area Municipality or other conservation organizations acceptable to the Region. The creation of such lots will not be permitted where the configuration of the remnant parcels will create the potential for new non-farm lots.

Lastly, Policy 6.E.16, Minor Lot Boundary Adjustments, provides that a new lot will not be deemed to have been created where: consent to sever is given to
permit conformity with existing patterns of exclusive use and occupancy, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act.

‘B. S. 35 of the Constitution Act
The Crown’s Duty to Consult and Accommodate is triggered in our analysis of the strength of the case and the likelihood of impact to First Nations communities, claiming title and rights across the Haldimand Tract - SNGR v the Attorney General of Canada and Her Majesty the Queen in Right of Ontario 2005 (currently before the Courts and scheduled for hearing in May 2023).

In this case, the Duty to Consult would have been triggered in the sale of Crown lands. Furthermore, the duty for deep consultation arises from a test of S.35 of the Constitution Act. A Municipality does have a role in procedural aspects of the Crown’s Duty to Consult, conferred through the Planning Act and Supreme Court of Canada rulings on S.35 of the Constitution Act. Crucially, the fulfillment of this Duty may influence the principle of “proper and orderly development”, which must be satisfied to grant a severance. The fulfillment of the duty does touch on matters of Provincial Interest, and staff have received communication from Infrastructure Ontario confirming that a consultation with indigenous communities was undertaken prior to sale.

As such, staff recommended approval of the application subject to the recommended condition.

Township of North Dumfries:
Comments:
Section 2.177 of the Township Zoning By-law defines a recognized lot as:

2.177.1 which is the whole of a lot on a plan of subdivision which has been registered pursuant to the provisions of The Planning Act, R.S.O. 1990, as amended, and which has not been deemed not to be a registered plan of subdivision under the provisions of The Planning Act, R.S.O. 1990, as amended; or,

2.177.2 which comprises all the land described in a conveyance by way of a deed, transfer, mortgage, charge or agreement of sale and purchase to which consent has been given under the provisions of The Planning Act, R.S.O. 1990, as amended; or,
2.177.3 which might be legally conveyed by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under the provisions of The Planning Act, R.S.O. 1990, as amended, and which conforms to the minimum lot area and width for the zone within which the lot is located in accordance with the requirements of this By-law, provided however that no parcel or tract of land ceases to be a Recognized Lot by reason only of the fact that part or parts of it have been conveyed or acquired by the Township, the Regional Municipality of Waterloo, Her Majesty in Right of Ontario or Her Majesty in Right of Canada.

The proposed consent application creates a parcel that does not meet the minimum lot width requirements and therefore is not a recognized lot. The proposed application will create a land locked parcel within the Township of North Dumfries. The Township cannot support the creation of a land locked parcel within the Township.

**Condition:**

The Township will require the landowner to submit a consent application to the Township of North Dumfries to consolidate/merge the land locked parcel with the adjacent property as the adjacent property is in the same Ownership.

**Regional Municipality of Waterloo:**
**Regional Official Plan (Advisory Comments):**

The subject lands are designated as Rural Area / Protected Countryside as shown on Map 7 of the Regional Official Plan (ROP) and within the Blair-Betchtel-Cruickston Ecologically Sensitive Landscape area as shown on Map 4 of the ROP. The Protected Countryside designation is intended to permanently protect these valuable areas from urban development, while providing for the continued use of the lands for agriculture, environmental and other appropriate rural uses. The proposed lot adjustment is also immediately adjacent to Core Environmental Features comprising Provincially Significant Wetlands, Significant Woodlands and the Cruickston Park Environmentally Sensitive Policy Area (ESPA No. 38).

Regional Staff understand that the proposed minor lot boundary adjustments are intended to reflect an established pattern of use, and it is the understanding of staff that no changes to the use of the lands are anticipated as a result of this consent application. Given the subject property is not within a Rural Settlement Area, the application must conform to ROP Policy 6.E.16 which speaks to minor lot boundary adjustments in the Prime Agricultural / Rural Area designations.
Policy 6.E.16 specifies that “Notwithstanding the provisions of Policies 6.E.1 and 6.E.2, a new farm or new lot will not be deemed to have been created where consent to sever is given for the following purposes:”

a) ‘Minor adjustments to lots so to permit conformity with existing patterns of exclusive use and occupancy’; and

b) Minor adjustments to the boundaries of two adjoining non-farm lots recognized by the Area Municipal Zoning By-Law.’

These provisions apply as long as the adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership.

In this circumstance, the owner of 83 Langdon Drive, which abuts the subject property to the west, has historically utilized the lands to be severed (Severed Parcel #2 – 5.92 acres) as evidenced by an established post and wire fence on deposited reference plan (58R-20736) and historical air photos. Similarly, evidence suggests that the owner of 1 Langdon Drive, which abuts the subject property to the east, has historically utilized the lands to be severed (Severed Parcel #1 - 10.9 acres). As a result, since the purpose of the consents are to sell the severed and retained parcels to adjacent land owners, and since the proposed minor lot boundary adjustments are in conformity with the existing pattern of exclusive use and occupancy, Regional Staff acknowledge that the subject application conforms to ROP Policy 6.E.16.

In addition, Regional staff note that the creation of the retained lands results in a parcel without frontage on a municipal road, if these lands do not automatically merge on title with abutting parcels. Region staff recommend this parcel be consolidated to ensure frontage.

Provincial Growth Plan (Advisory Comments):

Regional Staff note that the subject lands are within the Natural Heritage System of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Staff recommend that consideration of the applicable Growth Plan policies, specifically Section 4.2.2.3, be considered to ensure conformity with the Growth Plan.

Archaeological Assessment (Advisory Comments):

As no development is proposed, an Archaeological Assessment is not required at this time. However, the applicant and recipient land owners should be made aware that if any development or site alteration (including grading for new trails, or habitat restoration such as the planting of trees) is contemplated in the future,
an Archaeological Assessment may be required at that time due to the proximity of a watercourse and Registered Archaeological Sites.

Summary:

Other than the Regional Consent Review Fee ($350.00 per consent application x 2 = $700.00), Regional staff do not have any ROP or Growth Plan conditions based on the understanding that no changes in the current land use are anticipated, and that the consent applications seek to recognize the existing pattern of use on the subject lands.

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

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

Grand River Conservation Authority
Recommendation
The GRCA has no objection to the approval of the above-noted consent applications.

Documents Reviewed by Staff
GRCA staff have reviewed the following documents submitted with these applications, received on August 15, 2022 from the City of Cambridge:

- Notice and Meeting Agenda (City of Cambridge)
- Application Breakdown (City of Cambridge)
- Severance/Consent Application Form (City of Cambridge, July 6 2022)
- Survey (Callon Dietz Incorporated, January 8 2020)

GRCA Comments
GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our MOU with the Region of Waterloo and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the lands to be severed contain Provincially Significant Orrs Lake Bechtel Creek Wetland, floodplain, slope valley, and the associated regulated allowance, as well as the regulated allowance to adjacent provincially significant Orrs Lake Bechtel Creek Wetland. The lands to be retained contain the regulated allowance to the provincially significant Barries Lake Bauman Creek Wetland Complex and allowance to the


Due to the presence of the above-noted features, 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. Any future development within the regulated area will require a permit from the GRCA pursuant to Ontario Regulation 150/06.

We understand that the purpose of these consent applications is for boundary adjustments with abutting parcels. Two new lots are proposed within the City of Cambridge and the retained lands are located in the Township of North Dumfries. The existing and proposed land use of the lands to be severed and lands to be retained is Open Space. No new buildings or structures are proposed. Based on the circulated application form, both the retained and severed parcels will be sold to neighbours and added to their existing lots. As such, GRCA has no objection to these applications for consent.

Consistent with GRCA’s 2022 approved fee schedule, these applications are considered minor consent applications and the applicant will be invoiced in the amount of $445 for the GRCA’s review of this application.
Infrastructure Ontario:
This email is to confirm that the province has fulfilled its obligations with respect to our Duty to Consult responsibilities and specifically as they relate to the disposition of the subject property, referencing project no. D1054586.

Infrastructure Ontario received confirmation on September 22, 2020 from the Ministry of Government and Consumer Services that Duty to Consult obligations were satisfied and subsequently, Infrastructure Ontario was given permission to proceed with the sale.

GrandBridge Energy:
No comments.

City of Cambridge Building Section:
No comments.

City of Cambridge Transportation Engineering Section:
No comments.

City of Cambridge Development Engineering Section:
No comments.

City of Cambridge Fire Department:
No comments received.

City of Cambridge Economic Development Section:
No comments.

City of Cambridge Heritage Planning Section:
No comments received.

City of Cambridge Environmental Planning Section:
No comments.
Application No.: B78/22 & B79/22
Date of Meeting: October 5th, 2022
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Aerial & Zoning

Subject Property: Within North Dumfries

Subject Property: OS1 Zoning
Application No.: A55/22  Meeting Date: October 05, 2022  Ward No.: 3

Property Owner: 2839890 Ontario Inc.

Applicant: Valerie Schmidt
GSP Group

Subject Property: PLAN 1374 PT LOT 52
1367 Industrial Rd

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

1) a landscape strip of 1.1 m fronting Bishop St whereas the by-law would require 3.0 m.

The minor variance will accommodate a road widening sought by the Region of Waterloo.

General Information:
Zoning By-law Provisions: M3
Official Plan Designation: BUSINESS INDUSTRIAL; NATURAL OPEN SPACE SYSTEM
Adjacent Zoning: M5, N1C4, C4
Adjacent Land Use: Industrial
Existing Use: Industrial
Proposed Use: Industrial

Recommendation:
City of Cambridge planning staff recommends approval of this minor variance application with the following conditions 4 (four).

1. Any future development on the subject property will require a permit from the GRCA pursuant to Ontario Regulation 150/06.
2. Any future development or alteration on the subject property must meet the Two-Zone Floodplain policies outlined in the City of Cambridge Official Plan in addition to applicable GRCA policies.

3. Please note that a GRCA permit or permit revision may be required for the future road widening within GRCA’s regulated area.

4. The applicant will be invoiced in the amount of $290 for the GRCA’s review of this application.

Staff Comments:

City of Cambridge Development Planning Section:
The subject land is located on Industrial Road north of Bishop Street N and west of Hespeler Road. The property is designated as Business Industrial in the City’s Official Plan and is zoned M3 in the City’s Zoning By-Law. The parcel is rectangular in shape and is approximately 40784.32 m².

The applicant is seeking to reduce the current requirement of a 3m landscape strip to 1.1m along Bishop Street as to accommodate a road widening sought by the Region of Waterloo.

Four Tests of a Minor Variance

Does the proposed minor variance 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 relates uses in order to provide employment lands and opportunities in the City. Staff believe the minor variance is appropriate on the subject lands and is sufficient to fulfill the intent and purposed of the Official Plan.

Does the proposed minor variance maintain the general intent and purpose of the City’s Zoning By-Law?
The purpose of the zoning by-law is to regulate land use; size, height, location and use of buildings and structures; and parking and loading spaces. The general intent is to establish functional locations of buildings and uses, such that private and public standards are maintained pertaining to characteristics such as: visual impact from street (scale, height, massing); sufficient standard of access, privacy, and separation between buildings; drainage, light, fire and vehicular safety.
With respect to visual impact from the street, the landscaping strip will have a smaller width but will still abide to the height requirement. Therefore, the plant material will form a visual screen no less than 1.5m in height. Staff are of the opinion that the general intent of the City’s Zoning By-Law is maintained.

**Is the proposal desirable for the appropriate development and use of the lands?**

The variance will accommodate the road widening as sought by the Region of Waterloo whilst maintaining the intent of the by-law and official plan. Accommodating and improving vehicular access is seen as appreciate and desirable.

**Is the proposal minor in nature?**

Based on the above analysis, planning staff are of the opinion that the reduced planting strip is consistent with the industrial land use anticipated by the by-law and expect no negative impact.

**Regional Municipality of Waterloo:**
No comment.

**GrandBridge Energy:**
No comments received.

**City of Cambridge Building Section:**
Planting strip for road widening only – no comment.

**City of Cambridge Transportation Engineering Section:**
No comment.

**City of Cambridge Development Engineer:**
No comment.

**City of Cambridge Fire Department:**
No comment.

**City of Cambridge Economic Development:**
No comment.

**City of Cambridge Environmental Planner:**
No comments received.

**Grand River Conservation Authority North:**
Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

**Recommendation**
The GRCA has no objections to the approval of this minor variance application by the City of Cambridge. Please note that a GRCA permit or permit revision may be required for the future road widening.

**Documents Reviewed by Staff**
GRCA staff have reviewed the following documents submitted with this application, received on September 19, 2022 from the City of Cambridge:

- Notice and Application Breakdown (City of Cambridge, 2022)
- Minor Variance Application Form (City of Cambridge, August 30 2022)
- Cover Letter (GSP Group, August 31 2022)
- Site Plan (GSP Group, May 24 2022, Revised August 16 2022)
- Survey (Van Harten Surveying Inc., August 30 2022)

GRCA previously provided comments and had no objection to Site Plan Application SP21/22 (comments dated August 17, 2022) and approved Permit 709-22 (September 20, 2022) regarding installing a dust collector and kiln and canopy additions on the subject property.

**GRCA Comments**
GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our MOU with the Region of Waterloo and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the entire subject property is within the floodplain of Groff Mill Creek. A copy of our resource mapping is attached.

Due to the presence of the floodplain, the entire subject property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development on the subject property will require a permit from the GRCA pursuant to Ontario Regulation 150/06.
Additionally, the subject property contains both Floodway and Two-Zone Fringe floodplain designations within the Two-Zone Floodplain policy area of the City of Cambridge Official Plan. Any future development or alteration on the subject property must meet the Two-Zone Floodplain policies outlined in the City of Cambridge Official Plan in addition to applicable GRCA policies.

The existing and proposed use of the subject property is industrial. We understand the applicant is seeking relief from the zoning by-law to permit a landscape strip of 1.1 metres fronting Bishop Street whereas 3.0 metres is required, and that this would accommodate a road widening sought by the Region of Waterloo.

Based on the circulated site plan, the road widening is within the Two-Zone Fringe portion of the subject property. We have no objection to this minor variance application. Please note that a GRCA permit or permit revision may be required for the future road widening within GRCA’s regulated area.

Consistent with GRCA’s 2022 approved fee schedule, this application is considered a ‘minor’ minor variance and the applicant will be invoiced in the amount of $290 for the GRCA’s review of this application.

Should you have any questions, please contact the undersigned at 519-621-2763 ext. 2233 or jbrum@grandriver.ca.
Bell Canada:
No comments received.
Aerial & Zoning

Subject Property: M3 zoning
1.1m landscape strip
Site Visit
Application No.: A56/22  Meeting Date: October 05, 2022    Ward No.: 8

Property Owner: 2728139 Ontario Inc.

Applicant: Brandon Flewelling

Subject Property: PLAN 1378 PT LT 15 RP;67R1713 PART 13
1100 Franklin Blvd

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

1. the sale of 5 used motor vehicles per service bay (a maximum of 60 vehicles) whereas the by-law permits a maximum of 2 per services bay for a total of 24 vehicles

The minor variance will facilitate expansion of automobile sales by the existing motor vehicle repair business.

General Information:
Zoning By-law Provisions: M3
Official Plan Designation: Business Industrial
Adjacent Zoning: M3
Adjacent Land Use: Industrial
Existing Use: Industrial
Proposed Use: Industrial
Recommendation:
City of Cambridge planning staff recommend refusal of this minor variance application.

Staff Comments

City of Cambridge Development Planning Section:
The subject property is located on the northwest corner of the Franklin Boulevard / Lindsay Road intersection, north of Can-Amera Parkway. The lands are designated Industrial in the City's Official Plan and zoned M3 Businesses Industrial in the Zoning By-law.

The property currently operates as a motor vehicle repair operation and no physical change to the site is proposed. The Zoning By-law permits used automobile sales at repair shops in industrial zones as an accessory use to the repair operation, provided no more than two vehicles per service bay are sold from the site. The applicant is seeking to increase the ratio of used car sales to five (5) per service bay. The application originally included a second variance to permit used car sales as an equivalent use to repair, however this has been withdrawn by the applicant after discussion with planning staff.

In support of the accessory nature of the operation, the applicant has stated that the service and repair element of the existing operation employs 8 staff members, while the sales business employs 2, that the service and repair shop repairs 3500-4000 vehicles in a typical year and that sale of 300-360 vehicles per year are anticipated.

The Zoning By-law treats dedicated motor vehicle sales businesses as a commercial retail land use. As such, staff consider that such a use in an industrial zone would fall outside the intent of the by-law nor would a variance permitting such be minor in nature. The by-law provides no metric for determining accessory nature of motor vehicle sales other than the ratio of bays to cars, but does define as accessory use as “use which is incidental, subordinate and exclusively devoted to the principal uses of the land”. Further, City of Cambridge Economic development staff have stated that they are concerned that the variance could produce a used car lot in an industrial zone and that this condition would reflect a minor alteration of the by-law’s provisions.

In terms of these considerations of scale, staff note that the existing single storey building occupies approximately 948 sq m while the space to park 60 vehicles would be equivalent to at least 797 sq m. Similarly, staff highlight that the increase from a ratio of 2:1 to 5:1 represent a 250% increase in the permissible sales volume. In this light staff note that while metrics provided by the applicant do support the accessory nature of the proposal there are similar metrics suggesting that the sales element is similar in scale to the repair function, and which call into question the minor nature of the proposed change to the by-law’s
ratio. Staff also consider that the general intention of the provision allowing used vehicle sales anticipates smaller scale operations than exist on the subject lands, and are concerned that this intent is compromised by further increasing the already significant volume of auto sales permitted by an operation with 12 repair bays.

Notwithstanding factor speaking to accessory and minor nature, staff observe that the Franklin Boulevard corridor is industrial in use and continues to be designated for employment lands. The City’s Official Plan directs that employment areas, inclusive of industrial areas such as the subject land, should encourage compact urban form, a high standard of urban design and a broad range of employment types. None of these are achieved by a used car lot.

From a strategic view, the introduction and expansion of retail uses to Franklin Boulevard is not seen as a desirable change to the area which is intended to remain industrial in nature. Preservation of employment lands and land uses is an explicit objective of the Official Plan and is not achieved by the introduction of commercial uses not serving the immediate needs of the employment area. While the variance could be seen as minor in nature, staff do not consider the intent of the application to be compatible with the official plan insofar as the increase in commercial use conflicts directly with the objectives of the employment area.

As such planning staff recommend refusal of the minor variance application as the variance would not represent a desirable or appropriate development of either the site in a specific sense or the larger Franklin Boulevard corridor. Additionally, commercial uses in industrial areas do not fall within the general intent and purpose of the official plan.

Regional Municipality of Waterloo:
No comment.

Grand River Conservation Authority
No comment.

GrandBridge Energy:
No comments received.

City of Cambridge Building Section:
A building permit is required if any interior renovations are proposed.

City of Cambridge Transportation Engineering Section:
All vehicles are to be parked in designated parking areas and not on the grass boulevards or within the corner daylight triangle.
City of Cambridge Development Engineering Section:
No comment.

City of Cambridge Fire Department:
No comment

City of Cambridge Economic Development:
A 56/22 1100 Franklin Boulevard – Special Interest Automobiles
Development Planning has noted that an application for minor variances has been submitted by the applicant to permit:

1. the sale of 5 used motor vehicles per service bay (a maximum of 60 vehicles) whereas the by-law permits a maximum of 2 per services bay for a total of 24 vehicles; and

2. the sale of used motor vehicles as an equivalent use to the repair of motor vehicles, whereas the by-law requires such sales to be accessory to motor vehicle repair.

The minor variances will facilitate expansion of automobile sales by the existing motor vehicle repair business.
Comments:
Economic Development has concerns regarding this variance request. The intent of the Zoning by-law is that any car sales occurring from automotive repair facilities are simply an accessory use. Section 3.4.1.3 c) notes:

“the sale of used motor vehicles is an accessory use to such motor vehicle repair shop or auto body repair shop.”

In addition, an accessory use is defined in the Zoning By-law as:

“a use which is incidental, subordinate and exclusively devoted to the principal uses of the land upon which, or of the building or structure within which the accessory use is located.”

The applicant’s proposal would essentially create another used car lot with over sixty vehicles in an industrially zoned area. Economic Development Staff is not supportive of such an expansion and does not consider the variance request as minor.

City of Cambridge Environmental Planner:
No Comment.

Grant River Conservation Authority:
No Comment.
Aerial & Zoning

Subject Property: M3 Zoning
Site Sketch
Site Visit
NOTE: This Site Plan is based on Aerial photography from the City of Cambridge. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.
Application No.: A57/22  Meeting Date: October 05, 2022  Ward No.: 3

Property Owner: Elev8 Properties Inc.

Applicant: Scott Patterson
Patterson Planning Consultants Inc.

Subject Property: PLAN 176 LOT 5 PT LOT 4 PT;LOT 6
531 Argyle St S

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

1. A side yard setback of 0.48 m whereas the by-law requires a minimum of 1.2 m;

2. An interior side yard setback of 0.9 m whereas the by-law requires a minimum of 1.2 m;

3. A rear yard setback of 6.5 m whereas the by-law requires a minimum of 7.5 m;

4. A gross floor area of 35.1 sq m, whereas the by-law requires a minimum of 75 m sq.

5. Parking spaces in front of the established building line whereas the by-law requires parking to be located behind the regulatory or established building line.

The minor variances will facilitate the conversion of the existing building to use as a single-detached dwelling.

General Information:
Zoning By-law Provisions: R5
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R5
Adjacent Land Use: Residential
Application No.: A57/22
Date of Meeting: October 05, 2022
Page 2 of 7
Existing Use: Residential
Proposed Use: Residential

**Recommendation:**
City of Cambridge planning staff recommend approval of this minor variance application subject to the following conditions:

1. That the variances shall apply only the portion of Lot 6 on Plan 176 illustrated in the site sketch provided to the Committee of Adjustment;
2. That no additional residential unit shall be permitted within the house.

**Staff Comments**

**City of Cambridge Development Planning Section:**
The subject property is located on the east side of Argyle Street S between Sherring and Vine streets. The lands are zoned R5 in the City's Zoning By-Law and designated Low/Medium Density Residential in the City’s Official Plan. The variances sought would permit the conversion of the existing garage to a single detached home, to be located on the remaining land after Lot 5 on Plan 176, containing the existing single detached home, is conveyed separately from the portions of Lots 4 and 6 currently forming part of the 531 Argyle St lands.

The creation of two “new” lots is possible as Lot 5 from Plan 176, dated 1911, is contained entirely within the lands currently held as 531 Argyle. Separate conveyance of this land results in neighboring parcels to the north and south of the existing home being parts of lot 4 and 6 respectively. This application speaks only to the variances required for construction of a home on the southerly lot. Staff have treated the resulting lot pattern as an existing condition, it’s establishment not requiring a consent or other municipal approval. Were such approval necessary, or variances for lot size and frontage required, the treatment of the application would be significantly altered.

The applicant initially included a 5th variance, seeking to permit parking in from the established building line. This request has been withdrawn by the applicant as it is not required under by-law 150-85, the applicable regulation reading “no parking lot, stall or aisle for a detached or semi-detached one-family dwelling or linear row housing unit in a residential zone shall be located in front of the regulatory building line or the established building line, whichever is less” (emphasis added). The parking proposed for the converted garage is located in front of the established building line but behind the regulatory line and therefore complies with the by-law.

Staff note that as no parking variance has been sought in relation to the existing home, a new access will be required to provide required parking for the existing dwelling.
Four Tests of a Minor Variance

Does the proposed minor variance maintain the general intent and purpose of the Official Plan?

The city of Cambridge Official Plan requires that infill and intensification in residential areas be minor in nature and compatible with the surrounding neighborhood character. While the plan notes that similar coverage and side yards to existing dwellings shall be a factor in assessing minor nature it also speaks to compatible built form, height, massing and scale. The use of the existing garage to facilitate the addition of a new unit is seen by staff as a broadly compatible built form. Staff note that were this structure assessed under the criteria for an accessory structure it would comply with all zoning specifications but for variance 1, which speaks to setback from the “new” lot line with Lot 5. The setback in this direction does comply with the 1 metre required between a primary and accessory building on the same lot.

The proposed addition of a new single detached dwelling will raise density on the site from approximately 12 units per hectare to 23, while the construction of an additional house on the part of Lot 4 north of the existing home (which has not been applied for) would result in 35 UPH. As the Low / Medium Density Residential designation permits up to 40 units per hectare staff believe that the proposed home falls within the intent and purpose of the Official Plan.

Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?

The zoning by-law generally seeks to permit single family homes in the R5 zone. As discussed above, the form and dimensions of the subject lot must be treated as an existing condition. In this light a structure compliant with minimum floor areas would likely create much larger, and trigger other deficiencies under the zoning by-law.

Noting that the floor area is deficient for a primary dwelling and that the "established" lot pattern still requires variances for the primary dwelling, staff do recommend that any approval be conditional on the home containing only a single, primary, dwelling unit.

The reduced rear yard is a result of an increased front yard setback, which also serves to provide required parking in the front yard while meeting all front yard setbacks. With a 6.5m rear yard the building separation and amenity space functions sought from rear yards are maintained. As such staff consider the proposed variances to be within the purpose of the zoning by-law.

Is the proposal desirable for the appropriate development and use of the lands?

The subject lands are designated for construction of single detached residential homes. The proposal is an attempt to provide such a home on a deficient lot.
while remaining sensitive to the neighborhood’s existing built form. While creation of a lot of the dimensions seen on the subject land would likely not be supported by staff under the criteria for a Consent application, treatment of the lot as an existing condition makes the proposed structure a desirable form of development. In terms of the building’s dimensions, the variances seek to allow the re-use of an existing garage structure, which staff see as a desirable approach to ensuring compatibility of the small lot with its surroundings.

**Is the proposal minor in nature?**
While the variances to permit a floor area of 35.1 sq m where the by-law applies a minimum of 75 sq m is numerically significant, staff believe that the proposal reflects an appropriate response to providing the anticipated form of development given lot conditions. With regard to the setbacks, staff note that the 0.9m to the abutting property is an existing condition, and one which is permitted in an accessory structure.

Staff note that while the R5 zoning does not permit additional residential units in accessory structures, and that a non-severance clause would apply to any such building the building does comply with all specifications set out for such construction where it is permitted and that it has no deficiencies in it’s present form as a garage.

Staff consider that the impact of the requested variances will be minimal, that the built form of the proposed structure is suitable to its environment and that the variances they are minor in nature given the constraints placed on any proposed development of the lot.

**Regional Municipality of Waterloo:**
No comment.

**Grand River Conservation Authority**
No comment.

**GrandBridge Energy:**
*No comments received.*

**City of Cambridge Building Section:**
A building permit is required for the proposed construction to convert the existing building to a residential use.

**City of Cambridge Transportation Engineering Section:**
A minimum distance of 6m is required, measured from the property line to accommodate a parked vehicle.
City of Cambridge Development Engineering Section:
No comment.

City of Cambridge Fire Department:
No comment

City of Cambridge Economic Development:
No comment.

City of Cambridge Environmental Planner:
No comment.

Aerial & Zoning

Subject Property:
R5 zoning
Site Sketch

Land subject to variance application
Site Visit
Application No.: A58/22  Meeting Date: October 05, 2022  Ward No.: 4

Property Owner:  Mulla Asif

Applicant:  Rodney Friesen
Fine Line Drafting & Design

Subject Property:  PLAN 1323 LOT 12
117 Moscrip Rd

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

1. an interior side yard setback of 0.5 m whereas the by-law requires a minimum of 1.2 m.

The minor variance will facilitate construction of an attached garage addition.

General Information:
Zoning By-law Provisions: R5
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: OS4
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
City of Cambridge planning staff recommend refusal of this minor variance application. Staff further recommend that any approval be subject to the following conditions:

1. That a grading plan and/or survey be prepared, to the satisfaction of City of Cambridge Development Engineering, which demonstrates that the proposed addition will not negatively impact any existing side yard drainage swale or lot drainage.
City of Cambridge Development Planning Section
The subject lands are located on the west side of Moscrip Road, north of Coulson Street and backing onto Gordon Chaplin Park. The lands are zoned R5 in the City’s Zoning By-law and designated Low/Medium Density Residential under the City of Cambridge Official Plan.

Four Tests of a Minor Variance

Does the proposed minor variance maintain the general intent and purpose of the Official Plan?
The Low / Medium density residential designation provides for a range of residential land uses including on-site parking. Staff are satisfied that the intention of the Official Plan is met.

Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?
The intent of the side yard setback requirement is to provide amenity space, privacy and separation between dwellings. The proposed addition will meet all other zoning by-law specifications. The area proposed for the garage addition is already in use as a driveway including required parking, however the proposed setback of 0.5m to a fully enclosed garage will prevent pedestrian access to the rear yard through the side yard.

Staff do not believe that the obstruction created by the proposed garage is within the purpose of the setback requirement of the zoning by-law.

Is the proposal desirable for the development and use of the lands?
The proposed minor variances are intended to facilitate construction of a side addition to the existing home creating an integral garage. Staff are of the opinion that the general intent to provide an enclosed garage is appropriate and desirable, but cannot support the full blockage of pedestrian access along the side of the house where alternate parking option exist.

As such, staff believe that the variance would have significant negative impact and that the proposed garage is not an appropriate or desirable development of the subject lands.

Is the proposal minor in nature?
The property will conform to all other provisions within the Zoning By-law. Staff are of the opinion that the requested variance is not minor in nature as it will have significant negative impact on the functionality of the site.

Regional Municipality of Waterloo:
No comment.

Grand River Conservation Authority
No comment.
GrandBridge Energy:
No comments received.

City of Cambridge Building Section:
A building permit is required for the proposed construction.

City of Cambridge Transportation Engineering Section:
- A reduced 0.7m side yard setback has been proposed for the addition.
- Consideration for drainage will be required to ensure no impacts on the subject property and the adjacent property.

City of Cambridge Development Engineering Section:
No comment.

City of Cambridge Fire Department:
No comment

City of Cambridge Economic Development:
No comment.

City of Cambridge Environmental Planner:
No comment.
Aerial & Zoning

Subject Property: RM5 zoning
0.5 m setback
Application No.: A59/22  Meeting Date: October 05, 2022  Ward No.: 1

Property Owner: 629877 Ontario Incorporated

Applicant: Barry Billings
ABYLON Engineering

Subject Property: PLAN 1375 PT LOT 37;RP67R3618 PARTS 1 & 2
580 Hespeler Rd

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

1. an interior side yard setback of 0.5 m to an accessory storage building whereas the by-law requires a minimum of 3 m.

The minor variance will facilitate legalization of an existing storage structure.

General Information:
Zoning By-law Provisions: C4
Official Plan Designation: HESPELER RD MIXED USE CORRIDOR; NATURAL OPEN SPACE SYSTEM
Adjacent Zoning: C4
Adjacent Land Use: Commercial
Existing Use: Commercial
Proposed Use: Commercial

Recommendation:
City of Cambridge planning staff recommend refusal of this minor variance application.
Staff Comments

City of Cambridge Development Planning Section:
The subject property is located on the west side of Hespeler Road, north of Langs Drive. The lands are zoned C4 Commercial by the City’s Zoning By-law and designated as the Hespeler Road Mixed Use Corridor and the Natural Open Space System.

The application seeks to facilitate the legalization of an accessory structure storage shed constructed without permit. The structure is located on the part of the subject lands designated as part of the Natural Open Space System.

The Natural Open Space System designation of the City of Cambridge’s official plan recognizes uses which were existing which were existing at the time of the plan’s establishment while restricting future use to a set of natural space related functions defined in Chapter 8.8.3. Expansion to existing use shall also require an Environmental Impact Statement.

The subject structure is also located within the floodway portion of the Groff Mill Creek floodplain. Development in such a floodway is restricted to uses outlined in policy 3.B.6.1.3. Considering that feasible alternative locations for an accessory storage structure exist on the site, no path to compliance with the Official Plan exists for the subject structure.

Staff consider the proposed variance to be in clear breach of the City of Cambridge Official Plan, and therefore recommend refusal of the application. Similarly, staff cannot consider placement of storage facilities within the floodway to be a desirable or appropriate form of development for the site.

Regional Municipality of Waterloo:
No comment.

Grand River Conservation Authority
Re: Minor Variance Application (A59/22)
580 Hespeler Road, City of Cambridge
629877 Ontario Inc. (c/o Abylon Engineering Services)

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation
The GRCA cannot support the submitted minor variance application given the storage building is located in the floodway portion of the Groff Mill Creek floodplain and does not meet both City of Cambridge and GRCA policies for development in a Two-Zone floodplain area. The GRCA would not recommend approval of this minor variance application by the City of Cambridge.
Alternatively, the owner should consider relocating the storage building outside of the floodway.

**Documents Reviewed by Staff**

GRCA staff have reviewed the following documents submitted with this application, received on September 19, 2022 from the City of Cambridge:

- Notice and Breakdown (City of Cambridge, 2022);
- Minor Variance Application Form (City of Cambridge, August 24 2022);
- Site Plan Drawings (Abylon Engineering Services, August 24 2022); and,
- Cover Letter (Abylon Engineering Services, August 30 2022).

**GRCA Comments**

GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our MOU with the Region of Waterloo and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property is located immediately adjacent to Groff Mill Creek and is located entirely within its Region Storm floodplain. A copy of our resource mapping is attached. Due to the presence of the floodplain, the entire subject property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any development/site alteration on the property will require a permit from the GRCA pursuant to Ontario Regulation 150/06.

Additionally, the subject property is located within the Groff Mill Creek Two-Zone Floodplain policy area, as designated within the City of Cambridge’s Official Plan. The subject property contains both a floodway and flood fringe area. Any future development or alteration on the subject property must meet the Two-Zone Floodplain policies outlined in the City of Cambridge’s Official Plan in addition to applicable GRCA policies.

It is our understanding that an accessory storage building was built by the owner in 2018 without a building permit from the City of Cambridge. It is our further understanding that the owner is now seeking relief from the Zoning By-law to permit an interior side yard setback of 0.5 m for this storage building, whereas minimum of 3 m is required. The purpose of the minor variance is to facilitate legalization of this storage building at its current location.

However, this storage building is located entirely within the floodway, which is not permitted by the Two-Zone Floodplain policies in the Official Plan. Specifically, the following floodplain policies apply:
3.B.6.1.3. Certain activities, including the construction of new public roads, or new structures necessary for conservation, public recreation, water supply, wastewater management, stormwater management, utility or agricultural purposes may be permitted, subject to the approval of the GRCA, within the floodplain in a One-Zone Policy Area or the floodway in a Two-Zone Policy Area.


3.B.6.1.11. Notwithstanding Policy 3.B.6.1.10, minor additions or alterations may be undertaken on buildings legally existing in the floodplain at the time of adoption of this Plan provided that:
   a) no new dwelling units are created;
   b) no new floor space (including basements) created within the floodplain is below the elevation of existing first floor space;
   c) such minor additions or alterations including mechanical and electrical services are generally floodproofed to the Regulatory Flood elevation. Under certain circumstances, reductions in the level of floodproofing may be permitted where deemed appropriate and feasible by the GRCA.

3.B.6.1.16. Development in the floodway shall be restricted to uses identified in Policy 3.B.6.1.3 and to minor additions or alterations to buildings existing as of the date of adoption of this Plan in accordance with the criteria outlined in Policy 3.B.6.1.11 a) to c) inclusive.

As per the above policies, the storage building would not have been permitted within the floodway.

According to a photograph submitted with this application, the building appears to contain a second storey loft space. It is unclear what this space is being used for, since no floor plans have been submitted with this application. In addition to the above policies, no residential uses would be permitted and the GRCA would not support residential uses at this location in the floodway. The owner should further clarify what this loft space is being used for and confirm it is for storage purposes and not residential.

In addition, the storage building would have also required a GRCA permit under Ontario Regulation 150/06 for development in the floodplain. The GRCA has no record of a permit being approved and/or issued for this structure. We would consider this structure to be in violation of Ontario Regulation 150/06. Further, GRCA Two-Zone policies would not support development in the floodway.
Specifically, the following GRCA Policies for the Administration of Ontario Regulation 150/06 would apply:

8.1.30 Development in the floodway of a Two-Zone Policy Area will not be permitted except in accordance with the policies in Sections 8.1.15 - 8.1.20 – Policies for One-Zone Policy Areas (stormwater management, public infrastructure, and recreational uses).

While no new development is supported in the floodway, a majority of the subject property is located in the flood fringe area, whereby new development may be permitted provided it meets City and GRCA policies. We would recommend that the owner consider moving the storage building further outside of the floodway and into the flood fringe portion on the subject property. This could be accomplished by locating the building further east or to another suitable location on the property that is outside of the floodway. The GRCA would then likely be in a position to support a future permit under Ontario Regulation 150/06.

Based on the foregoing, the GRCA cannot support the submitted minor variance application given the storage building is located in the floodway portion of the Groff Mill Creek floodplain and does not meet both City of Cambridge and GRCA policies for development in a Two-Zone floodplain area. The GRCA would not recommend approval of this minor variance application by the City of Cambridge. Alternatively, the owner should consider relocating the storage building outside of the floodway.

Consistent with GRCA’s 2022 approved fee schedule, this application is considered a ‘minor’ minor variance and the applicant will be invoiced in the amount of $290 for the GRCA’s review of this application.
GrandBridge Energy:
No comments received.

City of Cambridge Building Section:
A building permit is required for the proposed construction as it was constructed without a permit.

City of Cambridge Transportation Engineering Section:
No comment.

City of Cambridge Development Engineering Section:
No comment.

City of Cambridge Fire Department:
No comment

City of Cambridge Economic Development:
No comment.

City of Cambridge Environmental Planner:
No comment.
Aerial & Zoning

Subject Property: C4 zoning with S.4.1.4 reference

Subject Structure: Note offset property lines in aerial
Site Sketch
Site Visit
Application No.: A60/22  Meeting Date: October 05, 2022  Ward No.: 4

Property Owner:  Mcmullen David John

Applicant:  Gerard O'rourke

Subject Property:  PLAN 454 PT LOT 8 PT LOT 9
175 Lincoln Ave

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

1. an accessory structure with a total building height of 7.66 m whereas the by-law permits a maximum of 4.5 m.

2. an accessory structure with a second storey, whereas the by-law permits only a single storey.

The minor variances will facilitate construction of a detached garage with a peaked roof and second storey storage level.

General Information:
Zoning By-law Provisions: R5
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R5, RS1, N1R5
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
City of Cambridge planning staff recommend refusal of this minor variance application.
Staff Comments
City of Cambridge Development Planning Section
The subject lands are located on the east side of Lincoln Avenue, north of the intersection with McNaughton Street. The lands are zoned R5 residential and designated Low / Medium Density Residential in the City of Cambridge Official Plan. The variances will facilitate construction of a detached garage with a peaked roof and second level loft to be used for storage purposes.

Does the proposed minor variance maintain the general intent and purpose of the Official Plan?
The Low / Medium density residential designation provides for a range of residential land uses including accessory structure garages. Staff are satisfied that the intent of the Official Plan is met.

Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?
The zoning by-law seeks to limit the size and scale of accessory by-law by limiting them to a single storey and 4.5m in total building height. While noting the design qualities of the proposed structure to appear to fit with their surroundings, staff do not believe that the combination of a significant height increase and the creation of a specifically prohibited second storey deficiencies can be considered to fit within the intent of the by-law. Further, the proposed garage would appear to be of similar overall height to the existing house, while the by-law seeks to ensure that accessory structure remain secondary to the primary structure on a lot.

Is the proposal desirable for the development and use of the lands?
Staff are satisfied that the intent to provide a garage and storage space are appropriate and desirable for the lands, and that the building footprint is appropriate for such purposes.

Is the proposal minor in nature?
The proposed variances both speak directly to building height, while the existing primary dwelling on the site is a single storey house. Staff are not satisfied that the substantial increase in accessory structure height can be considered minor as it serves largely to accommodate a second storey which is itself explicitly prohibited by the by-law.

Regional Municipality of Waterloo:
No comment.

Grand River Conservation Authority
No comment.

GrandBridge Energy:
No comments received.
City of Cambridge Building Section:
A building permit is required for the proposed construction.

City of Cambridge Transportation Engineering Section:
No comment.

City of Cambridge Development Engineering Section:
No comment.

City of Cambridge Fire Department:
No comment.

City of Cambridge Economic Development:
No comment.

City of Cambridge Environmental Planner:
No comment.
Subject Property: R5 zoning
Site Sketch

7.66 m building height

Approximation of 4.5 m building height
Application No.: B92/22  Meeting Date: October 05, 2022  Ward No.: 6

Property Owner: Meyers Group 3 Incorporated

Applicant: Dave Aston
MHBC Planning

Subject Property:  CON 9 PT LOT 7 RP58R8853;PART 7 PLAN 1526 BLK 23 155-165 Greenbrier Rd

Proposal:
The applicant is seeking to sever the property for creation of a new lot in support of phased development in accordance with approved site plan application SP28/19.

The severance will facilitate construction of an 8 storey residential building with 107 units total, as per the above approved site plan application.

General Information:
Zoning By-law Provisions: RM3
Official Plan Designation: High Density Residential
Adjacent Zoning: OS1, R6, RM3
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Recommendation:
City of Cambridge planning staff recommend approval of the consent application subject to the following conditions:
1) That prior to final approval, the owner/applicant pay City of Cambridge 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, to the satisfaction of Realty Services, in determining the value of the severed land;

2) 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 the lot; Where services cross property lines easements and/or servicing agreements shall be registered on title;

3) The existing servicing easement across 155, 165 and 185 Greenbrier Road will need to be registered on the severed properties.

4) That a grading plan be prepared, to the satisfaction of City of Cambridge Development Engineering, detailing that the severed property do not drain across each (or alternatively a blanket drainage easement will be required);

5) That prior to final approval, the owner/applicant complete an Archaeological Assessment for the severed and retained parcels, and once reviewed and accepted, provide a copy of the Ministry of Tourism, Culture, and Sport Acknowledgement letter(s) and Assessment Report(s) to Regional Staff, to the satisfaction of the Region of Waterloo’s Planning, Development and Legislative Services Department;

6) That prior to final approval, the owner/applicant submit the consent review fee of $350.00 per consent application to the Region of Waterloo;

7) That the owner file with the City of Cambridge a complete submission consisting of all required clearances and final plans, and to advise in writing how each of the conditions have been satisfied. The owner acknowledges that, in the event that the final approval package does not include the complete information required for this file, such submission will be returned to the owner/applicant without detailed review by the City.
Staff Comments:

City of Cambridge Development Planning Section
The subject site is a 1.92-hectare site located at 155 Greenbrier Road, on the southeast corner of its intersection with Myers Road (Regional Road 43). The property is zoned RM3 (Medium High Density Residential) and designated for High Density Residential use in the City’s Official Plan. The applicant seeks to sever the land for creation of a new lot to enable staging of construction in regard to approved site plan SP28/19.

Region of Waterloo Official Plan (2015)
The subject property is designated as “Urban Designated Greenfield 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 and by contributing to the creation of complete communities in Urban and Township Designated Greenfield Areas.

Section 2.5 promotes anticipating and planning for growth in Urban and Township Designated Greenfield Areas and other areas within the Countryside Line as appropriate to ensure sufficient lands are available for future residential, employment and other needs.

Section 2.6 encourages the strengthening of the economic vitality of the region’s townships by directing most of their growth into the Township Urban Areas.

City of Cambridge Official Plan
The City of Cambridge Official Plan designates the subject property as ‘Residential’. This designation supports a full range of residential related uses in order to facilitate the creation of complete communities in the City. The proposed creation of a new lot conforms to the uses permitted within the ‘Residential’ designation. Staff is of the opinion that the creation of a new lot will not impact the surrounding land uses, and that the general intent of the City’s Official Plan is maintained.

City of Cambridge Zoning By-Law
The subject property is zoned RM3 (Medium High Density Residential). The proposed severed and retained portions of the subject property meet and exceed the minimum lot frontage requirements of 30 m (98.42 ft) within this zoning. No demolitions are proposed, and the existing land use will be continued.

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
Staff are of the opinion that severing the lands is appropriate in the context of the area and for the use of the land. The creation of an additional developable lot is seen as a positive development of the residential land in keeping with the intent of the zoning by-law, official plan and surrounding land use. As such, staff does 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.

Comments:

Grand River Conservation Authority South:
No comment.

GrandBridge Energy:
No comments received.

City of Cambridge Building Division:
The existing servicing easement across 155, 165 and 185 Greenbrier Road will need to be registered on the severed properties.

City of Cambridge Transportation Engineering:
No comment.

City of Cambridge Development Engineering:

City of Cambridge Fire Department:
No comment.

City of Cambridge Economic Development:
No comment.

Environmental Planning:
No comment.
Regional Municipality of Waterloo:
The owner/applicant is seeking consent to sever the property to support a phased development of two 8-storey residential apartment buildings, in accordance with site plan application SP28/19. Blanket easements for access and servicing are also proposed for the severed and retained parcels.

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

Archaeological Assessment:
A large portion of the subject property has the potential to recover archaeological resources due to the proximity of nearby Registered Archaeological Sites, proximity to a watercourse, and the location of the property along an historic road. As such, an Archaeological Assessment is required.

As per Regional Official Plan policy 3.G.9, the applicant is required to have a licensed Archaeologist complete an Archeological Assessment of the subject property (both the proposed severed and retained parcels). The applicant must submit the Archaeological Assessment report(s) to the Ministry of Tourism, Culture and Sport, and once reviewed and accepted, provide a copy of the Ministry’s Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo’s Planning, Development and Legislative Services Department.

The completed Archaeological Assessment(s) and Ministry Acknowledgement(s) will be required prior to final approval of the Consent Application. Please note that the completed archaeological assessment may result in recommendations that may need to be secured through a development agreement with the City of Cambridge, or other mechanisms acceptable to the Region.

Water Services (Advisory Comments):
Please be advised that no connection to the Regional watermain along Myers Road will be permitted in accordance with Section B.2.1.4.1 of the Design Guidelines and Supplemental Specifications for Municipal Services for January 2021.

Notice of Source Protection Plan Compliance (Section 59 Notice) – Advisory Comments:
The subject lands are located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo may apply. Per s.59 of the Clean Water Act, 2006, Regional Staff are in receipt of a valid Notice of Source Protection Plan Compliance for this consent application.
Regional staff has **no objection** to the application, subject to the following conditions:

1. That prior to final approval, the owner/applicant submit the Regional consent review fee of $350.00.
2. That prior to final approval, the owner/applicant complete an Archaeological Assessment for the severed and retained parcels, and once reviewed and accepted, provide a copy of the Ministry of Tourism, Culture, and Sport Acknowledgement letter(s) and Assessment Report(s) to Regional Staff, to the satisfaction of the Region of Waterloo’s Planning, Development and Legislative Services Department.
Application No.: B82/22
Date of Meeting: October 05, 2022
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Aerial & Zoning

Subject Property: RM3 zoning
Site Sketch
Site Visit
Application No.: B83/22, B84/22, B85/22, B86/22, B87/22

Meeting Date: October 5, 2022

Property Owner: Lowland Lawrence Street Holdings

Applicant: Evan Wittmann
GSP Group Inc.

Subject Property: PLAN 353 LOT 9 LOT 10 CLOSED; MARGARET ST PT RP 67R1397; PART 1 RP58R9913 PART 10 359 Lawrence St

Proposal:

The applicant is seeking to sever the property for the creation of five new residential lots as well as creation of an access easement. The severances will facilitate construction of a six-unit townhouse block.

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained</td>
<td>381</td>
</tr>
<tr>
<td>Severed A</td>
<td>200</td>
</tr>
<tr>
<td>Severed B</td>
<td>194</td>
</tr>
<tr>
<td>Severed C</td>
<td>187</td>
</tr>
<tr>
<td>Severed D</td>
<td>181</td>
</tr>
<tr>
<td>Severed E</td>
<td>336</td>
</tr>
</tbody>
</table>

General Information:

Zoning By-law Provisions: C2(O)
Official Plan Designation: Commercial (Use Limited to Offices
Adjacent Zoning: R5, RM4
Adjacent Land Use: Residential
Existing Use: Commercial (office)
Proposed Use: Residential
Recommendation:
City of Cambridge planning staff recommend approval of these consent applications 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. That includes the access easement be registered on all severed properties;

2. That prior to final approval, an agreement between the owner/applicant and the City of Cambridge must be registered on title for both the retained and severed lands, to the satisfaction of the Region of Waterloo, that includes the requirement for the following noise mitigation and warning clause in all Offers of Purchase and Sale, lease/rental agreements and condominium declarations:

   a) “Purchasers/tenants are advised that due to the proximity of adjacent facilities, noise from these facilities may at times be audible.”
   b) “This dwelling has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”
   c) “Purchasers are advised that Canadian Pacific Railways Company (CPR), or their assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
   d) That prior to the issuance of any building permits, the City of Cambridge’s Building Inspector will certify that the noise attenuation
measures are incorporated in the building plans and upon completion of
construction, the City of Cambridge’s Building Inspector will certify that the
dwelling units have been constructed accordingly. 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, 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; Where services cross property lines
easements and/or servicing agreements shall be registered on title;

4. That a grading plan be prepared, to the satisfaction of City of Cambridge
Development Engineering, detailing that the severed properties do not
drain across each (or alternatively a blanket drainage easement will be
required);

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

6. That a demolition permit be acquired for the demolition of existing building,
and a building permit be acquired for the construction of proposed
development, through Buildings;

7. That prior to final approval, the owner/applicant submit the Regional
consent review fee of $350.00 per application;

8. That the owner file a complete submission consisting of all required
clearances and final plans, and to advise in writing how each of the
conditions have been satisfied. The owner acknowledges that, in the event
that the final approval package does not include the complete information
required for this file, such submission will be returned to the
owner/applicant without detailed review by the City; and

9. 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 April 13, 2024 after which time this consent will lapse.
Department & Agency Comments

City of Cambridge Development Planning Section:
The subject property is located on the corner of Lawrence Ave and Mildred St, just east of the intersection of Westminster Dr N where it intersects with transition between Margaret St and Lawrence St. The lands are zoned C2(O) for Commercial use, limited to professional and business offices. The lands are designated for low/medium density residential use in the City of Cambridge Official Plan. The property is situated on a city block comprised of R5 and RM4 zoning, accommodating a freehold townhouse/rowhouse development, as well as, single family detached homes of varying lot area, depth, and frontage.

The proposed severances would facilitate construction of a six-unit townhouse block fronting Lawrence St with a rear yard access off Mildred St. This will represent an appropriate intensification of use within the urbanized area, and creates a lot form consistent with both low/medium density residential use and town house-built form. The overall density of the proposal is supported by the City of Cambridge Official Plan and represents an appropriate transition. The site is located within the built-up area and will represent and efficient use of existing infrastructure.

In order to accommodate the proposed development, a zoning bylaw amendment is required to rezone the property from C(O) to RM4, which is currently underway (R10/21, initiated Dec 14, 2021).

Planning staff have considered the factors outlined in S.51(24) of the Planning Act and are satisfied that a plan subdivision is not necessary for the orderly development of the subject lands.

Regional Municipality of Waterloo:

Comments:
Any future development on the lands subject to the above-noted consent application(s) will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances. Please accept this letter as a request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.
Regional staff has no objection to the 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 consent application.

2. That prior to final approval, an agreement between the owner/applicant and the City of Cambridge, to the satisfaction of the Region of Waterloo, must be registered on title for the retained and severed lands that includes the requirement for the following noise mitigation and warning clauses in all Offers of Purchase and Sale, lease/rental agreements and condominium declarations on all dwellings:

   a) “Purchasers/tenants are advised that due to the proximity of adjacent facilities, noise from these facilities may at times be audible.”

   b) “This dwelling has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

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

   d) That prior to the issuance of any building permits, the City of Cambridge’s Building Inspector will certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Cambridge’s Building Inspector will certify that the dwelling units have been constructed accordingly.

Grand River Conservation Authority
No comment.
GrandBridge Energy:
No comments received.

City of Cambridge Building Section:
Comments: A building permit is required for the proposed townhouse construction.
Conditions: The proposed access easement is to be registered on all severed properties. A demolition permit is required for the demolition of the existing building.

City of Cambridge Transportation Engineering Section:
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 Development Engineering Section:

Comments:
• City Records indicate that the following municipal services are available on Lawrence Street adjacent to the subject site:
  o 300mm diameter watermain
  o 150mm diameter watermain
  o 600mm diameter storm sewer
• City Records indicate that the following municipal services are available on Mildred Street adjacent to the subject site:
  o 150mm diameter watermain
  o 300mm diameter storm sewer
• City records indicate that the following municipal service connections are present for the subject property at 359 Lawrence Street:
  o One 19mm diameter water service
  o One 250mm diameter storm service
• Separate municipal services (water and sanitary) will be required for each lot (completed by City forces at 100% Owner/Builder's cost).
• Verification of the location of municipal services for the existing lot is required.
• Redundant water services will need to be capped at the main (completed by City forces at 100% Owner/Builders cost).
• If reusing services, a servicing easement will be required if any severed property's servicing crosses the other severed property.
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.

The proposed development will be reviewed through an extensive site plan application process, which includes detailed stormwater management, grading and servicing design.

**City of Cambridge Fire Department:**
*No comments received.*

**City of Cambridge Economic Development Section:**
No comment.

**City of Cambridge Environmental Planning Section:**
No comment.

**Bell Canada:**
*No comments received.*

**Canadian Pacific Railway:**

**Comments:**
CP’s approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: http://www.proximityissues.ca/. Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

**Conditions:**
CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):
“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the
Application No.: B83-87/22
Date of Meeting: October 5, 2022
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use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

**Canadian National Railway:**
*No comments received.*
Aerial & Zoning
Severance Sketch