MEETING AGENDA
Hearing of the Committee of Adjustment
Cambridge City Hall
50 Dickson St, Cambridge, ON, N1R 8S1
Bowman Room
Wednesday, June 12, 2024
6:00pm

1. Committee Business
   • Chair Introduction
   • Land Acknowledgement
   • Adoption of Agenda
   • Declarations of Pecuniary Interest
   • Ontario Land Tribunal Update

2. New Applications

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Other business
Staff Initiated Change of Conditions: 10 Weaver, 84 East & 1431 Eleanor
Refund Request: 91 Southwood
OLT Update
Application No.: A56/24
Meeting Date: June 12, 2024
Ward No.: 1
Property Owner: Tiffany Ann Rowbotham and Andrew Miles Rowbotham
Applicant: Tiffany Ann Rowbotham and Andrew Miles Rowbotham
Subject Property: BEASLEYS OLD SURVEY PT LOT 5;RP 58R15413 PARTS 1 AND 2
Municipal Address: 79 Old Mill Road

General Information:
Zoning By-law Provisions: OS1, R1
Official Plan Designation: NATURAL OPEN SPACE SYSTEM; RURAL RESIDENTIAL
Adjacent Zoning: OS1, R1, N1
Adjacent Land Use: Open Space, Residential, Institutional
Existing Use: Residential
Proposed Use: Residential

Proposal:
Seeking relief from Zoning By-law 150-85 to permit:

1. An accessory structure with a maximum height of 5.95m, whereas the Zoning By-law permits a maximum of 4.5m;

2. An accessory structure to be distanced a maximum of 48m from the street, whereas the Zoning By-law requires a maximum of 45m from the street to the entrance of an ARU.

The variance will facilitate construction of a detached additional residential unit.

Staff Comments
City of Cambridge Development Planning Section:
The subject property is located on the south side of Old Mill Road, west of Meadowcreek Lane. It currently contains a heritage designated single-family detached dwelling and the applicant is seeking to construct a detached additional residential unit. All existing and proposed structures are to be served by private water and septic service. A heritage permit has been issued for the proposed works.
Staff are satisfied that the plans and drawings submitted indicate a structure more aesthetically in keeping with aesthetic nature of the property than one with a conforming height. Plan do not indicate a second storey or provision for such in the proposed building. As such, staff are satisfied that the height variance meets all four tests of a minor variance. Staff note the geographic proximity of a number of similar height variances on John Bricker Road; while the site is contextually unique, staff continue to take the general position peaked roofs without second storeys allowing accessory structures to better conform to established architectural patterns are a desirable form of development which uphold the intent of height restrictions so long as the general subordinacy of accessory structures to primary dwellings is maintained.

With regard to the variance for entry distance from street, staff highlight that the City of Cambridge Fire Department has provided comments indicating no concern. This requirement in the latest ARU by-law stems directly from a need to ensure appropriate fire access to units, and staff therefore have no concerns with varying this provision so long as the Fire Department is satisfied with the proposed arrangements. Staff further note that relocating the proposed structure to comply with the entry requirements would be likely to injure established trees on the site.

Staff recommend approval of the application subject to the following conditions:

1. That the accessory structure shall be constructed substantially in keeping with the plans submitted with the minor variance application; and

2. That no second storey or additional level is authorized.

Regional Municipality of Waterloo:
No comment.

Grand River Conservation Authority:
Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application requesting increased height and distance from the street to facilitate a proposed Additional Residential Unit (ARU).

Recommendation
The GRCA has no objection to the proposed minor variance application. GRCA Comments GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf
of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains valley slopes associated with Blair Creek and the regulated allowance adjacent to the valley slopes. Due to the presence of these features, a portion of the property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

The proposed minor variance application requests an increased height and distance from the street to facilitate the construction of an ARU. GRCA recently issued Permit #87-24 for the proposed ARU, and the plans circulated with this application are consistent with the plans approved under the GRCA permit noted above. As such, the GRCA has no objection to the approval of this minor variance application.

Consistent with GRCA’s approved fee schedule, this application is considered a ‘minor’ minor variance and the applicant will be invoiced in the amount of $300.00 for GRCA’s review of this application. Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

**GrandBridge Energy:**

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

- Mark Ryan

**City of Cambridge Transportation Engineering Section:**
No comments received.

**City of Cambridge Development Engineering Section:**
No comment.
City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

City of Cambridge Senior Heritage Planner:
RE: Heritage Permit Application, 79 Old Mill Road

APPROVAL LETTER:
Thank you for your Heritage Permit application to authorize the proposed construction of a new, detached residential unit at 79 Old Mill Road. The property is designated under Part V of the Ontario Heritage Act (“the Act”), under By-law No. 205-01 and located within the Blair Village Heritage Conservation District (HCD). Further to the Notice of Complete Application issued via email, please be advised that Heritage Permit HP-24-001 is hereby APPROVED, subject to conditions, for the following changes:

• To permit the construction of a new, detached additional residential unit (ARU) as per plans submitted and reviewed by the Municipal Heritage Advisory Committee and Council.

Council approval was received on April 30, 2024, through Report 24-058-CD (Item 8.1.4). The following recommendations and conditions were approved by Council:

THAT Report 24-058-CD: 79 Old Mill Road, Heritage Permit Application, Request to Erect a Permanent Structure within the Blair Village Heritage Conservation District be received;

AND FURTHER THAT Council approve the Heritage Permit application for 79 Old Mill Road as outlined in Report 24-058-CD, subject to the following conditions:
1) Following Council approval, that any minor changes to the plans and elevations shall be submitted to the satisfaction of the Chief Planner, prior to the commencement of any alterations; and

2) That the implementation of alterations, in accordance with this approval, shall be completed no later than two (2) years following Council approval. If the alterations are not completed by two (2) years following Council approval, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Cambridge.

The agenda for the Council meeting can be located at the following link: https://calendar.cambridge.ca/Council/Detail/2024-04-30-1830-Council-Meeting/5ce83d57-2043-4915-beda-b16200d588b6. Please consider this letter as approval only for alterations outlined in this letter, subject to the conditions outlined in Council’s approval. The issuance of this permit under the Ontario Heritage Act is not a waiver of any of the provisions of any other By-law of the City of Cambridge, any requirements of the Building Code Act, the Planning Act, or any other applicable legislation. If you have any questions, you can contact me anytime at: parsonsje@cambridge.ca.

City of Cambridge Fire Department:
I have reviewed the attached application and have no objection or concerns regarding the exceeding of the 45m distance.

-John Percy

Ministry of Transportation:
MTO has no requirement

-Jeremiah Johnston

Public Comments
No formal feedback (verbal or written) was received from the public prior to June 5th, 2024 when this recommendation was prepared

This feedback was considered in the preparation of this recommendation report. All written feedback received from the public is provided to the Committee up until the hearing and are available to the public upon request.
All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.

**Aerial & Zoning**
Site Sketch
ROOF PLAN
SCALE: 1/4" = 1'-0"
Application No.: B20/24
Meeting Date: June 12, 2024
Ward No.: 1
Property Owner: Canadian National Railway Company
Applicant: Andrea Paterson, Dentons Canada LLP
Subject Property: RAILWAY R/W HESPELER RD (HWY 24) TO WINSTON BLVD
Municipal Address: Queen Street W Unit 1

General Information:
Zoning By-law Provisions: M3, OS1
Official Plan Designation: BUSINESS INDUSTRIAL; HESPELER VILLAGE CORE AREA; LOW / MEDIUM DENSITY RESIDENTIAL; NATURAL OPEN SPACE SYSTEM
Adjacent Zoning: M3
Adjacent Land Use: Industrial
Existing Use: Industrial
Proposed Use: Industrial

Proposal:
Seeking consent to sever approximately 0.69 hectares of land from the existing CN Rail corridor located on the southeast side of Sheffield St. between Clemens Avenue and Guelph Avenue. The 0.69 hectares of land will be conveyed to the adjacent land at 25 Milling Road. No new development is proposed.

Staff Comments
City of Cambridge Development Planning Section:
The subject property is the Canadian National Railway Fergus Spur right of way, west of Guelph Avenue and north of the Speed River in Hespeler. The lands currently form part of the railway corridor, being on the south side of the single active track and were formerly the location of the Hespeler Grand Trunk Railway passenger station.

The Fergus spur is a railway corridor currently operating from Guelph to Cambridge roughly parallel to Highway 24. It is owned and operated by Canadian National Railway and has been identified as the preferred corridor for provision of GO Transit passenger rail service to Cambridge. The Regional Transportation Master Plan recommends that the corridor be protected for this purpose while
Cambridge's Transportation Master Plan emphasizes strong demand for such a service in terms of a rapid transit linkage from Cambridge to Guelph as well as the larger GO network.

The lands are located entirely within the floodway portion of the Hespeler two-zone floodplain, generally prohibiting development. The Region of Waterloo Official Plan defines development as “the creation of a lot, a change in land use or the construction of a building(s) or structure(s), requiring approval under the Planning Act”. While no construction is proposed City Staff believe that the proposal does constitute a change in use from a federally regulated transportation corridor to a permitted industrial use. As such the proposed consent does not wholly comply with floodplain policies, though barring further work staff have no specific concerns as to the transfer of vacant land in relation to the floodplain.

Section 3.B.6.1.1.5 of the City of Cambridge Official plan notes that where lots are to be created extending into floodway the zoning by-law must prohibit “the establishment of structures or outdoor storage” and that the need for community trails along the watercourse must be addressed. City of Cambridge Operation Staff have expressed interest in the provision of trails and park facilities in the general area of the subject property. As the change in use constitutes a form of development the project will be subject to the City of Cambridge Official Plan’s parkland dedication policy in Section 7.8. Cash in lieu will likely not be accepted given the location of the subject lands. Staff note that a Record of Site Conditions is a general requirement for the transfer of lands to the city.

The Region of Waterloo is currently developing a business case for a passenger rail service as a follow-up to the 2021 Cambridge to Union GO Rail Feasibility Study Phase 2 report which developed initial operational concepts for passenger service on the Fergus corridor.

Section 6.13 of Cambridge’s Official Plan speaks to the handling of railways, directing that

1. The City encourages and will work with the railways, appropriate agencies and affected parties to provide effective freight rail service in the Employment Corridor, Business Industrial and Industrial designations on Map 2 of this Plan. The extension of railway lines into or adjacent to a residential designation, as designated in this Plan, will be subject to an environmental assessment process, which will consider impacts, such as noise and vibrations, on the neighbouring areas.
2. The City encourages the provision and expansion of scheduled passenger rail service, including GO Transit service to Cambridge. The City may take actions required to encourage and implement the expansion of passenger rail service, including supporting facilities and services without amending this Plan.

Staff wish to further highlight Map 5 of the City of Cambridge Official Plan and Exhibit 5.16 from Moving Forward, the Region of Waterloo’s Transportation Master Plan. The site is located central to Hespeler Village, and has been explicitly identified as a potential GO station site. Planning staff are concerned that severance of the subject lands from the railway corridor at this time could impose significant barriers to the construction of a passenger railway station in Hespeler Village.

As such staff believe that granting Consent at this time would be premature while definitional work on a Fergus corridor GO service is being conducted. Further, the consent would be contrary to the public interest in compromising the future provision of higher order transit to Hespeler Village and clearly contravenes Section 6.13 of the City of Cambridge Official Plan. It also disregards flood
control regulations in a technical sense and has generally poor regard for conservation of natural resources and flood control per section 51(24) of the Planning Act. Staff recommend **refusal** of the consent application.

Should the Committee be inclined to approve the application, Staff would recommend **deferral** until such time as the applicant has reached agreement with the City regarding appropriate parkland dedication. Staff note that the interpretation of the project as constituting development despite the lack of construction works also requires that the Archaeological Assessment (Stage 1-2) requested by Heritage Planning will be required prior to final approval.

Should the Committee see fit to approve the application, Staff would recommend applying the following conditions:

1. That a draft reference plan showing the severed and retained lands be prepared by a qualified surveyor and submitted to the City for approval prior to being deposited at the Land Registry Office. The reference plan shall be deposited at a Land Registry Office and a copy shall be provided to the City;
2. That prior to final approval, the owner/applicant shall provide parkland dedicate of 2% of the severed land to the satisfaction of the City of Cambridge;
3. That prior to final approval the applicant submit an Archaeological Assessment (Stage 1-2), to the satisfaction of the City of Cambridge and the Region of Waterloo,
4. That the applicant verifies the location of any existing sanitary, storm and water services on the property to the satisfaction of the Building Division in order to confirm that no services will cross over any proposed property lines or are shared with any adjacent properties. Where services cross property lines easements and/or servicing agreements shall be registered on title.
5. That as a condition of approval, the Owner/Applicant submit an updated severance sketch, draft reference plan, and copy of easement agreements registered on title, all to the satisfaction of the Region of Waterloo; and
6. That prior to final approval, the owner/applicant complete and submit an Environmental Site Screening Questionnaire to the satisfaction of the Regional Municipality of Waterloo;
7. Prior to final approval, the owner/applicant shall complete a Record of Site Condition for the severed and retained lands and provide a copy of the
Record of Site Condition and Ministry Acknowledgement letter to the satisfaction of the Regional Municipality of Waterloo and the City of Cambridge; and That the above conditions must be fulfilled and the document for conveyance be presented with the required fee for signing on or before (lapsing date), after which time this consent will lapse;

8. That as a condition of approval, the Owner/Applicant submit a valid Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region;

9. That as a condition of approval, the Owner/Applicant submit the consent review fee of $350 in accordance with the Fees and Charges By-law 23-062, to the satisfaction of the Region;

10. That sections 50(3) or (5) of the Planning Act applies so that the severed lands will be merged in title with the abutting parcel and that the owner/applicant provide a draft transfer from a solicitor; and

11. That the above conditions must be fulfilled and the document for conveyance be presented with the required fee for signing on or before June 12, 2026 after which time this consent will lapse.

Regional Municipality of Waterloo:
The owner/applicant is seeking consent to sever approximately 0.69 hectares of land from the existing CN Rail corridor located on the southeast side of Sheffield St. between Clemens Avenue and Guelph Avenue. The 0.69 hectares of land will be conveyed to the adjacent land at 25 Milling Road. No new development is proposed.

Airport Zoning Regulations (Advisory)
The property is located outside of the current Airport Zoning Regulations, but is within the obstacle protection area of Runway 32 approaches and Runway 14 departures. The airport has no concerns as no development is proposed at this time. Note that the developer will need to submit a Land Use application to Nav Canada for any buildings or other objects installed on the property, and obtain a letter of no objection to the satisfaction of the Region.

Water and Wastewater Services
Considering the presence of a regional watermain at the southwest limit of the proposed severance, Regional staff request that an updated severance sketch and draft reference plan outlining the proposed severance and existing property boundaries be provided. We also request that the easement agreements on this site be provided.
Environmental Site Screening Questionnaire/ Record of Site Condition
The application circulated did not contain a completed copy of the Environmental Site Screening Questionnaire. The owner/applicant is required to submit a completed questionnaire as a condition of the consent application. Based on the Region’s Threats Inventory Database and the Guideline a Record of Site Condition is not currently required, however the completed Environmental Site Screening Questionnaire is also used in the determination of this requirement. Without this information Regional staff are not able to make a final determination whether a Record of Site Condition needs to be required and imposed as a condition of consent approval. As such, the Region recommends that the following conditions be imposed:

1. That prior to final approval, the owner/applicant complete and submit an Environmental Site Screening Questionnaire to the satisfaction of the Regional Municipality of Waterloo; and

2. If necessary and prior to final approval, the owner/applicant shall complete a Record of Site Condition for the severed and retained lands and provide a copy of the Record of Site Condition and Ministry Acknowledgement letter to the satisfaction of the Regional Municipality of Waterloo.

Source Water Protection Policy
The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPSA) (ROP Map 6a). A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act. A valid S.59 is required as a condition of consent application.

Regional Fee:
Regional Staff are not in receipt of the required consent review fee of $350.

In summary, Regional Staff has no objection to this application, subject to the following condition(s):
1. That as a condition of approval, the Owner/Applicant submit an updated severance sketch, draft reference plan, and copy of easement agreements registered on title, all to the satisfaction of the Region of Waterloo; and
2. That prior to final approval, the owner/applicant complete and submit an Environmental Site Screening Questionnaire to the satisfaction of the Regional Municipality of Waterloo; and

3. If necessary and prior to final approval, the owner/applicant shall complete a Record of Site Condition for the severed and retained lands and provide a copy of the Record of Site Condition and Ministry Acknowledgement letter to the satisfaction of the Regional Municipality of Waterloo; and

4. That as a condition of approval, the Owner/Applicant submit a valid Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region; and

5. That as a condition of approval, the Owner/Applicant submit the consent review fee of $350 in accordance with the Fees and Charges By-law 23-062, to the satisfaction of the Region.

**General Comments**

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the abovenoted Regional condition clearances. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

-Erica Ali

**Regional of Waterloo Transportation Services**

A proposed rail service connecting Cambridge to Union via the CN-owned Fergus Subdivision is currently being studied through an initial business case. The ongoing work is a continuation of previous efforts, the Cambridge to Union GO Rail Feasibility, where the Subjects Lands are identified to be within the study area and directly adjacent to the proposed alignment. The proposed alignment and other findings of the Cambridge to Union GO Rail Feasibility Study were endorsed by Regional Council in 2021 ([TES-TRP-21-08](#)). The current work, that will be going to Regional Council in the Fall 2024 for approval, has identified the need for further transportation planning studies.
In accordance with Policy 5.A.27 of the Regional Official Plan, the Region considers the proposed application to be premature until the final initial business case and other transportation planning studies are completed and as such objects to this application.

-Oriana Aguas

Grand River Conservation Authority:
Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application that proposes to sever approximately 0.69 hectares of the subject lands from the existing Canadian National Railways (CNR) rail corridor located on the southeast side of Sheffield Street between Clemens Avenue and Guelph Avenue. The 0.69 hectares of the severed lands will be conveyed as a lot addition to the adjacent property at 25 Milling Road. It is our further understanding that no new development is proposed currently on the severed parcel.

Recommendation
The GRCA would have no objection to the approval of this consent application by the City of Cambridge.

Documents Reviewed by Staff
Staff have reviewed the following document submitted with this application:

- Summary Report, Consent Application (B20/24), Sheffield Street, Cambridge (prepared by City of Cambridge and dated May 15, 2024);
- Cover Letter to City of Cambridge, Application for Consent for Lot Addition, Part of Lot 1, Compiled Plan 802, Sheffield Street, Cambridge (prepared by Denton Canada LLP and dated March 19, 2024); and,
- Severance Sketch, Sheffield Street, Cambridge (prepared by CNR. and dated January 9, 2024).

GRCA Comments
GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies.
Information currently available at this office indicates that the subject lands are located within the Regional Storm floodplain of the Speed River (refer to the enclosed map). Consequently, the subject lands are regulated by the GRCA in accordance with the Conservation Authorities Act, R.S.O. 1990, c. C.27, as amended and Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits Regulation).

In the GRCA’s area of jurisdiction, Section 28 of the Conservation Authorities Act prohibits the following activities, as specified under Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits), unless approved through issuance of a permit:

1.) Activities to straighten, change, divert or interfere in anyway with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.

2.) Development activities within:
   - hazardous lands including floodplain, steep slopes, or erosion hazards and within the 15-metre regulated area and in areas of unstable soils or bedrock,
   - wetlands and within the 30-metre regulated area from the wetland boundary,
   - river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse and within the 15-metre regulated area,
   - areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River system or to an inland lake and that may be affected by flooding, erosion, or dynamic beach hazards and within the inland 15-metre regulated area.

In addition, the subject lands are located within the Hespeler Two-Zone floodplain policy area, as identified in the City of Cambridge’s Official Plan. Two-zone floodplain policy areas include the floodway (the inner portion of the floodplain, where flood depths and velocities pose a potential threat to life and/or property) and the flood fringe (the outer portion of the floodplain where depths and velocities are less severe than in the floodway). As noted above, the subject lands are located in the floodway portion of the floodplain. No new development
activities would be permitted in the floodway portion of the floodplain on the subject lands.

According to the submitted cover letter with this consent application, the severed parcel from the subject lands is considered surplus lands to CNR’s operations and the intent of this consent application is to sever these lands as a lot addition to the adjacent private property at 25 Milling Road. While the application indicates no new development activity is proposed as a result of the approval of this consent application, the applicants are advised that any future development proposed on these lands would be subject to review and approval by the GRCA as per Ontario Regulation 41/24 and the applicable Hespeler Two-Zone floodplain policies in the City of Cambridge’s Official Plan. Given that there is no development proposed at this time, the GRCA has no concerns with the intent of this proposal.

Based on the foregoing, the GRCA would have no objection to the approval of this consent application by the City of Cambridge.

Consistent with GRCA’s 2024 approved fee schedule, the applicant will be invoiced in the amount of $465 for the GRCA’s review of this application. Our current fee schedule is available under the Planning & Development section on our website at www.grandriver.ca.

Should you have any questions, please contact the undersigned at 519-621-2763, ext. 2233 or via email at jbrum@grandriver.ca.
GrandBridge Energy:
No comments received.

City of Cambridge Building Section:
GIS indicates servicing through adjacent properties will be within severance area.

-Mark Ryan

City of Cambridge Transportation Engineering Section:
No comment

-Mohamed Judda

City of Cambridge Development Engineering Section:
No comment

-Adam Ripper
City of Cambridge Operations
The lands identified by the railway for potential severance in Hespeler area adjacent to Milling Road, may be of value from a parks perspective. The potential uses for consideration would be:

1) Skateboard Park (NOTE: there is an active search for a location in and around this area to put a new skateboard park as existing city land holdings are not sufficient).

2) Pickleball Courts

3) Walking path/corridor

There is also potential for public space in and around this area to tie-in some of the other existing urban public spaces (i.e. jacob’s landing) and the future Council direction to see Milling Road re-developed into more pedestrian focused urban area.

-Michael Hausser

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
Proposal
The applicant is proposing to sever approximately 1.71 acres of land from the existing CN Rail corridor within urban Hespeler. Comments Built Heritage and Cultural Heritage Landscapes The subject property is also located adjacent to a non-designated property listed on the City’s Heritage Register: 25 Milling Road. The subject property is a historic rail line bisecting Hespeler; formerly Great Western Railway, Goderich-Exeter Railway, and now CN Rail.

The subject property is located within the Hespeler Heritage Conservation District (HCD) Study Area, under evaluation for potential designation under Part V of the Ontario Heritage Act. Should the property be designated under Part V, new construction of any buildings or structures on the subject property may require a Heritage Permit under Section 42 of the Ontario Heritage Act. Alterations or new construction made within an HCD must conform to the planning and design guidelines within a relevant district plan.
Archaeology

The City of Cambridge is a municipal approval authority for archaeology, enabled by Section 4.13 of the City’s Official Plan, Section 3G of the Region of Waterloo Official Plan, Section 2(d) of the Planning Act, and Section 2.6.3 of the Provincial Policy Statement. A review of archaeological potential has identified that the property meets several of the Ministry of Citizenship and Multiculturalism’s criteria for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.
   • Speed River
2) In areas of pioneer Euro-Canadian settlement.
   • Located on Lot 10, Concession 3, within the former Township of Waterloo.
   • Area of settlement evidenced 1880 Map of Waterloo Township (Historical Atlas) and 1861 Tremaine Map of Waterloo County.
3) Along historic transportation routes.
   • Great Western Railway
4) Within 250 meters of a known archaeological site.
   • Euro-Canadian: AiHb-16 (Hespeler Hotel)

These criteria define the property as having archaeological potential. Accordingly, Section 2(d) of the Planning Act and Section 2.6.2 and Section 2.6.3 of the PPS apply. Area Municipalities are enabled to require an owner/applicant to submit an archaeological assessment conducted by a licensed archaeologist following the Standards and Guidelines, to the satisfaction of the Province, where archaeological resources and/or areas of archaeological potential have been identified.

Given that the property contains archaeological potential and given that the proposal is intended to result in the construction of a new single-detached dwelling on the severed lot, Heritage Planning staff require the submission of an Archaeological Assessment (Stage 1-2), to the satisfaction of the City of Cambridge and the Region of Waterloo, if development is proposed for the subject property. The assessment can be submitted as part of any future applications for this site under the Planning Act or as part of any other submissions to the City of Cambridge.
Ministry of Transportation:
MTO has no requirement

-Jeremiah Johnston

Public Comments
No formal feedback (verbal or written) was received from the public prior to June 5th, 2024 when this recommendation was prepared

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.

Aerial & Zoning

Subject Property: M3, OS1 Zoning
Site Sketch
Site Visit
Application No.: B22/24  
Meeting Date: June 12, 2024  
Ward No.: 2  
Property Owner: Elev8 Properties Inc.  
Applicant: Elev8 Properties Inc.  
Subject Property: PLAN 590 PT LOT 21 RP67R2025;PART 1  
Municipal Address: 430 River Road

General Information:  
Zoning By-law Provisions: RM4 with Site Specifications S.4.1.415  
Official Plan Designation: Low / Medium Density Residential  
Adjacent Zoning: R5, OS1, RM4, R2  
Adjacent Land Use: Residential  
Existing Use: Residential  
Proposed Use: Residential

Proposal:  
Seeking consent to sever 5252 sqm. of land from the rear of the existing residential lot at 430 River Road to be conveyed to the abutting residential property at 426 River Road.

The retained lot being 430 River Road will have a total lot area of 1125.9 sqm. with a lot frontage of 26.8m. The existing single family detached dwelling on the retained lot will remain.

Staff Comments  
City of Cambridge Development Planning Section:  
The applicant is seeking consent for a boundary adjustment between two residential lots fronting Laneway 210 off of River Road known municipally as 430 and 426 River Road.

No lot creation or construction works are proposed at this time. The applicant has provided documentation illustrating that the retained portion of 430 River Road fully accommodates the existing septic system and well. Staff have no concerns with the nature of the application, but advise that access permits will be required for construction of any new driveways connecting the properties to Laneway 210.

Should access to either lot be provided across the other it is strongly advised that easements be established, however Section 2.1.12 of the Zoning by-law
requiring such is not applicable, as Laneway 210 cannot be deemed a true Street Frontage due to its limited right of way width. In the strict definitions of the by-law both lots are legal non-conforming landlocked parcels without street frontage; as this condition will be unchanged no application has been required under Section 45(2).

Planning Staff recommend approval of the application subject to the following conditions:

1. That a draft reference plan showing the severed and retained lands be prepared by a qualified surveyor and submitted to the City for approval prior to being deposited at the Land Registry Office. The reference plan shall be deposited at a Land Registry Office and a copy shall be provided to the City;

2. That a grading plan be prepared, to the satisfaction of City of Cambridge Development Engineering.

3. That the applicant submits a spatial separation report to the satisfaction of the Building Division to verify that the requirements of the Ontario Building Code are met for the amount of unprotected opening area of the existing building (or window area for single family dwellings) permitted to face the new property line.

4. That as a condition of approval, the Owner/Applicant submit a valid Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region.

5. That sections 50(3) or (5) of the Planning Act applies so that the severed lands will be merged in title with the abutting parcel and that the owner/applicant provide a draft transfer from a solicitor; and

6. That the above conditions must be fulfilled and the document for conveyance be presented with the required fee for signing on or before June 12, 2026 after which time this consent will lapse.

Regional Municipality of Waterloo:
The owner/applicant is seeking consent to sever 5252 sqm. of land from the rear of the existing residential lot at 430 River Road to be conveyed to the abutting residential property at 426 River Road. The retained lot being 430 River Road will have a total lot area of 1125.9 sqm. with a lot frontage of 26.8m. The existing single family detached dwelling on the retained lot will remain.
Archaeological Assessment
Regional staff concur that this property has been assessed and cleared of all archaeological concerns with the Ministry and have no further commentary at this time.

Source Water Protection Policy
The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPSA) (ROP Map 6a). A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act. The S.59 Notice submitted by the applicant is not valid.

In summary, Regional Staff has no objection to this application, subject to the following condition(s):
1. That as a condition of approval, the Owner/Applicant submit a valid Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region.

-Erica Ali

Grand River Conservation Authority:
No comment.

-John Brum

GrandBridge Energy:
No comments received.

City of Cambridge Building Section:
That the applicant submits a spatial separation report to the satisfaction of the Building Division to verify that the requirements of the Ontario Building Code are met for the amount of unprotected opening area of the existing building (or window area for single family dwellings) permitted to face the new property line.

-Mark Ryan

City of Cambridge Transportation Engineering Section:
That the site plan agreement includes a clause noting that the owner/developer is responsible to obtain an Access Permit through Transportation Engineering prior to the removal of, alteration to or construction of any new accesses.
City of Cambridge Development Engineering Section:
- 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.
- Development Engineering also notes that the subject property is within the study area of the imminent Environmental Assessment studying road locations as identified in the River Road Secondary Plan.

-Adam Ripper

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

Public Comments
No formal feedback (verbal or written) was received from the public prior to June 5th, 2024 when this recommendation was prepared

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning

Subject Property: RM4 with S.4.1.415
Site Sketch

Conveyed Land
(to be added to 426 River Road)

Retained Lot

Subject Property:
430 River Road

Location of Existing Septic Bed
Site Visit
Application No.: A52/24
Meeting Date: June 12, 2024
Ward No.: 4
Property Owner: Ricard Carol Anne
Applicant: Ricard Carol Anne
Subject Property: PLAN 454 PT LOT 14 RP67R2535;PART 1
Municipal Address: 79 Oak Street

General Information:
Zoning By-law Provisions: R4
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4 R5
Adjacent Land Use: Residential
Existing Use: Residential
Proposed Use: Residential

Proposal:
Seeking relief from Zoning By-law 150-85 to permit:

1. An accessory structure with a maximum height of 5.49m (18’), whereas the Zoning By-law permits a maximum of 4.5m (14.76’).

2. An interior side yard setback of 1m, whereas the Zoning By-law requires a minimum of 1.2m.

3. A rear yard setback of 1m, whereas the Zoning By-law requires a minimum of 1.2m.

4. A maximum lot coverage of 23.1%, whereas the Zoning By-law permits a maximum of 10% for accessory structures.

The variance will facilitate construction of a detached additional residential unit.

Staff Comments
City of Cambridge Development Planning Section:
The subject property is a through lot spanning from Oak Street to Cumming Avenue east of the Cumming and Oak Street intersection. The site currently contains a single-family detached dwelling and a number of accessory structures, two of which are proposed to remain on the site.
Planning staff are broadly supportive of the concept of a detached ARU on the subject property, and have no particular objection to its location in the side yard proposed. Staff have, however, identified a number of issues requiring clarification in terms of the dimensions specified on Applicant’s submission and therefore seek deferral of the application.

Specifically, while the general relationship of the proposed ARU to the lot lines subject to setback variance appear accurate, the neighbouring property at 83 Oak Street has observed that their house is set back closer to 3 metres (10 feet) from the subject property than the 1.8 (6 ft) indicated on the drawing. Staff recognize this is likely a result of an estimation of the position of features not located on the subject property but have also noted inconsistencies in the noted lot coverage by proposed and existing accessory structures.

Above all, the applicant has identified the proposed ARU as having a “ground floor area” of 182.88 sq m, however measurements taken from the sketch provided suggest that the coverage of the structure would be closer to 50 square metres, rendering the request for accessory structure coverage of over 22% of lot area excessive. While staff generally feel that the coverage of between 11% and 12% is of very little concern given the limited lot coverage of the primary dwelling, and noting that even the 23.1% sough would be below the general cumulative lot coverage cap of 50% staff are not comfortable supporting so numerically in excess of the specifications required for the proposed construction.

Staff therefore request deferral of the application until a plan of survey is provided confirming the proposed setbacks, lot coverage and position of fences in relation to lot lines. Variance #4 should be reduced to the percentage of lot coverage actually required for the proposed construction. Staff note that Plan of Survey 67R-2535, deposited with the Land Registry and dated 3 June, 1986 provides some of the required elements. Should an approval be granted at this time Staff would suggest that a partial approval of variance #4 at 13% would appear to provide sufficient room for drawing errors while permitting a structure of the nature proposed.
Figure 1 Approximation of lot coverage measurements.

Staff have further concerns with regard to desirability of the proposed 0.2m setback reductions. While such a reduction is undoubtedly minor in nature, the apparent purpose of the variance is to preserve a building separation between the proposed ARU and primary dwelling which is well in excess of the 1 metre requirement of the zoning by-law. An ARU of the dimensions proposed would appear to easily fit within the subject side yard while complying with the zoning by-laws 1.2m setback requirement. While the negative impact is considered
relatively small staff cannot consider is appropriate or desirable to impose any impact on neighbouring properties for the purpose of reducing the impact of a proposal on the subject property. While reserving a final recommendation with regard to variances #2 or #3 until the plan of survey requested above is provided staff preliminarily recommend that any approval without such a plan include refusal of these two variances related to setback.

With regard to building height, Staff take the view that the primary purpose of the requested height is to permit the provision of an architecturally desirable pitched roof which will be a better aesthetic fit for the community than a more compliant flat or minimally pitched roof structure of the same dimensions. Noting that the proposal does have something of the appearance of a 1 1/2 storey building, particularly in consideration of a window indicated at the level a second storey could be placed at, staff note that no second storey is permitted or requested. Staff recommend that this be reiterated as a condition of any approval. Staff have no concerns with regard to the intent of the by-law so long as no actual second storey exists, the purely architectural window high on the building not creating any form of overlook, privacy or intensity of use issue.

Staff observe that one of the two accessory structures located on the subject property is listed as a “bunkie”. While staff have no issues with the placement or location of the structure, staff note that “human habitation” is not permitted within accessory structures except for addition residential units. A “bunkie” providing sleeping quarters is not permitted on a residential property as of right, and could not be supported as a minor variance considering that such a use is in clear breach of the intent of the accessory structure provision prohibiting human habitation and the ARU by-law’s general purpose of enabling residential units in accordance with Section 35.1 of the Planning Act.

A dashed line exists on the drawing submitted which appears to extend the existing driveway from Oak Street beside the existing garage to a connection with Cumming Avenue. Cumming Avenue is a public street, making the subject property a through lot. As such, a vehicular access to Cumming Avenue is subject to regulation as an access driveway. Residential lots are not generally permitted multiple access points, and no variance has been sought to permit such. While a second access might be justifiable in the case of a through lot with a rear garage, a through connection providing a vehicular path across the property could not be supported. As such as a condition noting this prohibition is recommended on any approval.
City of Cambridge Planning Staff recommend deferral of the application until the applicant has provided a plan of survey prepared by an Ontario Land Surveyor noting lot area, lot lines and the footprint and total coverage of all existing structures intended to remain on the subject property.

Should the Committee see fit to approve the application staff would recommend refusal of variances #2 and #3 and partial approval of variance #4, permitting no more than the 14% total lot coverage of accessory structure coverage required for the proposed structure. Staff would further recommend that any approval include the following conditions:

1. That no building permit shall be issued until a plan of survey prepared by an Ontario Land Surveyor and which notes lot lines, building footprints, lot total coverage of all existing structures intended to remain on the subject property and position of fences is provided to Planning Staff;
2. That the applicant submits a spatial separation report to the satisfaction of the Building Division to verify that the requirements of the Ontario Building Code are met for the amount of unprotected opening area of the existing building (or window area for single family dwellings) permitted to face the new property line;
3. That the proposed accessory structure shall be constructed substantially in keeping with the drawings submitted to the Committee of Adjustment;
4. That total lot coverage inclusive of primary dwelling and accessory structure(s) shall in no case exceed 50%;
5. That only a single access driveway is permitted without approval from the Committee of Adjustment, and that no through drive connecting Oak Street to Cumming Avenue is permitted;
6. That sleeping accommodations are not permitted in an accessory structure other than an Additional Residential Unit, and that any sleeping accommodations be removed from the accessory structure marked as a “bunkie” on the sketch provided; and
7. That no second storey is permitted in the proposed Additional Residential Unit.

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.

-Mark Ryan

City of Cambridge Transportation Engineering Section:
No comment.

-Mohamed Juuda

City of Cambridge Development Engineering Section:
No comment.

-Adam Ripper

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

Public Comments
The following is a brief summary of feedback (verbal and written) received from the public prior to finalizing this recommendation report:

- Comments from 83 Oak Street raising concerns as to the accuracy of drawings, questioning the details of the application as well as the minor nature, desirability and conformity with the intent of the by-law. Commenter seeks deferral of the file until clarifications are made.

This feedback was considered in the preparation of this recommendation report. All written feedback received from the public is provided to the Committee up until the hearing, and are available to the public upon request.
All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.

**Aerial & Zoning**

Subject Property: R4 Zone
Site Sketch
Site Visit
Application No.: A53/24  
Meeting Date: June 12, 2024  
Ward No.: 5  
Property Owner: Jesse Whitfield Cooper and Christa Lynn Inglis Legate  
Applicant: Jesse Whitfield Cooper and Christa Lynn Inglis Legate  
Subject Property: PLAN 161 LOT 4  
Municipal Address: 40 Wentworth Avenue

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

Proposal:  
Seeking to alter an existing legal non-conforming accessory structure which is located closer to the property line than permitted in the Zoning Bylaw. The alteration will facilitate construction of a new additional residential unit on the second floor and the existing garage on the main floor will remain.

Staff Comments  
City of Cambridge Development Planning Section:  
The subject property is located on the north side of Wentworth Avenue east of Lansdowne Road North and is flanked to the west and north by Laneway 166. The site contains a heritage designated single-family detached dwelling as well as a two storey legal non-conforming coach house at the rear (with deficient setbacks and excess height per the zoning by-laws regulations for accessory structures). Heritage Planning Staff have indicated that the interior of the subject structure is not considered designated and that as such no heritage permit will be required.

The applicant proposes to add an additional residential unit to the upper storey of an existing legal non-conforming two storey coach house / garage accessory structure. Staff are satisfied that this modification to the legal non-conforming structure constitutes both good planning and a use similar to that which was in place when the by-law was passed. The introduction of an additional residential
unit is a permitted and desirable use of a residential site and to represent an appropriate re-use of a historic structure associated with the historic residential use of the site.

Staff note that the some negative impact on abutting properties could be foreseen in terms of privacy and overlook given the position of the new unit on a second storey and with virtually no setback, but have heard no concerns from the affected properties as of May 31st, 2024. Considering that the two storey accessory structure is long established and exists on a heritage designated lot, Staff cannot consider any such negative impact to be excessive.

Staff therefore recommend **approval** of the application subject to the following condition:

1. That the accessory structure be altered substantially in keeping with the drawings submitted to the Committee of Adjustment.

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

**Grand River Conservation Authority:**
No comment.

- John Brum

**GrandBridge Energy:**

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

- Mark Ryan

**City of Cambridge Transportation Engineering Section:**
No comments received.

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

- Alex Nichols
City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Senior Heritage Planner
No comment.

-Laura Waldie

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

Public Comments
No formal feedback (verbal or written) was received from the public prior to June 5th, 2024 when this recommendation was prepared

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning

Subject Property: R4 Zoning
Site Sketch
Site Visit
Application No.: A54/24
Meeting Date: June 12, 2024
Ward No.: 3
Property Owner: Saint Lukes Place
Applicant: MHBC Plan
Subject Property: PLAN 912 PT LOT 16 RP67R797 PARTS 1 2 3 7 & 8
Municipal Address: 1598-1624 Franklin Blvd

General Information:
Zoning By-law Provisions: N2RM3
Official Plan Designation: LOW / MEDIUM DENSITY RESIDENTIAL; NATURAL OPEN SPACE SYSTEM
Adjacent Zoning: N1, OS1, R4, OS4
Adjacent Land Use: Institutional, Open Space, Residential
Existing Use: Institutional
Proposed Use: Institutional

Proposal:
Seeking relief from Zoning By-law 150-85 to permit:

1. A maximum of 194 total parking spaces where 216 total spaces are required for a 192-bed long term care/nursing home and 160 unit retirement home. The Zoning By-laws’ required rates of parking stalls is 4 spaces plus 1 space per bedroom for retirement homes and 4 spaces plus 0.25 spaces per bed for nursing homes. The requested deficiency is for a total of 22 stalls.

The variance will facilitate construction of a 7-storey addition to the existing retirement home on the eastern wing of the property.

Staff Comments
City of Cambridge Development Planning Section:
The subject property is located on the west side of Franklin Boulevard in Hespeler, north of Winston Boulevard and south of Johnston avenue. It is currently occupied by a combined special care / long term care facility and independent living facility. The facility is proposed to undergo and expansion, adding a total of 132 apartments and care facility 132 beds and will require the parking variance identified.
Planning Staff are in receipt of the applicants cover letter and a parking study prepared by Paradigm Transportation Solutions. Staff make particular note that the proposed total of 194 stall across the two uses meets and exceeds the parking levels recommended for implementation in the 2019 draft of a new comprehensive zoning by-law. Transportation Staff have made no comment on the file.

The proposed TDM measures are summarized as:

- The subject development provide a minimum of 30 bicycle parking spaces including 15 long-term spaces and 15 short-term spaces along with showers and lockers for employees;
- Parking spaces are to be unbundled to support tenants who do not own a vehicle;
- Supply and designate convenient carpool spaces;
- Transit and active transportation information is to be provided in a welcome package and information is posted in a central location visible to employees, tenants and visitors; and
- Subsidize transit passes to all employees and tenants requiring minimal to no accommodations of the development for a minimum of two years.

Paradigm’s report recommends a rate of 0.7 spaces per retirement unit and 0.35 spaces per long term care beds with the implementation of Transportation Demand Management measures resulting in a total requirement of 180 spaces. Planning Staff are confident that the proposed rate exceeds the expected level of parking demand on the site and that the purpose and intent of the zoning by-law in setting parking minimums is met. The provision of a TDM plan is considered to fulfill the Official Plan’s framework for parking while the reduction of parking is seen as an overall desirable feature of development where no negative impact is anticipated.

City of Cambridge Planning Staff recommend **approval** subject to the following conditions:

1. The site shall contain a minimum of 30 bicycle parking spaces. At least 15 of these spaces shall be covered or enclosed;
2. The site contain a minimum of 2 parking stalls reserved exclusively for employee carpool use;
3. Parking stalls shall be sold and/or rented separately from all future residential unit purchases and rentals on the subject property;

Regional Municipality of Waterloo:
No comment.

Grand River Conservation Authority:
No comment.

- John Brum

GrandBridge Energy:
No comments received.

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

- Mark Ryan

City of Cambridge Transportation Engineering Section:
No comment

- Mohamed Juuda

City of Cambridge Development Engineering Section:
No comment.

- Adam Ripper

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

- Kathy Padgett
Public Comments
No formal feedback (verbal or written) was received from the public prior to June 5th, 2024 when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.

Aerial & Zoning
Site Sketch
Application No.: A55/24
Meeting Date: June 12, 2024
Ward No.: 7
Property Owner: Will-O Homes (C S ) Inc.
Applicant: Will-O Homes (C S ) Inc.
Subject Property: NORTH DUMFRIES CON 10 PT LOT 4 AND RP 67R1612
   PARTS 1 TO 3 IRREG 1.80AC 233.81FR D
Municipal Address: 800 Myers Road

General Information:
Zoning By-law Provisions: RM3 with Site Specifications S.4.1.388
Official Plan Designation: LOW / MEDIUM DENSITY RESIDENTIAL
Adjacent Zoning: R4, N1R4, OS1, R4
Adjacent Land Use: Institutional, Residential
Existing Use: Residential
Proposed Use: Residential

Proposal:
Seeking relief from Zoning By-law 150-85 to permit:

1. A minimum rear yard setback of 2.11m from a deck, whereas the Zoning
   By-law requires that open, unenclosed decks that is higher than 3m
   maintain the required rear yard setback of the zone, which is 3m in this
   case.

The variance will facilitate the construction of 4m-high decks in Blocks 1 to 4 of
the approved site plan SP30/20.

Staff Comments
City of Cambridge Development Planning Section:
The subject property is located at the eastern end of Myers Road and is a corner
lot also fronting Branchton Road, being just south of Dundas Street South. The
site is currently being developed with 36 zoning compliant and site plan approved
fourplex (semi-detached duplex) units. A minor variance is now being sought to
permit construction of rear decks directly off the rear of the dwelling, without a
step down.

Planning Staff consider that the primary purpose of the 3 m height cap on decks
projecting into required yards is to prevent overlook and privacy issues stemming
from elevated structures. On this site the proposed height is a result of site grading conditions and is in the direction of institutionally zoned lands occupied by the Moffat Creek Public School. There is significant and well established vegetative screening between the subject property and the school. Tree protection is in place, and most trees are on the school property. Staff anticipate no negative impact and are satisfied that the intent of the deck height regulation is met.

The site has been subject to a number of approvals leading to the current development, including Official Plan Amendment #44. Staff consider the current application to be a minor change to a form of development specifically anticipated in preparation of the applicable Official Plan regulations.

The provision of adequate and functional outdoor amenity space is clearly desirable for a new residential development. As such staff are satisfied that the test of a minor variance are met and recommend approval of the application subject to the following condition:

1. That the minor variance shall apply to the highlighted yards of the 4 buildings identified on the site sketch submitted to the Committee of Adjustment and included in this report.

Regional Municipality of Waterloo:
No comment.
Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application that is seeking relief from the minimum rear yard setback requirements under the zoning by-law to allow for the construction of unenclosed decks behind the proposed townhouse dwelling units on Blocks 1 to 4 on the subject property.

**Recommendation**

The GRCA would have no objection to the approval of this minor variance by the City of Cambridge.

**Documents Reviewed by Staff**

Staff have reviewed the following document submitted with this application:

- Summary Report, Minor Variance Application (A5/24), 800 Myers Road, Cambridge (prepared by City of Cambridge and dated May 15, 2024);
Cover Letter to City of Cambridge, Minor Variance Application, 800 Myers Road, Cambridge (prepared by GSP Group Inc. and dated May 8, 2024); and,

Minor Variance Sketch, 800 Myers Road, Cambridge (prepared by GSP Group Inc. and dated May 8, 2024).

**GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property is located within the regulated area adjacent to the Provincially Significant Moffat Creek Swamp Wetland Complex (refer to the enclosed map). Consequently, a small portion of the subject property is regulated by the GRCA in accordance with the Conservation Authorities Act, R.S.O. 1990, c. C.27, as amended and Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits Regulation).

In the GRCA’s area of jurisdiction, Section 28 of the Conservation Authorities Act prohibits the following activities, as specified under Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits), unless approved through issuance of a permit:

1.) Activities to straighten, change, divert or interfere in anyway with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.

2.) Development activities within:

   - hazardous lands including floodplain, steep slopes, or erosion hazards and within the 15-metre regulated area and in areas of unstable soils or bedrock,
   - wetlands and within the 30-metre regulated area from the wetland boundary,
• river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse and within the 15-metre regulated area,

• areas that are adjacent or close to the shoreline of the Great Lakes- St. Lawrence River system or to an inland lake and that may be affected by flooding, erosion, or dynamic beach hazards and within the inland 15-metre regulated area.

The GRCA had been involved in the review of the applicant’s previous site plan application SP30/20 and indicated no further objections to site plan approval on April 12, 2021. In addition, the GRCA approved Permit #682/20 to construct 9 townhouse blocks and install a stormwater management outlet on April 20, 2021, under the GRCA’s previous regulation (Ontario Regulation 150/06). Ontario Regulation 150/06 was replaced with Ontario Regulation 41/24 on April 1, 2024. As a result, one of the changes to the current regulation is a reduction of the regulated areas surrounding all wetlands has been reduced to 30 metres.

With regards to the submitted minor variance application, we have no concerns with the intent of this proposal since we have noted no changes to the site plan drawing and the extent of the proposed works on the subject property.

Based on the foregoing, the GRCA would have no objection to the approval of this minor variance by the City of Cambridge.

Consistent with GRCA’s 2024 approved fee schedule, the applicant will be invoiced in the amount of $300 for the GRCA’s review of this application. Our current fee schedule is available under the Planning & Development section on our website at www.grandriver.ca.

Should you have any questions, please contact the undersigned at 519-621-2763, ext. 2233 or via email at jbrum@grandriver.ca.

- John Brum

**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.

-Mohamed Juuda

City of Cambridge Development Engineering Section:
No comment

-Adam Ripper

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

Ministry of Transportation:
MTO has no requirement.

-Jeremiah Johnston

Public Comments
No formal feedback (verbal or written) was received from the public prior to June 5th, 2024 when this recommendation was prepared

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Subject Property: RM3 with S.4.1.388
Site Sketch
Site Visit