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|  | <div><h1>COMMITTEE OF ADJUSTMENT<br/>APPLICATION FOR CONSENT</h1><p>(Section 53 of the Planning Act)</p><p>Development &amp; Housing Approvals – 200 King Street West, 6<sup>th</sup> Floor<br/>P.O. Box 1118, Kitchener ON, N2G 4G7<br/>519-741-2426; <a href="mailto:planning@kitchener.ca">planning@kitchener.ca</a></p></div> |
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SUBMISSION NUMBER: B \_\_\_\_\_ (to be assigned by staff)

1. ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

Have you previously consulted with staff on this application?

If yes, name and date of consultation: \_\_\_\_\_

Office Use Only:

Date Stamp

2. FOR YOUR INFORMATION:

- It is recommended to consult with staff prior to submitting your form. Applications will not be accepted as complete unless all legislated requirements have been met and will not be processed until all necessary information has been provided.
- For ‘Attached Dwellings’ best practices dictate that prior to the Consent of a property proposed to contain an attached dwelling, the foundation is to be set and surveyed so as to accurately capture the new lot line as constructed. These types of Consent Applications may proceed ahead of the foundation being poured and surveyed with the acknowledgement by the Applicant that they are submitting this application with confidence that the future foundation will coincide with the proposed lot dimensions and setbacks, no maintenance easements (if not identified in this application) are necessary, and is proceeding with the application at this time **‘at their own risk’**.
- If a Site Plan Application (SPA) or a Zoning Occupancy Certificate (ZOC) is required to be submitted to facilitate the proposed development of the subject lands, the Owner/Applicant must obtain ‘Conditional Approval’ of a Site Plan Application or receive confirmation of a Zoning Occupancy Certificate (ZOC) prior to making this Consent Application. This is to ensure that the ‘Proposal’ will be in compliance with the City’s Zoning By-law.
- If a Certificate of Official is required for the retained lot, the request must be indicated within the application.
- **Cover letters and planning justification reports are welcome, however, they are not considered a part of your application. All consent requests must be outlined within your application form. If you are providing a cover letter or justification report, it should be attached as the last document in your application package.**
- Committee of Adjustment is a public process. Applications will be circulated to public agencies for comment. Notice of the meeting will be circulated to property owners within 30 metres of the subject property, advertised in the local newspaper and a City-issued notification sign posted on the property. **City staff will install the notification sign and it is the Applicant’s responsibility to ensure the notification sign remains posted for the duration of the application and removed 30 days after the meeting date.** All parties are given the opportunity to provide written comment or attend the meeting, either in support or opposition of the application.
- In addition to the submission requirements found on the application form, it is imperative that the applicant provide all the planning evidence necessary in support of the request being made. Depending on the nature of the application, this evidence may be in the form of photographs showing the existing streetscapes, contextual plans (in context with adjacent structures), historical information and/or detailed location plans (windows, openings, accessory structures) of the abutting properties. This will assist the Committee in making an informed decision regarding your application.
- The owner and/or agent must attend the Committee meeting in support of their application. Information on the meeting date/time will be forwarded to the applicant. A deferral fee will apply to applications requiring re-circulation for failure to attend meeting or requesting postponement.
- This is **YOUR** application - make sure that you know the exact details of why you are applying. You must identify exactly what is being requested, particularly as it relates to easements, rights-of-way or partial discharge of mortgage. It is your responsibility to provide a complete and accurate application. Staff are available for consultation, but they are not permitted to complete the form on your behalf.

### 3. SUBMISSION REQUIREMENTS - please check the boxes below to confirm that the following have been included with this application:

Complete applications shall be submitted by email to [planning.applications@kitchener.ca](mailto:planning.applications@kitchener.ca) (maximum 10 MB). **Original, signed & commissioned application form, including plans, and cheque** (payable to the City of Kitchener) must be delivered to Kitchener City Hall – Development & Housing Approvals Division, 200 King Street West, 6<sup>th</sup> Floor, Kitchener ON N2G 4V6, within one week of the digital submission deadline (you may send by mail, courier or drop off in person).

- ☐ Application form (completed and signed by Owner or Authorized Agent)
- ☐ Written authorization of the Owner(s) is required if the application is signed by an agent on their behalf.
- ☐ Affidavit – applicant's signature has been witnessed and form signed by a commissioner, notary or lawyer (if you require commissioning services, please make an appointment with City staff at: <https://www.kitchener.ca/bookappointment#planning> - select "Committee of Adjustment (commissioning, payment...)")
- ☐ **DETAILED SKETCH COMPLETED BY AN ONTARIO LAND SURVEYOR (O.L.S.) IS REQUIRED IN ACCORDANCE WITH SECTION 10 OF THIS APPLICATION. The plan should not exceed 11x17 in size & must be folded to letter size and submitted with this application form. Please note the severance sketch sample on page 8 of this application**
- ☐ Completed Environmental Site Screening Questionnaire
- ☐ Is the property located within a Source Protection Area. For more information, visit the Region's website at: <http://www.regionofwaterloo.ca/sourceprotection>
- ☐ If the property is located within a Source Water Protection Area, a copy of the Notice of Source Protection Plan Compliance (Section 59 Notice), obtained from the Regional Municipality of Waterloo, is attached to this application.
- ☐ Application fee of **\$ 2,986.00** (non-refundable if the application is deemed complete and is scheduled for a Meeting)

**Note:** A fee is required for each new lot created or where an Easement is required on the Retained Parcel of Land.

A regional processing fee also applies – please submit directly to the Region of Waterloo (cheque or online payment option). For more information see the Region of Waterloo website - Planning and Development Services, Applications - <https://www.regionofwaterloo.ca/en/doing-business/applications.aspx>.

### 4. REGISTERED OWNER(S)

Name(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_ Extension: \_\_\_\_\_

Street Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

### 5. AUTHORIZED AGENT (if different from registered owner)

Name(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_ Extension: \_\_\_\_\_

Street Address: \_\_\_\_\_ Email: \_\_\_\_\_

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City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

## 6. PROPERTY INFORMATION

a) Street Address: \_\_\_\_\_

Closest Intersection: \_\_\_\_\_

Legal Description (from Survey or Plan): \_\_\_\_\_

Lot (s) No: \_\_\_\_\_ Registered Plan No.: \_\_\_\_\_

Lot (s) No: \_\_\_\_\_ Reference Plan No.: \_\_\_\_\_

Part (s) No: \_\_\_\_\_

b) Type of Road Access: Public ☐ Private ☐

c) Municipal services available:

Water: Yes ☐ No ☐ Sanitary Sewer: Yes ☐ No ☐

Storm Sewer: Yes ☐ No ☐ Private Well: Yes ☐ No ☐

Septic: Yes ☐ No ☐

## 7. TYPE AND PURPOSE OF THE APPLICATION (select all that apply)

Conveyance: ☐ Creation of Lot - fee required for each new lot created + Regional fee as noted above

Is a certificate required for the retained lot? Yes ☐ No ☐  
(a fee is required for each certificate requested)

☐ Addition to a Lot - includes partial discharge(s) of mortgage(s) if applicable

☐ Validation of Title

Name of persons (purchaser, lessee and mortgagee) to whom the land or interest in lands is intended to be conveyed: \_\_\_\_\_

Other: ☐ Partial Discharge of Mortgage ☐ Long-Term Lease ☐ Other \_\_\_\_\_

☐ Easement/Right-of-Way (complete the chart below)

| Easement Request(s) / Right-of-Way                                                 |  |  |
|------------------------------------------------------------------------------------|--|--|
| Width                                                                              |  |  |
| Depth                                                                              |  |  |
| Area                                                                               |  |  |
| Lot/Part Number over which the easement is required (must be identified on sketch) |  |  |
| Purpose of easement                                                                |  |  |

a) Please provide an explanation summarizing the purpose of your application:

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b) Does this proposal require a Minor Variance Application? Yes ☐ No ☐

c) Are there any existing easements or restrictive covenants affecting the subject property? Yes ☐ No ☐

If yes, please describe the easement or covenant and its effect: \_\_\_\_\_

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## 8. DESCRIPTION OF REQUEST

| Development Proposal                                                            | Severed | Retained |
|---------------------------------------------------------------------------------|---------|----------|
| Lot Width (m)                                                                   |         |          |
| Lot Depth (m)                                                                   |         |          |
| Lot Area (sq. m.)                                                               |         |          |
| # of Existing Buildings/Structures                                              |         |          |
| Existing Use(s) of Land/Building/Structure; if Residential, # of Dwelling Units |         |          |
| # of Proposed Buildings/Structures                                              |         |          |
| Proposed Use(s) of Land/Building/Structure; if Residential, # of Dwelling Units |         |          |

Number of New Lots Proposed (not including retained lot): \_\_\_\_\_

## 9. PLANNING INFORMATION

a) Official Plan Land Use Designation: \_\_\_\_\_

Zone Category: \_\_\_\_\_

b) Has the land previously been the subject of a consent or plan of subdivision? Yes ☐ No ☐

If yes, describe: \_\_\_\_\_

c) Does the proposal for the subject property require Site Plan Approval: Yes ☐ No ☐

If yes, submission and/or 'Conditional Approval' of a Site Plan Application is required prior to submission this application. Please provide the Site Plan Application File Number: \_\_\_\_\_

- d) Does the proposal for the subject property require a Zoning Occupancy Certificate (ZOC)? Yes ☐ No ☐

If yes, submission and issuance of a ZOC Application is required prior to submission of this application.  
Please provide the ZOC Application Number: \_\_\_\_\_

- e) Does the property have any Heritage Status Yes ☐ No ☐

If yes, please check below:

Inventory ☐ Listed ☐ Part IV (Individual) ☐ Part V (District) ☐ Easement/Agreement ☐

- f) Does the property have any significant environmental features: Yes ☐ No ☐

If yes, indicate: Woodlot ☐ Wetland ☐ Valleyland ☐ Other: \_\_\_\_\_

- g) Has the owner previously severed any land from this holding? Yes ☐ No ☐

If yes, please indicate submission no.: \_\_\_\_\_

If yes, also indicate previous severance(s) on the required sketch and supply the following information for each lot severed:

- Transferee Name: \_\_\_\_\_
- Relationship to the owner (if any): \_\_\_\_\_
- Use of Parcel: \_\_\_\_\_
- Date Parcel was created: \_\_\_\_\_
- Date of acquisition by current owner: \_\_\_\_\_

- g) Is the owner applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future? Yes ☐ No ☐

- h) Is this application consistent with the Provincial Planning Statement (PPS), 2024 issued under subsection 3(1) of the Planning Act R.S.O. 1990, Chapter P.13, as amended? Yes ☐ No ☐

- j) Is there any other information that you think may be useful to the City, Region or other agencies in reviewing this application? Please explain:

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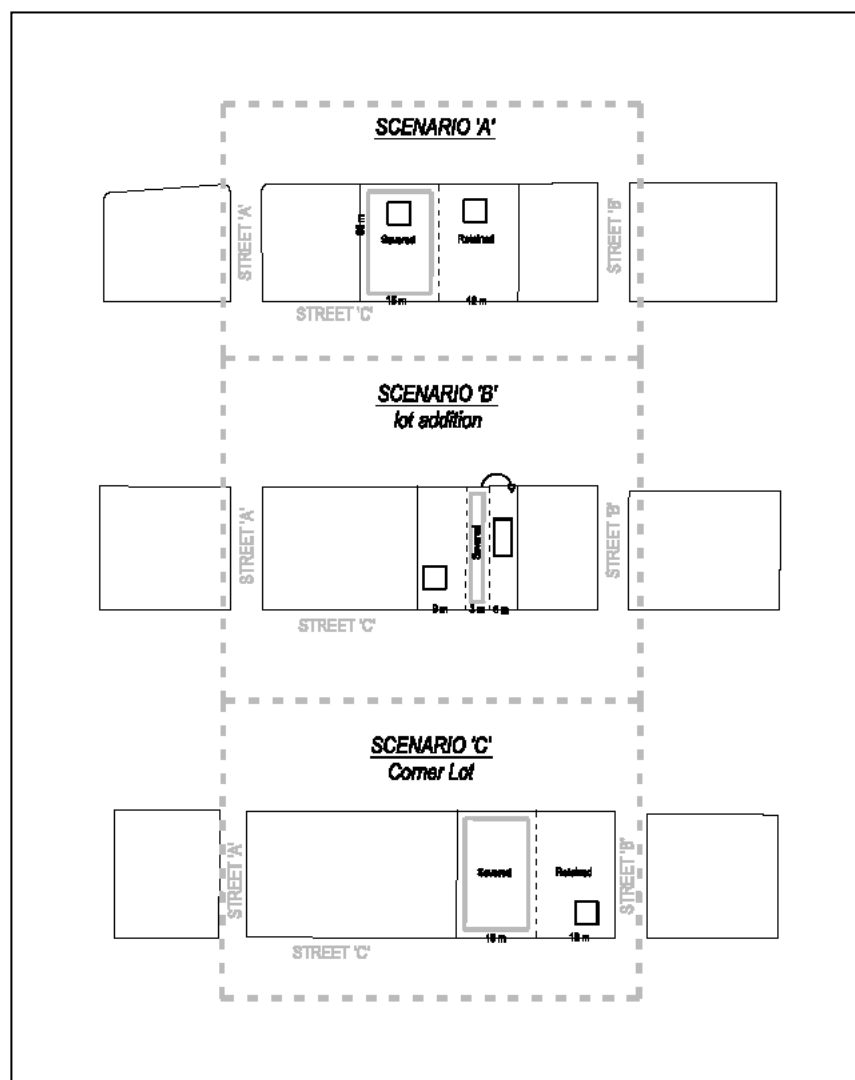
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## 10. DETAILED ONTARIO LAND SURVEYOR SKETCH

It is very important to be as accurate as possible, as any deficiencies may delay consideration of your application. Survey must be an original (not a photocopy) - **plan must be drawn to scale by an Ontario Land Surveyor (O.L.S.) and show the following information:**

- ☐ The boundaries and accurate dimensions of the subject lands in metric.
- ☐ It is **mandatory** to clearly label the lands to be **severed** (outlined in red) and the lands to be **retained** (outlined in green) – dimension must match the information contained in the application.
- ☐ The size, location and type of all existing **and** proposed buildings, structures or additions on the subject land, measured from the front, rear and side lot lines.
- ☐ The locations and dimensions of all driveways and parking spaces.
- ☐ The location and nature of any easement affecting the subject lands.
- ☐ The location, width and name of any roads within or abutting the subject land.
- ☐ Identify any natural features on the subject land (trees, streams, etc.).
- ☐ The plan cannot exceed 11 x 17 in size and must be folded into letter size and attached to each application.

### SAMPLE SKETCH:



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**11. REGIONAL MUNICIPALITY OF WATERLOO - ENVIRONMENTAL SITE SCREENING QUESTIONNAIRE**

On behalf of the Regional Municipality of Waterloo, this form must be completed for all development applications submitted to the City of Kitchener.

|     |                                                                                                                                                                                                                                                                                     |                              |                             |                                    |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|------------------------------------|
| 1.  | What are the current uses of the property?_____                                                                                                                                                                                                                                     |                              |                             |                                    |
| 2.  | Was the subject property ever used for industrial purposes?<br>If yes, please describe approximate dates and types of industry:                                                                                                                                                     | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 3.  | Was the subject property ever used for commercial purposes where there is potential for site construction (i.e. automotive repair, gas station, dry cleaning operation, chemical warehousing, etc.)?<br>If yes, please describe approximate dates and types of commercial activity: | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 4.  | Has waste (garbage, solid wastes, liquid wastes) ever been placed on this property?<br>If yes, when?<br>Please provide description of waste materials:                                                                                                                              | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 5.  | Have hazardous materials ever been stored or generated on the property (e.g. has HWIN registration or other permits been required)?<br>If yes, please summarize details:                                                                                                            | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 6.  | Is there reason to believe that this property may be potentially contaminated based on historical use of this or an abutting property?<br>If yes, please describe the nature of the suspected contamination:                                                                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 7.  | Has the subject property or adjacent property ever been used as an agricultural operation where cyanide products may have been used as pesticides?                                                                                                                                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 8.  | Are there or were there ever any above ground or underground storage tanks for fuels or chemicals on the property?<br>If yes, please summarize details:                                                                                                                             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 9.  | Does this property have or ever had a water supply well, monitoring well, geothermal well?<br>If yes, please provide details:                                                                                                                                                       | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 10. | Does the property use or has it ever used a septic system?                                                                                                                                                                                                                          | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 11. | Have any environmental documents been prepared or issued for this property, including but not limited to a Phase I and II environmental site assessment, risk assessment, Record of Site Condition or Certificate of Property Use?                                                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |
| 12. | Will lands be dedicated to the Region as part of this application (including road allowances, daylight triangles?)                                                                                                                                                                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Uncertain <input type="checkbox"/> |

**12. AUTHORIZATION**

If this application is being made by an agent that is not the owner of the subject lands, written authorization of the owner is required, as below:

I/we, \_\_\_\_\_, owner(s) of the land that is the subject of this application, hereby authorize \_\_\_\_\_ to act on my/our behalf in regard to this application.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**13. ACKNOWLEDGEMENT**

**I understand that receipt of this application by the City of Kitchener – Development and Housing Approvals Division does not guarantee it to be a ‘Complete’ application. Further review of the application will be undertaken and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.**

For Consent Applications for ‘Attached Dwellings’, without the submission of a Draft Reference Plan and Building Location Survey, the Applicant acknowledges that they are submitting this application with confidence that the future foundation will coincide with the proposed lot dimensions and setbacks, no maintenance easements (if not identified in this application) are necessary, and is proceeding with the application at this time **‘at their own risk’**.

Once the application is deemed to be fully complete, the application fee will be deposited and the application will be processed.

Submission of this application constitutes consent for authorized municipal staff to enter upon the subject property for the purpose of conducting site visits, including photographs, which are necessary for the evaluation of this application.

I further acknowledge that a City-issued notification sign must be posted at the front of the subject property in a location that is visible from the street. Staff will advise when to post the sign and it shall remain in place for 30 days after the Committee decision has been issued.

Signature of Owner or Agent: \_\_\_\_\_ Date \_\_\_\_\_

**14. AFFIDAVIT** (to be completed *in person* in the presence of a Commissioner of Oaths)

I/we, \_\_\_\_\_, of the Town/City of \_\_\_\_\_,

in the County/Regional Municipality of \_\_\_\_\_, solemnly declare that all of the above

statements contained in this application are true and I make this solemn declaration conscientiously

believing it to be true and knowing that it is of the same force and effect as if made under oath and by

virtue of *The Canada Evidence Act*.

\_\_\_\_\_  
Signature of Owner/Agent

\_\_\_\_\_  
Signature of Owner/Agent

**Declared before me at the**

Town/City of \_\_\_\_\_ in the County/Regional Municipality of \_\_\_\_\_

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this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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**Signature of Commissioner of Oaths**

\*Commissioner/Notary – please affix stamp

\*Lawyer – please print name beside signature