



Committee of Adjustment Agenda

Tuesday, October 17, 2023, 10:00 a.m. - 12:00 p.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

(Pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended,
and Ontario Regulations 197/96 and 200/96, as amended)

TAKE NOTICE THAT the Committee of Adjustment for the City of Kitchener **will meet in Council Chambers, 2nd Floor, Kitchener City Hall, 200 King Street West, on TUESDAY, OCTOBER 17, 2023, commencing at 10:00 a.m.** for the purpose of hearing the following applications for Minor Variance and/or Consent.

Applicants or Agents must attend in support of the application. This is a public meeting, anyone having an interest in any of these applications may make oral submission at the meeting or provide a written submission for Committee consideration. Please note this is a public meeting and will be livestreamed and archived at www.kitchener.ca/watchnow

The complete agenda, including staff reports will be available online the Friday prior to the week of the meeting date.

Pages

1. **COMMENCEMENT**

2. **MINUTES**

3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared please visit www.kitchener.ca/conflict to submit your written form.

4. **APPLICATIONS FOR MINOR VARIANCE AND / OR CONSENT PURSUANT TO THE PLANNING ACT**

5. **NEW BUSINESS**

- 5.1 A 2023-116 - 267 Traynor Avenue, DSD-2023-450** 6
 Requesting a minor variance to permit a parking rate of 1.38 spaces/per-unit (25 off-street parking spaces) rather than the required 1.75 spaces/per-unit (32 off-street parking spaces) to facilitate an additional dwelling unit within an existing 17-unit multiple dwelling for a total of 18 dwelling units on the subject property. Site Plan Application, SP/23/031/T/TZ to facilitate the creation of the additional dwelling unit has received conditional approval.
- 5.2 A 2023-117 - 72 Underhill Crescent, DSD-2023-439** 14
 Requesting a minor variance to permit a required parking space to be located 2.4m from the property line rather than the required 6m to facilitate the conversion of the attached garage into living space for a new Additional Dwelling Unit (ADU) (Attached) in the existing Single Detached Dwelling.
- 5.3 A 2023-118 - 35 Fifth Avenue, DSD-2023-442** 22
 Requesting a minor variance to permit a lot width of 12.2m instead of the minimum required lot width of 13.1m to facilitate the construction of a single detached dwelling with two (2) Additional Dwelling Units (ADUs)(Attached)(Triplex).
- 5.4 A 2023-119 - 196 Forest Hill Drive, DSD-2023-440** 31
 Requesting a minor variance to permit a required parking space to be located 3.5m from the property line rather than the required 6m to facilitate the conversion of the attached garage into living space for the existing single detached dwelling.
- 5.5 A 2023-121 - 15 Cedar Street North, DSD-2023-451** 39
 Requesting minor variances to allow a 10-unit multiple dwelling to be constructed on a lot having a width of 12.4 meters rather than the required 15m, a minimum yard setback abutting a residentially zoned property of 1.5m rather than the instead of the minimum required 7.5m, a minimum front yard setback of 1.1m rather than the required 1.5m and to permit 0 parking spaces rather than the required 10 parking spaces.
- 5.6 A 2023-122 - 186 Lyndhurst Drive, DSD-2023-441** 52
 Requesting minor variances to allow an unobstructed walkway that has a width of 1.06m rather than the required of 1.1m; to permit the principal dwelling and the driveway to be located 1.06m from the northerly side lot line rather than required 1.2m, to facilitate the construction, of an Additional Dwelling Unit (ADU) (Detached) in the rear yard an existing Single Detached Dwelling.

- 5.7 A 2023-123 - 230 Frederick Street, DSD-2023-448** 64
Requesting minor variances to permit a front yard setback of 1.9m rather than the required 3m; having a northerly side yard setback of 1.2m rather than the required 3m for the portion of the addition that is above 10.5m in height; to permit a minimum landscaped area of 9.5% rather than the required 10%; and, to permit a parking lot to be located 0m from rear lot line rather than the required 1.5m, to facilitate the construction of an addition to permit the conversion of a single detached dwelling to a multiple dwelling having 4 dwelling units.
- 5.8 B 2023-036 - 45 Duke Street West, DSD-2023-438** 74
Requesting permission to create an easement having a width of 1m, a depth of 15m and an area of 15sq.m. for access in favour of the property municipally addressed as 48 Ontario Street North for maintenance purpose.
- 5.9 B 2023-037 - 38 Braun Street, DSD-2023-436** 97
Requesting permission to sever a parcel of land having a width of 10m, a depth of 40m and an area of 402.6sq.m.. The retained parcel will have a width of 10m, a depth of 40m and an area of 402.6sq.m. Both parcels are intended for duplex dwellings.
- 5.10 B 2023-038 - 265 Cotton Grass Street, DSD-2023-449** 123
Requesting permission to sever a parcel of land having a width of 50m along Cotton Grass Street, a depth of 72m and an area of 3,477sq.m. and is proposed for a multiple dwelling. The retained parcel will have a width of 62m along Max Becker Drive, a depth of 170m and an area of 10,714sq.m. and will contain both existing and proposed commercial buildings.

5.11 B 2023-039, B2023-040 & A2023-124 – 75 Otterbein Road, DSD-2023-455

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Requesting permission to sever a parcel of land along Otterbein Road for a proposed townhouse development containing 57 dwelling units. The severed land will have a width of 113m and a lot area of 6,709 sq.m. Permission is also being requested to grant an easement having a width of 7.3m, a depth of 72.5m, and an area of 550 sq.m. in favour of the retained land for access purpose. The retained lands will have a width on Otterbein Road of 71.4m and an area of 8,550 sq.m. and is proposed for the development of 2 multiple dwellings containing 96 dwelling units. Permission is also requested grant an easement as shown on the plan with the application over the retained land having a maximum width of 7.3m, a depth of 107.3m and an area of 760 sq.m. in favour of the severed land for the purpose of access. A minor variance is also requested for the retained land to permit a reduced rear yard setback of 6m rather than the required 7.5m for proposed Building B as identified on the plan submitted with the application.

6. ADJOURNMENT

7. PLANNING ACT INFORMATION

- Additional information is available at the Legislated Services Department, 2nd Floor, City Hall, 200 King Street West, Kitchener (519-741-2203).
- Copies of written submissions/public agencies' comments are available the Friday afternoon prior to the meeting on the City of Kitchener website www.kitchener.ca in the online Council and Committee calendar; see the meeting date for more details.
- Anyone having an interest in any of these applications may attend this meeting.
- Only the Applicant, Minister, specified person (as defined in Section 1 of the Planning Act) or public body that has an interest in the matter has the right to appeal of decisions of the Committee of Adjustment. These parties must make written submissions to the Committee prior to the Committee granting or refusing Provisional Consent otherwise, the Ontario Land Tribunal (OLT) may dismiss the appeal.
- Any personal information received in relation to this meeting is collected under the authority s. 28(2) of the Planning Act, R.S.O. 1990, c. P.13, and will be used by the City of Kitchener to process Committee of Adjustment applications. Questions about the collection of information should be directed to Mariah Blake at mariah.blake@kitchener.ca.
- If you wish to be notified of a decision, you must make a written request to the Secretary-Treasurer, Committee of Adjustment, City Hall, 200 King St. W., Kitchener ON, N2G 4G7.

The Notice of Hearing for this meeting was published in the Record on the 29th day of September, 2023.

Mariah Blake
Secretary-Treasurer
Committee of Adjustment