



Committee of Adjustment Agenda

Tuesday, November 21, 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, November 21, 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. **UNFINISHED BUSINESS**

- 5.1 A 2023-111 – 15 Catalina Court, DSD-2023-392, DSD-2023-505** 6
- Requesting minor variances to the Zoning By-law to permit a lot to have the width of 11.9m rather than the minimum required 13.1m; and, to permit three parking spaces to be located within 6.0m of the exterior lot line, rather than maximum one permitted, to facilitate the conversion of a semi-detached dwelling into a semi-detached duplex dwelling with an Additional Dwelling Unit (ADU) (Detached) within the rear yard.

6. NEW BUSINESS

- 6.1 A 2023-125 - 787 King Street East, 432 Charles Street East & 5 Stirling Avenue South, DSD-2023-497** 48
- Requesting Minor Variances to permit a residential parking rate of 0.64 spaces per unit inclusive of visitor parking, rather than 1.0 spaces per unit for units; to permit visitor parking to be provided at a rate of 8% of required residential parking spaces, rather than 20% of the required parking spaces; to permit a commercial parking rate of 1 space per 45sq.m. rather than 1 space per 20sq.m.; to remove the requirement for a Driveway Visibility Triangle (DVT), whereas the By-law requires a DVT; to allow a building height over 0.9m within the defined area along Charles Street West; to permit a day care facility on lands affected by Special Regulation Provision 1R where the day care facility is located on the second floor; to permit a horizontal distance of 13m from the east building corner on the Charles Street façade with no display windows or entrances; and, to permit parking spaces within a minimum width of 2.4m and a minimum length of 4.8m rather than a minimum width of 2.6m and a minimum length of 5m for up to 10% of the parking spaces, to facilitate the development of a residential and commercial development containing two high-rise buildings being 33 and 37 stories and two stacked townhouse blocks.
- 6.2 A 2023-126 - 117 Ingleside Drive, DSD-2023-492** 68
- Requesting Minor Variances to permit a lot to have a width of 8.8m rather than the minimum required 13.1m and to permit the minimum side yard of the principal dwelling to be 1.3m rather than the minimum required 2.5m, to facilitate the development of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the existing semi-detached dwelling.
- 6.3 A 2023-127 - 52 Sabrina Crescent, DSD-2023-499** 79
- Requesting a Minor Variance to permit a required parking space to be located 0m from the street line instead of the minimum required 6m; and for one of the required parking spaces to have a width of 2.5m rather than the required 2.6m to accommodate two side-by-side parking spaces for a proposed Additional Dwelling Unit (ADU) (Attached), a duplex.

- 6.4 A 2023-128 - 76 Dunham Avenue, DSD-2023-495** 89
 Requesting a Minor Variance to permit a required parking space to be located 2.5m from the street line rather than the minimum required 6m to be able to accommodate two side-by-side parking spaces for a proposed Additional Dwelling Unit (ADU) (Attached), a duplex.
- 6.5 A 2023-129 - 600 Queen Street South, DSD-2023-506** 104
 Requesting Minor Variances to permit three (3) structural pillars at the main entrance and a small portion of the southeast corner of the proposed building to encroach into the Driveway Visibility Triangle (DVT) to facilitate the development of the lands with a 12-storey residential care facility with 181 dwelling units, whereas the By-law does not permit any encroachments into the DVT.
- 6.6 A 2023-130 - 55 Roxborough Avenue, DSD-2023-502** 114
 Requesting a Minor Variance to permit an attached garage to project 1.7m from the habitable portion of the dwelling to facilitate the construction of a new attached garage onto the existing dwelling, whereas the zoning by-law does not permit attached garages to project beyond the habitable portion of the dwelling.
- 6.7 A 2023-131 to 134 - 55 & 59 Franklin Street South, 50 & 54 Eighth Avenue, DSD-2023-507** 126
 Requesting Minor Variances to permit a minimum parking rate of 0.415 spaces per dwelling unit (25 spaces), rather than the minimum 1 space required; and, to permit a multi-unit parking rate of 1 space per 53sq.m. (6 spaces) rather than the required minimum multi-unit rate of 1 space per 35sq.m. In total 31 parking spaces will be provided per building for an overall total of 127 parking spaces, to facilitate the development of 4 6-storey mixed used buildings containing commercial uses on the main floor and residential units above, 240 units are proposed to be affordable residential units.
- 6.8 B 2023-041 - 150 Marlborough Avenue, DSD-2023-494** 192
 Requesting consent to sever a triangular-shaped parcel of land having a width of approximately 3.7m, a depth of 7.5m and an area of 2.75sq.m. to be which will be conveyed as a lot addition to the lands municipally addressed as 148 Marlborough Avenue, to ensure the existing driveway for 146 Marlborough Avenue will be solely located on this property.

6.9 B 2023-042 & A 2023-135 to 136 - 52 Edgehill Drive, DSD-2023-498

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Requesting consent to sever a parcel of land at the rear of the existing dwelling, having a width of 32m, a depth of 45m, and an area of 1253.6sq.m. The retained land will have a width of 52m, a depth of 45m, and an area of 1741sq.m. Minor Variances are also being requested to permit a driveway width of 16.5m for an existing driveway rather than maximum width of 8m, and to permit reduced lot areas for both the proposed severed and retained lands of 1,253sq.m. and 1,741sq.m., rather than the minimum required 2,023sq.m. The retained parcel will maintain the existing dwelling, while the severed parcel is intended for a residential dwelling.

7. ADJOURNMENT

8. 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 3rd day of November, 2023.

Mariah Blake
Secretary-Treasurer
Committee of Adjustment