



Committee of Adjustment

Committee Minutes

November 21, 2023, 10:00 a.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

Present: D. Pateman, Chair
S. Hannah, Member
B. Santos, Member
B. McColl, Member
M. Gambetti, Member

Staff: G. Stevenson, Manager, Development Review
S. Ryder, Transportation Services
E. Schneider, Senior Planner
M. Blake, Committee Administrator
C. Owen, Administrative Clerk

1. COMMENCEMENT

The Committee of Adjustment met this date commencing at 10:00 a.m.

2. MINUTES

That the regular minutes of the Committee of Adjustment meeting held October 17, 2023, as circulated to the members, be accepted.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3.1 B. McColl - B 2023-042 & A 2023-135-136 - 52 Edgehill Drive, DSD-2023-498

B. McColl declared a conflict with regards to B 2023-042 & A 2023-135-136 - 52 Edgehill Drive, DSD-2023-498, due to owning property in close proximity to the

subject property. B. McColl did not participate in any voting or discussion regarding the matter.

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

Submission No.: A 2023-111

Applicant: Karthik Bonthu

Property Location: 15 Catalina Court

Legal Description: Part Block 58, Plan 1680; being Part 1 on Reference Plan 58R-6400

Appearances:

In Support:

K. Bonthu

Contra:

R. Neufeld

D. Walker

Written Submissions:

R. Neufeld	N. Sargeant
M. Kleehaas	M. & E. Nafziger
M. Donis	T. Neufeld
W. Anstett	M., J., & A. Misola
J. Smith	D. Walker
J. & M. Ghabbour	M. & C. Autio
K. Braby & R. Park	B. Abate
C. & C. Blackburn	N. Prodribaba
J. & J. Riegling	O. Tesgagiorgis

S. & F. Dipasupil	S., N. & D. Emslie
N. Nguyen	K. Hillcoat & K. Phillips
A. Greenslade	M. Ogrudnik
T. Beard	A. Trites
P. Homsombath	E. & M. Crandon
E. & M. Crandon	V. Lu Vawng
O. & J. Rac	N. & T. Menaca

The Committee was advised the applicant requested 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.

The Committee considered Development Services Department report DSD-2023-505, dated November 6, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated August 29, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated August 31, 2023, advising they have no concerns with the subject application. The Committee also noted receipt of the written petition.

K. Bonthu was in attendance in support of the staff recommendation.

R. Neufeld was in attendance in opposition to the application, noting concerns with ongoing neighborhood disputes and property standards matters related to the subject property.

The Committee discussed the modified site plan, grading and building drawings received, noting concerns with the elevation of the proposed location of the ADU (Detached) outlined in the grading plan provided, as seen in 'Attachment B.' It

was of the opinion of the Committee the variances requested in the application did not align with the general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan.

Moved by B. McColl

Seconded by B. Santos

That the application of KK HOLDING INC requesting a minor variance 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, generally in accordance with drawings prepared by Rob Sajkunovic, dated October 26, 2023, on Part Block 58, Plan 1680; being Part 1 on Reference Plan 58R-6400, 15 Catalina Court, Kitchener, Ontario, **BE REFUSED**.

It is the opinion of this Committee that:

1. The variances requested in this application are not minor.
2. This application is not desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is not being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6. NEW BUSINESS

6.1 A 2023-125 - 787 King Street East, 432 Charles Street East & 5 Stirling Avenue South, DSD-2023-497

Submission No.: A 2023-125

Applicant: Kitchener Stirling Developments Ltd., and Kitchener Charles Developments Ltd., c/o Nik Mracic

Property Location: 787 King Street East, 432 Charles Street East & 5 Stirling

Avenue South

Legal Description: Part lots 1-4, Plan 404; Part lot 191, 206 and Streets & lanes, Plan 303

Appearances:

In Support:

D. Aston

M. Visser

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-497, dated November 8, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

D. Aston, MHBC Planning was in attendance in support of the staff recommendation.

In response to safety concerns raised by the Committee regarding the requested obstruction to the Driveway Visibility Triangle (DVT), E. Schneider noted the sightlines have been evaluated and revised through a site specific study based on the current development proposal and road configuration, and staff are of the opinion that safety is not compromised as a result of the variances.

Moved by S. Hannah

Seconded by B. Santos

That the application of KITCHENER CHARLES DEVELOPMENTS LIMITED 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 45 sq.m. rather than 1 space per 20 sq.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 to high-rise buildings being 33 and 37 stories and two stacked townhouse blocks, generally in accordance with Site Plan Application SP23/012/K/KA, on Part lots 1-4, Plan 404; Part lot 191, 206 and Streets & lanes, Plan 303, 787 King Street East, 432 Charles Street East & 5 Stirling Avenue South, Kitchener, Ontario, **BE APPROVED.**

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.

3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6.2 A 2023-126 - 117 Ingleside Drive, DSD-2023-492

Submission No.: A 2023-126

Applicant: Patricia Recchia

Property Location: 117 Ingleside Drive

Legal Description: Part lot 11, Plan 1304; Part Block A, Plan 1321

Appearances:

In Support:

M. Gomez

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission to 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.

The Committee considered Development Services Department report DSD-2023-492, dated November 8, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

M. Gomez was in attendance in support of the staff recommendation.

Moved by S. Hannah

Seconded by B. McColl

That the application of PATRICIA RECCHIA 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, generally in accordance with drawings prepared by Milton Gomez, dated October 2023, on Part lot 11, Plan 1304, Part Block A, Plan 1321, 117 Ingleside Drive, Kitchener, Ontario, **BE APPROVED.**

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6.3 A 2023-127 - 52 Sabrina Crescent, DSD-2023-499

Submission No.: A 2023-127

Applicants: Melissa & Carlos Medina

Property Location: 52 Sabrina Crescent

Legal Description: Lot 33, Plan 1496

Appearances:

In Support:

C. Medina

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-499, dated November 10, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

C. Medina was in attendance in support of the staff recommendation.

Moved by S. Hannah

Seconded by B. Santos

That the application of MELISSA MEDINA 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, generally in accordance with drawings prepared by Thinkform Architecture + Interiors, dated Revision No. 6, September 20, 2023, on Lot 33, Plan 1496, 52 Sabrina Crescent, Kitchener, Ontario, **BE APPROVED.**

It is the opinion of this Committee that:

1. The variance requested in this application is minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6.4 A 2023-128 - 76 Dunham Avenue, DSD-2023-495

Submission No.: A 2023-128

Applicant: Alexander Scott

Property Location: 76 Dunham Avenue

Legal Description: Part Lot 14 to Part Lot 16, Plan 279

Appearances:

In Support:

A. Scott

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-495, dated November 3, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

A. Scott was in attendance in support of the staff recommendation with the exception of the conditions imposed in relation to Metrolinx.

The Committee noted the conditions proposed by Metrolinx are unnecessary and onerous process for the applicant. As such, the Committee discussed and agreed to omit conditions 1 and 2 as outlined in the Development Services Department report, DSD-2023-128, of the Committee's decision this date.

Moved by B. McColl

Seconded by B. Santos

That the application of ALEXANDER SCOTT 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, generally in accordance with drawings prepared by Habitat Design Co., dated October 16, 2023, on Part Lot 14 to Part Lot 16, Plan 279, 76 Dunham Avenue, Kitchener, Ontario, **BE APPROVED**.

It is the opinion of this Committee that:

1. The variance requested in this application is minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6.5 A 2023-129 - 600 Queen Street South, DSD-2023-506

Submission No.: A 2023-129

Applicant: System Tune Inc.

Property Location: 600 Queen Street South

Legal Description: Municipal Compiled Plan of Subdivision of Lot 17, German Company Tract, Part of Lot 71

Appearances:

In Support:

G. Romanick

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-506, dated November 8, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

G. Rominik was in attendance in support of the staff recommendation.

Moved by S. Hannah

Seconded by B. McColl

That the application of SYSTEM TUNE INC 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, generally in accordance with Condition Approved Site Plan Application SP23/007/Q/KA, on Municipal Compiled Plan of Subdivision of Lot 17, German Company Tract, Part of Lot 71, 600 Queen Street South, Kitchener, Ontario, **BE APPROVED**.

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6.6 A 2023-130 - 55 Roxborough Avenue, DSD-2023-502

Submission No.: A 2023-130

Applicants: Robert & Marion Brown

Property Location: 55 Roxborough Avenue

Legal Description: Lot 19 and Part of the Park Lot, Plan 831

Appearances:

In Support:

R. Brown

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-502, dated November 7, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

R. Brown was in attendance in support of the staff recommendation.

Moved by B. Santos

Seconded by M. Gambetti

That the application of MARION BROWN and ROBERT BROWN requesting a minor variance to 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, generally in accordance with drawings prepared by Tri-City Drafting and Design Services, dated August 2023, on Lot 19 and Part of the Park Lot, Plan 831, 55 Roxborough Avenue, Kitchener, Ontario, **BE APPROVED.**

It is the opinion of this Committee that:

1. The variance requested in this application is minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making

process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca

Carried

6.7 A 2023-131 to 134 - 55 & 59 Franklin Street South, 50 & 54 Eighth Avenue, DSD-2023-507

Submission No.: A 2023-131 to 134

Applicants: 55 Franklin GP Inc.

Property Location: 55 & 59 Franklin Street South, 50 & 54 Eighth Avenue

Legal Description: Lot 143, Lot 152, Part Lot 142, Part Lot 144, Part Lot 151, Part Lot 153, Plan 254

Appearances:

In Support:

M. Maxwell

C. Miller

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-507, dated November 8, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

C. Miller, GSP Group was in attendance in support of the staff recommendation.

In response to questions from the Committee, C. Miller noted the first preliminary plan conducted had a slightly larger yield per building, explaining the reduction of 16 units (4 units/building).

S. Hannah noted concerns with the reduction in parking being adequate to handle the various demands and uses of the subject property.

Submission No. A 2023-131

Moved by B. Santos

Seconded by M. Gambetti

That the application of 55 FRANKLIN GP INC 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 53 sq.m. (6 spaces) rather than the required minimum multi-unit rate of 1 space per 35 sq.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, generally in accordance with Site Plan Application SP20/075/F/AP, on Lot 143, Lot 152, Part Lot 142, Part Lot 144, Part Lot 151, Part Lot 153, Plan 254, 55 Franklin Street South, Kitchener, Ontario, **BE APPROVED**, subject to the following condition:

1. That a Site Plan Application, to revise SP20/075/F/AP, be submitted and approved to the satisfaction of the Manager of Development Review.

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.

3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

Submission No. A 2023-132

Moved by B. Santos

Seconded by M. Gambetti

That the application of 55 FRANKLIN GP INC 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 53 sq.m. (6 spaces) rather than the required minimum multi-unit rate of 1 space per 35 sq.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, generally in accordance with Site Plan Application SP20/075/F/AP, on Lot 143, Lot 152, Part Lot 142, Part Lot 144, Part Lot 151, Part Lot 153, Plan 254, 59 Franklin Street South, Kitchener, Ontario, **BE APPROVED**, subject to the following condition:

1. That a Site Plan Application, to revise SP20/075/F/AP, be submitted and approved to the satisfaction of the Manager of Development Review.

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making

process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

Submission No. A 2023-133

Moved by B. Santos

Seconded by M. Gambetti

That the application of 55 FRANKLIN GP INC 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 53 sq.m. (6 spaces) rather than the required minimum multi-unit rate of 1 space per 35 sq.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, generally in accordance with Site Plan Application SP20/075/F/AP, on Lot 143, Lot 152, Part Lot 142, Part Lot 144, Part Lot 151, Part Lot 153, Plan 254, 50 Eighth Avenue , Kitchener, Ontario, **BE APPROVED**, subject to the following condition:

1. That a Site Plan Application, to revise SP20/075/F/AP, be submitted and approved to the satisfaction of the Manager of Development Review.

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

Submission No. A 2023-134

Moved by B. Santos

Seconded by M. Gambetti

That the application of 55 FRANKLIN GP INC 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 53 sq.m. (6 spaces) rather than the required minimum multi-unit rate of 1 space per 35 sq.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, generally in accordance with Site Plan Application SP20/075/F/AP, on Lot 143, Lot 152, Part Lot 142, Part Lot 144, Part Lot 151, Part Lot 153, Plan 254, 54 Eighth Avenue, Kitchener, Ontario, **BE APPROVED**, subject to the following condition:

1. That a Site Plan Application, to revise SP20/075/F/AP, be submitted and approved to the satisfaction of the Manager of Development Review.

It is the opinion of this Committee that:

1. The variances requested in this application are minor.
2. This application is desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Carried

6.8 B 2023-041 - 150 Marlborough Avenue, DSD-2023-494

Submission No.: B 2023-041

Applicants: Stephen Phipps & Judith Phipps

Property Location: 150 Marlborough Avenue

Legal Description: Part Lot 8, Part Block C, Plan 882; being Part 1 on Reference Plan 58R-2323

Appearances:

In Support:

B. Powell

Contra:

None.

Written Submissions:

None.

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-494, dated November 8, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated November 6, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

B. Powell was in attendance in support of the staff recommendation.

In response to questions from the Committee, B. Powell noted the driveway of 146 Marlborough Avenue encroaches on the property of 150 Marlborough Avenue and negotiations continue to occur to solve the issue of encroachment.

Moved by B. McCoil

Seconded by S. Hannah

That the application of JUDITH ELAINE PHIPPS and STEPHEN JOHN PHIPPS requesting permission to sever a triangular-shaped parcel of land having a width of approximately 3.7m, a depth of 7.5m and an area of 2.75 sq.m. 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, on Part Lot 8, Part Block C, Plan 882; being Part 1 on Reference Plan 58R-2323, 150 Marlborough Avenue, Kitchener, Ontario, **BE APPROVED**, subject to the following conditions:

1. That the property owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the property owner shall obtain a tax certificate from the City of Kitchener to verify there are no outstanding taxes on the subject property.
3. That the property owner shall provide a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full sized paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the property owner shall ensure the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the Planning Act, R.S.O. 1990, c. P.13, as amended.
5. That the property owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.
6. That the property owner shall make satisfactory financial arrangements to the Region of Waterloo for the consent application review fee of \$350.00.

It is the opinion of this Committee that:

1. A plan of subdivision is not necessary for the proper and orderly development of the municipality.

2. The requirements of the Zoning By-law are being maintained on the severed lands and the retained lands.
3. The use of the land in the application conforms to the City of Kitchener Municipal Plan and the Regional Official Policies Plan.

Pursuant to Section 53 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Pursuant to Subsection 53 (41) of the Planning Act, the applicant shall fulfil the above-noted conditions within two years of the date of giving notice of this decision.

Pursuant to Subsection 53 (43) of the Planning Act, a consent lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent.

Carried

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

Submission No.: B 2023-042 & A 2023-135 to 136

Applicants: James & Beverley Mellish

Property Location: 52 Edgehill Drive

Legal Description: Part Lot 1, Plan 689

Appearances:

In Support:

J. & B. Mellish

Contra:

None.

Written Submissions:

None.

B. McColl declared a conflict on this item. (B. McColl declared a pecuniary interest with respect to B 2023-042 & A 2023-135-136 - 52 Edgehill Drive, DSD-

2023-498, due to owning property in close proximity to the subject property. B. McColl did not participate in any voting or discussion regarding the matter.)

The Committee was advised the applicant requested permission 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.

The Committee considered Development Services Department report DSD-2023-498, dated November 8, 2023, recommending approval with conditions as outlined in the report.

The Committee considered the report of the Region of Waterloo Transportation Planner, dated October 31, 2023, advising they have no concerns with the subject application.

The Committee considered the report of the Grand River Conservation Authority Resource Planning Technician dated November 1, 2023, advising they have no concerns with the subject application.

J. & B. Mellish were in attendance in support of the staff recommendation.

Submission No. B 2023-042

Moved by S. Hannah

Seconded by M. Gambetti

That the application of JAMES MELLISH and BEVERLEY MELLISH requesting permission 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 dos 1253.6 sq.m. The retained land will have a width of 52m, a depth of 45m, and an area of 1741 sq.m., on Part Lot 1, Plan 689, 52 Edgehill Drive, Kitchener, Ontario, **BE DEFERRED until April 16, 2024** or earlier, to provide time for the Region of Waterloo to have the Scoped Stage 2 Hydrogeological Study for Septic System Servicing peer reviewed.

Carried

Submission No. A 2023-135

Moved by S. Hannah

Seconded by M. Gambetti

That the application of JAMES MELLISH and BEVERLEY MELLISH requesting minor variances 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, on Part Lot 1, Plan 689, 52 Edgehill Drive, Kitchener, Ontario, **BE DEFERRED until April 16, 2024 or earlier**, or at such time as Consent Application B 2023-042 is considered.

Carried

Submission No. A 2023-136

Moved by S. Hannah

Seconded by M. Gambetti

That the application of JAMES MELLISH and BEVERLEY MELLISH requesting minor variances 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, on Part Lot 1, Plan 689, 52 Edgehill Drive, Kitchener, Ontario, **BE DEFERRED until April 16, 2023 or earlier**, or at such time as Consent Application B 2023-042 is considered.

Carried

7. ADJOURNMENT

On motion this meeting adjourned at approximately 11:10 a.m.

Mariah Blake
Secretary-Treasurer