



Committee of Adjustment Agenda

Tuesday, November 19, 2024, 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 19, 2024, 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 an 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 2024-090 - 386 Wake Robin Crescent, DSD-2024-476** 6
- Requesting minor variances to permit an accessory structure (existing detached garage) to have an easterly side yard setback of 0.11m rather than the minimum required 0.6m; a maximum height to the underside of the fascia of 4m rather than the permitted 3m; and, a building height of 6.3m rather than the permitted 5.5m to facilitate a 2nd-storey addition to an existing accessory structure.
- 5.2 A 2024-091, A 2024-092, A 2024-093 & A 2024-094 - 32, 34, 36 & 38 Burgetz Avenue, DSD-2024-471** 19
- Requesting minor variances to permit a parking space located within a building to be setback 5.6m from the street line rather than the minimum required 6m to legalize the location of an attached garage for the existing semi-detached dwelling; and, to permit the required parking for a duplex in a driveway to be located 0m from the front lot line rather than the required 0.5m.
- 5.3 A 2024-095 - 29 The Crestway, DSD-2024-493** 29
- Requesting a minor variance to permit a maximum height to the underside of the fascia of 5m rather than the permitted 3m to facilitate the construction of an accessory structure in the rear yard of the subject property.
- 5.4 A 2024-096 - 165 Fairway Road North, DSD-2024-473** 38
- Requesting minor variances to permit 23 parking spaces rather than the minimum required 38 parking spaces and to permit the required parking to be located in the front yard whereas the Zoning by-law does not permit parking in the front yard; a northerly side yard setback of 0m and a southerly side yard setback of 1.8m rather than the required 3m; a rear yard setback of 0.1m rather than the required 7.5m; a Floor Space Ratio (FSR) of 0.75 rather than the maximum permitted 0.6; and, ground floor level units to having no patio areas whereas the Zoning By-Law requires ground floor units to have a patio area, to facilitate the redevelopment of the existing building with 33 dwelling units in accordance with Site Plan Application SP24/047/F/AA.
- 5.5 A 2024-097 - 593 Ephraim Street, DSD-2024-478** 51
- Requesting a minor variance to permit a portion of an accessory structure to be located in the front yard, whereas the Zoning By-law does not permit accessory structures to be located in the front yard to legalize the location of an existing shed.

- 5.6 A 2024-098 - 153 Eighth Avenue, DSD-2024-488** 61
 Requesting a minor variance to permit the conversion of an existing garage into an Additional Dwelling Unit (ADU) (Detached) having a Gross Floor Area (GFA) of 83.7sq.m. rather than the maximum permitted 80sq.m.
- 5.7 A 2024-099 - 165 Courtland Avenue East, DSD-2024-494** 72
 Requesting minor variances to permit a building length of 70.7m rather than the required 36m; a building height of 17.5m rather than the permitted 11m; a rear yard landscaped area of 30.8% rather than the minimum required 40%; and, requesting a minor variance to Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 1.2 rather than the permitted 1.0 to facilitate the development of 4-storey multiple dwelling having 36 dwelling units in accordance with Site Plan Application SP20/064/C/ES.
- 5.8 A 2024-100, A 2024-101, A 2024-102 & A 2024-103 - 100, 102, 104 & 106 St. George Street, DSD-2024-487** 87
 Requesting a minor variance to Zoning By-law 85-1 to permit a front yard setback of 6.0m rather than the required 6.58m to facilitate the construction of 2 new semi-detached dwellings.
- 5.9 B 2024-029 - 62 Fourth Avenue, DSD-2024-470** 97
 Requesting consent to sever a parcel of land having a width of 7.6m, a depth of 40.3m and an area of 307.6sq.m. The retained land will have a width of 7.6m, a depth of 40.3m and an area of 307.6sq.m. The consent will allow each half of a semi-detached duplex dwelling to be dealt with independently.
- 5.10 B 2024-030 - 630 Benninger Drive, DSD-2024-483** 121
 Requesting consent to create an irregular shaped access easement having a width of 7.3m, an approximate length of 300m and an approximate area of 2,190sq.m over the internal roadway within Unit 2 of Waterloo Vacant Land Condominium Plan (WVLCP) 782, in favour of Units 3-9 of WVLCP for the purpose of access.
- 5.11 B 2024-031 - 829 Stirling Avenue South, DSD-2024-482** 143
 Requesting consent to sever a parcel of land having a width of 7.9m, a depth of 45.7m and an area of 362.3sq.m. The retained land will have a width of 7.9m, a depth of 45.7m and an area of 362.3 sq.m. The severance will allow each half of a semi-detached dwelling to be dealt with independently.

- 5.12 B 2024-032 & B 2024-033 - 75 Otterbein Road, DSD-2024-501** 166
Requesting consent to create an easement over a retained land identified as Part 2 on the plan submitted with the application, in favour of the severed land for the purpose of access and servicing. Permission is also being requested to create easements over the severed land identified as Parts 5, 6 and 7 on the plan submitted with the application, in favour of the retained land for drainage and servicing. The severed and retained parcels are subject to Consent Application B 2023-040 which would sever the lot for future residential development.
- 5.13 B 2024-034, B 2024-035, A 2024-104 & A 2024-105 - 70 & 74 Rutherford Drive, DSD-2024-500** 191
Requesting consent to create an easement having a width of 1.9m, a length of 58.8m and an area of 113.5 sq.m. for a shared driveway between 70 and 74 Rutherford Drive. Minor variances are also being requested to permit a drive aisle width of 4.4m rather than the required 6m; and, to permit a driveway width of 1.9m rather than the required 2.6m, to facilitate the proposed shared driveway between 70 and 74 Rutherford Drive.
- 5.14 B 2024-036 & A 2024-106 - 73 Fourth Avenue, DSD-2024-496** 220
Requesting consent to sever a parcel of land having a width of 10m, a depth of 40.2m and an area of 405.1sq.m. and is proposed for a new 2-storey duplex dwelling. The retained land will have a width of 10m, a depth of 40.2m and an area of 405.1sq.m. A minor variance is also being requested to permit a front yard setback of 9.58m rather than the required 11.25m to recognize the location of an existing 2-storey duplex dwelling.

6. ADJOURNMENT

7. PLANNING ACT INFORMATION

- Additional information is available at the Legislated Services Department, 2nd Floor, Kitchener City Hall, 200 King Street West, Kitchener 519-741-2203 or by emailing CofA@kitchener.ca.
- 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/meetings 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 Marilyn Mills at marilyn.mills@kitchener.ca.
- If you wish to be notified of a decision, you must make a written request to the Secretary-Treasurer, Committee of Adjustment, Kitchener City Hall, 200 King St. W., Kitchener ON, N2G 4G7.

The Notice of Hearing for this meeting was published in the Record on the 1st day of November, 2024.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment