



Committee of Adjustment Agenda

Tuesday, June 20, 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, JUNE 20, 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 2023-057 - 84 Maple Hill Drive

Requesting a minor variance to Zoning By-law 2019-051 to legalize a driveway width of 25.8m rather than the maximum permitted 8.0m, to recognize the location, size, and configuration of an existing residential driveway (Minor Variance Application A 2013-002 was previously approved for a driveway width of 18.3m).

6. NEW BUSINESS

6.1 A 2023-063 - 232 Bleams Road

Requesting permission for the enlargement or extension of a legal non-conforming use, a car wash (automatic and self-service), having a Gross Floor Area of 746.4sq.m rather than the existing 572.7 sq.m, a total Floor Space Ratio (FSR) of 0.2, a building height of 10.5m, an easterly side yard setback of 1.5m, 19 stacking spaces rather than the existing 26 stacking spaces; and, 2 parking spaces rather than the existing 32 parking spaces with 19 vacuum parking spaces, to facilitate an addition and reconfiguration of the existing car wash in the "Mixed Use One Zone (MIX-1)".

6.2 A 2023-064 - 35 Belmont Avenue West

Requesting a minor variance to the Zoning By-law to permit a lot width of 9.8m rather than the required 13.1m, to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the property.

6.3 A 2023-065 - 26 Seibert Avenue

Requesting a minor variance to the Zoning By-law to permit an accessory structure to have a building height of 6.55m rather than the maximum permitted 5.5m; and, for the underside of the fascia to have a height of 5.0m rather than the permitted 3.0m, to facilitate the construction of a detached garage with sufficient parking space for a recreational vehicle.

6.4 A 2023-066 - 82 South Drive

Requesting a minor variance to the Zoning By-law to permit a lot width of 12.3m rather than the required 13.1m, a northeasterly side yard setback of 0.45m rather than the required 0.6m; and, a building height of 5.0m rather than the permitted 4.5m, to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the property.

6.5 A 2023-067 - 1198 Fischer Hallman Road

Requesting a minor variance to Zoning By-law 85-1 to permit a building height of 15.0m rather than the permitted 10.5m, to facilitate the development of the property with 138 dwelling units having 6 townhouse dwellings, each containing 5 dwelling units and 2 townhouse dwellings, each containing 6 dwelling units, and 6 stacked townhouse blocks, being considered under Site Plan Application SP23/006/F/AP.

6.6 A 2023-068 - 35 Maywood Road

Requesting a minor variance to the Zoning By-law to permit an Additional Dwelling Unit (ADU) to be 62% of the building floor area of the principal dwelling rather than the permitted 50% or 80 sq.m, whichever is the less, to facilitate the conversion of an existing detached garage having an area of 61sq.m, into an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the property.

6.7 A 2023-069 - 213 Mill Street

Requesting a minor variance to Zoning By-law 85-1 to permit an Additional Dwelling Unit (ADU) to be 87% of the building floor area of the principal dwelling, having an area of 111.1 sq.m rather than the permitted 50% or 80 sq.m, whichever is the less, to facilitate the conversion of an existing detached garage into an Additional Dwelling Unit (ADU) (Detached) in the rear yard of the property.

6.8 A 2023-070 - 1950 Fischer Hallman Road

Requesting minor variances to Zoning By-law 85-1 to facilitate the construction of a commercial development, being considered under Site Plan Application SP23/024/F/CD having 14% of the primary ground floor facade of 'Building A' containing display windows or entrances rather than the required 40%; 35% of the primary ground floor facade of 'Building B' containing display windows or entrances rather than the required 40%; 20% of the primary ground floor facade of Building 'D' containing display windows or entrances rather than the required 40%; and, 6% of the primary ground floor facade of Building 'F' containing windows or entrances rather than the required 40%. Minor variances are also requested to permit the buildings facing Huron Road to have 45.0m between display windows or doors rather than the permitted 4.0 m and, the buildings facing Fischer-Hallman Road to have 9.0m between display windows or doors rather than the permitted 4.0m; and, to permit 47% of the length of a Minimum Width of a Primary Ground Floor Façade abutting street lines rather than the required 50%.

6.9 B 2023-021 - 46 Second Avenue

Requesting consent to sever a parcel of land having a width of 10.0m along Second Avenue, a depth of 40.2m and an area of 404.7sq.m. The retained lands will have a width of 10.0m along Second Avenue, a depth of 40.2m and an area of 404.7sq.m. Each parcel is proposed to be developed with a 2-storey duplex dwelling.

6.10 A 2023-071, A 2023-072 & B 2023-022 - 228 Connaught Street

Requesting consent to sever a parcel of land having a width of 11.5m along Connaught Street, a depth of 20.1m and an area of 235sq.m. The retained lands will have a width of 20.1m along Fourth Avenue, a depth of 28.6m and an area of 574.7sq.m and will contain the existing triplex dwelling, municipally addressed as 228 Connaught Street. A minor variance to the Zoning By-law is also requested for the retained land, to permit one of three proposed parking spaces to be located within the exterior side yard of the existing triplex dwelling, 3.0m from the westerly street line. A minor variance to the Zoning By-law is also requested for the severed land, to permit the construction of a single detached dwelling having a front yard setback of 4.5m rather than the required 7.25m.

6.11 A 2023-073 to 075 & B 2023-023 to 024 - 180 Zeller Drive

Requesting consent to sever two parcels of land and retain one for the purpose of residential development. Severed Parcel 1 identified as "First Severed Lot" on the plan submitted with the application (B 2023-023) having a width of 12.22m, a depth of 53.5m and an area of 571sq.m. Severed Parcel 2 identified as "Second Severed Lot" on the plan submitted with the application (B 2023-024) having a width of 12.2m, a depth of 53.5m and an area of 616 sq.m. The retained lands will have a width of 12.0m, a depth of 51.9m and an area of 556sq.m. The existing single detached dwelling, municipally addressed as 180 Zeller Drive, is proposed to be demolished, save and except for an existing accessory building (block garage on "Parcel 2"), and 3 single detached dwellings are proposed to be constructed. Minor variances to the Zoning By-law are also requested (Application A 2023-073) to permit the retained land to have a lot width of 12.0m rather than the required 13.7m; for Parcel 1 (Application A 2023-074) to have a lot width of 12m rather than the required 13.7m; for Parcel 2 (Application A 2023-075) to have a lot with of 12.2m rather than the required 13.7m; and, to permit an existing accessory building to have a lot coverage of 17% rather than the permitted 15%.

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 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, City Hall, 200 King St. W., Kitchener ON, N2G 4G7.

The Notice of Hearing for this meeting was published in the Record on the 2nd day of June, 2023.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment