



Committee of Adjustment Agenda

Tuesday, September 19, 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, SEPTEMBER 19, 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 2023-080 - 15 Dellroy Avenue, DSD-2023-396

Requesting a minor variance to the Zoning By-law to facilitate the construction an 18-storey mixed-use building with residential and commercial uses having a front yard setback of 1.0m rather than the required 3.0m, a northerly side yard setback of 0.0m for covered bike parking rather than the required 4.5m; to permit 0.6 parking spaces per dwelling unit rather than the required 1 parking space per dwelling unit, and 0.08 visitor parking spaces per dwelling unit rather than the required 0.10 visitor parking spaces per dwelling unit; to permit support columns to encroach into the Driveway Visibility Triangles (DVT) abutting Weber Street East, whereas the By-law does not permit encroachments into the DVT; to permit the second floor of the proposed building to encroach into a DVT whereas the Zoning By-law does not permit obstructions within a DVT, except for objects 0.9m or less in height from the ground or objects higher than 5.0m in height from the ground; and, to permit parking spaces and drive aisles to be located on the ground floor of a multiple dwelling building not entirely behind the area on the ground floor devoted to permitted uses abutting a street line facade whereas the Zoning By-law requires that all parking spaces and drive aisles on the ground floor of a multiple dwelling building be located entirely behind the area on the ground floor devoted to permitted uses abutting a street line facade.

5.2 A 2023-100 - 332 Prospect Avenue, DSD-2023-342

25

Requesting a minor variance to the Zoning By-law to permit a rear yard setback of 4.6m rather than the required 7.5m to facilitate the construction of a new single detached dwelling.

6. NEW BUSINESS**6.1 A 2023-104 – 254 Westwood Drive, DSD-2023-391**

35

Requesting a minor variance to the Zoning By-law to permit a required parking space to be located 2.6m from the front lot line rather than the minimum required 6m, to facilitate the conversion of an existing Single Detached Dwelling into a Duplex.

6.2 A 2023-105 – 120 Rossford Crescent, DSD-2023-407

58

Requesting minor variances to the Zoning By-law to permit a lot to have the width of 10.7m rather than the minimum required 13.1m; and, to permit a building used for dwelling units to be setback 19m from the lot line of the active railway right-of-way for a Principal line, rather than the minimum required 30m to facilitate the conversion of the existing single detached dwelling with 1 Additional Dwelling Unit (ADU) (attached) to a single detached dwelling with 2 Additional Dwelling Unit (ADU) (attached).

- 6.3 A 2023-106 – 279 Sheldon Avenue North, DSD-2023-390** 76
 Requesting minor variances to the Zoning By-law to permit a minimum front yard of 4.2m rather than the required 5.6m, to permit architectural features to project into the minimum front yard to a maximum of 0.83m rather than the maximum permitted projection of 0.6m; to permit an attached private garage to project beyond the front façade of the habitable at grade portion of the dwelling unit, whereas the By-law does not permit an attached garage to project beyond the front façade; to permit a parking space within the carport to be 4.44m in length rather than the required length of 5.5m; to permit a parking space to be located within 6m from a street line; to permit an access ramp exceeding 0.6m above ground level to be located a minimum of 0.63m from the westerly interior side lot line rather than the required 0.75m to facilitate an access ramp along the westerly side of the existing single detached dwelling, to facilitate the construction of a carport and access ramp along the westerly side of the of an existing single detached dwelling.
- 6.4 A 2023-107 – 239 Rosebank Place, DSD-2023-397** 93
 Requesting a minor variance to the Zoning By-law to permit a required parking space to be located 4.5m from the front lot line rather than the minimum required 6m to facilitate the conversion of the attached garage into a new Additional Dwelling Unit (ADU) (Attached) in an existing single detached dwelling.
- 6.5 A 2023-108 – 540 Frederick Street , DSD-2023-388** 107
 Requesting a minor variance to the Zoning By-law to permit a legal non-conforming Single Detached Dwelling in a MIX-3 zone to be used as a Single Detached Dwelling with a Personal Services Home Occupation.
- 6.6 A 2023-109 – 27 Roy Street , DSD-2023-403** 122
 Requesting a minor variance to the Zoning By-law to permit a minimum parking requirement of 0 parking spaces rather than the minimum required 4 parking spaces, to facilitate the use of the building for commercial and residential uses until a legal right-of-way to the rear yard is established.
- 6.7 A 2023-110 – 148 Chandos Drive, DSD-2023-398** 134
 Requesting a minor variance to the Zoning By-law to permit a rear yard setback of 2m rather than the minimum required 7.5m to facilitate the construction of an addition in the interior side yard of the existing single detached dwelling.

- 6.8 A 2023-111 – 15 Catalina Court, DSD-2023-392** 147
 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.
- 6.9 A 2023-112 – 103 Peter Street, DSD-2023-399** 160
 Requesting a minor variance to the Zoning By-law to permit a lot to have the width of 12.7m rather than the minimum required 13.1m to facilitate the conversion of the existing single detached dwelling with 1 Additional Dwelling Unit (ADU) (attached) (Duplex) into a single detached dwelling unit with 2 Additional Dwelling Units (attached) (Triplex).
- 6.10 A 2023-113 – 9 Siebert Avenue , DSD-2023-393** 172
 Requesting a minor variance to the Zoning By-law to permit an Additional Dwelling Unit (ADU) (Detached) to be located partially within the exterior side yard of the property abutting Clark Avenue, whereas the By-law does not permit an ADU to be located in an exterior side yard; and, and to facilitate two (2) required parking spaces to be located within 6.0m of a front or exterior lot line rather than the maximum one (1) parking space, to facilitate the conversion of a single detached duplex into a single detached duplex with ADU.
- 6.11 A 2023-114 – 78 Weber Street West, DSD-2023-404** 188
 Requesting minor variances to the Zoning By-law to permit steps that are within 3m of a street line and within a required yard to be 0.78m in height rather than the maximum permitted height of 0.6m; and to permit a porch to that is greater than 0.6m to be 0.22m from a street line rather than the minimum required 3m to permit the existing building on the subject property to have a total of 6 dwelling units.
- 6.12 A 2023-115 – 275 Lawrence Avenue, DSD-2023-405** 204
 Requesting a minor variance to the Zoning By-law to permit an “office” use in the existing building whereas the By-law does not allow for an “office” use on the subject property.
- 6.13 B 2023-035 – 100 St. George Street, DSD-2023-406** 215
 Requesting permission to sever a parcel of land having a lot width of 16.m, a lot depth of 35.3m and a lot area of 564 sq.m. The retained lands will have a lot width of 16.m, a lot depth of 35.3m and a lot area of 563 sq.m. Both lots are proposed for semi-detached dwellings.

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 1st day of September, 2023.

Mariah Blake
Secretary-Treasurer
Committee of Adjustment