

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Adam Zufferli, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: June 14, 2023

REPORT NO.: DSD-2023-268

SUBJECT: Minor Variance Application A2023-065 – 26 Siebert Avenue

RECOMMENDATION:

That Minor Variance Application A2023-065 for 26 Siebert Ave requesting relief from Section 4.1 d) of Zoning By-law 2019-051, to permit an accessory structure to have a building height of 6.5 metres instead of the maximum permitted 5.5 metres and for the underside of the fascia to have a height of 5 metres instead of the maximum permitted 3 metres, to facilitate the construction of a detached garage capable of storing a recreational vehicle, generally in accordance with drawings submitted with Minor Variance Application A2023-065, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to permit the construction of a detached structure on the property.
- The key finding of this report is that the minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on Siebert Avenue between Clark Avenue and Harber Avenue. The current use of the building is a single detached dwelling.



Figure 1: Subject Site – 26 Siebert Ave



Figures 2 and 3: Front of Subject Site (Left) and Location of Future Detached Garage (Right)

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051.

The application is requesting relief from section 4.1(d) of the zoning by-law to allow the construction of an accessory building with a building height of 6.5 metres instead of the maximum allowed 5.5 metres, and to permit the height of the underside of the fascia to be 5 metres instead of the maximum

allowed 3 metres, to facilitate the construction of a detached garage in the rear yard of the subject property. The minor variance to permit a taller garage is necessary so that a recreational vehicle (R.V.) can be stored within an enclosed building or structure. This will ensure compliance with section 5.12.2(a) of Zoning By-Law 2019-051 which requires that parking or storage of major recreational equipment on lots within a RES zone shall be located fully within an enclosed building or structure.

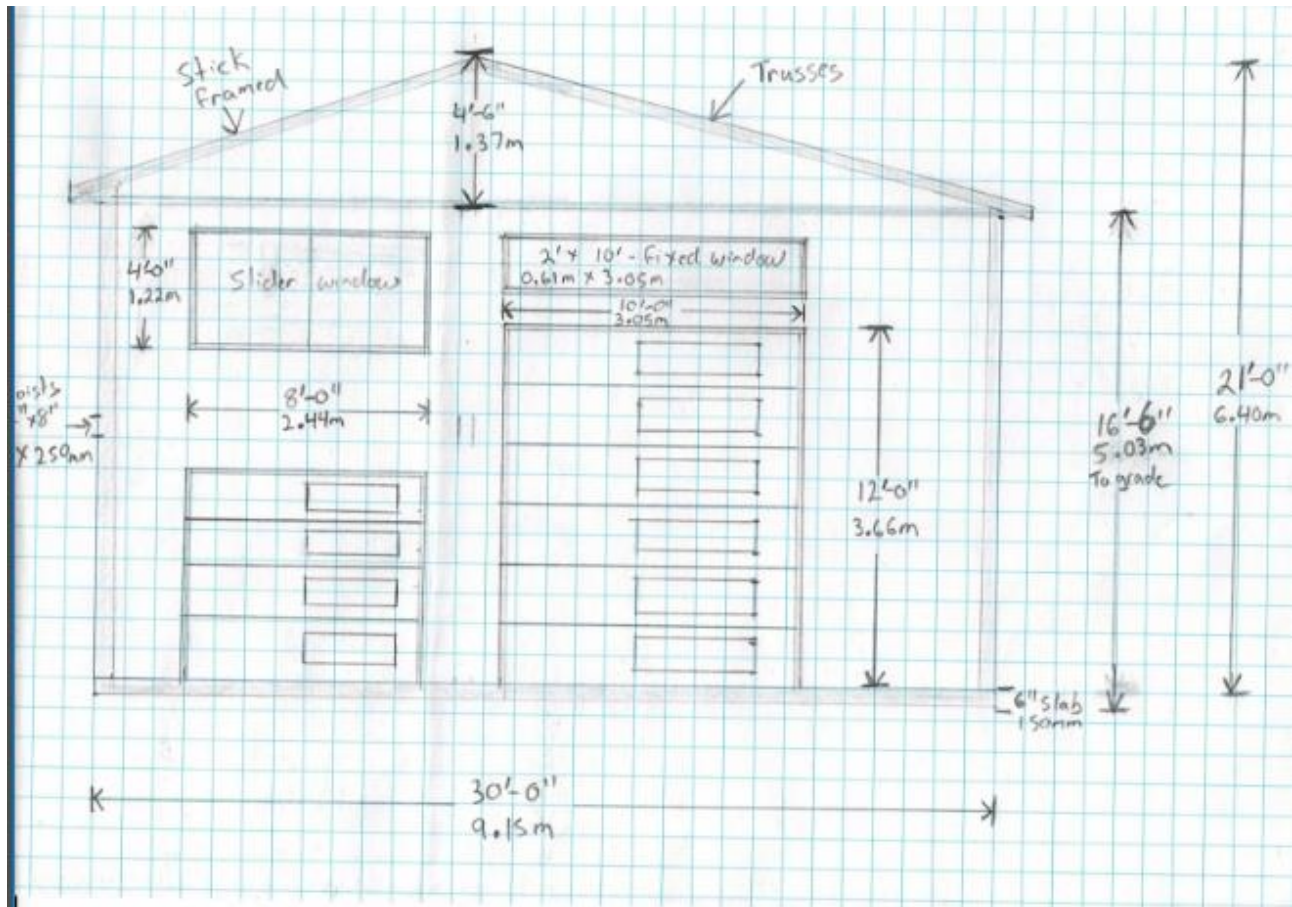


Figure 4: Side Elevation of Proposed Structure

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' in the City's Official Plan. This designation places emphasis on compatibility of building form with respect to massing, scale and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets and exterior areas. The proposed use of the property conforms to the designation, and it is the opinion of staff the requested variance to be able to construct a detached structure meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the maximum height of accessory structures and the maximum height to the underside of the fascia is to ensure that accessory structures are not excessive in height and to ensure neighbouring properties wouldn't face blank walls. Due to the irregular shape of the lot, there are no

rear yard neighbours that would directly face the structure and be impacted by it. The structure also provides greater than the required setbacks to ensure minimal impact on neighbouring properties. Staff is of the opinion that the requested variance meets the general intent of the Zoning By-Law.

Is/Are the Effects of the Variance(s) Minor?

The variance can be considered minor as it is the opinion of staff that the increase in building height and height to the underside of the fascia will not present any significant impacts to adjacent properties and the overall neighbourhood. The structure exceeds the required setback distances from lot lines and will not present a visual obstacle on the edge of neighbouring properties.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Section 5.12.2(a) of the Zoning By-Law requires that parking or storage of major recreational equipment (including R.V.s) on lots within a 'RES' zone shall be located fully within an enclosed building or structure. The variance is appropriate for the development and use of the land as it will facilitate the construction of a structure that will be able to provide enclosed storage of a recreational vehicle.

Environmental Planning Comments:

No natural heritage concerns.

Heritage Planning Comments:

No Heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the detached garage is obtained prior to the construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No Comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find

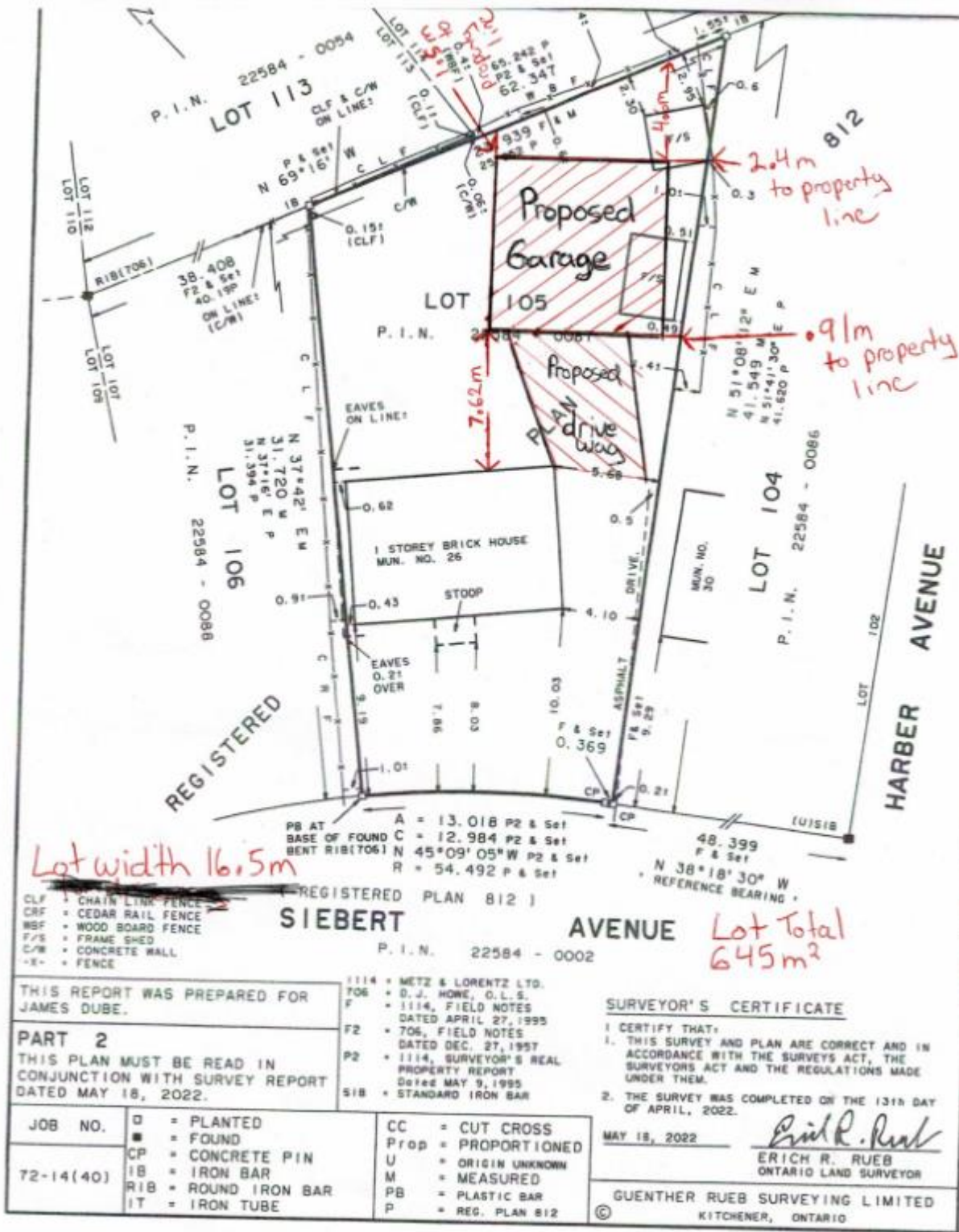
additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment 'A' - Proposed Site Layout



Attachment A – Proposed Site Layout