

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** September 19, 2023

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

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

**WARD(S) INVOLVED:** Ward 3

**DATE OF REPORT:** September 6, 2023

**REPORT NO.:** DSD-2023-393

**SUBJECT:** Minor Variance Application A2023-113 – 9 Siebert Avenue

---

**RECOMMENDATION:**

That Minor Variance Application A2023-113 for 9 Siebert Avenue requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.12.3 k) to permit an Additional Dwelling Unit (Detached) to be partially located in an exterior side yard whereas the Zoning By-law does not permit an Additional Dwelling Unit to be located in an exterior side yard; and
- ii) Section 5.3.3. a) ii) to permit two (2) parking spaces to be located within 6.0 metres of a street line instead of the maximum permitted one (1) parking space within 6.0 metres of a street line;

to permit the construction of an Additional Dwelling Unit (ADU) (Detached) in the exterior side yard of the property, generally in accordance with drawings submitted with Minor Variance Application A2023-113, BE DEFERRED to the December 12<sup>th</sup>, 2023 Committee of Adjustment Meeting, or sooner, to allow the GRCA an opportunity to review a Topographic Survey, with the Floodplain delineated, to confirm that the proposed Additional Dwelling Unit (ADU) (Detached) will be located outside the Montgomery Creek Floodplain.

**REPORT HIGHLIGHTS:**

- The purpose of this report is to review an application for minor variances to facilitate the construction of an Additional Dwelling Unit (Detached) partially in the exterior side yard of the subject property.
- The key finding of this report is that the requested minor variances need to be deferred to a future Committee of Adjustment meeting.
- There are no financial implications.

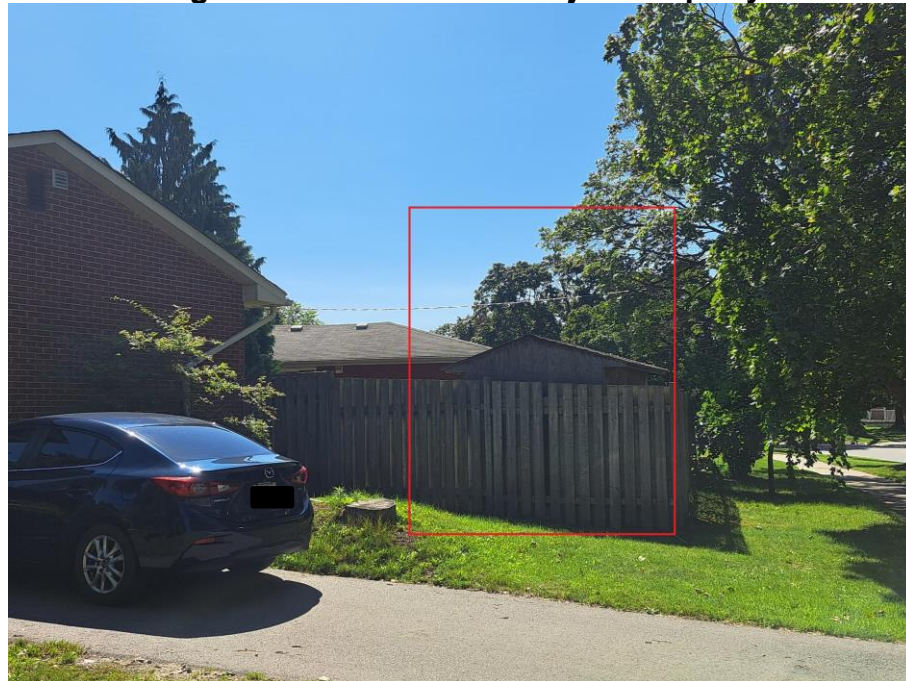
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with 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 the corner of Siebert Avenue and Clark Avenue. The existing use of the property is a Single Detached dwelling with an Additional Dwelling Unit (ADU) (Attached).



**Figure A – Location of Subject Property**



**Figure B – Location of proposed ADU (Detached)**



**Figure C – Driveway with access to Siebert Ave**



**Figure D – Driveway with access to Clark Ave**

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated '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 purpose of the application is to facilitate the construction of an Additional Dwelling Unit (ADU) (Detached) partially in the exterior side yard of the subject property. The location of the proposed ADU is shown on 'Attachment A' and in 'Figure B'.

The requested relief from the Zoning By-law is necessary to facilitate the construction of the ADU (Detached) in order to try and preserve a large evergreen tree. To facilitate a three (3) dwelling unit use of the property, two (2) required parking spaces will be located in tandem in the existing driveway with access onto Siebert Avenue, shown in 'Figure C', and one (1) of these two (2) parking spaces will be located within 6.0 metres of a street line. One (1) parking space for the ADU (Detached) will be located in the existing driveway with access onto Clark Avenue, shown in 'Figure D', and will be located within 6.0 metres of a street line.

The parking space for the ADU (Detached) will be provided but is not required since the property is within 800 metres of an LRT station (See Section 4.12.3 p) of Zoning By-law 2019-051). The requested relief from the Zoning By-law is necessary to locate three parking spaces within the existing driveways.

Minor Variance A2023-113 is recommended to be deferred from September 19th's Committee of Adjustment Agenda. In circulation and review of the Minor Variance Application, GRCA noted that a portion of the subject property is within the regulated allowance adjacent to the floodplain associated with Montgomery Creek.

The proposed ADU is in close proximity to the floodplain and GRCA policies do not permit new dwelling units within the floodplain. As such, GRCA staff have requested a Topographic Survey, with the floodplain delineated, to confirm that the proposed ADU will

be outside the floodplain. GRCA staff will provide the floodplain elevation to the applicant under separate cover to assist in the preparation of the Topographic Survey.

**Environmental Planning Comments:**

No concerns. No trees in shared ownership appear to be affected. If survey for GRCA results in a new footprint being proposed, please re-assess potential impacts to any trees.

**Heritage Planning Comments:**

No comments.

**Building Division Comments:**

The Building Division has no objections to the proposed variance. A Building Permit application has been made for the detached additional dwelling unit and it is currently under review.

**Engineering Division Comments:**

Advisory comment: It is City policy for only 1 set of services per property.

**Parks/Operations Division Comments:**

No comments.

**Transportation Planning Comments:**

Transportation Services does not have any concerns with the proposed application.

**GRCA Comments:**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that a portion of the subject property is within the regulated allowance adjacent to the floodplain associated with Montgomery Creek. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The proposed minor variance application requests permission to allow an Additional Dwelling Unit (ADU) partially within the exterior side yard. The proposed ADU is in close proximity to the floodplain and GRCA policies do not permit new dwelling units within the floodplain. As such, GRCA staff request a topographic survey with the floodplain delineated to confirm that the proposed ADU will be outside the floodplain. GRCA staff will provide the floodplain elevation to the applicant under separate cover.

Consistent with GRCA's 2023 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced the amount of \$300.00 for the GRCA's review of this 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 – Site Plan

Attachment B – GRCA Source Mapping



PLAN SHOWING  
LOCATION of BUILDING  
ON LOT 80, REG. PLAN 812  
CITY of KITCHENER  
SCALE 1:240 (1 inch = 20 feet)

NOTE SCANT SURVEY EVIDENCE FOUND  
LOT DIMENSIONS SHOWN ARE ACCORDING  
TO REG. PLAN 812  
LOT 80, REG. PLAN 812 HAS A MATHEMATICAL  
ERROR OF 0.6



THIS PLAN DOES NOT PURPORT TO REPRESENT A COMPLETE SURVEY CONDUCTED IN ACCORDANCE WITH ALL REGULATIONS UNDER THE SURVEYS ACT & THE REGISTRY ACT.

Pros:  
Rear yard is best  
Keep deck  
Keep giant tree  
More windows  
Glass sliding door

Cons:  
Minor variance

5/8-90 LOR  
9/1-90 L2.1

Guenther Rueb

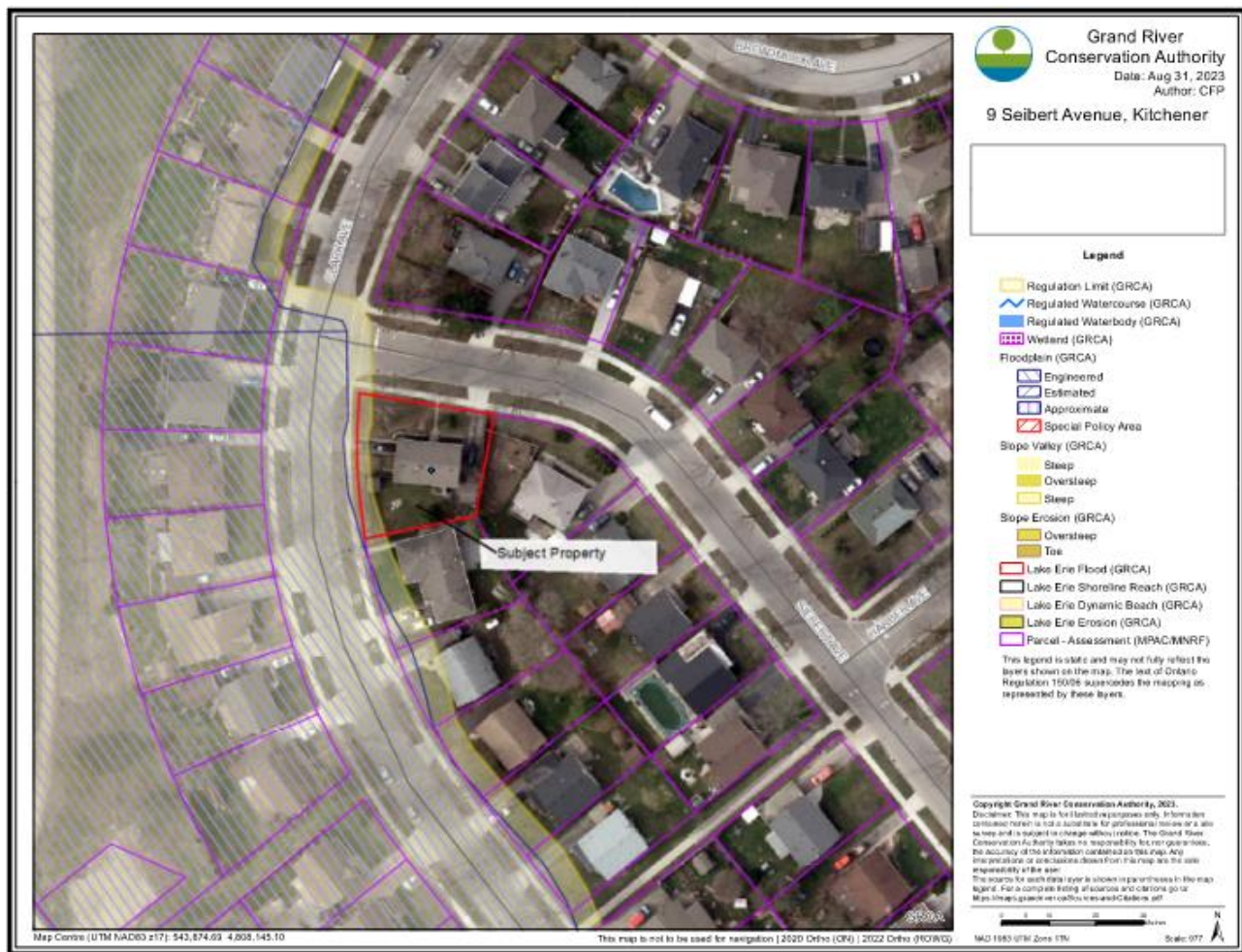
JOB NO.

72-14 (18)

AUGUST 22, 1980

GUENTHER RUEB  
ONTARIO LAND SURVEYOR  
KITCHENER, ONTARIO

Attachment A – Site Plan



**Attachment B – GRCA Source Mapping**