

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 21, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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PREPARED BY: Katie Anderl, Project Manager - Planning, 519-741-2200 x7987

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: May 3, 2024

REPORT NO.: DSD-2024-219

SUBJECT: Minor Variance Application A2024-033 – 1955 Fischer Hallman Road

RECOMMENDATION:

That Minor Variance Application A2024-033 for 1955 Fischer Hallman Road requesting relief from Section 12.3, Table 12-2, of Zoning By-law 2019-051 to permit a minimum side yard setback to Fischer Hallman Road of 8.5 metres instead of the minimum required side yard setback of 10 metres, to facilitate the development of a recreational athletic complex, in accordance with Site Plan Application SP24/020/F/KA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a recreational complex and sports facility.
- The key finding of this report is that the requested variance meets the 4 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 at 1955 Fischer Hallman Road and is being developed by the City of Kitchener as a district park (see Figure 1). Phases 1 and 2 included construction of outdoor facilities including a splash pad and playground, playing fields and courts, an operational/maintenance building and washroom/change room building.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

Detailed planning for Phase 3 is now underway and includes an indoor recreation complex with an aquatic facility, FIFA sized fieldhouse and future gymnasium space.

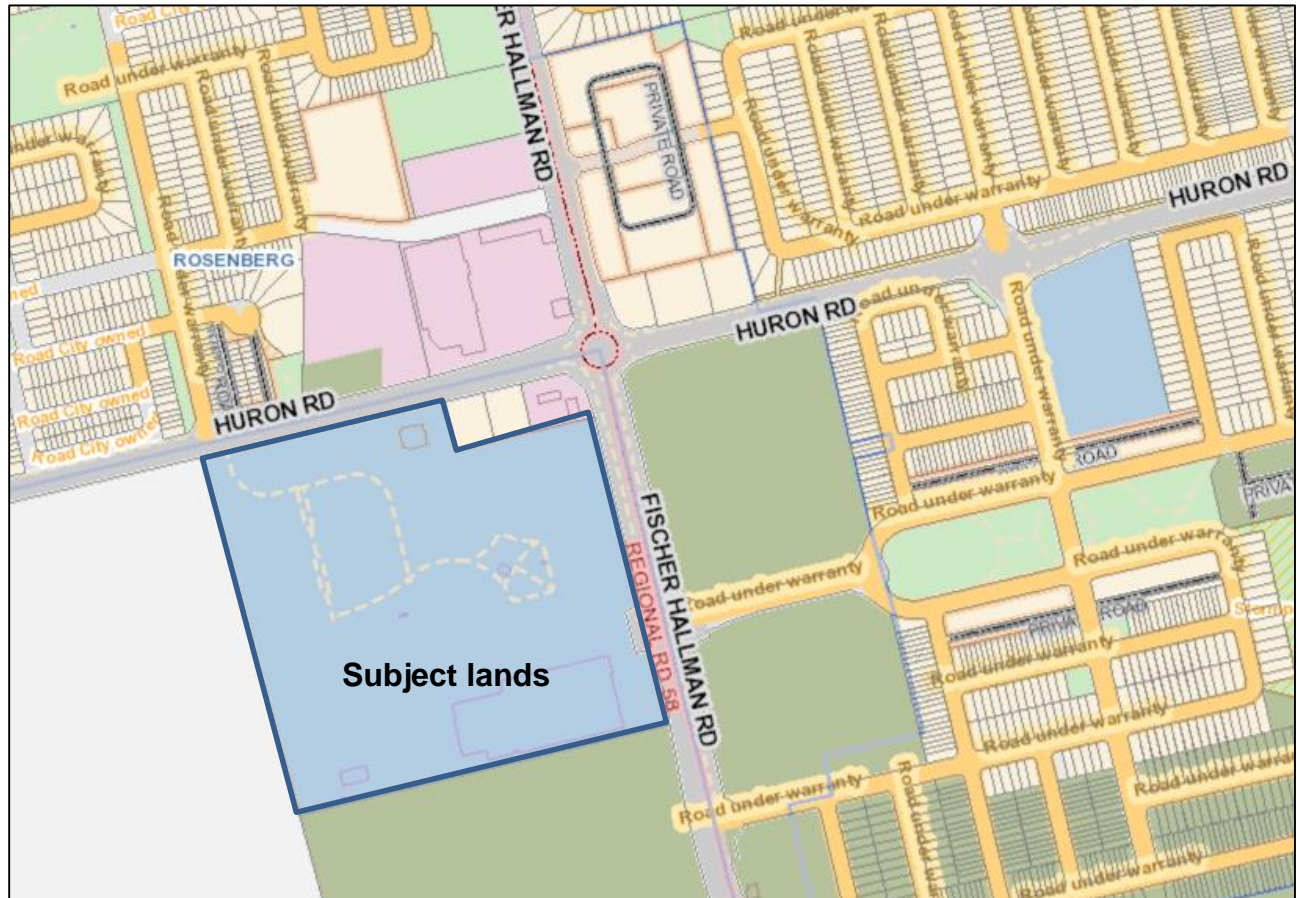


Figure 1 – Location Map

The subject property is identified as 'Protected Countryside' on Map 1 - City Urban Area and Countryside and is designated 'Prime Agriculture' on Map 3 – Land Use in the City's 2014 Official Plan. In accordance with Map 1, Policy 3.C.1.22 applies to the lands which permits the lands to be used for the development of a municipal park (active or passive), athletic/community centre and associated facilities.

The property is zoned 'Prime Agricultural (AGR-1) Zone' in Zoning By-law 2019-051 and is subject to regulation 4.15.7 (Public Uses and Utilities) which permits public uses in any zone subject to compliance with the regulations.

The purpose of the minor variance application is to permit a minimum setback of 8.5 metres rather than 10.0 metres along Fischer Hallman Road in the location shown on Figure 2 below. The proposed reduction is limited to the area near the roundabout and is due to the irregular property line, which accommodates for the geometrics of the roundabout design (including turning lanes, multi-use pathway and pedestrian crossing).

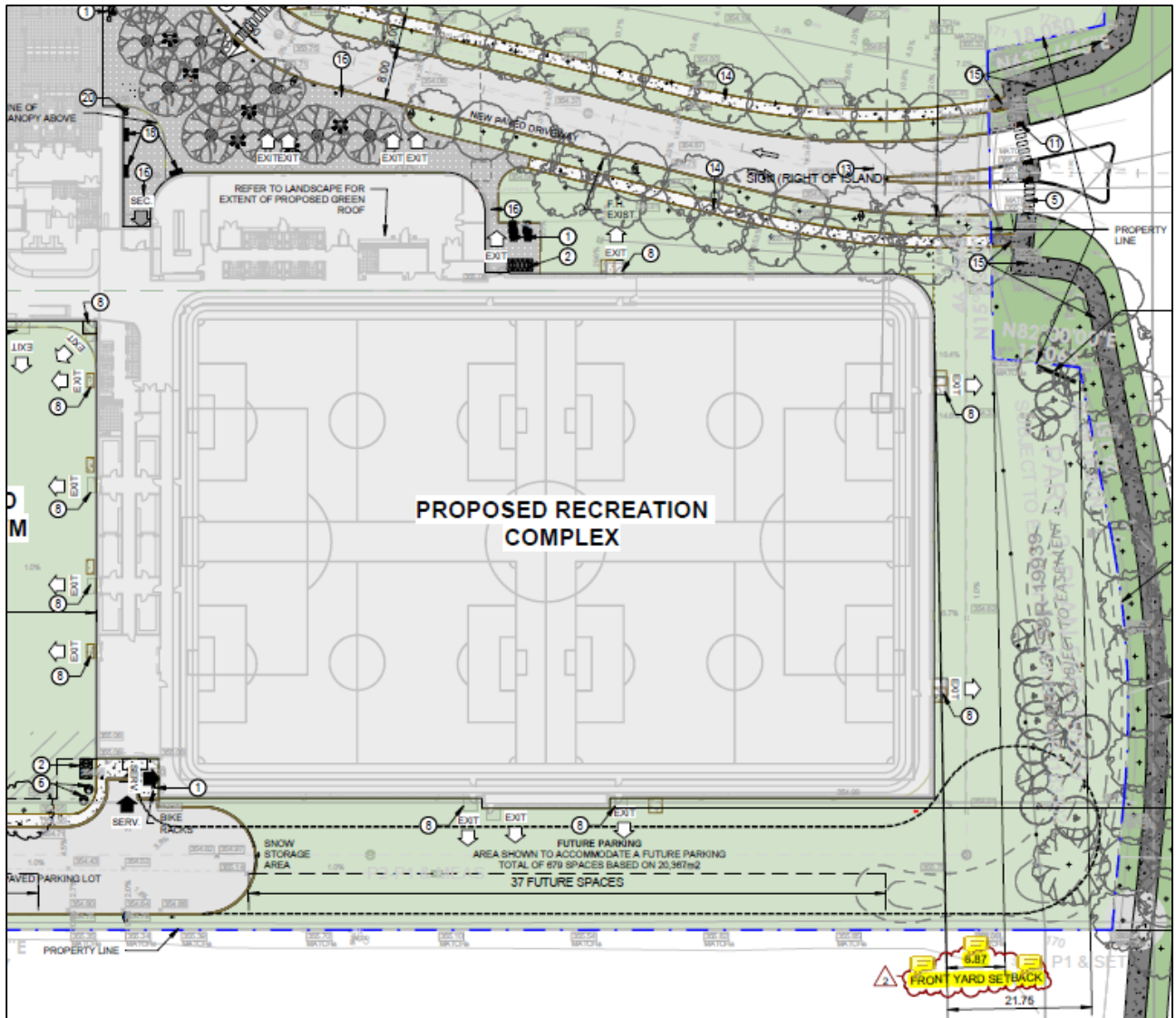


Figure 2 – Proposed Recreation Complex

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 intent of the Official Plan is to facilitate the development of a municipal park, athletic/community centre and associated facilities. The proposed variance allows for the proposed site design which provides for a large athletic complex. Staff is of the opinion that the general intent of the Official Plan is maintained.

General Intent of the Zoning By-law

The intent of the side setback regulations in the Agricultural Zone is to provide for setbacks which are appropriate to a range of agricultural buildings in a rural context. The

proposed community and athletic facility is permitted as a public service use and interfaces with the Urban Area and a Mixed Use Node which will be developed with a mixed of commercial and residential uses. By comparison, if the proposed building were located in an Institutional (INS) zone, the minimum setback would be between 4.5 and 6.0 metres (and no maximum applies). The majority of the building is setback more than 20 metres from the street line and exceeds the minimum requirements of the zone providing for landscaping and a park appropriate frontage. The proposed 8.5 metre setback is limited to the corner of the building nearest the roundabout, where there is an irregular property boundary which accommodates the geometry of the roundabout. Staff is of the opinion that the general intent of the Zoning By-law is maintained.

Is the Effect of the Variance Minor?

Staff is of the opinion that the effect of the variance is minor. The majority of the building setback exceeds minimum requirements, providing for park appropriate greenspace and landscaping along the street. Locating the built form near intersections and the street is generally desirable from an urban design and streetscape perspective, and sufficient space is provided for landscaping, the driveway/entrance and a multi-use pathway connection into the site.

Is the Variance Desirable for the Appropriate Development or Use of the Land, Building and/or Structure?

The requested reduction accommodates for the irregular lot line, while allowing efficient placement of the building to accommodate for the site layout and building function. The majority of the building is located more than 20 metres from the street line, providing space for extensive landscaping and a park-like frontage along Fisher Hallman Rd. Staff note that sightlines for vehicles, pedestrians and cyclists using the roundabout is accommodated for within the right-of-way, which has resulted in the irregular frontage. Staff is of the opinion that the proposed minimum setback of 8.5 metres is desirable and appropriate.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit application has been made for the athletic complex.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No comments or concerns.

Transportation Planning Comments:

No concerns

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*
- *DSD-2024-011*