

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** July 16, 2024

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

**PREPARED BY:** Ben Suchomel, Student Planner, 519-741-2200 ext. 7074

**WARD(S) INVOLVED:** Ward 6

**DATE OF REPORT:** July 3, 2024

**REPORT NO.:** DSD-2024-315

**SUBJECT:** Consent Application B2024-013 – 1188 Fischer Hallman Road

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## RECOMMENDATION:

That Consent Application B2024-013 requesting consent to sever a parcel of land having a lot width of 40 metres, a lot depth of 4.2 metres, and a lot area of 60 square metres from the property municipally addressed as 1188 Fischer Hallman Road, to convey as a lot addition to 525 Erinbrook Drive, in accordance with Site Plan Application SP23/019/E/TS, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That Site Plan Application SP23/019/E/TS for 525 Erinbrook Drive, be amended to incorporate the proposed lot addition to 525 Erinbrook Drive, to the satisfaction of the Director of Development and Housing Approvals.
5. That prior to final approval, confirm the existence and transfer of the Registered Easement agreement in favour of the City for the existing water infrastructure

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

currently located within the parcel to be severed.

6. That prior to final approval, the owner/applicant submits a valid Section 59 Notice.
7. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefitting lands, to the satisfaction of the Regional Municipality of Waterloo.

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to review an application for consent to facilitate a transfer of land from a commercial lot to the adjacent vacant lot to permit the development contemplated by Site Plan Application (SP23/019/E/TS) of a three-block, 72-unit multiple dwelling development at the benefitting lands of 525 Erinbrook Drive.
- 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 east side of Fischer Hallman Road near the intersection of Westmount Road East and Fischer Hallman Road. It is located within the Country Hills West neighbourhood which is comprised of a mix of low-rise residential dwelling types and commercial services.

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land use in the City's 2014 Official Plan.

The property is zoned 'Neighbourhood Shopping Centre Zone (C-2, 480R, 377U)' in Zoning By-law 85-1 and 'Neighbourhood Institutional Zone (INS-1)' in Zoning By-law 2019-051.

The purpose of this application is to adjust the lot lines between the property municipally known as 1188 Fischer Hallman Road, and the adjacent property, municipally known as 525 Erinbrook Drive. The property fronting Erinbrook Drive is limited by hydro connection on Erinbrook Drive, which is at servicing capacity. The proposed lot addition will allow 525 Erinbrook Drive to connect to hydro infrastructure on Westmount Drive which will facilitate the development of the lands with three buildings, a 72-unit multiple dwelling development.

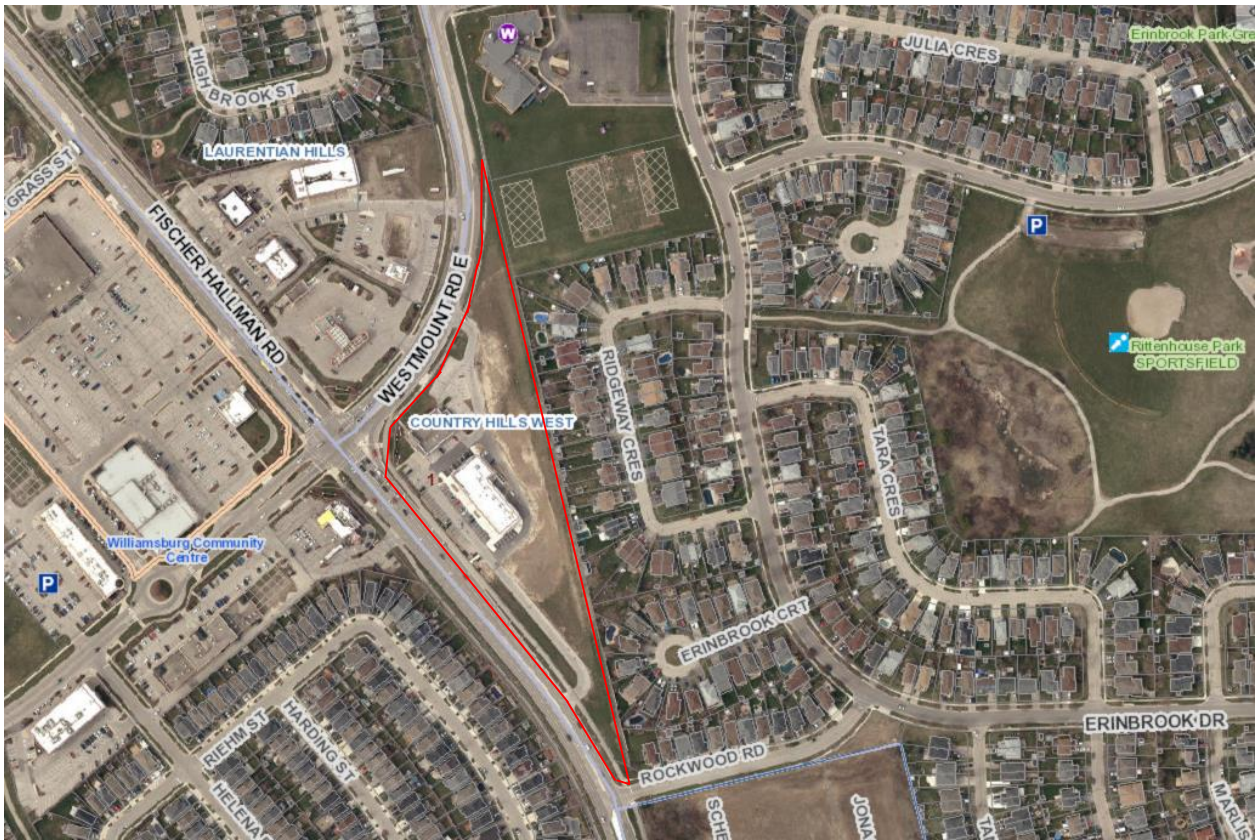


Figure 1: Location Map- 1188 Fischer Hallman Road (Outlined in Red)

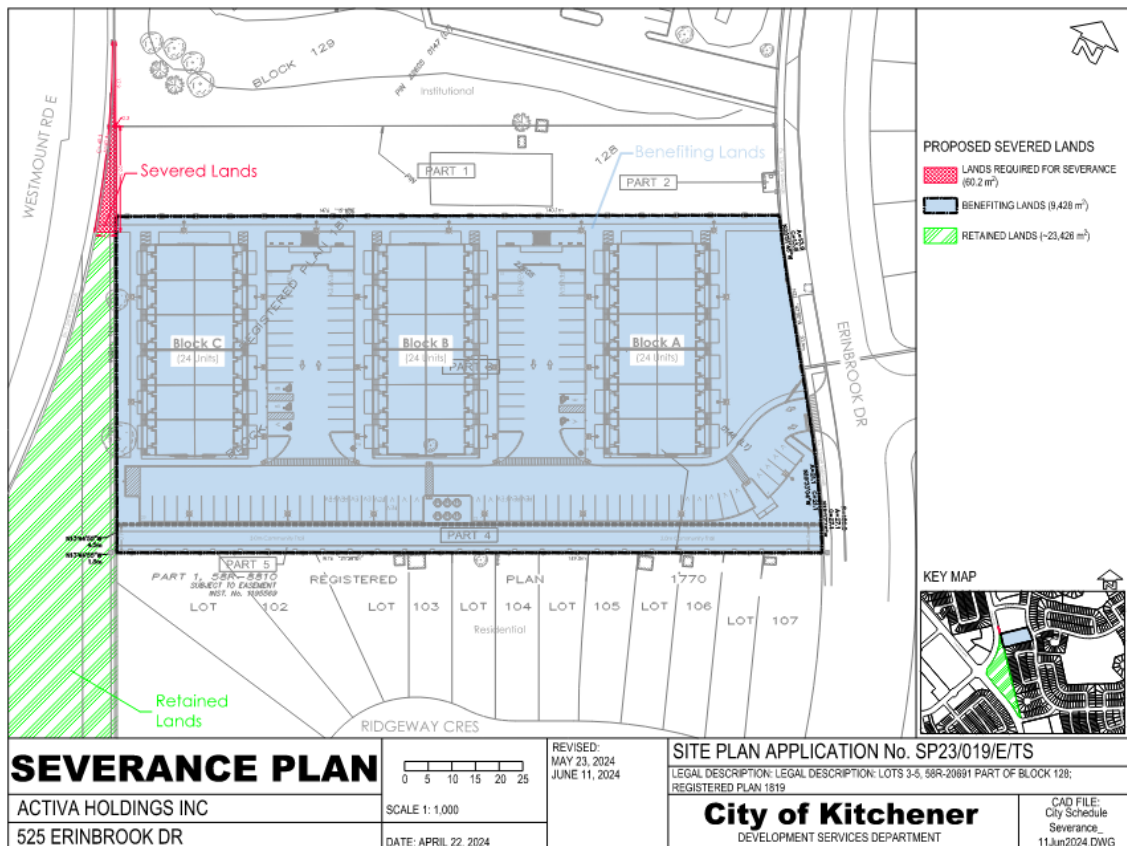


Figure 2: Severance Plan



**Figure 3: Existing Site Conditions at 1188 Fischer Hallman Road**



**Figure 4: Existing Plaza Located on the Subject Property**

## **REPORT:**

### **Planning Comments:**

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

#### Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject application does not propose any development, rather it is an adjustment of lot lines. Planning Staff is of the opinion that the application is consistent with the PPS.

#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living and make efficient use of land and infrastructure, at densities and in locations which supports transit viability and active transportation. The proposed lot addition will facilitate a 72-unit multiple dwelling development in close proximity to Bus Route 22. Thus, Planning Staff is of the opinion that the application conforms to the Growth Plan.

#### Regional Official Plan (ROP):

Regional policies in the ROP require Area Municipalities to plan for a range of housing in terms of form, tenure, density, and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. The proposed lot addition will facilitate a 72-unit multiple dwelling development in close proximity to Bus Route 22. Thus, Planning Staff is of the opinion that the application, conforms to the Regional Official Plan.

#### City's Official Plan (2014)

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Commercial' and 'Institutional' on Map 3 – Land use in the City's 2014 Official Plan. Staff are of the opinion that the size, dimensions, and shape of the resultant lots are suitable for the use of the lands and will continue to be compatible with the surrounding neighbourhood. The lands front onto a public street and the lot addition will facilitate the provision of hydro services. There are no natural heritage features that would be impacted by the proposed consent application. Staff are of the opinion that the proposed consent application conforms with the City's Official Plan

#### Zoning By-law 85-1 or 2019-051

The subject property is zoned 'Neighbourhood Shopping Centre Zone (C-2, 480R, 377U)' in Zoning By-law 85-1 and 'Neighbourhood Institutional Zone (INS-1)' in Zoning By-law 2019-051. The proposed boundary adjustment maintains compliance of the minimum lot width and lot area requirements in effect for the subject lands. Staff are of the opinion that the proposed lot addition conforms to the City's Zoning By-laws.

**Planning Conclusions/Comments:**

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the proposed boundary adjustment is desirable and appropriate.

**Environmental Planning Comments:**

There are no natural heritage concerns. A Tree Management Plan was a requirement of Site Plan Application SP23/019/E/TS.

**Heritage Planning Comments:**

No heritage planning comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed consent.

**Engineering Division Comments:**

Please confirm the existence and transfer of the Registered Easement agreement in favour of the City for the existing water infrastructure currently located within the parcel to be severed. An easement will be required for the previously mentioned water infrastructure, if not currently in existence.

**Parks/Operations Division Comments:**

Parkland dedication is not required for this application as it will be considered as a minor lot addition to the 525 Erinbrook Dr lands and the required parkland dedication requirements for that property/application have been satisfied.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Road, to add to commercial parcel, 525 Erinbrook Road, being: Severed lands - irregular parcel of 6.2 sq.m.; Retained lands – 23,426 sq.m. and Benefitting lands – 9,428 sq.m. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Road, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

**Source Water Protection Policy**

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

**Regional Official Plan**

There is a one-foot reserve between retained and benefitting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Road, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

**Regional Staff has no objection to this application subject to the following condition(s):**

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefiting lands, to the satisfaction of the Regional Municipality of Waterloo.

**Hydro One Comment:**

We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.

**GRCA Comments:**

GRCA has no objection to the approval of the above application.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

The recommendation has no impact on the Capital 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 (ROP)*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*
- *Site Plan Application SP23/019/E/TS*