

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 20, 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 1

**DATE OF REPORT:** August 7, 2024

**REPORT NO.:** DSD-2024-350

**SUBJECT:** Consent Application B2024-019 – 250 Shirley Avenue

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## RECOMMENDATION:

That Consent Application B2024-019 requesting consent to sever a triangular-shaped parcel of land having a width of 58 metres and an area 1,500 square metres (0.15 hectares), to convey as a lot addition to 260 Shirley Avenue, **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 the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the Planning Act, R.S.O. 1990, c. P.13, as amended.

5. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

**Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to review an application for consent to facilitate a transfer of land from an industrial lot to the adjacent industrial lot, both containing industrial facilities.
- 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 properties are located on the south side of Shirley Avenue between Riverbend Drive and Bingemans Centre Drive.

The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'Heavy Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Heavy Industrial Employment Zone (EMP-3)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conveyance of a portion of the rear yard at 250 Shirley Avenue to the neighbouring property at 260 Shirley Avenue as a lot addition.



Figure 1: Location Map – 250 Shirley Avenue (Outlined in Red)



Figure 2: Site Plan

Staff conducted a site visit to the subject property on July 30, 2024.



**Figure 3: Existing Industrial Facility at 250 Shirley Avenue on July 30, 2024**

**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. 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 conforms to the Growth Plan.

Regional Official Plan (ROP):

The subject property is located within the delineated built-up area, where economic activity is encouraged. Staff are of the opinion that the lot addition will establish more appropriate lot lines that resemble the current use of both properties, therefore, are of the opinion that the proposed consent application conforms with the Regional Official Plan.



**Figure 4: Lands to be Conveyed to 260 Shirley Avenue**

City's Official Plan (2014)

The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'Heavy Industrial Employment' 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 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 establish more appropriate lot lines that resemble the current use of both properties. 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 2019-051

The property is zoned 'Heavy Industrial Employment Zone (EMP-3)' 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-law.

**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:**

No concerns.

**Heritage Planning Comments:**

No Heritage comments or concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed consent.

**Engineering Division Comments:**

No concerns

**Parks/Operations Division Comments:**

Parkland Dedication is not required for this Severance as the severed parcel will be consolidated with the adjacent lot and no new lot is created.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

The applicant proposes to sever 0.15 ha from the rear yard of lands at 250 Shirley Avenue (an irregularly shaped 1.35 ha parcel) to be conveyed and added to the abutting property at 260 Shirley Ave (owned by 1123766 Ontario Ltd). The proposed severed lands are vacant, while the retained parcel at 250 Shirley Avenue and the benefitting lands at 260 Shirley Avenue are both used industrially.

Regional fee

Regional staff acknowledge receipt of the required consent review fee (\$350) on June 25, 2024. Regional staff have no objection to this application.

**Grand River Conservation Authority (GRCA) Comments:**

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application.

GRCA has no objection to the approval of the above application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

**Hydro One Comments:**

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

**Metrolinx Comments:**

As the proposal is for a technical severance to facilitate lot additions and no new development is proposed, Metrolinx has no objections to the specified proposal should the committee grant approval.

**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 (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*