

REPORT TO: Committee of Adjustment

DATE OF MEETING: May 20, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Brian Bateman, Senior Planner, 519-783-8905

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: May 7, 2025

REPORT NO.: DSD-2025-232

SUBJECT: Consent Application B2025-015 – 512 Fall Harvest Place

RECOMMENDATION:

That Consent Application B2025-014 requesting consent to sever a triangular-shaped parcel of land from Part 3 on Reference Plan 58R-7207 owned by the Grand River Conservation Authority and measuring 35.8 metres by 14.3 metres by 27.6 metres having an area of 180.2 square metres, and convey it as a lot addition to Lot 26, 58M-527, addressed as 512 Fall Harvest Place, as shown on survey sketch prepared by Guenther Rueb Surveying Limited, dated March 19, 2025., 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 Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and Director, Development and Housing Approvals, and registered on title to the

“Severed Parcel” (as shown in the Proposed Severance Sketch Plan, prepared by Guenther Rueb Surveying Limited, dated March 19, 2025 (Figure 4, DSD-2025-231) and Lot 26, 58M-527 (legal description of “receiving parcel”), to provide the following:

“That title to the Severed Lands and Lot 26, 58M-527 shall at all times be maintained in identical ownership and said lands shall be treated as one lot or parcel with respect to the Planning Act and neither of the Severed Lands nor Lot 26 58M-527 shall be separately conveyed, or otherwise dealt with, without the prior consent of the City of Kitchener, with the criteria for granting or withholding such consent to be the applicable considerations to be applied if a consent for severance was applied for under the Planning Act, as if section 50 (3) and /or section 50 (5) of that statute applied to such conveyance or dealing.” and

- 5. That the Owner’s Solicitor shall provide a Solicitor’s Undertaking to register an Application Consolidation Parcels for the Severed Lands and Lot 26, 58M-527 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 assess a consent application requesting to convey a piece of land owned by the GRCA and add it as a lot addition to 512 Fall Harvest Place.
- The key finding of this report is it represents ‘good planning’ by creating a lot that is now consistent in size and shape as other lots within the plan of subdivision.
- 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 512 Fall Harvest Place within the Pioneer Tower neighbourhood (see Figure 1). It is an irregular-shaped lot that is currently vacant. The lot backs onto lands owned by the Grand River Conversation Authority



Figure 1 – Aerial photo of 508 and 512 Fall Harvest Place

The subject property is identified as ‘Community Areas’ on Map 2 – Urban Structure and is designated ‘Low Rise Residential’ on Map 3 – Land Use in the City’s 2014 Official Plan.

508 Fall Harvest Place and the lands to be added are zoned ‘RES-2: Low Rise Residential Two Zone’ in 2019-051.

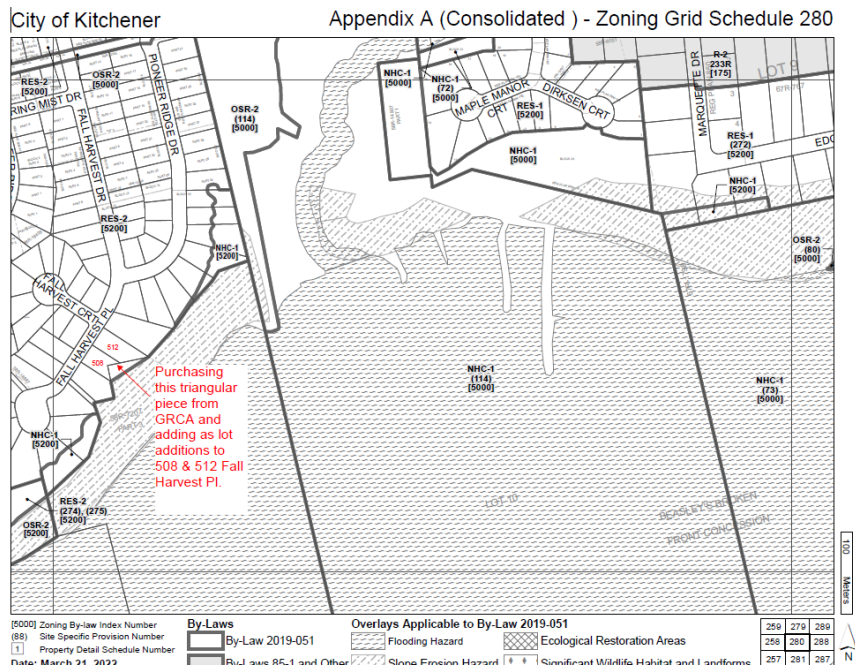




Figure 3 – Photo of 508 and 512 Fall Harvest Place

A site visit occurred on May 4, 2025 (see Figure 3).

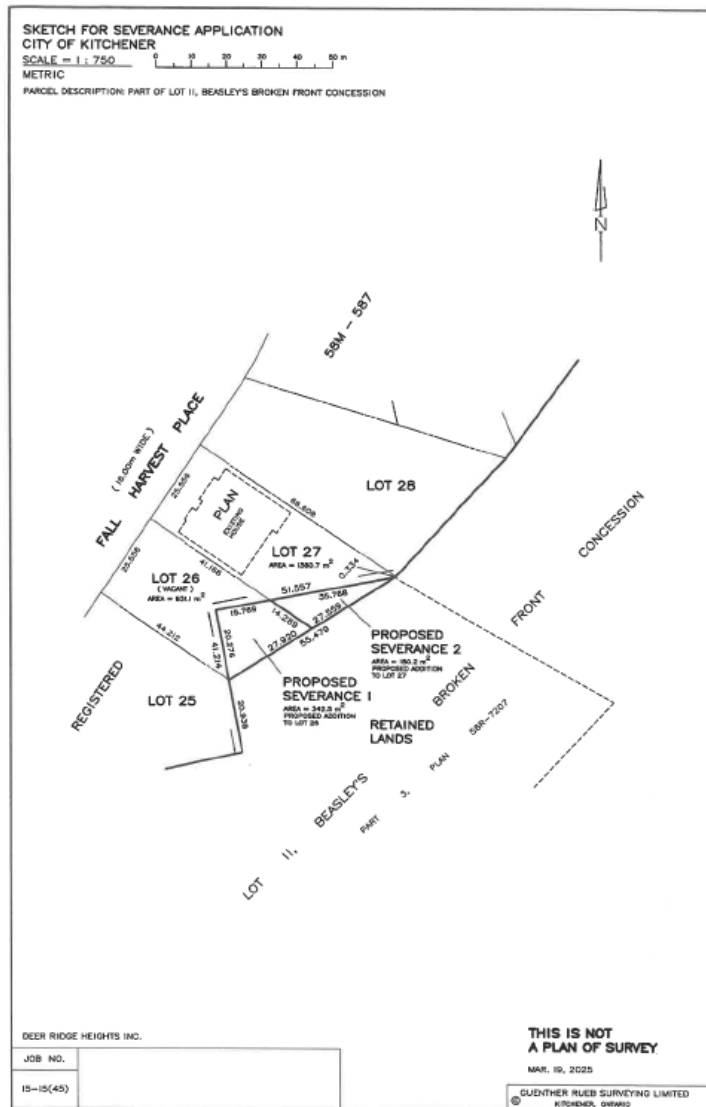


Figure 4 – Surveyor's Plan

The purpose of the application is to convey a triangular-shaped piece of land owned by the GRCA and convey it as a lot addition shown in Figure 4.

REPORT:

Planning Comments:

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

Provincial Planning Statement (PPS 2024)

Staff are satisfied that the proposed severance application is consistent with the Provincial Planning Statement in general and as it related to housing policies in Chapter 2 regarding intensification and facilitating housing options. Section 2.2 1 (b) states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents.

Regional Official Plan (ROP):

ROP Urban Area policies state that the focus of the Region's future growth shall be within the Urban Area. The subject lands fall within the 'Urban Area' and are designated 'Built-Up Area' in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical and community infrastructure required for the proposed residential development, including transportation networks, municipal water and wastewater systems, and a broad range of social and public health services. Regional policies require 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. Staff are satisfied that the proposed severance applications adhere to these policies and conforms to the ROP.

City's Official Plan (2014)

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

"17.E.20.5 Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration;

- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

Zoning By-law 2019-051

The subject properties are zoned as ‘Low Rise Residential Two Zone (RES-2)’. The purpose of this zone is to accommodate a limited range of low-density dwelling types on larger lots. Lots in the general vicinity are considered larger lots and therefore the lot addition square off the lot making it consistent with the prevailing pattern.

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 lot addition is desirable and appropriate. The uses of both the severed and retained parcels are in conformity with the City’s Official Plan and Zoning By-law. Planning staff is of the opinion that the size, dimension and shape of the proposed lot is suitable for the use of the lands and compatible with the surrounding community because of the lot addition. The lands front onto an established public street and are serviced with municipal services. Staff are further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

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 creation of the severed lots are desirable and appropriate.

Environmental Planning Comments:

Be advised that the land (owned by the GRCA) to be conveyed to the Fall Harvest properties is regulated by the GRCA as being adjacent to slope erosion hazard, and in proximity to floodplain and wetlands. As no development is proposed within the land to be severed there is no concern.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

This is a lot addition and no parkland dedication is required.

Transportation Planning Comments:

No concerns.

Region of Waterloo Comments:

Regional staff have reviewed the application and have the following comments to provide:

Environmental Threats: For City staff's awareness, the Threat Inventory Database (TID) identifies no threats on or adjacent to 512 Fall Harvest Place.

Regional Fees: Regional staff acknowledge receipt of the required \$350 fees for review of a consent application (received May 1, 2025). No additional fees are required.

Regional staff have no objection to this application.

GRCA Comments:

GRCA has reviewed these applications under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

The information currently available at this office indicates that the lands to be severed and merged with 508 and 512 Fall Harvest Place are adjacent to valley slopes and contain the regulated allowance adjacent to the valley slopes. The retained lands owned by the GRCA contain the Grand River, floodplain, valley slopes, wetlands, and the regulated allowance adjacent to these features. A copy of GRCA's resource mapping is attached.

Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits 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 41/24.

The Consent applications propose lot line adjustments to convey two parcels of land to 508 and 512 Fall Harvest Place. GRCA Planning and Regulation Services staff have reviewed the proposed applications, and we do not have any concerns with the lot line adjustments.

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 Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By- 2019-051*