

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

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

PREPARED BY: Evan Wittmann, Senior Planner, 519-783-8523

WARD(S) INVOLVED: 9

DATE OF REPORT: August 12, 2025

REPORT NO.: DSD-2025-329

SUBJECT: Consent Application B2025-023 – 220 Heiman Street

RECOMMENDATION:

That Consent Application B2025-023 for 220 Heiman Street requesting consent to sever a parcel of land having a lot width of 7.6 metres on Heiman Street, a lot depth of 42.6, metres and a lot area of 325.2 square metres, 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 provide a Reference Plan and a Building Location Survey, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation and setbacks, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals. If necessary, that the Owner obtain Consent Approval of 1.5 metre Maintenance Easements to facilitate any 0-metre lot line development along the common lot line.

5. That at the sole option of the City's Director, Development and Housing Approvals, 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 the City's Director, Development and Housing Approvals, which shall include the following:
 - a) That the Owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Manager, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
 - b) The Owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Manager, Site Plans.
 - c) The Owner shall maintain the lands, in accordance with the approved Tree Preservation and Enhancement Plan, for the life of the development.
6. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
7. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.
8. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.
9. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
10. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
11. That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.

12. That prior to final approval the Owner submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for Consent to facilitate the construction of a semi-detached dwelling, each side containing four dwelling units.
- 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 220 Heiman Street, on the northern side of Heiman Street, west of Lorne Avenue, near the western terminus of the road. The subject property is currently 650 square metres in area, with a frontage of roughly 15 metres on Heiman Street. The subject property is currently vacant, having previously featured a single detached dwelling.



Figure 1 - Site Aerial (Site Outlined In Red)



Figure 2 - View From Street (Taken August 5, 2025)

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.

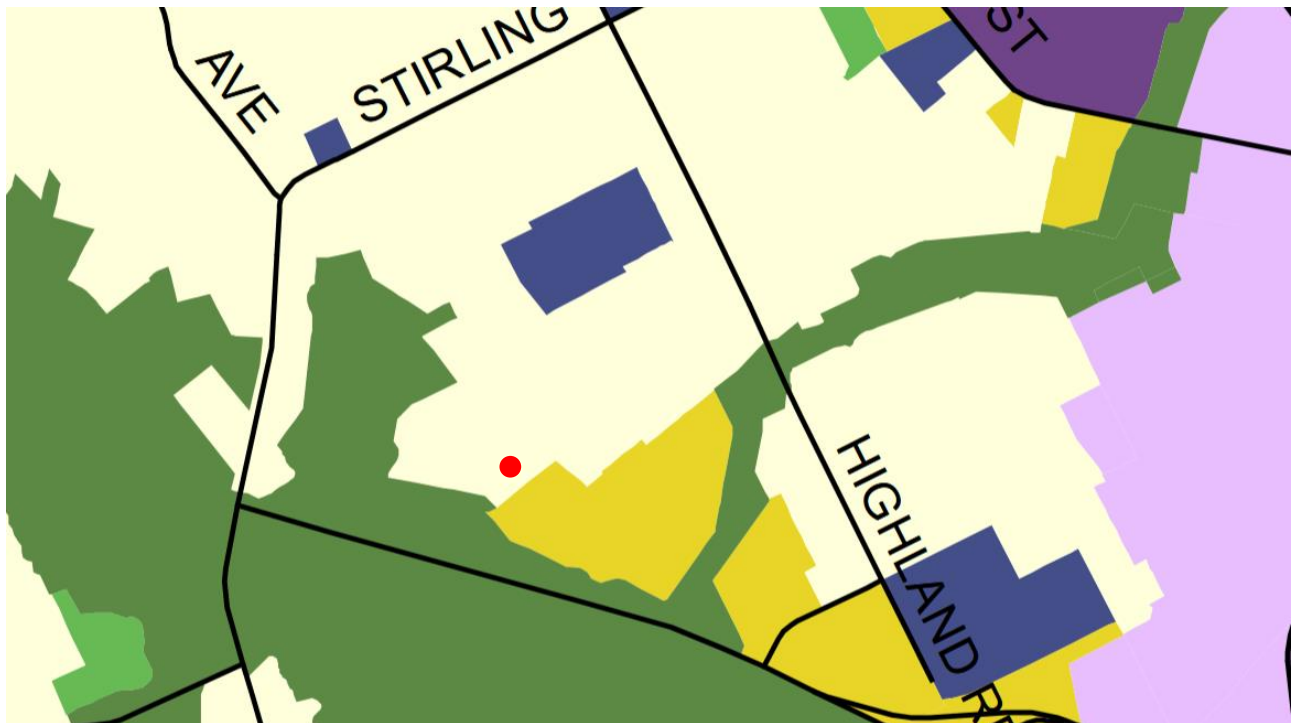


Figure 3 - City Of Kitchener Official Plan (Red Dot Is Site Location)

The property is zoned 'Low Rise Residential Five Zone' (RES-5) in Zoning By-law 2019-051.

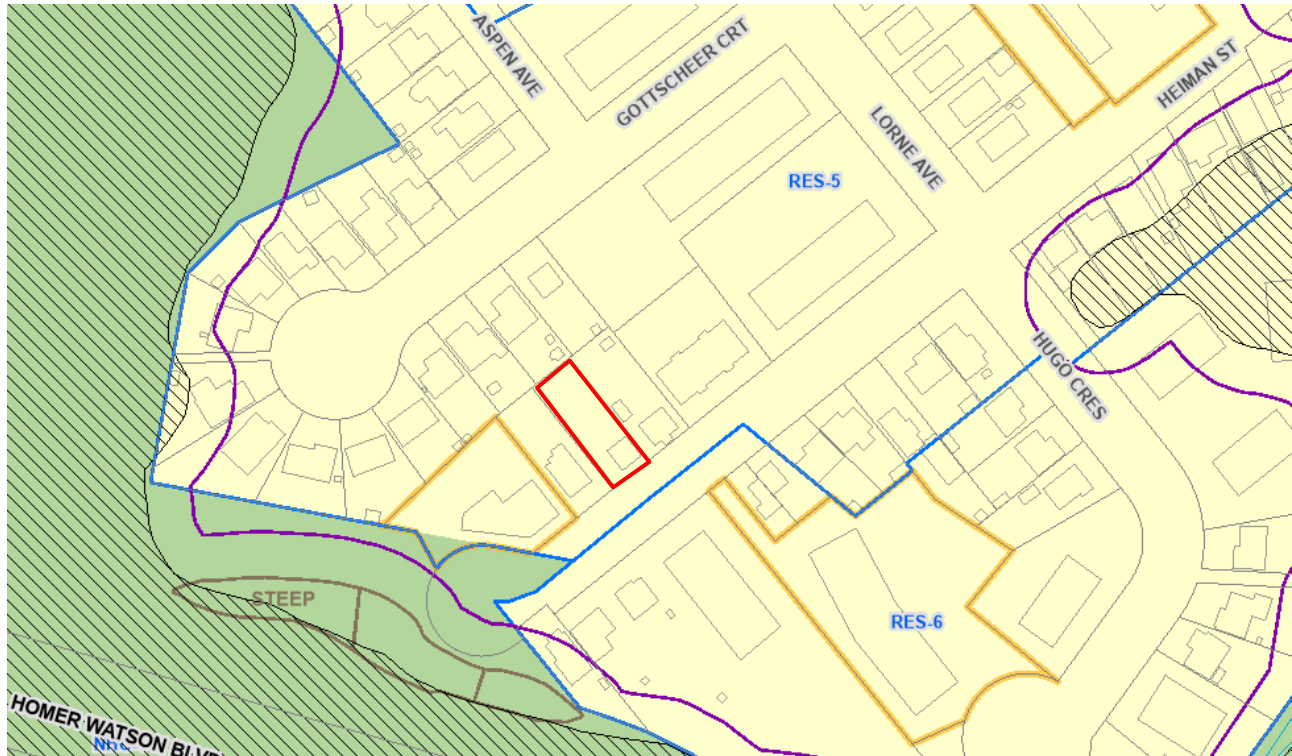


Figure 4 - Zoning By-Law 2019-051 (Site Outlined In Red)

The purpose of the application is to sever the property to facilitate the construction of a semi-detached dwelling. The proposed Severed Parcel of land will have a lot width of 7.6 metres on Heiman Street, a lot depth of 42.6 metres, and a lot area of 325.2 square metres for one half of a new Semi-Detached Dwelling. The lands to be retained will have also have a lot width of 7.6 metres on Heiman Street, a lot depth of 42.6 metres, and a lot area of 325.2 square metres for one half of a new Semi-Detached Dwelling.

Each side of the semi-detached dwelling is proposed to have four units (one primary and three Additional Dwelling Units (ADU)(Attached)), for a total of 4 dwellings in each half of the semi-detached dwelling (i.e. Fourplex).

It is noted that the foundation for the future building/dwelling has not yet been poured. Typically, best practices dictate that prior to the Consent of a property proposed to contain an attached dwelling, the foundation is to be set and surveyed so as to accurately capture the new lot line as constructed. The City is cognisant of the construction challenges and excavation costs that this process poses, and as such, will permit Consent Applications to proceed ahead of the foundation being poured. The Applicant is submitting this application with confidence that the future foundation will coincide with the proposed lot dimensions and setbacks and is doing so 'at their own risk'. A new condition is proposed to be added to these types of Consents as follows:

“That the Owner provide a Reference Plan and a Building Location Survey, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation and setbacks, with respect to the

proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals. If necessary, that the Owner obtain Consent Approval of 1.5 metre Maintenance Easements to facilitate any 0-metre lot line development along the common lot line.”

Should the common wall of the foundation not be located on the common lot line, or the setbacks of the building/dwelling do not meet zoning requirements, the Applicant will be required to rectify and/or submit Committee of Adjustment Applications to resolve the errors and/or deficiencies at their own expense.

A Zoning Occupancy Certificate for the proposed use of the Semi-Detached Dwelling, each side to have four (4) dwelling units, was issued on April 23, 2025.

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)

The PPS 2024 provides policy direction on matters of provincial interest related to land use planning and development. Section 2.1.6 of the PPS 2024 promotes the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options, with multimodal access, employment, public service facilities, and other institutional uses, recreation, parks and open space, to meet long term needs.

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, and all types of residential intensification.

The application to sever the property, facilitating the construction of a semi-detached dwelling with a total of eight units, will contribute to the mix of housing options in the City.

Staff are satisfied that the proposed severance application is consistent with the PPS 2024, as it relates to intensification and facilitating housing options.

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. Policy 2.C.2.2.e) directs for the City to provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

The application to sever the property, facilitating the construction of a semi-detached dwelling with a total of eight units, will contribute to the mix of housing options available in the Urban Area and Built-up Area of the Region.

Staff are satisfied that the proposed severance application adheres to these policies and conforms to the ROP.

City's Official Plan (2014)

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

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.”

The surrounding area has a variety of built form and lot patterns. The area immediately surrounding the site includes several low rise apartment buildings, including a single detached house converted to a six-plex, as well as a semi-detached house and other single detached houses. Due to the mix of built forms and lot patterns, there is no prevailing or established character in this regard, and the proposed consent is not contrary to policy b) above.

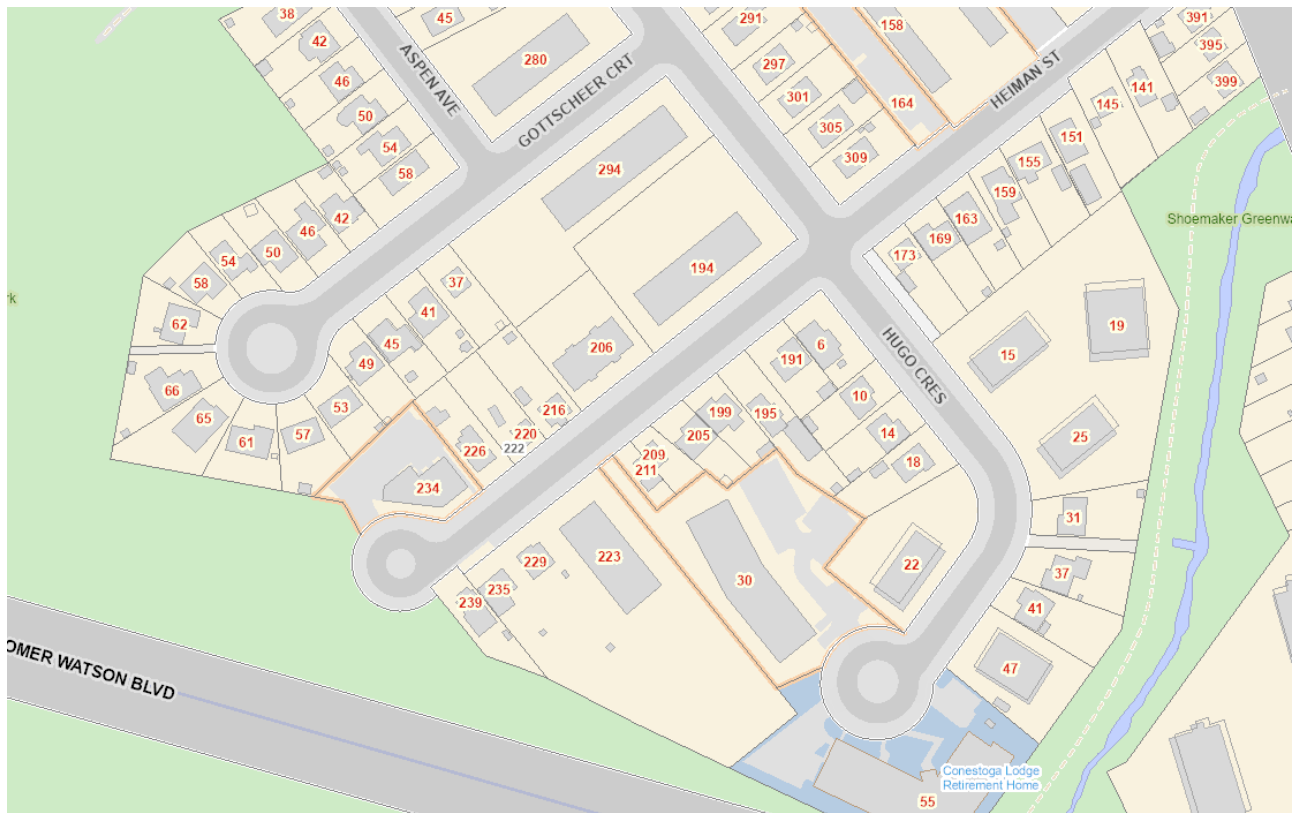


Figure 6 - Lot Patterns In The Area

Staff are satisfied that the proposed severance application adheres to these policies and conforms to the OP.

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Five (RES-5)' in Zoning By-law 2019-051. The 'RES-5' Zone permits a range of low rise housing types, including semi-detaching houses.

The lot dimensions are required to meet the following:

Semi-Detached (RES-5)	Required	Proposed (Proposed lots have same dimensions)	Compliance?
Minimum Lot Area	210 m ²	325 m ²	Yes
Minimum Lot Width	7.5 m	7.6 m	Yes

The proposed severed and retained lots both meet the requirements of the 'RES-5' Zone. No variances are sought as part of this application.

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:

That the standard conditions requiring an agreement to complete a Tree Protection and Enhancement Plan prior to building permit/grading/servicing for both the retained and severed parcels.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent. Region of Waterloo and Area Municipalities' Design Guidelines and Supplemental Specifications for Municipal Services (DGSSMS) allows only one service per lot. Separate building permit(s) will be required for the demolition of the existing building, as well as construction of the new residential buildings.

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property.
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering. Here is the OBC standard: This is the requirement in the code: 9.14.5.1. Drainage Disposal
 - Foundation drains shall drain to a sewer, drainage ditch or dry well.
 - A side yard swale is not considered a drainage ditch.
- The side yard currently accommodates overland stormwater flows from the rear yard. The final grading of this property shall not adversely affect the drainage of adjacent properties or the overall grading control plan. The Owner is responsible to address storm water drainage at the Building Permit stage. Engineering requires a minimum 1m swale centred on property line. Therefore the walkway to the side door cannot encroach within the 0.5m from property line towards the house.

Parks and Cemeteries/Forestry Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862.00. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.62 metres at a land value of \$36,080.00 per frontage metre, which equals \$13,746.48. In this case, a per unit cap of \$11,862.00 has been applied.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

Regional staff have not received the required consent review fee for this application, \$350.00.

Hydro One

We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.

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-law 2019-051*

ATTACHMENTS:

Attachment A – Severance Sketch

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