

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 20, 2026

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

PREPARED BY: Tara Zhang, Planner, 519-783-8304

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: January 6, 2026

REPORT NO.: DSD-2026-031

SUBJECT: Minor Variance Application A2026-005
1541 Fischer Hallman Road

RECOMMENDATION:

That Minor Variance Application A2026-005 for 1541 Fischer Hallman Road requesting relief from Section 34.3.1 of Zoning By-law 85-1 to permit a lot area of 21.9 hectares instead of the minimum required 40 hectares and a lot width of 243.8 metres instead of the minimum required 300 metres to facilitate the construction of a new maintenance building for Williamsburg Cemetery, generally in accordance with drawings prepared by McCallum Sather, dated November 27, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and provide a recommendation for Minor Variance Application A2026-005.
- The key finding of this report is that the Minor Variances meet 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 in the Rosenberg Neighbourhood between major intersections of Bleams Road and Huron Road. The subject property is identified as 'Green Areas' on Map 2 – Urban Structure and is designated 'Open Space' and 'Natural Heritage Conservation'

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

on Map 22e Rosenberg Secondary Plan Land Use Plan. The property is zoned 'Agricultural Zone (A-1)' in Zoning By-law 85-1.

The application is requesting the variances to permit the construction of a new maintenance building for Williamsburg Cemetery on a lot where it does not meet the minimum required lot area and lot width.

City Staff conducted a site inspection of the property on January 5th, 2026.



Figure 1: Aerial View of Subject Property



Figure 2: Posted Notification Sign



Figure 3: Proposed location for construction of a maintenance building

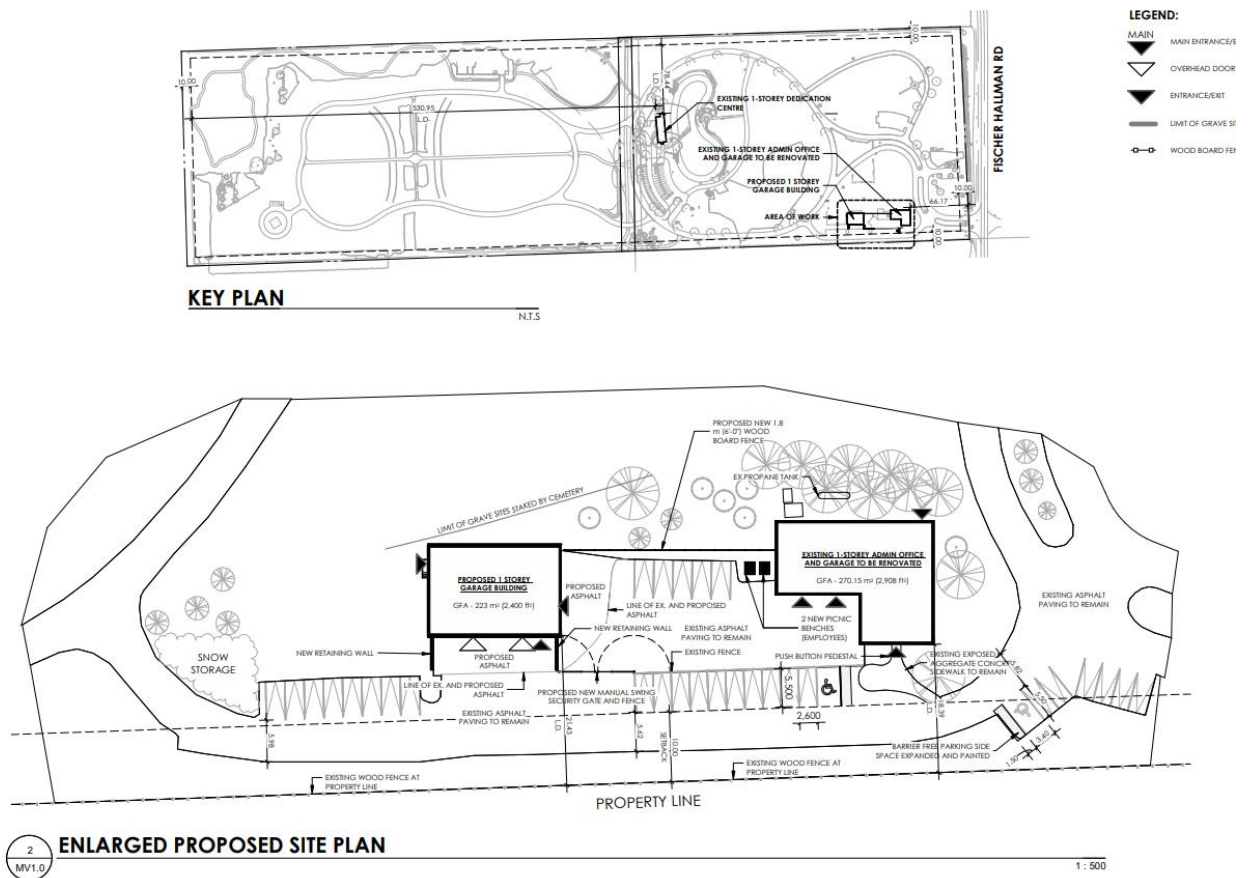


Figure 3: Proposed Site Plan

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 subject property is identified as ‘Green Areas’ on Map 2 – Urban Structure and is designated ‘Open Space’ and ‘Natural Heritage Conservation’ on Map 22e Rosenberg Secondary Plan Land Use Plan.

Section 15.D.9 and Section 15.D.10 of the Official Plan are intended to protect and/or conserve the natural heritage features and their ecological functions as well as increasing opportunities to support a complete and healthy community through the provision of open spaces.

Staff is of the opinion that the minor variances to recognize the existing lot area and lot width to facilitate the construction of a new maintenance building will support the existing cemetery use which use meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the minimum lot width and lot area requirements is to ensure the site has sufficient space and access for the intended permitted uses in an Agricultural Zone. Staff is of the opinion that the construction of the maintenance building with a total gross floor area of 223 square metres supports the existing use of a cemetery which is permitted in Zoning By-law 85-1.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the effects of the requested variances are minor as the reduced lot area and lot width will not affect the neighbouring properties and will not have environmental or natural heritage impacts.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variances are desirable for the appropriate development and the use of the land as they will facilitate the construction of a maintenance building which is necessary for the support and functioning of the cemetery use of the property.

Environmental Planning Comments:

No natural heritage features/function or Tree Management Policy compliance issues in this portion of the subject property. The assigned Urban Designer will ensure compliance with Tree Management policies through the Site Plan Approval process.

Heritage Planning Comments:

The subject property municipally addressed as 1541 Fischer Hallman Road is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register. The Dedication Center and the landscaping are the main features that contribute to the cultural heritage value of this property. The new maintenance building is not anticipated to have an adverse impact on the Dedication Center. However, the applicant is encouraged to use materials, colors, and designs that are compatible and sympathetic to the existing dedication center.

Given the location and context of this property, it is encouraged that a licensed archaeologist be consulted prior to development. Please note the following:

1. If archaeological resources are discovered during future or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Culturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act.
2. If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and must contact the proper authorities (police or coroner) and the Registrar and the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S.96 and associated Regulations.

Building Division Comments:

The Building Division has no objections to the proposed variance provided a building permit for the detached garage is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this variance.

Staff note:

- The primary drive aisle is deficient and is not expected to accommodate vehicle movements into a parking space with the City's minimum parking space dimensions. City Staff do not recognize most of the parking spaces along the main drive aisle as legal parking spaces.
- All barrier-free parking spaces are to be appropriately signed.

GRCA Comments:

GRCA has reviewed this application 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.

Information currently available at this office indicates that the subject property contains wetlands. As such, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24. However, the proposed development is outside of these features and thus, not regulated. Please be advised that any proposed development shall maintain a minimum setback of 30 metres from the regulated area. Any new development/site alteration within the regulated area will require a permit from the GRCA.

The GRCA has no objection to the proposed site plan application.

Region of Waterloo Comments:

No concerns.

Six Nations of the Grand River Elected Council (SNGREC) Comments:*Bird and Light Friendly Design*

SNGREC requests that the building is designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and using warmer lights that are directed downwards and away from natural areas. Hundreds of millions of birds are killed by windows in North America each year, with 56% being from low-rise residential, thus this request extends to all sizes of development.

<https://ontarionature.org/sustainable-building-design-can-stop-millions-of-birds-deaths-blog/>

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

<https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf>

<https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf>

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*
- *Official Plan (2014)*
- *Zoning By-law 85-1*