

2023-07-28



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 316 Memorial Grove
Legal Description: Lot 236, Plan 4M-1601
File No.: D08-01-23/B-00141
Report Date: July 27, 2023
Hearing Date: August 1, 2023
Planner: Justin Grift
Official Plan Designation: Suburban Transect, Neighbourhood Designation, falls within the Riverside South Community Design Plan
Zoning: R4Z

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the lot line adjustment application.

DISCUSSION AND RATIONALE

The subject property is on Memorial Grove in Ward 22, Riverside South-Findlay Creek. The surrounding area is residential, consisting primarily of detached dwellings. The Official Plan designates the property Neighbourhood in the Suburban Transect. The policies pertaining to this designation include supporting a wide variety of housing types with a focus on missing-middle housing, which can include new housing types. The property also falls within the Riverside South Community Design Plan where it is classified as Low Density Residential (LD) and where unit types range from single detached, semi-detached and townhouse dwellings.

The property is zoned *Residential Fourth Density, Subzone Z (R4Z)*. The purpose of this zone is to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, and to regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced.

As seen in the Draft Plan of Survey, the applicant is proposing to create a parcel from 316 Memorial Grove and convey it to a property directly adjacent to the rear lot line, 290 Mount Nebo Way. This proposed adjustment is to accommodate an in-ground pool and the required setback for its fence/enclosure, as per the Pool Enclosure By-law No. 2013-

39. Although Staff would not typically consider a lot line adjustment to accommodate an in-ground pool, Staff is satisfied the proposal meets the minimum setbacks and lot size requirements in the Zoning By-law and conforms with the Official Plan.

With respect to the criteria listed in Section 51 (24) of the *Planning Act*, R.S.O. 1990, staff has no concerns with the proposed lot line adjustment.

ADDITIONAL COMMENTS

Planning Forestry

There are no protected tree concerns associated with this lot line adjustment.

CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests that the following conditions be imposed on the consent application:

Lot Line Adjustment

1. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. A copy of the Reference Plan and/or legal description of the severed lands and the deed or Instrument conveying the severed lands to the owner of the abutting property to the north, known municipally as 290 Mount Nebo Way, so that no new lot is being created, in accordance with paragraph (b) below
 - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (PIN *insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s Undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the Land Titles Act must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment.”

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.



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