

2024-02-01



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 62 Stirling Avenue  
Legal Description: Part of Lot 10, Registered Plan 43  
File No.: D08-01-23/B-00331  
Report Date: February 1, 2024  
Hearing Date: February 6, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay  
Zoning: R4UB (Residential Fourth Density, Subzone UB)

**APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:**

The Owners want to create an easement for stormwater **and sanitary** service, for the benefit of the adjacent property to the west, known municipally as 69 Ladouceur Avenue. **(As amended by Planning Staff)**

**CONSENT IS REQUIRED FOR THE FOLLOWING:**

The Owner requires the Committee's consent to grant the rights for the easements/rights-of-way.

It is proposed to create an easement for **servicing and associated maintenance** over Part 3 on the Draft 4R Plan, submitted with the application, in favour of Part 2 on said plan (69 Ladouceur Avenue). **(As amended by Planning Staff)**

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

The subject site is located within the Inner Urban Transect and designated Neighbourhood within the Evolving Overlay on Schedules A and B2 in the Official Plan. The site is also located within the Scott Street Secondary Plan which permits small-scale, sensitive intensification in established neighbourhoods. The proposed semi-detached dwelling aligns with this intent.

The R4UB (Residential Fourth Density, Subzone B) zone permits a wide variety of dwelling types, ranging from detached to low-rise apartment dwellings.

The subject site was granted Minor Variances and provisional Consent in 2022 to permit the proposed semi-detached dwelling (D08-02-22/A-00148 to 00149 & D08-01-22/B-00171 to 00172). Staff understand that during the building permit review, it was determined that 69 Ladouceur would require some of its servicing from Stirling Avenue. To achieve this, an easement will be required over 62 Stirling in favour of 69 Ladouceur for stormwater and sanitary servicing. Staff have no concerns with this request.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

There are no tree-related concerns with the requested easement, provided that it will not impact the ability to plant the required compensation trees in the Ladouceur ROW. A permit has been issued for the removal of the one tree on site, due to its condition, but 3 compensation trees are required, and the planting plan shows only 2. Please provide an updated planting plan with the required number of trees.

### **Right of Way Management**

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application. However, the Owner shall be made aware that private approach permits, as outlined on the approved grading plan for Building Application A23-002471 (62 Stirling, 69 Ladouceur), are required to construct each of the newly created entrances on Stirling and Ladouceur and additionally remove any part of the redundant existing entrance on Ladouceur and reinstate to sod. The new entrance on Stirling is required to be offset 0.30m from the adjacent property in the right of way.

## **CONDITIONS**

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition on the application:

1. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s), species/ultimate size of the specified number of compensation trees (50 mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
2. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Ladouceur St. and Stirling Ave. to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.

*Margot Linker*

---

Margot Linker  
Planner I, Development Review, Central  
Planning, Real Estate and Economic  
Development Department

*Erin O'Connell*

---

Erin O'Connell  
Planner III, Development Review, Central  
Planning, Real Estate and Economic  
Development Department