

2024-02-01



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1435 & 1455 Morisset Avenue
Legal Description: Lots 230 to 251, Part of Cavan Street and Part of Larkin Street closed by Judge's Order Instrument CR394977, and Part of the Lane closed by Judge's Order Instrument CR404252, Registered Plan 327
File No.: D08-01-23/B-00304
Report Date: February 1, 2024
Hearing Date: February 6, 2024
Planner: Siobhan Kelly
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R4UC [2790] S459

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application. Staff note that the Committee of Adjustment should amend the public notice as the retained parcel is shown as **Part 7** on the draft reference plan, whereas the public notice identified the retained parcel as Part 8.

DISCUSSION AND RATIONALE

The applicant is proposing to sever the subject property known municipally as 1435 & 1455 Morisset Avenue into two lots. The severed parcel is shown as Parts 1, 2, 3, 4, 5, and 6 and the retained parcel is shown as Part 7 on the draft reference plan.

The property currently contains two apartment buildings and a surface parking lot. Recently approved Zoning By-law Amendment (D02-02-21-0060) and Site Plan Control applications will facilitate the redevelopment of the surface parking lot (i.e., Parts 1 to 6) with a 3-storey, 31-unit apartment building.

The Official Plan designates the property Neighborhood in the Inner Urban Transect. The Inner Urban Transect is planned for mid to high-density, urban development forms where either no onsite parking is provided or where parking is arranged on a common parking

area. The proposed severance application establishes separate ownership for two development parcels with shared parking, which aligns with this policy direction. As per Policy 11.5.4, the size and shape of the proposed lots are consistent with the existing lot pattern, which features a range of lot sizes supporting townhouses, low-rise, and mid-rise apartment dwellings.

The property is zoned Residential Fourth Density Zone Subzone UC (R4UC) and is subject to Urban Exception 2490 and Schedule 459. The exception and schedule provide relief from specific performance standards, including maximum height, setbacks, parking, and landscaping requirements. As proposed, the severed and retained lots comply with the Zoning By-law.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent application. The severed and retained lots will front onto a public street with municipal services; the size and shape of the resulting lots are suitable for the existing and approved residential developments; and the severance conforms with the Official Plan.

The applicant is also seeking approval to create an access easement over Part 4 and easements for parking over Parts 2, 3, and 5 for the benefit of the retained parcel (Part 7). Staff has no concerns with the proposed easements, which will provide formal access to the shared parking area as contemplated with the redevelopment.


CONDITIONS

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

1. That the Owner(s) provide an in-preparation draft of the Transfer Easement (including the easement schedule) for the subject easement(s) that the Owner proposes to register on title, for review and approval by City Legal Services. The draft easement schedule shall set forth the joint use and maintenance obligations between the Owner(s) and the proposed future owners. The Committee requires written confirmation that the Agreement is satisfactory to City Legal Services, as well as a copy of the in-preparation draft (to-be-registered) Transfer Easement.



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