

2023-07-13



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 77 & 79 Bellwood
Legal Description: Lot 151 Registered Plan 118266
File No.: D08-01-23/B-00146 & D08-01-23/B-00147
Report Date: July 13, 2023
Hearing Date: July 19, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: R3P[487]

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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, which will create separate ownership of the existing semi-detached dwelling. 79 Bellwood is compliant with the minimum lot area and lot width requirements in the Zoning By-law, and 77 Bellwood was previously authorized Minor Variances to permit reduced lot width and lot area (D08-02-18/A-00306).

ADDITIONAL COMMENTS

Building Code Services:

A building permit has been issued for the construction of the semi-detached buildings, review and inspection of the fire separation wall as fire-rated on the lot line will form part of the current building permit process.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests

that the Committee of Adjustment impose the following conditions on the applications:


1. The Owner acknowledges and agrees to enter into a permanent Encroachment Agreement to permit the encroachment of the dwelling (77 Bellwood Ave) located within the City-maintained laneway. The Owner shall, at its expense, provide a reference plan for registration, indicating the existing encroachments, and the Owner shall submit the draft reference plan to the City's Surveyor for review and approval prior to its deposit in the Land Registry Office. The Owner further acknowledges and agrees that the cost of preparation and registration of the Encroachment Agreement will be borne by the Owner.
2. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Central Development Review Manager, Planning, Real Estate and Economic Development Department, or designates**, that both severed and retained parcels have their own independent water, and sanitary as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

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