

2023-09-28



CONSENT APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 271 Queen Mary Street
Legal Description: Lot 517 and Part of Lots 516 and 518, Plan 342
File No.: D08-01-23/B-00224 and D08-01-23/B-00225
Report Date: September 19, 2023
Hearing Date: October 04, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation
Zoning: R4UC (Residential zone forth density, subzone UC)

DEPARTMENT COMMENTS

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

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.

The subject site is within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood on Schedule B2 in the Official Plan. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing development patterns.

The proposed severance will facilitate the establishment of two separate ownership of each principal unit in the existing semi-detached, permitted use in the R4UC zone. The R4UC zone allows a mix of residential building forms ranging from detached to Planning unit development. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide two lots, both with width and area that exceeds the minimum requirements by the Zoning By-law.

The Department has **no concerns** with the proposed consent application because it adheres to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The size and shape of the proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services.

ADDITIONAL COMMENTS

Planning Forestry

There are no protected trees on this site, and no concerns related to tree protection. A planting plan must be provided showing one new 50mm tree on the frontage or Right of Way of each lot to improve the streetscape and canopy cover.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent. However, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches.

Transportation Engineering

The draft plan filed with the application does not provide sufficient detail to review the proposed driveway(s) against the Private Approach By-Law.

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. The Owner/Applicant(s) **shall prepare and implement a tree planting plan**, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of one new 50mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape. A paid planting contract or a Letter of Undertaking are acceptable if planting cannot be completed prior to the sale of the property.
2. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, **that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line**. If they do cross or are not independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
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.

4. That the Owner(s) shall **provide evidence that a grading and drainage plan**, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.



Basma Alkhatib

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

Erin O'Connell, RPP, MCIP

Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department