

2024-07-11



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1202 and 1204 Clyde Avenue
Legal Description: Part of Lots 349 & 350, Registered Plan 347549,
Geographic Township of Nepean
File No.: D08-01-24/B-00102
Report Date: July 11, 2024
Hearing Date: July 16, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R2G (Residential Second Density Zone, Subzone G)

DEPARTMENT COMMENTS

The Planning, Development and Building Services 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 site is zoned R2G and designated Neighbourhood under the Official Plan. The proposed consent aligns with the requirements of the Zoning By-law for lot area and width. Neighbourhoods are intended to evolve through gradual development, of which this application is an example. This section of Clyde Avenue is comprised almost exclusively of severed, semi-detached dwellings. The consent application will allow the property to follow suit and contribute to a uniform lot pattern in the neighbourhood.

ADDITIONAL COMMENTS

Planning Forestry

Through pre-consultation it was determined that no TIR was required as no construction is proposed with this application. A plan or written confirmation of existing services is

required as a condition; if new services are necessary, a TIR will be required to ensure that the existing trees are retained and protected.

CONDITIONS

If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner/Applicant(s) provide a Grading & Servicing Plan showing the locations of existing services and existing protected trees. New services, if required, must be located based on the least impact to protected trees and tree cover to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate(s). A Tree Information Report is required if services are proposed within the Critical Root Zone of a protected tree. If separate services exist and no modifications are proposed, this condition can be waived.
2. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.
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 Relevant Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Committee requires written confirmation that the Agreement is satisfactory to Manager of the Development Review All Wards Department within Planning, Development and Building Services Department, or their

designate and has provided proof that the Agreement has been registered on title.



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