

2024-09-25



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 107 Fordham Private & 105 Fordham Private
Legal Description: Part of Block 74, Registered Plan 4M-1047
File No.: D08-01-24/B-00163
Report Date: September 25, 2024
Hearing Date: October 1, 2024
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R5K [835] H(28)

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.

105 Fordham Private and 107 Fordham Private are zoned Residential Fifth Density Subzone K, the intent of this zone is to allow a wide mix of residential building forms ranging from detached to mid-high rise apartment dwellings. The proposed applications will sever an existing townhouse dwelling to allow for the properties to be dealt with separately, which maintains the intent of Zoning By-law.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related impacts associated with the requested severance. Through pre-consultation, it was confirmed that there is one distinctive tree on site. Any changes to the site that would require removal of the tree will require a tree permit application.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application to sever the property. Already developed and not changes to private approach.

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(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection 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.
2. 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 **Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services**

Department, or their designate, or is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation that it has been registered on title.

3. 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 **Development Review All Wards 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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.



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