

2025-02-12



CONSENT APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 146 Osgoode Street and 68 Sweetland Avenue
Legal Description: Part of Lots 23 & 24 and Lot 25 & Part of Lots 26 & 27
Registered Plan 37221 and Lots 25, 26, 27, and Part of Lots
23 and 24 Registered Plan 37221
File No.: D08-01-24/B-00220 to D08-01-24/B-00222 and D08-01-24/B-
00223
Report Date: February 12, 2024
Hearing Date: February 19, 2024
Planner: Elizabeth King
Official Plan Designation: Downtown Core Transect, Neighborhood, Evolving Overlay
Zoning: R4UD [2918]-c

DEPARTMENT COMMENTS

The Planning, Building and 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 and easements.

146 Osgoode Street and 68 Sweetland Avenue is also subject to a Site Plan Control Application and is considered one lot for zoning purposes.

ADDITIONAL COMMENTS

Planning Forestry

The site is subject to Site Plan Control, tree impacts will be addressed through that process; there are no tree impacts specifically related to this consent application.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed consent

application for severing the lot into three parcels: 146-160 Osgoode St., 162-170 Osgoode St. and lot line adjustment to 68 Sweetland Avenue. As the project is under Site Plan Control (SPC) any modifications to the private approach(es) will be covered under that process.

CONDITIONS

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

1. That the Owner(s) enter into Easement Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners regarding the easements. The Owner shall ensure that the Agreement is binding upon all the owners and successors in title and shall be to the satisfaction of to the satisfaction of **the Development Review Manager of the Development Review All Wards and Central Branch within Planning, Development and Building Services Department, or their designate, and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **the Development Review Manager of the Development Review All Wards and Central Branch within Planning, Development and Building Services Department, or their 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.
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.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) must obtain Ontario Ministry of the Environment and Conservation and Parks (Environmental Compliance Approval – ECA), must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services, and must register a Joint Use and Maintenance Agreement, between the Owners of the services, on the title of the property, all at their own costs.

3. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements Agreement, 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 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 confirmation 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 **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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