

2025-06-11



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	225 McClellan Road
Legal Description:	Part of Block C, Registered Plan 564019
File No.:	D08-01-25/B-00117
Report Date:	June 11, 2025
Hearing Date:	June 17, 2025
Planner:	Elizabeth King
Official Plan Designation:	Outer Urban Transect, Neighbourhood
Zoning:	L1

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.

Staff note that a Zoning By-law Amendment application will be required to re-zone the property as the residential dwelling was an accessory use to the principal use, and the Community Leisure Facility Zone (L1) does not allow residential uses as a principal use. Staff have requested this as a condition of the consent application.

ADDITIONAL COMMENTS

Planning Forestry

Through pre-consultation it was confirmed that no construction is planned and that separate services already exist. There are no tree-related concerns with the severance.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Application as it doesn't affect the ROW or the existing driveway.

Transportation Engineering

Please note that McClellan Road is designated as a protected right of way and requires a 24m ROW be maintained as per Schedule C16 of the Official Plan.

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) file with the Committee evidence from the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that the severed land has been rezoned, with all levels of appeal exhausted.
2. That the Owner(s) provide evidence, to the satisfaction of the Manager of Development Review All Wards, Planning, Development and Building Services Department, 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, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
3. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
4. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an existing source of environmental noise (Collector road) and may therefore be subject to noise and other activities associated with that use.”

The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

5. Pursuant to clause 51 (25) (c) of the *Planning Act* and Schedule C16 of the City's Official Plan, the Owner conveys to the City, at no cost to the City, an unencumbered road widening across the complete McClellan frontage of the

lands, measuring 12 meters from the existing centerline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee shall be provided written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.



Elizabeth King
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



James Ireland
Planner III, Development Review All Wards
Planning, Development and Building
Services Department