

**Filing Date:** June 7, 2021

**Hearing Date:** July 13, 2021

**File:** B-2021-0010

**Owner/  
Applicant:** Hunter Robert Paul

**Address:** 10828 Torbram Road

**Ward:** 9

**Contact:** François Hémon-Morneau, Planner I

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### **Proposal:**

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 4.18m (13.72 ft.) and an area of approximately 0.01 hectares (134 square metres). The effect of the application is to create a sanitary easement over the subject property to facilitate the operation and maintenance of a sanitary sewer in favour of the adjacent property municipally known as 10818 Torbram Road.

### **Recommendations:**

That application B-2021-0010 is supportable, subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
  - a. A Secretary-Treasurer's Certificate fee shall be paid in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
  - b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
2. The Owner shall provide confirmation that the private easement has been created and registered on title in perpetuity; and,
3. That the Owner provide an arborist report and tree preservation plan showing any trees within 5 metres of the easement.

### **Background:**

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;

- **Secondary Plan:** The subject property is designated 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2); and
- **Zoning By-law:** The subject property is zoned 'Agricultural (A)' according to By-Law 270-2004, as amended.

**Current Situation:**

The application is required to create an easement over the subject property to facilitate the operation and maintenance of a sanitary service in favour of 10818 Torbram Road. The area that is the subject of this easement extends from Inspiration Way, through the rear yard of 10828 Torbram Road, to 10818 Torbram Road. The proposal does not contemplate any changes to the existing buildings on the property.

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I

**SCHEDULE "A"**
**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE  
PLANNING ACT**

<b>CRITERIA TO BE CONSIDERED</b>	<b>ANALYSIS</b>
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed consent for easement has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed consent for easement is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed consent for easement does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The consent for easement is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed consent for easement does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed. The shape and dimension of the proposed consent for easement is appropriate for the intended use.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lease area. No new buildings are proposed.
h) <i>The conservation of natural resources and flood control;</i>	The proposed consent for easement presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.

j) <i>The adequacy of school sites;</i>	The proposed consent for easement presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed consent for easement has no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	The proposed consent has no impact on matters of Site Plan Control under the Planning Act.