



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613 ext. 252

January 14, 2022

TO: Chairperson and Members of the Committee of Adjustment

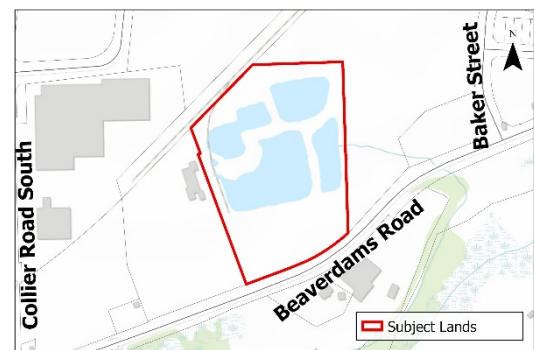
SUBJECT: Consent Application D10-01-2022
Beaverdams Road, Thorold, Ontario
Thorold Pt Twp Lot 32 RP

PROPOSAL:

An application has been submitted for consent for the purpose of the creation of a new lot.

The subject parcel is shown as Part 1 on the drawing submitted. Part 2 is to be the retained lands.

The subject lands are designated General Industrial in the City of Thorold Official Plan and are zoned 'M2' General Industrial in accordance with Comprehensive Zoning Bylaw 60-2019.



KEY MAP

CONTEXT:

Site Description

The subject lands are located on the north side of Beaverdams Road, west of Baker Street (see Figure 1). It is surrounded by both industrial/employment uses to the west and north, and residential uses to the east.

Background

The existing site is designated general industrial, and zoned general industrial. The severed parcel (Part 1) is proposed to remain industrial. The retained lands are proposed for the future Artisan Ridge Phase 3B Plan of Subdivision, further permissions including zoning and subdivision will be considered at a later date through the appropriate planning processes, and will be subject to further approvals.

Planning Act

In making its recommendation, Planning staff have considered all of the criteria outlined in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13 as amended.

Planning Policy Documents

The application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, and the *City of Thorold Official Plan*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development.

The Growth Plan also directs development to settlement areas. Within settlement areas, the Growth Plan states that growth will be focused in “built-up” areas.

As per the Regional Official Plan (ROP), the subject lands are within the “Urban Area Boundary”. A range of uses including employment uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

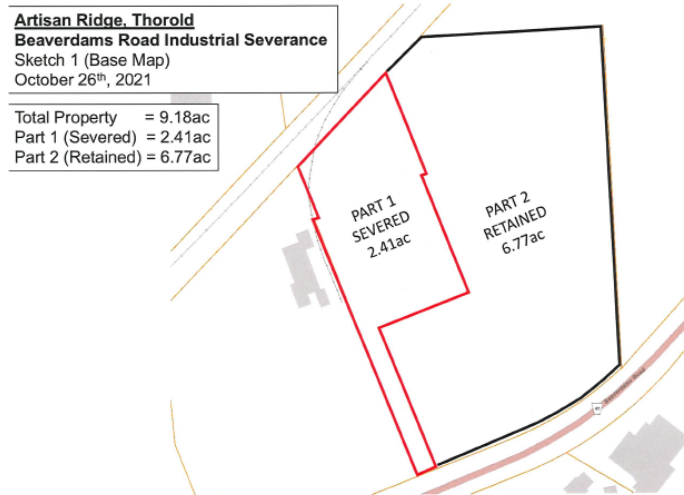
City of Thorold Official Plan

The subject property is designated as “General Industrial” within the City’s Official Plan (OP). The purpose of the General Industrial designation is to identify employment lands where the City wishes to accommodate a wide range of industrial uses including manufacturing, processing as well as industrial trades and services. The City encourages intensification and/or the redevelopment of under-utilized lands located within the General Industrial designation for new employment uses through building expansion, conversion or reuse of existing buildings and infilling. Staff are of the opinion that the proposal facilitates creation of a lot that is appropriate and in keeping with the intent of the Official Plan.

Proposals for the creation of new lots by consent are assessed against the criteria of Policy D4.2.1 of the OP. Staff are of the opinion that both the proposed and retained lot would meet all relevant criteria of the aforementioned policy. Namely, the lots would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

With regards to Policy D4.2.1 c), which states *that the Committee of Adjustment shall be satisfied that the proposed lot is in keeping with the intent of the relevant provisions and performance standards of the zoning by-law*. The lot areas of the proposed parcels generally meet the minimum requirements of Comprehensive Zoning By-law (60) 2019.

Figure 2: Proposed Severance Sketch



The proposed severed lot (Part 1) is proposed with deficient lot frontage, a minor variance application approval would be required as a condition of the consent.

The consent application conforms to the City's Official Plan.

Comprehensive Zoning By-law 60 (2019)

The subject property is zoned General Industrial "M2" Zone under Comprehensive Zoning By-law 60 (2019). The lot areas of the proposed parcels meet the minimum requirements of the Comprehensive Zoning By-law 60 (2019). Part 1, the proposed severed lot, appears to have an insufficient lot frontage. As a result, a condition of consent will be included to obtain a minor variance for minimum lot frontage before registration of the severance.

The subject property also falls within the Zoning Bylaw Section 14.5 Natural Heritage Feature Buffer Area. Development is not permitted within the buffer unless an Environmental Impact Study supporting the development is completed to the satisfaction of the City and the Region. However, an EIS was not required as per the waiving requirements in the Niagara Region EIS guidelines.

COMMENTS:

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

Building Division

- No comments or concerns.

Bell Canada

- No comments or concerns.

Cogeco

- No comments or concerns.

Engineering Division

- No comments or concerns.

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- No comments or concerns.

Niagara Region

- As mentioned at the pre con that took place on November 04, 2021 it was noted that the applicant will need to apply for a connection permit for the connection to the Regional watermain. We will require:
 - A letter from the city as this would be a “water service”
 - A drawing for the connection that we would need to review and approve
 - The fee of \$1,250

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-01-2021 be approved subject to the following conditions:

- 1) That the applicant provide the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyers undertaking, to the satisfaction of the City, to forward a copy of documentation confirming the transaction has been carried out, the document to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That a final certification fee of \$190 payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 4) That the payment of 2% of the value of the new lot, being Part 1, Figure 2, be made to the City of Thorold in lieu of dedication of land for park purposes pursuant to Section 53(13) of the Planning Act, R.S.O. 1990, as amended.
- 5) That the applicant obtain minor variance approval from the Committee of Adjustment from Section 8.3 in Zoning By-law (60) 2019 for reduction of minimum lot frontage
- 6) That the applicant apply for a connection permit for the connection to the Regional watermain prior to the construction of services.

REASON:

- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

Prepared by:

Electronically signed

Mallory Smith

Intermediate Planner, Planning Services

Respectfully submitted by:

Electronically signed

Denise Landry, MCIP, RPP

Manager of Planning Services