



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
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February 7, 2022

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-04-2022

24 South Main Street Thorold, Ontario

Plan D3 Pt Unit 22 RP

PROPOSAL:

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

The subject parcel is shown as Part 1 and 2 on the drawing submitted. Part 1 is proposed to be severed for the construction of a single detached dwelling and Part 2 is the retained parcel.

The subject lands are designated Port Robinson East Special Policy in the City of Thorold Official Plan and are dually zoned Residential First Density R1A and Residential First Density R1C in accordance with Comprehensive Zoning By-law 2140(97).



KEY MAP

CONTEXT:

Site Description

The subject lands are located on the east side of South Main Street, north of Dufferin Avenue. There is an existing single detached dwelling and accessory structure on the lands. The lands are surrounded by residential uses, and the Welland Canal to the west.

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 designated “Prime Agricultural Area” in the Provincial Policy Statement, 2020 (“PPS”). Both Provincial and Regional policies generally protect prime agricultural lands and restrict new lot creation in the agricultural area to certain circumstances, including for farm operations, residences surplus to farming operations, and lot adjustments for legal or technical reasons. Although the consent does not meet the policies generally used to protect prime agricultural lands, the proposal is within a fully municipally serviced area and is within an area of single detached dwellings on residential sized lots. The subject lands are within the Port Robinson East Special Policy Area of the City’s Official Plan and are zoned for residential uses. The Special Policy Area designation recognizes the unique character of the area, which is more reflective of a settlement area than an agricultural area.

As per the Regional Official Plan (ROP), the subject lands are within the “Good General Agricultural Area”. Although the proposed Consent Application does not meet the permitted lot creation circumstances of the Good General Agriculture policies, the surrounding area is made up of single-detached dwellings on small lots, and is serviced by municipal water and sanitary sewers.

Staff are of the opinion that the proposed consent would conform to the PPS, Growth Plan, and ROP.

City of Thorold Official Plan

The subject property is designated as “Urban Living Area” within the City’s Official Plan (OP). Single detached dwellings are permitted within this designation. The OP also allows for the consideration of proposals for residential intensification within the Urban Living Area that are respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed. Staff are of the opinion that the application would facilitate compatible lots that can accommodate built form that is respectful of its context.

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 proposed lots would meet all relevant criteria of the aforementioned policy. The new lots would front on an existing

public road, utilize existing municipal services, and would not create negative impacts in terms of traffic congestion or drainage.

The subject property is also within the 'Port Robinson East Special Policy' area. The purpose of the Port Robinson East Special Policy designation is to recognize Port Robinson East as a historic and stable rural community, which is not a focus area for future growth in the City. All lands subject to the Port Robinson East Special Policy designation are shown on Schedule A-4 to this Official Plan.

Future development in Port Robinson East will be limited to infilling of lots that will support land use that respects the existing character and built form of Port Robinson. New lots within the Port Robinson East Special Policy designation shall abut an assumed public road and should maintain a minimum lot area and frontage that is comparable to adjacent residential lots.

The proposed lot meets the policies for the Port Robinson east area as no variance from the Zoning By-law is needed, the proposed lots meet the minimum lot area required, and further the lots are in keeping with the character of the area. The proposal does not result in over development of the lot.

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 proposed severance meets the general intent and minimum requirements of Comprehensive Zoning By-law 2140 (97).

Therefore, the consent application conforms to the City's Official Plan.

Comprehensive Zoning By-law 2140 (97)

The subject lands are zoned Residential First Density 'R1A' and Residential First Density 'R1C' in accordance with Comprehensive Zoning By-law 2140(97). The required minimum lot area for the zones are 550 square metres, and 330 square metres, respectively. Part 1 of the proposed severance is entirely within the R1C zone and therefore requires a lot area of 330 m² where 372 m² is proposed. The proposed Part 2 is partially within R1A and R1C zones, and has a proposed lot area of 1115 m². Both lots meet the minimum lot frontage provisions of the respective zones.

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.

Bell Canada

- No comments or concerns.

Hydro One

- No comments or concerns.

Cogeco

- Cogeco has no concerns with this application.

Engineering Division

- Engineering requires a 4.5m x 4.5m daylight triangle at the corner South Main Street and Dufferin Avenue from Part 2 of the plan.

Finance Division

- No comments or concerns.

MTO

- The property is located outside of the MTO Permit Control Area, and therefore, an MTO Building & Land Use Permit from this office is not required. At this time, this office has no further comments.

Niagara Region

- The subject lands are designated “Prime Agricultural Area” in the Provincial Policy Statement, 2020 (“PPS”) and “Good General Agriculture” in the Regional Official Plan (“ROP”). Both Provincial and Regional policies generally protect prime agricultural lands and restrict new lot creation in the agricultural area to certain circumstances, including for farm operations, residences surplus to farming operations, and lot adjustments for legal or technical reasons.

Although the proposed Consent Application does not achieve any of the permitted lot creation circumstances of the Good General Agriculture policies, Regional staff note that the surrounding area is made up of single-detached dwellings on small lots, and is serviced by municipal water and sanitary sewers. The subject lands are within the Port Robinson East Special Policy Area of the City’s Official Plan and are zoned for residential uses. The Special Policy Area designation recognizes the unique character of the area, which is more reflective of a settlement area than an agricultural area.

Regional staff is of the opinion that the proposed lot size and setbacks are in keeping with the character of the area. The properties are serviced by local water and sewer mains, and are adjacent to existing single detached dwellings on similar

sized lots. There is ample space on the proposed and retained lot to provide amenities for a new dwelling. Staff further notes that there are no incompatible land uses such as natural heritage features or livestock operations within the general vicinity that may impact development of the new lot.

Regional staff is satisfied that the proposed development is appropriate and will not compromise any Regional or Provincial interests given the surrounding residential context, existing municipal services and general character of the area. Regional staff recognizes the merit in the creation of a new lot in this situation.

- Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day and that the following limits are not exceeded:
 - Recycling blue / grey bins or containers – no limit (weekly collection).
 - Organic green bins or containers – no limit (weekly collection).
 - Garbage / waste bags or cans – maximum of 2 per unit (bi-weekly collection).
- In conclusion, Regional Planning and Development Services staff do not object to the proposed Consent Application, in principle, given the availability of existing services, the surrounding residential land uses, and more urban character of the area. City staff should be satisfied that the proposal meets all applicable local provisions and requirements.

NPCA

- No comments or concerns.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-04-2022 be approved subject to the following conditions:

- 1) That the applicant provides 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 5% of the value of the new lot, being Part 1, of the submitted severance sketch 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 Owner dedicate a 4.5 metre x 4.5 metre sight triangle to the City of Thorold, to the satisfaction of the Engineering Department.

Prepared by:

Electronically signed

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Respectfully submitted by:

Electronically signed

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