



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

November 10, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-05-2021 (concurrent with D13-31-2021 and D13-32-2021)

24 King Street, Thorold, Ontario

Plan 16 LOT 23 LOT 24 NP902

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 the retained parcel with the existing single detached dwelling and Part 2 is proposed to be the severed parcel and the applicant is proposing the construction of a single detached dwelling on Part 2. (in conjunction with minor variance applications D13-31-2021 and D13-32-2021).

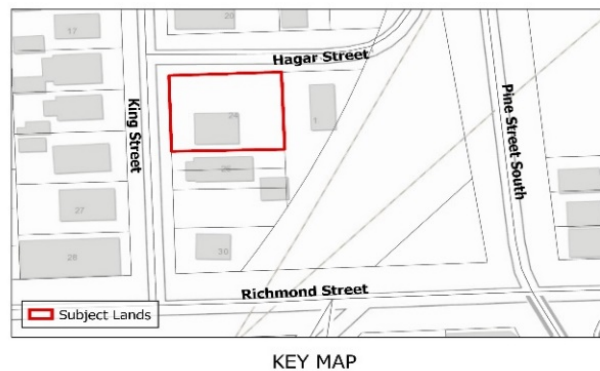


Figure 1: Site Location

The subject lands are designated Urban Living Area in the City of Thorold Official Plan and are zoned Residential Second Density Special 'R2S' in accordance with Comprehensive Zoning By-law 2140(97).

CONTEXT:

Site Description

The subject lands are located on the east side of King Street, between Hagar Street and Richmond Street (Figure 1), and contain a single-detached dwelling. The property is surrounded by residential uses.

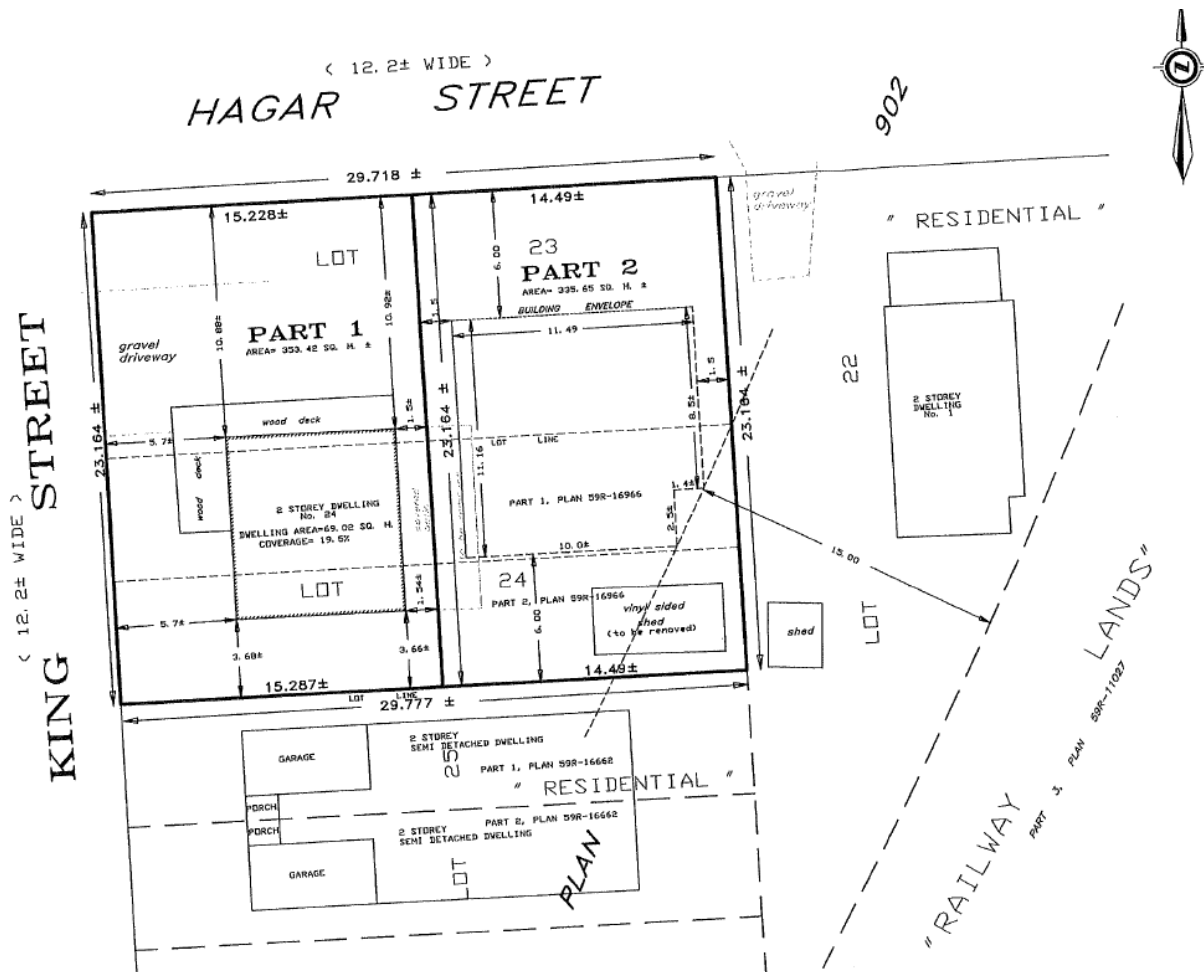


Figure 2: Severance Sketch

Background

The Owner had originally applied for a separate severance application (D10-03-2020), which created a new lot off of King Street, which was finalized in July 2021. The Owner is abandoning this severance and proposing a new lot configuration.

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” and “Built-up Area”. A range of uses including residential uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

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 not create negative impacts in terms of traffic congestion 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 proposed parcels generally meet the minimum requirements of Comprehensive Zoning By-law 2140(97), with two exceptions. The lot areas and one proposed frontage do not meet the minimum requirements. As such, Minor Variance applications have been submitted for these items as well as setbacks for the existing and proposed dwellings.

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

Comprehensive Zoning By-law 2140 (97)

The subject lands are designated Urban Living Area in the City of Thorold Official Plan and are zoned Residential Second Density Special ‘R2S’ in accordance with Comprehensive Zoning By-law 2140(97). The proposed lot area and rear yard setback of Part 1, and the proposed lot area, lot frontage, front yard setback and interior side yard

setback for Part 2 do not meet the requirements of the R2S zone. Minor Variance applications D13-31-2021 and D13-32-2021 have been submitted to address the deficiencies.

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. Comments received are provided below.

Engineering Department

- The Engineering Department is requesting a 4.5m x 4.5m sightline triangle on part 1 of the severance at the corner of Hagar Street and King Street.

Planning Response: The request for a sightline triangle has been included as a condition of consent. Although the taking of land by the City for the triangle will decrease the lot area to below the area requested through variance D13-31-2021, the area is deemed to comply with the by-law, since it complies at the time of the approval of the lot creation. No additional variance is required.

Ministry of Transportation (MTO)

- Although the Ministry has no objection or comments in regards to the proposed consent and minor variance applications, the subject property is within the MTO Permit Control Area for Hwy 58. Therefore, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office before the start of any onsite construction/works. For all MTO Permit related inquiries, please contact Mr. Peter DeLuca, (Peter.Deluca@ontario.ca or 647-248-8548). Information regarding the application process, forms and the policy can be found at the link:
<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

Hydro One

- Maintain proper distance from the overhead hydro line during construction.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-05-2021 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 the certificate of consent for file D10-03-2020 for 24 King Street be surrendered by the applicant.
- 4) That a final certification fee of \$180 payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 5) Final approval of Minor Variance Applications D13-31-2021 and D13-32-2021 are received.
- 6) That a demolition permit be obtained for the removal of the vinyl sided shed located on Part 2 to the satisfaction of the Building division.
- 7) That the payment of 5% of the value of the new lot, being Part 2, 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.
- 8) That a 4.5m x 4.5m sightline triangle on Part 1 of the severance at the corner of Hagar Street and King Street be transferred to the City, to the satisfaction of the City of Thorold Engineering Department.

Prepared by:

Electronically signed

Brynne O'Neill, MCIP, RPP
Senior Planner, Planning Services

Respectfully submitted by:

Electronically signed

Denise Landry, MCIP, RPP
Manager, Planning Services