



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

March 7, 2022

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-05-2022

69 Sullivan Avenue Thorold, Ontario

PLAN 82 Blk Q Pt Lots 167

PROPOSAL:

An application has been submitted for consent to convey and partial discharge of mortgage for 336 square metres of land (Part 1) for one half of a semi-detached dwelling (constructed), and 335 square metres of land (Part 2) is to be retained for the other half of a semi-detached dwelling (constructed). The subject parcel is shown on the drawing submitted having a 17.53 metre frontage on Sullivan Avenue in the City of Thorold.



The subject lands are designated Urban Living Area in the City of Thorold Official Plan and are zoned Residential Second Density R2-12 in accordance with Comprehensive Zoning By-law 2140(97).

CONTEXT:

Site Description

The subject lands are located on the south side of Sullivan Avenue, east of Sydenham Street. There is an existing semi-detached dwelling on the lands. The lands are surrounded by residential uses, with a commercial use directly to the west.

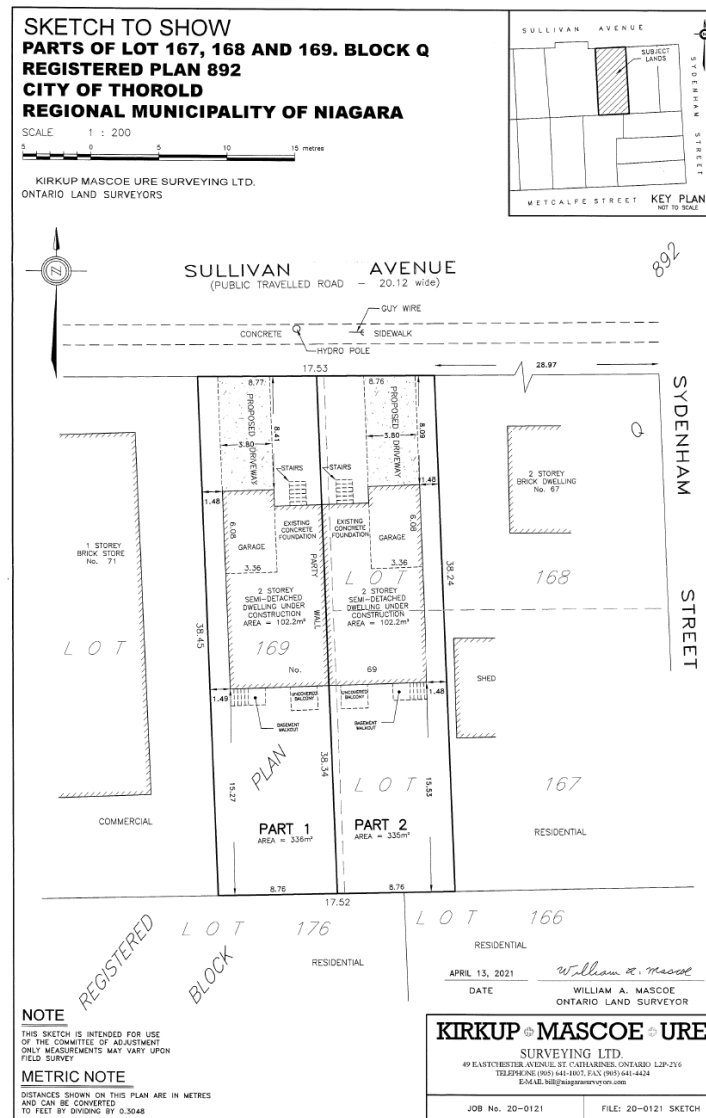


Figure 1: Severance Sketch

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). Semi-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.

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 application generally meets the intent of the zoning by-law.

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 ‘R2-12’ in accordance with Comprehensive Zoning By-law 2140(97). On September 17th 2019, Council approved a site specific zoning by-law amendment for the subject lands. Staff note the proposal and existing structure meets all of the zone provisions of the amendment approved by Council.

As such, it is Staff's opinion that the application conforms to the general intent of Zoning By-law 2140 (97).

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.

CN Railway

- No concerns.

Bell Canada

Hydro One

Building Division

Cogeco

- No concerns.

Engineering Division

Finance Division

- No outstanding fees.

MTO

- No concerns.

Niagara Region

- No concerns.

NPCA

- No concerns.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-05-2022 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.

Prepared by:

Electronically signed

Mallory Smith, MScPI
Intermediate Planner, Planning Services

Respectfully submitted by:

Electronically signed

Denise Landry, MCIP, RPP
Manager of Planning Services