



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

REVISED May 19, 2022

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-11-2022
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 3 parcels to be conveyed as lot additions to the adjacent lands.

The subject lands are shown as Parts 1, 2 & 3 on the drawing submitted and illustrated on Figure 2. Part 2 is indicated as the severed lands, while Parts 1 & 3 comprise the lands to be retained

The subject lands are designated General Industrial with a portion of the lands in the Regeneration Overlay in the City of Thorold Official Plan and are zoned "U" Utility in accordance with Comprehensive Zoning Bylaw 60-2019.



Figure 1: Location Map

CONTEXT:

Site Description

The subject lands are located on the north side of Beaverdams Road, west of Baker Street (see Figure 1) and were previously used as a rail line, which is no longer required. The lands are surrounded by both industrial/employment uses to the west and north, and residential uses further to the east.

Background

The existing site is designated General Industrial with a portion of the lands being within the Regeneration Overlay designation and all the lands are currently zoned Utility. Each of the parts is intended to be conveyed to the adjacent lands to the south and will be rezoned to the appropriate zoning. Parts 2 & 3 are proposed to remain zoned industrial, while Part 1 will be conveyed to the future Artisan Ridge Phase 3B Plan of Subdivision

and will be zoned residential. A Pre-Consultation meeting was held on November 4, 2021 and it is understood that further permissions including zoning and subdivision approvals will be considered at a later date.

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 and have concluded that the lands are suitable for the intended use, are consistent with lot configurations in the area and conform to the Official Plan and should therefore be approved.

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*.

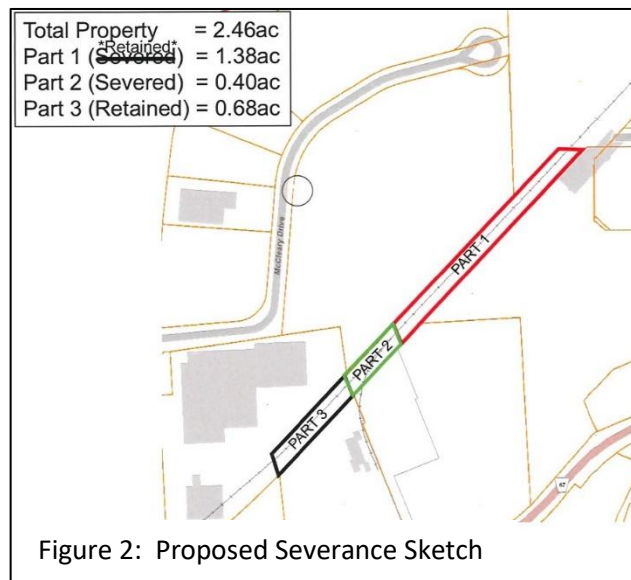
The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development.

The Growth Plan also directs development to settlement areas. Within settlement areas, the Growth Plan states that growth will be focus 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) with a portion of the lands having a Regeneration Overlay. 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 is of the opinion that the proposal facilitates the 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 is of the opinion that both the proposed and retained lot would meet all relevant criteria of the aforementioned policy. Namely, the lots once conveyed and consolidated with the adjacent lands 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*. Given the lands are intended to be conveyed as lot additions to the adjacent lands and will undergo additional planning approvals, the proposal is in keeping with the intent of this Policy.

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

Comprehensive Zoning By-law 60 (2019)

The subject property is zoned Utility (U) Zone under Comprehensive Zoning By-law 60 (2019). The lot areas of the proposed parcels do not meet the minimum requirements of the Comprehensive Zoning By-law 60 (2019) however, once conveyed to the adjacent lands, the newly created lots will have sufficient lot area and frontage to meet the requirements of the Zoning By-law.

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

No concerns

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-11-2022 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 2, 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.

REASON:

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

Prepared by:



Nicolette van Oyen, BES
Planner, MHBC Planning

Respectfully submitted by:



Juliane von Westerholt, BES,
MCIP, RPP
Associate, MHBC Planning