

June 14, 2024

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Consent Application D10-10-2024  
197 St. David's Road  
PT TWP LOTS 20 AND 21 RP 59R13609 PARTS 3 AND 4  
**2731 000 022 00100**

**PROPOSAL:** An application has been submitted for consent for the purpose of a minor lot boundary adjustment to an adjacent lot located immediately to the east. The subject parcels are shown as Part 1, 2 and 3 on the drawing submitted, provided in **Appendix 1**. Part 2 (being 613.38 square metres) is proposed to be severed from 197 St. David's Road and to be merged with Part 3, being 195 St. David's Road.

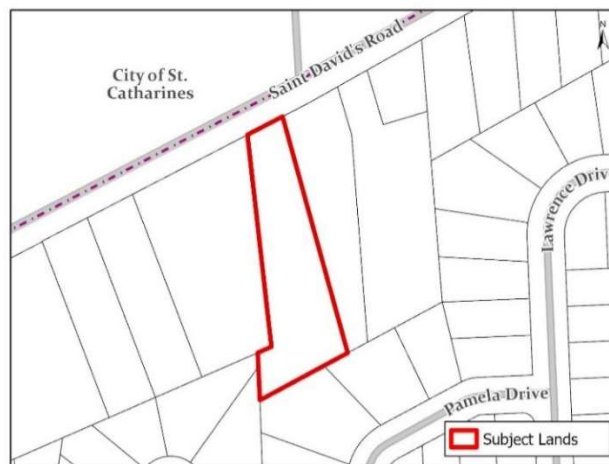


Figure 1: Location Map

**RECOMMENDATIONS:**

That Consent Application D10-10-2024, for the purpose of a minor lot boundary adjustment to an adjacent **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 lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.

- 3) That the subject parcel, being Part 2 of the survey sketch prepared by Suda & Maleszyk Surveying Inc., OLS and April 30, 2024, be conveyed to the owner of the property to the east, being PT TWP LOT 20 RP 59R13609 PARTS 1 AND 2 and Roll No. 2731 000 022 00105 (195 St. David's Road) and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.
- 7) That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

### Site Description

The subject lands are located on the south side of St David's Road, east of Tupper Drive and west of Collier Drive North, as shown in **Figure 1** above. St. David's Road is classified as a local road on Schedule D of the City of Thorold Official Plan. There is an existing multi-use trail along the south side of the road, as well as an existing sidewalk along the north side of the road. The road is currently developed with an urban cross-section.

### Background Review

The application proposes to sever Part 2, which is 613.38 square meters, of the property from 197 St. David's Road, to be conveyed to 195 St. David's Road, which is immediately to the east of the retained parcel. This boundary adjustment would result in the retained property at 197 St. David's Road, which is Part 1, having a size of 3781.26 square meters. With the land addition, the property at 195 St. David's Road would have a size of 3860.98 square meters.

Both properties (197 St. David's Road and 195 St. David's Road) are currently developed, with single-detached dwellings and related accessory structures. The portion of land

proposed to be severed (Part 2) is currently landscaped open space, and is intended to continue to be landscaped by the owner of 195 St. David’s Road.

As this application is for a lot line adjustment/lot addition to an adjacent lot, this application will not result in the creation of a new building lot.

## **CONSENT PLANNING ANALYSIS**

The application for consent was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)*, the *Regional Official Plan*, the *City of Thorold Official Plan* and the *City of Thorold Comprehensive Zoning Bylaw 60-2019*.

### Provincial Policy Statement (2020) (PPS)

The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development.

Therefore, in the opinion of staff, the consent application is consistent with the PPS.

### A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)

A Place to Grow Plan (P2G) 2021, incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. The subject lands are designated as “Delineated ‘Built-Up’ Area” according to the P2G. The Growth Plan also directs development to settlement areas to be focused in “built-up” areas.

Therefore, in the opinion of staff, the consent application conforms to the provisions of the P2G.

### Regional Official Plan

As per the Region of Niagara’s Official Plan (NOP), the subject lands are within the “Urban Built – Up Area”. Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. A range of uses including residential uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

Therefore, in the opinion of staff, the consent application conforms to the Region’s Official Plan.

### City of Thorold Official Plan

The subject property is designated as “Urban Living Area”, and is subject to the “Built Boundary” and “Urban Living Area” overlays within the City’s Official Plan (OP). The purpose of the Urban Living Area designation is to accommodate a range of residential uses and encourages intensification and/or the redevelopment of under-utilized lands.

Subsection D4.2.2 of the Official Plan sets out criteria that are to be satisfied prior to boundary adjustments for legal or technical reason of correcting conveyances, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

In the opinion of staff, the proposed boundary adjustment would have no impact to the function of the adjacent or subject parcels, and that both lots will continue to function in a manner that is in keeping with the intent of the Official Plan.

As such, the proposed consent conforms to the City’s Official Plan.

City of Thorold Comprehensive Zoning Bylaw 60-2019

The subject property is zoned Residential First Density (R1A) in the City of Thorold’s Zoning Bylaw 60-2019 as amended. Both the retained and severed parcels meet the general intent of the Zoning Bylaw as the lots have been previously developed with a single detached residences, as permitted by the zone. No variances are required either lot. A review of the retained and severed lots, in comparison with the applicable provisions of the City’s zoning bylaw is provided in the table below.

**Table 1: Bylaw 60-2019 – Residential First Density (R1A) Requirements Review**

Provisions	R1A Requirement (Single Detached Dwelling)	Retained Lot and Existing Dwelling (197 St. David’s Rd., Part 1)	Benefitting Lot (195 St. David’s Rd., Part 2 & 3)
Minimum Lot Area	400 m <sup>2</sup>	3781.26 m <sup>2</sup>	3860.98 m <sup>2</sup>
Minimum Lot Frontage	12.0 m	20.12 m	36.98 m
Minimum Front Yard Setback	4.5 m	37.14 m (Existing)	32.2 m (Existing)
Minimum Rear Yard Setback	7.5 m	30.7 m (Existing)	86.0 m (Existing)
Minimum Interior Side Yard Setback	1.2 m	1.22 m	2.67 m
Minimum Exterior Side Yard Setback	4.5 m	N/A	N/A

Provisions	R1A Requirement (Single Detached Dwelling)	Retained Lot and Existing Dwelling (197 St. David’s Rd., Part 1)	Benefitting Lot (195 St. David’s Rd., Part 2 & 3)
Maximum Coverage Lot	45%	14%	15%
Maximum Height	11 m	Existing	Existing
Parking Spaces Required	1 space for each dwelling unit	5 (Existing)	5
Minimum Landscape Open Space	30%	86%	85%

**COMMENTS:**

**Agency & Department Comments**

The application was circulated to internal departments and external agencies for comments, which are summarized below. A copy of the agency and department comments received are provided in **Appendix 2**.

The following Departments/Agencies provided comments noting no concerns with the proposal: Niagara Region, Niagara Peninsula Conservation Authority, Cogeco, City of St. Catharines, City Tax Department, City Building Department, GIO Rail, Hydro One, and TransCanada Pipelines Limited.

The following Departments/Agencies did not provide comments on the proposal: Ministry of Transportation Ontario (MTO), City of Thorold Heritage Advisory Committee (LACAC), Thorold Fire and Emergency Services, Bell Canada, Niagara Escarpment Commission, Ontario Power Generation, Trillium Railway, Canada Post, Canadian National Railway, District School Board of Niagara, and Niagara Catholic District School Board.

**City Engineering Department**

- City staff noted that the Engineering Department has the following comments in regards to this Consent Severance Application.
  - Each lot must have separate municipal services. Separate services to be located on site plan.
  - Grading plan for each property to be provided.
  - Each lot must have its own entrance to the property.
- Compliance with the above will be confirmed at the time of building permit.

**Public Comments**

The application was also circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. At the time of writing of this

**CONCLUSION:**

In conclusion, it is the recommendation of Planning staff that Consent Application D10-10-2024 requesting a lot line adjustment for the properties addressed as 195 and 197 St. David's Road, be approved subject to the conditions stated herein.

Prepared by:

ORIGINAL SIGNED

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Connor Maclsaac  
Planner, Development Services

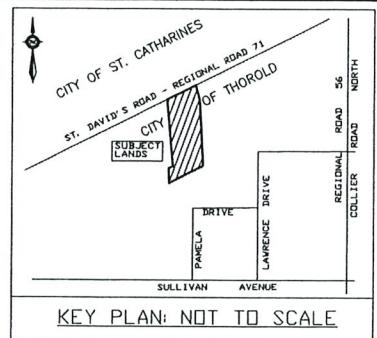
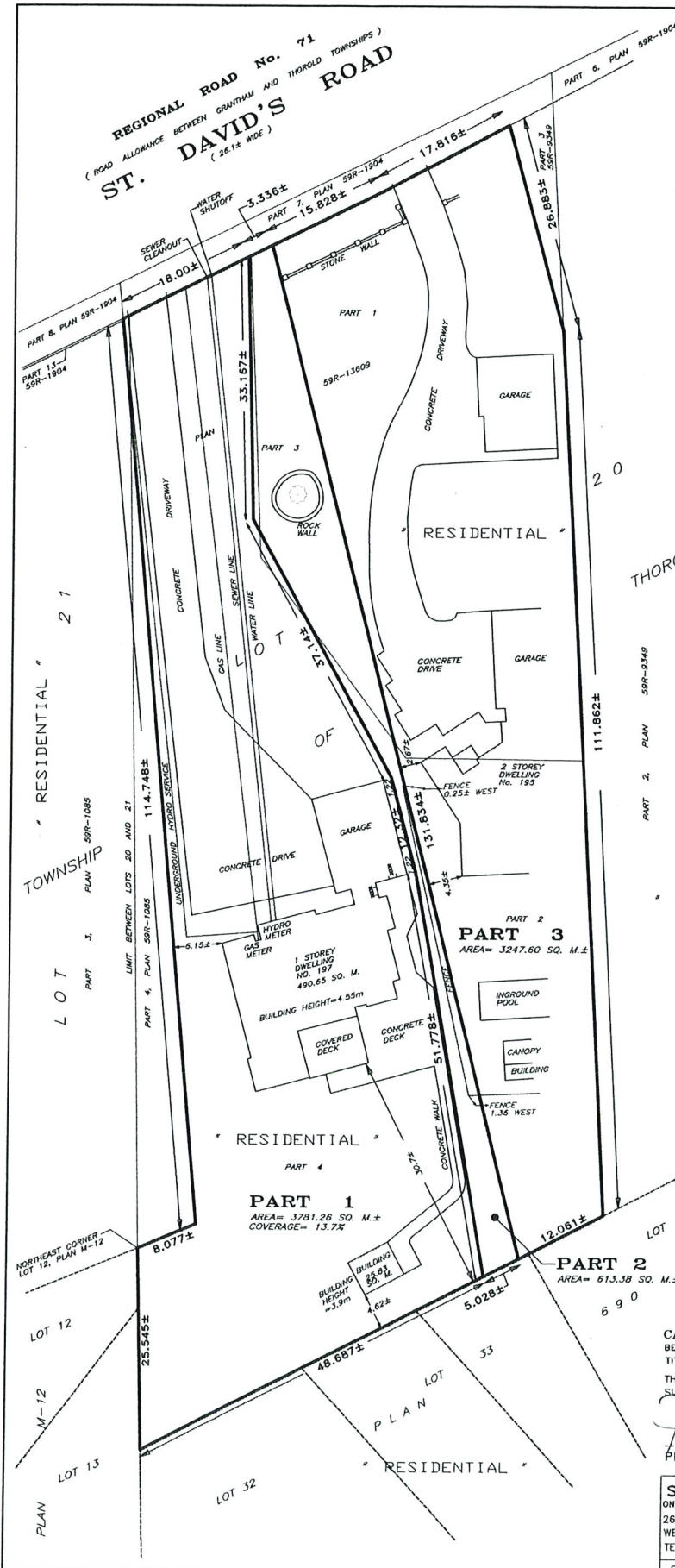
Respectfully Submitted By:

ORIGINAL SIGNED

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Marc Davidson  
Senior Development Planner,  
Development Services



## **Appendix 1: Site Plan**



COMMITTEE OF ADJUSTMENT APPLICATION  
**PART OF LOTS 20 AND 21,**  
 GEOGRAPHIC TOWNSHIP OF THOROLD  
 IN THE  
**CITY OF THOROLD**  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE: 1 : 500

20 15 10 5 0 20  
 2024 METRES



NOTE:  
 PART 2 TO MERGE WITH PART 3  
 TOTAL COMBINED AREA = 3,860.98 SQ. M.  
 (0.954 ACRES±)

**RECEIVED**  
**CITY OF THOROLD**  
 MAY 02 2024  
**PLANNING & DEVELOPMENT**

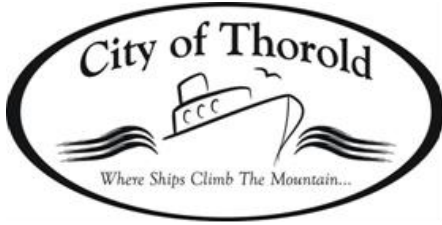
CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE EXCEPT AS STATED IN THE TITLE BLOCK

THIS SKETCH IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.  
*[Signature]* APR 11 30, 2024  
 PHILIP S. SUDA O.L.S. DATE

**SUDA & MALESZYK SURVEYING INC.**  
 ONTARIO LAND SURVEYORS  
 26 EAST MAIN STREET, SUITE 2  
 WELLAND, ONTARIO L3B 3W3  
 TEL: (905) 732-7651  
 FILE: 24-31 JOB No: 6865



## **Appendix 2: Agency & Department Comments**



**Memorandum**  
City of Thorold  
Operations Department  
905-227-3535

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**To:** Angela Nesbitt, Planning Clerk  
**From:** Frankie Sica, Engineering Tech.  
**Subject:** Consent D10-10-2024  
197 St. David's Road  
Pt Twp Lots 20 and 21 Rp 59R13609 Parts 3 and 4  
Thorold, ON  
**Date:** June 7, 2024

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Please be advised that the Engineering Department has the following comments in regards to this Consent Application.

- Water drainage / grading on respective property
- Each lot must have separate municipal services
- Each lot must have its own entrance to the property
- Locate services on site plan

Should you have any questions, please contact the undersigned.

Frankie Sica,  
Engineering Technician, Engineering Division  
[frankie.sicag@thorold.ca](mailto:frankie.sicag@thorold.ca)  
(905) 227-6613. Ext. 307