



COMMITTEE OF ADJUSTMENT

Development Services Department
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613

NOTICE OF DECISION – May 18, 2023

FILE NO.: D10-04-2023
ROLL NO: 2731 000 023 81500 0000
2731 000 023 81400 0000
SUBJECT LAND: 3451 Schmon Parkway
Lot 19 & Part of Lot 20 Plan 59M131
Thorold, ON
APPLICANT: WCPT Lofts III Inc., Henry Morton
AGENT: N/A

In the Matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13, and in the Matter of an Application for Consent.

The subject lands are designated Urban Living Area, Built Boundary and BPP Mixed Use in the City of Thorold Official Plan and are zoned M3 – Employment Mixed Use, Part * - Employment Zones in accordance with Zoning Bylaw 60-2019.

The applicant is proposing to sever the existing lot into two (2) parcels for financing purposes.

In compliance with the Planning Act the City of Thorold Committee of Adjustment decision is enclosed. The last date of filing an appeal to the Ontario Land Tribunal (OLT) under Section 53 of the Planning Act is June 2, 2023.

Type of Transaction for which application for consent is being made:

√: Conveyance △ Mortgage or Charge △ Partial Discharge of Mortgage △ Other:

DECISION: GRANTED WITH CONDITIONS

CONDITION(S): SEE SCHEDULE “A” ATTACHED

REASONS:

The Committee of Adjustment considered all the written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the City of Thorold Official Plan.

1. The application complies with the requirements of the zoning by-law and conforms to the policies of the Official Plan.
2. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990 as amended.
3. The application is considered desirable within the existing neighborhood.
4. For reasons as outlined in the Planning Report.



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Electronically Signed By J. Theisen, Chair/Member

Absent - T. Luciani, Member

Electronically Signed By E. Pizzo, Member

Electronically Signed By G. Jackson, Member

Electronically Signed By H. D'Angela, Member

Electronically Signed By K. Daniels, Member

Electronically Signed By P. DiPaola, Member

SCHEDULE "A"

This is Schedule "A" attached to and forming part of the decision regarding Consent Application D10-04-2023, 3451 Schmon Parkway, Thorold, ON;

CONDITIONS:

The above decision is subject to the following condition(s):

1. That the approval applies to the transaction as applied for.
2. That the applicant provide 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.
3. That the owner provides a lawyers 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.
4. That the owner provides a copy of the final approved Site Plan, prepared by ARK Architects dated February 20, 2020, revised October 9, 2020 signed by the City Clerk and Mayor of Thorold.
5. That the owner enter into a revised Site Plan Agreement and obtain red-lined Site Plan approval including any requirements for easements as required by the City for access, all to the satisfaction of the City's Director of Planning.
6. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary Treasurer.
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.



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Date of Decision: May 18, 2023
Date of Decision Notice: May 23, 2023
Last date to file a notice of appeal: June 2, 2023
Last date to fulfill all conditions: May 18, 2025

TAKE NOTICE THAT THE DECISION is subject to your right to appeal to the Ontario Land Tribunal and may be commenced by filing, with the Secretary-Treasurer of the Committee, a Notice of Appeal setting out the objection to the decision and outlining the reasons. The fee is \$400.00 and may be paid by cheque or money order payable to the Minister of Finance. Any person or public body that commented on the application can appeal the decision, not later than 20 days after the giving of notice.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

NOTE: Only individuals, corporations and public bodies may appeal a Committee of Adjustment decision to the Ontario Land Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

I, Angela Nesbitt, Secretary Treasurer of the Committee of Adjustment of the City of Thorold certify that the above is a true copy of the Decision of the Thorold City Council:

ORIGINAL SIGNED _____

Angela Nesbitt
Secretary-Treasurer of the Committee of Adjustment

Date of Decision: May 18, 2023 Date of Mailing: May 23, 2023