

## COMMITTEE OF ADJUSTMENT

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

### NOTICE OF DECISION – January 19, 2023

**FILE NO.:** D10-22-2022 (concurrent with D13-40-2022 and D13-41-2022)  
**ROLL NO:** 2731 000 008 00600 0000  
**SUBJECT LAND:** 13 Sullivan Avenue, Thorold, Ontario  
Plan Mittleberger Pt Lot 1 Pt Lot 2 Pt Lot 6 Pt Blk A NP892  
**APPLICANT:** John Nasato  
**AGENT:** Morgan Young

### 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, along with Centre Community Improvement Area in the Built Boundary in the City of Thorold Official Plan and are zoned Residential Third Density R3-1 in accordance with Comprehensive Zoning Bylaw 2140(97). A consent application has been submitted for the purpose of creating a new lot. The subject parcel is shown on the submitted drawings, Drawing A – 13 Sullivan Avenue and Drawing B – 39 Pine Street South. The owner held both properties in his name and the properties unintentionally merged by unity of title. The property known as 13 Sullivan Avenue is proposed to be the severed lot. This consent application will allow the property to revert back into the previous two separate lots. This consent application is in conjunction with Minor Variance applications D13-40-2022 for 13 Sullivan Avenue and D13-41-2022 for 39 Pine Street South.

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 February 15, 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**

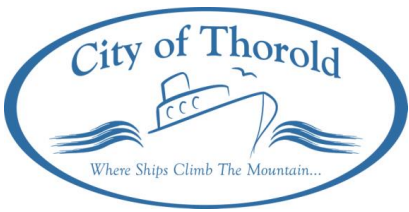
**CONDITION(S):** SEE SCHEDULE “A” ATTACHED

#### 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.

Electronically Signed By J. Theisen, Chair/Member  
Electronically Signed By G. Ravenek, Member  
Electronically Signed By E. Pizzo, Member  
Electronically Signed By G. Jackson, Member  
Electronically Signed By H. D’Angela, Member



## COMMITTEE OF ADJUSTMENT

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

### **NOTICE OF DECISION – D10-22-2022 – 13 Sullivan Avenue**

#### **SCHEDULE “A”**

This is Schedule “A” attached to and forming part of the decision regarding Consent Application D10-22-2022, 13 Sullivan Avenue, Thorold, ON;

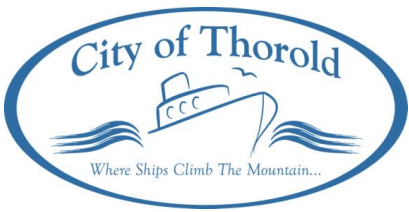
#### **CONDITIONS:**

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 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.
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 a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer.
5. That all municipal requirements be met to the satisfaction of the municipality including cash-in-lieu of parkland dedication, property maintenance, compliance with Zoning Bylaw provisions, and any related requirements, financial (including taxes) or otherwise.
6. 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.

<b>Date of Decision:</b>	<b>January 19, 2023</b>
<b>Date of Decision Notice:</b>	<b>January 26, 2023</b>
<b>Last date to file a notice of appeal:</b>	<b>February 15, 2023</b>
<b>Last date to fulfill all conditions:</b>	<b>January 26, 2025</b>

**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 of public body that commented on the application can appeal the decision, not later than 20 days after the giving of notice.



## COMMITTEE OF ADJUSTMENT

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

### **NOTICE OF DECISION – D10-22-2022 – 13 Sullivan Avenue**

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: January 19, 2023 Date of Mailing: January 26, 2023