



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.: D10-03-2023 (concurrent with D10-02-2023)
ROLL NO: 2731 000 032 27900 0000
SUBJECT LAND: 2 South Main Street Part 3
PLAN D3 UNIT 2
Thorold, ON
APPLICANT: Fernando Flores
AGENT: Steven Rivers, South Coast Consulting

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 Port Robinson East Special Policy and as a part of the Urban Living Area in the City of Thorold Official Plan.

The lands went through Zoning By-law Amendment (D14-12- 2022) and were zoned Site Specific Residential First Density C Holding 'R1C (H)-7' and Site Specific Residential Second Density Holding 'R2 (H)-15' on January 17, 2023 through By-law No. 4-2023 in accordance with Comprehensive Zoning By-law 2140(97). The lands went through a Zoning bylaw Amendment (D14-02-2023) to remove a holding provision on April 11, 2023 which was deferred and will be back before Thorold Council on May 30, 2023.

The consent applicant has been submitted for the purpose of creating a new lot. The applicant is proposing to sever the existing lot into three parcels. In order to facilitate the development, the applicant has submitted this consent application (D10-03-2023) that proposes to sever Lot 3 for residential use and retain Lot 1 & 2. While an additional application (D10-02-2023) proposes to sever Lot 2 for residential use and retain Lot 1, also for residential use.

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 D10-03-2023, 2 South Main Street, Part 3, 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 (2) 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 outstanding property taxes be paid prior issuance of the Certificate of Consent.
6. That the payment of 5% of the value of the new lot, shown as Part 3, as illustrated on the Severance Sketch prepared by Suda and Maleszyk Surveying Inc., OLS 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.
7. That the applicant receive final approval from Council for the lifting of the Holding (H) provision (D14-02-2023).



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SCHEDULE "A" CONTINUED

NOTICE OF DECISION – D10-03-2023 – 2 South Main Street, Part 3

8. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism ("MCM") for the archaeological assessment report titled Stage 1 & 2 Archaeological Assessment prepared by Irvin Heritage Inc., dated July 12, 2022. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
9. That the Applicant/Owner agree to sign a Letter of Undertaking that states at building permit stage, central air conditioning units, upgraded windows and doors, and brick veneer are included in the proposed development in order for windows and doors to remain closed should there be adverse noise impacts from the nearby railway line and Welland Canal.
10. That the Applicant/Owner agree to sign a Letter of Undertaking that advises potential purchasers/future owners that despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of the Regional George Street Sewage Pumping Station, for an unspecified duration, may occur and may adversely affect the residents of this development.
11. 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.

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



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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