



## 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

April 20, 2023

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

**SUBJECT:** Consent Application D10-02-2023  
Consent Application D10-03-2023  
2 South Main Street, Thorold, Ontario  
**2731 000 3227900**

**PROPOSAL:**

An application has been submitted for consent for the purpose of the creation of two (2) new lots for residential development. A re-zoning application was approved by Council on January 17, 2023 to address Zoning Bylaw deficiencies and lifting of the holding (H) provision will be considered by Council on April 11, 2023 (this report was prepared prior to this meeting).

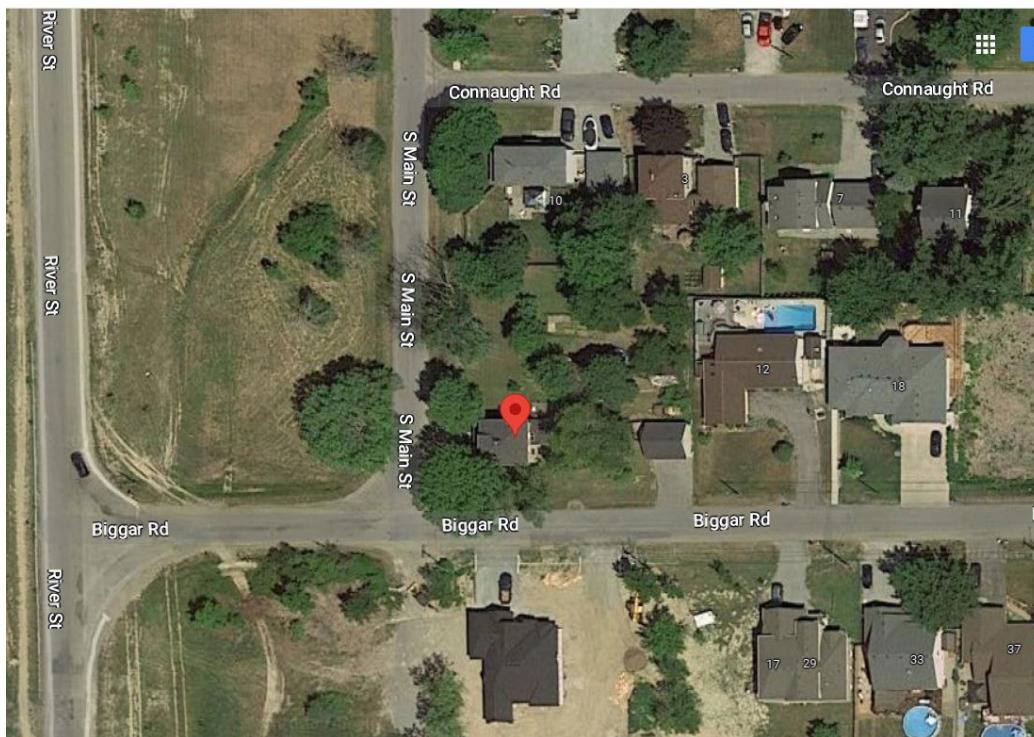


Figure 1: Location map-source Google maps

**RECOMMENDATION:**

That Consent Applications D10-02-2023 & D10-03-2023 to sever two (2) parcels of land having 19.85 metres and 15.54 metres of frontage and 569.7 square metres and 462.9 square metres of area respectively **BE APPROVED** subject to the following conditions:

- 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 of \$220 payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 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 2, 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).
- 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.

### Site Description

The subject lands are located at the northeast intersection of Biggar Road and South Main Street just east of River Street within the Port Robinson East Special Policy Area Land Use Plan. Two (2) new lots are proposed and the retained parcel (Part 1, as shown on the Severance Sketch prepared by Suda and Maleszyk Surveying Inc.) contains an existing single-detached residential dwelling that is intended to remain. The two (2) new parcels are intended to be developed with semi-detached dwellings. Both Biggar Road and South Main Street are classified as local roads on Schedule D of the City of Thorold Official Plan. There is an existing sidewalk along the South Main Street frontage and no sidewalk along the frontage of Biggar Road.

### Background

The property is currently developed with a single-detached dwelling which is intended to remain and one (1) of the proposed severed parcels (Part 3) contains a detached garage to be relocated while the second severed parcel (Part 2) is currently vacant. Both newly created parcels are intended to be developed with semi-detached dwellings with Part 2 proposing driveway access from South Main Street and Part 3 having driveway access from Biggar Road.

The proposed consents will sever the parcel into three (3) parts. The subject parcel is shown as Parts 1, 2 and 3 on the Severance Sketch (see Attachment A) prepared by Suda and Maleszyk Surveying Inc. Part 1 comprises the retained parcel and contains an existing single-detached residential dwelling to remain.

### City of Thorold Zoning By-law 2140(97)

The subject lands are zoned Site-Specific Residential First Density C Holding (R1C (H)-Zone and Site-Specific Residential Second Density Holding (R2 (H)-15) Zone. Site-specific provisions address matters such as front and side yard setbacks for the existing

single-detached dwellings, as well as lot area / frontage for the proposed semi-detached dwelling units. The site-specific zoning for the subject lands states that “the (H) shall be removed when: a Traffic Impact Study is submitted and approved to the satisfaction of the Department of Development Services”.

A Traffic Impact Study was prepared on behalf of the applicant by Asurza Engineers and submitted with the application package. The report was subsequently reviewed by City Engineering staff, who are satisfied that there are no traffic concerns.

#### City of Thorold Zoning By-law 60-2019

The subject lands are zoned Site Specific Single Detached and Duplex Holding (R1C- 83 (H)) Zone and a Site Specific Semi-Detached Holding (R2B-84 (H)) Zone. Similar to above, the site-specific provisions address matters such as setbacks to ensure the proposal includes the appropriate regulations as outlined in the submission. The wording related to (H) removal is the same as that included in the By-law 2140(97) amendment.

#### City of Thorold Official Plan

The subject property is designated as “Urban Living Area” within the City’s Official Plan (OP). The purpose of the Urban Living Area designation where the City wishes to accommodate a range of residential uses and encourages intensification and/or the redevelopment of under-utilized lands. Staff is of the opinion that the proposed consent facilitates the creation of two (2) additional lots that are 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 lots would meet all relevant criteria of the aforementioned policy. Namely, the lots 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*. In this regard, as previously discussed the proposed severed and retained lots have recently been approved for site specific amendments to both Zoning By-law 2140(97) and Zoning By-law 60-2019.

In addition, Policy D2.2.5 provides that local roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

The lands are also located within the Port Robinson East Special Policy Area and designated Rural Settlement. Port Robinson East Policy B2.5.3.1 provides that new lots within the Port Robinson East Special Policy designation shall respect the existing character and built form of Port Robinson and shall maintain a minimum lot area and

frontage that is comparable to adjacent residential lots. In this regard, the lots exceed minimum lot frontage and area requirements of the zoning bylaw.

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

Planning Act

In making its recommendation concerning the consent requested, Planning staff has considered all of the criteria outlined in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13 as amended. Particularly, the proposed lots are of a similar size and lot configuration of existing lots in the area and are consistent with the established lot fabric, and are suitable for the proposed residential use.

Planning Policy Documents

The applications for both consent and minor variances were reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, and the *Regional 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 focused in “built-up” areas.

As per the Regional Official Plan (ROP), the subject lands are within the “Urban Built – Up Area”. A range of uses including residential uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

The consent application conforms to 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*.

**INTER-DEPARTMENTAL/AGENCY COMMENTS:**

The application was circulated to internal departments and external agencies for comments, which are summarized below.

<b>INTER-DEPARTMENTAL/AGENCY</b>	<b>COMMENTS</b>
Building Department	- Building permit for each building prior to construction. - Building permit required prior to relocation of detached garage.
Engineering Department	No comments or concerns

INTER-DEPARTMENTAL/AGENCY	COMMENTS
Tax Department	Outstanding taxes to be paid.
Bell Canada	No comments or concerns
Cogeco	No comments or concerns
Hydro One	No comments or concerns
MTO	- The property appears to be located outside of the MTO's Permit Control Area, and therefore, the MTO has no comments.
Niagara Region	Additional Conditions included to address comments (see Attachment B)

**PUBLIC COMMENTS:**

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. A Yellow sign was posted on the property a minimum of 14 days before the hearing. No public comments were received during preparation of this report.

**CONCLUSION:**

It is the recommendation of Planning staff that consent applications D10-02-2023 and D10-03-2023 requesting consent for creation of two (2) lots for residential development addressed as 2 South Main Street be **APPROVED** subject to conditions stated herein.

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

**ATTACHMENTS:**

Attachment A: Severance Sketch

Attachment B: Agency comments

Prepared by:



Nicolette van Oyen, BES  
Planner, MHBC Planning

Respectfully Submitted By:



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



**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free:1-800-263-7215

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**Via Email**

April 6, 2023

Region Files: D.06.09.CS-23-0024  
D.06.09.CS-23-0025

Meghan Birbeck  
Senior Planner  
City of Thorold  
3540 Schmon Parkway  
Thorold, ON L2V 4A7

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments  
Consent Application  
City Files: D10-02-2023, D10-03-2023  
Applicant: Cristian Flores Rodriguez  
2 South Main Street  
City of Thorold**

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Regional Planning and Development Services staff has reviewed the Consent Applications for 2 South Main Street located in the City of Thorold. The Applicant is proposing to sever the existing lot into three parcels. In order to facilitate the development, the applicant has submitted two consent applications, each with the purpose of creating a new lot.

The following comments are provided to assist the City of Thorold with their review of the proposed Consent Applications.

**Provincial and Regional Policies**

Regional staff acknowledge that the Niagara Official Plan (“NOP”) has been adopted since the pre-consultation meeting held on August 17, 2022. The subject property is located within the “Settlement Area” of the Provincial Policy Statement, 2020 (“PPS”), “Designated Greenfield Area with the “A Place Grow” Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”) and the NOP.

The NOP, PPS, and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exist. The proposed Consent applications are located within the urban boundary and are consistent with Provincial and Regional policy for urban areas and will aid the City of Thorold in reaching its intensification target of 25 %.

The NOP and Growth Plan set out for development within designated Greenfield Areas to be planned with a target of 50 people and jobs per hectare. Regional staff recognize that the proposed Consents will introduce four (4) additional dwelling units to the subject property, which will surpass the required people and jobs per hectare.

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. City staff should be satisfied that the interface of the established residential uses has been addressed in the site design.

As such, Regional Staff do not object to the proposed development, subject to the comments below.

### **Land Use Compatibility**

The subject site is approximately 300 metres from the Regional George Street Sewage Pumping Station, approximately 110 metres from the Welland Canal and roughly 330 metres from the CN Railway Line. Any future owners and tenants should be made aware of the potential for noise and odour nuisances from these features through the appropriate warning clauses in future offers of purchase and sale and tenant agreements. Further, in lieu of a Noise Study, given the proximity to the railway line, it is recommended that at the Building Permit stage that appropriate noise mitigation measures / building materials are implemented in the building design / construction in order to ensure that the recommended indoor sound levels of the Ministry of the Environment, Conservation, and Parks' ("MECP") NPC-300 Guidelines is achieved, including the installation of air conditioning so that windows can remain closed, and double-paned windows.

### **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

During the pre-consultation meeting held on August 17, 2022 Regional staff required that a Stage 1-2 Archaeological Assessment be completed as the site exhibits the potential for the discovery of archaeological resources.

Regional staff has reviewed the Stage 1-2 Archaeological Assessment conducted by Irving Heritage Inc. (Dated July 12, 2022). The Stage 1 background research indicated that the study area has potential for archaeological resources owing to the study areas location in a historic settlement, proximity of archaeological sites, and proximity to a watercourse. Subsequently, a Stage 2 Archaeological Assessment was conducted.

No archaeological sites or resources were found during the Stage 2 Test Pit Survey. The Stage 2 assessment concluded that the study area had been sufficiently assessed and is free of further archaeological concern.

Regional staff has not received a copy of the appropriate acknowledgement letters from the Ministry of Citizenship and Multiculturalism (“MCM”) confirming that the Stage 1-2 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports. As such, Regional staff will require the submission of the letter of acknowledgment from the MCM as a condition of the consent application.

## **Conclusion**

In conclusion, Regional Planning and Development Services staff does not object to the proposed Consent Applications, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions below.

1. 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.
2. Staff recommend that at building permit stage, the Applicant/Owner agrees to include central air conditioning units, upgraded windows and doors, and brick veneer into 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.
3. That the Applicant/Owner be advised 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.

If you have any questions related to the above comments, please contact the undersigned at [Alex.Boekestyn@niagararegion.ca](mailto:Alex.Boekestyn@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

D.06.09.CS-23-0024

D.06.09.CS-23-0025

April 6, 2023

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Best regards,

A handwritten signature in blue ink, appearing to read "Alex Boekestyn", is centered on the page.

Alex Boekestyn  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region