



- ii. 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.
  - iii. 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.
  - iv. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer.
  - v. That all municipal requirements be met to the satisfaction of the municipality including cash-in-lieu of parkland dedication, property maintenance, compliance with Zoning By-law provisions, and any related requirements, financial (including taxes) or otherwise.
  - vi. 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.
2. THAT, the minor variance application made by Morgan Young on behalf of John Nasato for file D13-40-2022, regarding 13 Sullivan Ave, **BE APPROVED**; and
  3. THAT, the minor variance application made by Morgan Young on behalf of John Nasato for file D13-38-2022, regarding 39 Pine Street South, **BE APPROVED**.

### **PROPOSAL:**

An application has been submitted for consent by Morgan Young on behalf of John Nasato for the purpose of the creation of a new lot. This consent application is requested to revert a merger that has occurred between 13 Sullivan Ave. and 39 Pine St. S. being in single ownership and sharing a portion of an abutting lot line. To support the consent application two minor variance applications have also been submitted.

### Site Description

The subject lands to be severed are 13 Sullivan Ave and 39 Pine St. S. The retained property, 13 Sullivan Ave., is legally described as PLAN MITTLEBERGER PT LOT 1 PT

LOT 2 PT LOT 6 PT BLK A NP892 and is located on the south side of Sullivan Ave, west of Pine St. S., and east of Queen St. S. The severed property, 39 Pine St. S., is legally described as PLAN MITTLEBERGER PT LOT 2 PT BLK A NP892 and is located on the west side of Pine St. S, south of Sullivan Ave. and is north of Metcalfe St.

Figure 1 below highlights the subject lands impacted by the consent and minor variance applications. Figure 2 below identifies the property in regards to 2020 Aerial Imagery.



Figure 1: Location Map

Background

The subject lands are designated Urban Living Area, along with being a part of the Centre Community Improvement Area and built boundary. The retained lot, 13 Sullivan Ave., is zoned Residential Third Density with a site specific provision 'R3-1' and the severed lot, 39 Pine St. S., is zoned Residential Third Density 'R3'. Both lots have existing dwellings that are deep-rooted in the City.

The dwelling on 13 Sullivan Ave. is considered to be a Designated Heritage Property by By-law No. 60-99, which is called the Beatty House. The dwelling is named after Edward Wentworth Beatty, a historically significant resident of Thorold. By-law No. 60-99 notes

that Edward Beatty lived at 13 Sullivan Ave. during his early childhood, Edward Beatty was born October 16, 1877.

The Municipal Property Assessment Corporation (MPAC) has indicated that the dwelling located at 13 Sullivan Ave. was built in 1890 while the dwelling located at 39 Pine St. S. was built in 1900. In addition, MPAC notes that the roll numbers for both modern day lots were created on July 8, 1979.

In the City's perspective, as well as the current owner's perspective, the two lots were never planned to be merged together. However, the merger has occurred as the current owner did not realize that these properties would merge in title when under single ownership and becoming one property (new lot). The owner is hoping to revert this merger by severing the lot into its previous dimensions and sell one of the lots, which will ensure that they do not merge in title again. The consent and minor variance applications will allow these lots to continue to operate how they have traditionally operated, which is for residential use, without any physical changes to the lots or the surrounding area

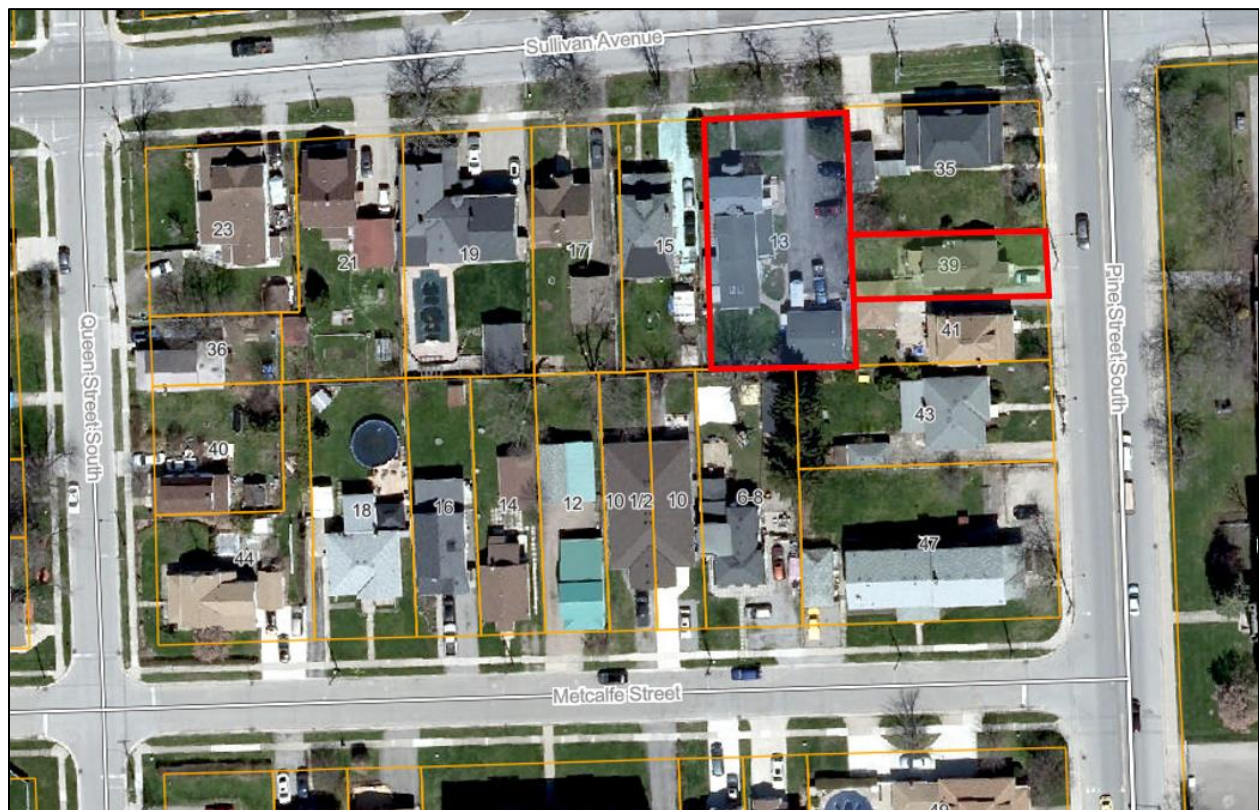


Figure 2: Location Map with 2020 Aerial Imagery

**CONSENT PLANNING ANALYSIS:**

### Planning Act

In making its recommendation, 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. In particular, the proposed consent conforms to the Official Plan and is suitable for the proposed single detached lot.

### Provincial Policy Statement (2020)

The Provincial Policy Statement (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. As the subject lands are located within the City of Thorold’s Built-Up Area, which is a settlement area within the Niagara Region, the proposed consent is a modest form of infilling.

### A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. 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. In keeping with the (P2G) direction the proposed lot creation within the built up area will continue to contribute toward the objective of increasing the housing supply in the City of Thorold.

### Greenbelt Plan (2017)

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

### Regional Official Plan

The Regional Official Plan (ROP), 2022 provides general policy direction for planning in the Niagara Region. The ROP is the guiding planning document for the physical, economic and social development of the Niagara Region.

Chapter 2 – Growing Region of the ROP has the directive to manage growth strategically and diversify the housing stock to accommodate all ages and incomes. The chapter identifies how and where growth and development are to occur within Niagara. The chapter contains general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara.

Table 2-1 of the ROP indicates that the Niagara Region requires the City of Thorold to

accommodate 39,690 people by 2051. This represents an increase of over 15,800 people over the next 25-30 years. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth.

The policies in section 2.2 establish a regional structure that directs forecasted growth to settlement areas.

Settlement areas are comprised of both urban areas, which include built-up areas, designated greenfield areas and strategic growth areas, as well as rural settlements, otherwise known as hamlets. Most development will occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided.

Policy 2.2.1 h) indicates that there should be opportunities for the integration of gentle density, and mix and range of housing options that considers the character of established residential neighbourhoods

The subject property is within a delineated built-up area serviced by municipal water and wastewater systems/services. The proposed consent of the subject property will continue to offer dwellings that are compatible to the area.

#### City of Thorold Official Plan

The Official Plan (OP), 2016 for the City of Thorold is a land use planning document that guides and shapes development by identifying where and under what circumstances specific types of land uses can be located. It is used to ensure that growth and development appropriately balances social, economic, cultural and environmental interests of the community.

The subject property is designated as Urban Living Area, along with being a part of the Centre Community Improvement Area and built boundary within the City's OP.

Section B1.1 of the OP explains the purpose, permitted uses, and policies that impact the Urban Living Area designation. The section notes that 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. Single-detached residential dwelling units are a permitted use in the Urban Living Area and the applicant is proposing to continue the use of two single-detached residential dwelling on the previous two separate parcels.

Proposals for the creation of new lots by consent are assessed against nine criteria of Policy D4.2.1 of the OP.

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis.*

The proposed development satisfies this criteria as both Sullivan Ave. and Pine St. S. are public roads maintained by the City.

- b) *Will not cause a traffic hazard as a result of its location on a curve or a hill;*

The proposed development satisfies this criteria as the subject lands are not located on a curve or on a hill.

- c) *Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;*

The proposed development satisfies this criteria as staff have added in a condition of the consent that the applicant will need to show compliance with Zoning By-law provisions. The applicant has applied for a minor variance application for both the retained and severed lots to help address deficiencies. However, no changes to the existing dwellings and accessory buildings are proposed and the lot frontages and areas are proposed to be reverted back to how the lots have traditionally operated.

- d) *Can be serviced with an appropriate water supply and means of sewage disposal;*

The proposed development satisfies this criteria as the subject lands will be serviced by the municipality.

- e) *Will not have a negative impact on the drainage patterns in the area;*

The proposed development satisfies this criteria as the proposed development is not expected to result in any negative drainage issues as no new buildings are being proposed through this consent.

- f) *Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;*

The proposed development satisfies this criteria no changes are being made to the existing buildings and no new buildings are being proposed.

- g) *Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;*

The proposed development satisfies this criteria as there are no environmentally sensitive features on the subject property.

*h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,*

The proposed development satisfies this criteria as the Regional lot creation policies were explained previously and the property is not a part of the NEP area.

*i) Complies with Provincial Minimum Distance Separation Formulae, where applicable.*

The proposed development satisfies this criteria as the Minimum Distance Separation Formulae is not applicable in this location.

Staff are of the opinion that both the proposed and retained lots would meet all relevant criteria of the aforementioned policy. The consent applications conforms to the City's Official Plan.

#### Comprehensive Zoning By-law 2140 (97)

The proposed consent application will allow the owner to correct their contravention of Section 3.19 of the City of Thorold's Zoning By-law No. 60-2019, which indicates that only one (1) single detached dwelling unit is permitted on a lot.

The subject properties are zoned Residential Third Density 'R3' under Comprehensive Zoning By-law 2140 (97), with 13 Sullivan Ave. having a site specific provision to permit a bed and breakfast.

Due to the properties merging in title the 'new' lot that is being proposed, which match the dimensions of the old lot, now needs to be analyzed against the City's current Zoning By-laws.

The applicant has applied for a minor variance applicant for each of the proposed lot that are requesting the setbacks and dimensions of the previous lots to be permitted.

#### **MINOR VARIANCE PLANNING ANALYSIS:**

##### Is the general intent and purpose of the Official Plan maintained?

The property is designated as Urban Living Area, along with Centre Community Improvement Area within the City's OP. As indicated residential uses are permitted in this area, specifically single-detached dwellings and their accessory buildings.

Section A2.4.2 of the Official Plan outlines objectives for urban character in the City, which include:

- To respect the character of stable residential areas and only support applications for new development that are physically compatible with the character of the surrounding neighbourhood; and
- To maintain and enhance the character and stability of existing and well established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.

Staff are of the opinion that the requested variances to recognize the setbacks of the existing dwellings and accessory buildings and dimensions of the previous lots for the severed and retained lots maintain the general intent and purpose of the Official Plan.

Is the general intent and purpose of the Zoning By-law maintained?

The subject properties are zoned Residential Third Density 'R3' under Comprehensive Zoning By-law 2140 (97), with 13 Sullivan Ave. having a site specific provision to permit a bed and breakfast.

The proposed consent application will allow the owner to correct their contravention of Section 3.19 of the City of Thorold's Zoning By-law No. 60-2019, which indicates that only one (1) single detached dwelling unit is permitted on a lot.

Due to the properties merging in title the 'new' lot that that are being proposed, which are to match the dimensions of the old lot, now needs to be analyzed against the City's current Zoning By-laws.

Deficiencies in 13 Sullivan Ave:

- The west interior side yard setback of the existing single detached dwelling is less than the required 1.2 metre setback.
- The rear yard setback and east side yard setback of the existing detached accessory building are less than the required 0.9 metres setback.

Deficiencies in 39 Pine St. S:

- The lot area of the previous lot is approximately 305 square metres while R3 lots are required to have a minimum lot area of 330 square metres.
- The lot frontage of the previous lot is approximately 10 metres while R3 lots are required to have a minimum lot frontage of 12 metres.
- The north interior side yard setback of the existing single detached dwelling is less than the required 1.2 metre setback.

- The south interior side yard setback of the existing single detached dwelling is less than the required 3.0 metres.
- The rear yard setback of the existing detached accessory building is less than the required 0.9 metres setback.
- The south interior side yard setback of the existing detached accessory building is less than the required 0.9 metres setback.

These deficiencies will support the consent application which will ensure that there is not more than one (1) single detached dwelling on the subject property. Staff are of the opinion that the requested variances to recognize the setbacks of the existing dwellings and accessory buildings and dimensions of the previous lots for the severed and retained lots maintain the general intent and purpose of the City of Thorold's Zoning By-laws.

Are the variance appropriate for the development of the land?

The variances are required to facilitate the severance of a property, which merged on title. The proposed severance is along the previous lot lines which would re-establish lots that are rooted deep into the lot fabric of the area with one of the lots being a designated heritage property. In staff's opinion, the variances are appropriate for the development of the lot.

Are the variance minor?

Section E1.5 of City of Thorold's Official Plan outlines how to implement and administer a Minor Variance. Specifically, the section provides context for how the Committee of Adjustment is to address whether a proposed variance is minor in nature, "In making a determination of whether a variance is minor as required in E1.5 (d), Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant."

The proposed minor variances for 13 Sullivan Ave. and 39 Pine St. S. will have no tangible impact on the land or surrounding properties, as the proposed lots have historically been lots in the area. As such, staff is of the opinion that the requested variance is minor.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notice was mailed to all agencies on November 30, 2022.

On December 1, 2022, the City of Thorold's Finance Department indicated that there were

no taxes owing on the subject lands.

On December 1, 2022, Cogeco noted that they had no concerns.

On December 2, 2022, the City of Thorold's Engineering Department noted that they have no comments to offer in regards to the applications.

On December 2, 2022, the Mississaugas of the Credit First Nation noted that they have no comments or concerns at this time in regards to the applications.

On December 5, 2022, MTO noted that the subject area appears to be located outside of their Permit Control Area, and therefore, have no comments.

The Niagara Region has not provided comments for this application, however City staff note that Regional staff do not usually comment on minor variance and consent applications inside the urban boundary of the City of Thorold.

The Niagara Escarpment Commission (NEC) has not provided comments for this application, however City staff note that the subject lands appear to be outside of the NEC's regulated area.

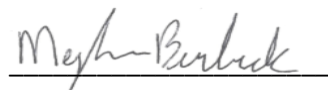
The Niagara Peninsula Conservation Authority (NPCA) have not provided comments for this application, however City staff note that the lands that are proposed to be severed do appear to fall within the NPCA's regulated area.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on November 30, 2022. A public notice sign was posted on the property a minimum of 14 days before the hearing.

No public comments have been received as of January 13, 2022, during preparation of this report.

**PREPARED BY:**

  
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Meghan Birbeck  
Senior Planner, MS - City of Thorold