



February 6, 2025

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-02-2025
74 Chapel St. N.
PLAN 686 PT LOTS 20 and 23 NP895
273100000207410

PROPOSAL

An application has been submitted for consent for the purpose of creating a new lot (see Figure 1).

The purpose of the lot creation is to permit construction of a new single-detached dwelling on the severed parcel (Part 2) (see Figure 2). The existing single detached dwelling located on the retained parcel (Part 1) is intended to remain.



Figure 1: Location Map

RECOMMENDATION

That Consent Application D10-02-2025, for the purpose of creating a new lot for the single-detached residential development BE **APPROVED** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the owner provides a lawyer's undertaking, to the satisfaction of the City, to forward a copy of documentation confirming the transaction has been carried out, the document to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
3. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
4. That the payment of 5% of the value of the new lot, being Part 1, of the submitted severance sketch 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.
5. That if deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Services and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan.
6. Although it is not a condition of consent, it is strongly recommended that the applicant use minimum noise mitigation measures during the construction of the future dwelling
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.

Site Description

The subject lands are addressed as 74 Chapel Street North and are located within the Thorold Settlement area. The lands are situated south of St. David Street E, north of Cynthia Street, west of Wellington Street North, along the east side of Chapel Street North. The lands are a rectangular parcel totalling approximately 882 square metres of lot area and are currently developed with a single-detached dwelling, a detached garage, and shed with largely low-density residential uses surrounding the subject property.

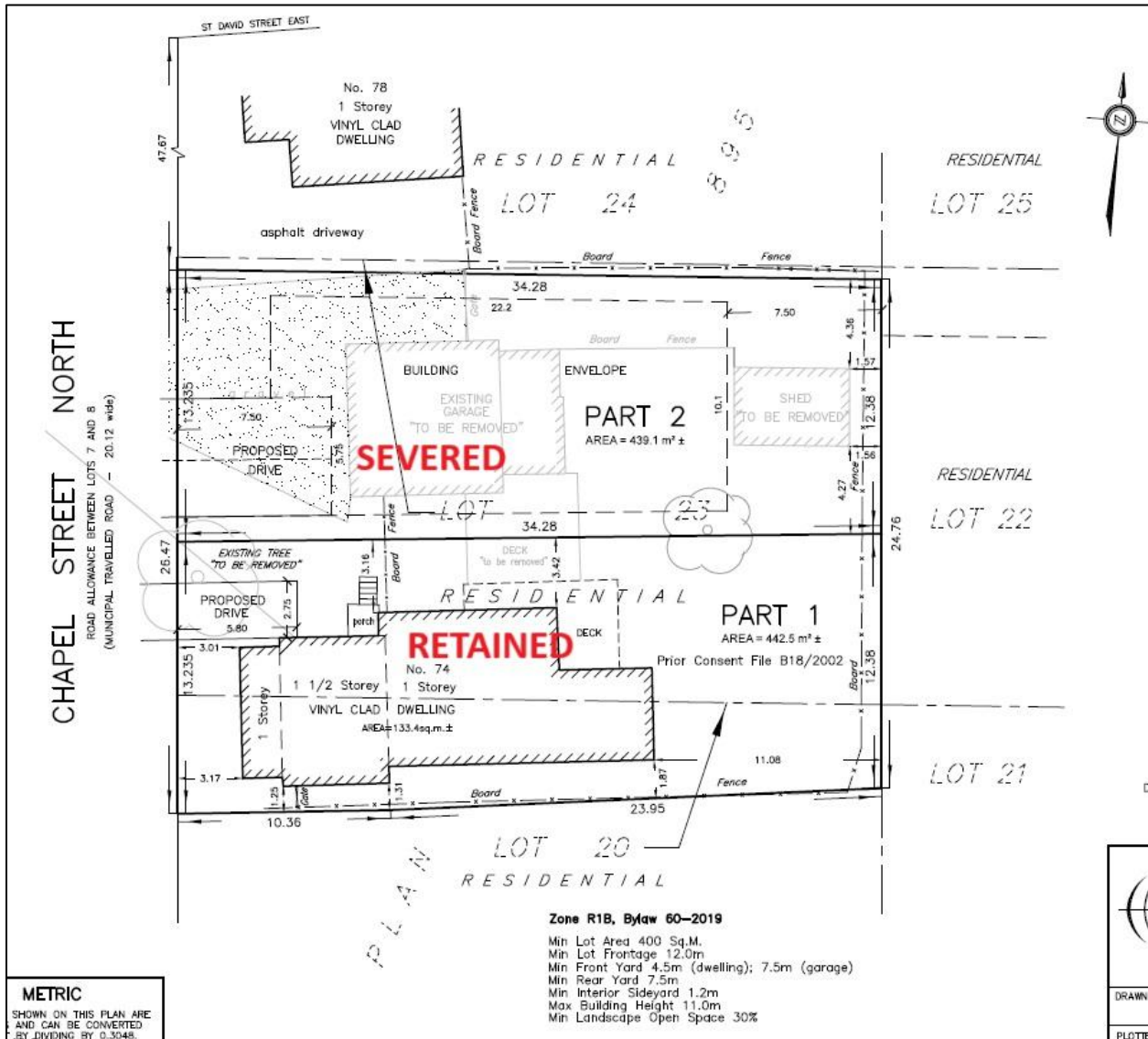


Figure 2: Severance Sketch

Background Review

The subject lands are located on the east side of Chapel Street North just west of the Welland Canal and in proximity to Downtown Thorold. A number of public facilities including a park, a secondary school, a community arena and a library are located within walking distance of the site. The lands are designated Urban Living Area and are zoned to permit a range of residential uses including single-detached dwellings. The proposed development is an opportunity for gentle intensification within an established residential community.

A Pre-Consultation meeting was held for this application on November 7th, 2024. City of Thorold planning staff were supportive of this application. City of Thorold Building Department identified the need to provide a Lot Grading Plan. To address stationery and transportation related noise and determine appropriate mitigation measures, Region of Niagara requested the applicant to provide a Noise Impact/Land Use Compatibility Brief, or in lieu of this that the applicant use minimum noise mitigation measures during the construction of the future dwelling.

CONSENT PLANNING ANALYSIS

This application for consent was reviewed with consideration of applicable policies in the *Provincial Planning Statement (2024)*, the *Region of Niagara Official Plan*, the *City of Thorold Official Plan* and the *City of Thorold Comprehensive Zoning By-law 60-2019*.

Provincial Planning Statement (2024) (PPS)

A new Provincial Planning Statement (2024 PPS) is in force and effect since October 24, 2024. Similar to the 2020 PPS, the 2024 PPS considers the lands to be within a Settlement Area. The PPS encourages intensification within Settlement areas. The proposed development is an infill development located within the City of Thorold's Built-Up area. The creation of one additional lot for single-detached residential development is a modest form of intensification that assists the municipality in achieving its intensification targets. In staff opinion, the proposed development is consistent with the 2024 Provincial Planning Statement.

Niagara Region Official Plan (2022)

The Niagara Region Official Plan (NOP) directs growth to Settlement Areas and more specifically to Built-Up Areas with available municipal services. The Niagara Official Plan has established an intensification target of 25% of new residential units to be provided in the Built-Up Area of Thorold.

The proposed lot creation for one single-detached residential unit supports the achievement of the intensification target. Municipal water and wastewater services are also available on Chapel Street and the new lot can connect to these services.

City of Thorold Official Plan (2016)

The Subject Lands are designated Urban Living Area in the City of Thorold Official Plan. Policy B1.1.3 states that in considering development proposals proposing the intensification of lands designated Urban Living Area, the following criteria apply.

- a) Residential intensification proposals should be focussed on lands located within the Downtown, Downtown Transitional or Regeneration Overlay designations. This does not preclude consideration for other sites in the Urban Living Area designation.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is compatible and in keeping with the character of the neighbourhood where it is proposed. On the basis of the housing density of existing neighbourhoods, the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 85 units per hectare;
- c) Residential intensification and redevelopment proposals on lands located in the Urban Living Area designation that abut local roads shall maintain compatibility with the surrounding neighbourhood.
- d) The proposal can be suitably serviced with City sewer and water services and can be designed to manage stormwater impacts as authorized by the City's Operations Department and in accordance with Section D1.4 and C5.
- e) The lands are within the Urban Living Area designation of the Official Plan and the proposed lot creation plan meets all other density and regulatory requirements of the Zoning By-law.

Policy D4.2.1 states that prior to considering an application to create a new lot for any purpose, the Committee of Adjustment shall be satisfied that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- 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,

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

In accordance with the above criteria, the proposed development is located within an existing established neighbourhood on relatively flat lands with water and wastewater service connections available within the Chapel Street North right-of-way. Grading and drainage considerations will be addressed through the building permit approval process.

Accordingly, the proposed development meets the intent of the City of Thorold Official Plan.

City of Thorold Comprehensive Zoning By-law 60-2019

The subject lands are zoned RB1 in the City of Thorold Zoning By-law 60-2019, which permits single-detached dwellings. Both the proposed severed and retained lots meet the lot area and lot width requirements of the zoning by-law and the Severance Sketch prepared by J.D. Barnes Limited, illustrates a proposed building envelope on the proposed severed lands that meet the setback regulations of the RB1 zoning applying to the lands.

Overall, the development proposal conforms to the zoning requirements of the City of Thorold Zoning By-law and any future development proposed for the severed parcel will be reviewed through the Building Permit application process.

COMMENTS

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

Agency & Department Comments

Building Department

- No concerns from the building division

Fire and Emergency Services Division

- No comments or concerns

Bell

- No comments provided

MTO

- No comments provided

CN Railway

- No comments provided

Niagara Region

- See attached comments

NPCA

- No comments provided

Cogeco

- No comments or concerns

NPCA

- No comments provided

Hydro One

- No comments or concerns

Heritage Thorold

- No comments or concerns

Niagara Peninsula Conservation Authority

- No objection to proposed severance on this property

Public Comments

- No Public comments were received as of the date of the writing of the report.

CONCLUSION

It is the recommendation of Planning staff that consent application D10-02-2025 be approved subject to the following conditions:


8. That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
9. That the owner provides a lawyer's undertaking, to the satisfaction of the City, to forward a copy of documentation confirming the transaction has been carried out, the document to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
10. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
11. That the payment of 5% of the value of the new lot, being Part 1, of the submitted severance sketch 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.
12. That if deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Services and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan.
13. Although it is not a condition of consent, it is strongly recommended that the applicant use minimum noise mitigation measures during the construction of the future dwelling
14. 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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