



**COMMITTEE OF ADJUSTMENT
CONSENT APPLICATION**

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

NOTICE OF DECISION – June 15, 2023

FILE NO.: D10-06-2023
ROLL NO: 2731 000 032 26900 0000
SUBJECT LAND: 23 George Street
Parts of Units 26 and 27 Plan D-3
Thorold, ON
APPLICANT: Taylor and David Flannigan
AGENT: Newcastle Communities, Chris Lamb

**In the Matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13,
and in the Matter of an Application for Consent.**

An application has been submitted for consent for the purpose of creating a new lot. The subject parcels are shown as Part 1 and Part 2 on the drawing submitted. Part 2 is proposed to be severed for the construction of a single detached dwelling and Part 1 is the retained parcel with the existing dwelling. This consent application is in conjunction with minor variance applications D13-09-2023 for Part 1 and D13-10-2023 for Part 2.

The subject lands are designated Port Robinson East Special Policy and are part of the Urban Living Area in the City of Thorold Official Plan and are zoned Residential First Density R1A in accordance with Comprehensive Zoning Bylaw 2140(97).

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 July 10, 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 D10-06-2023, 23 George Street, Thorold, ON;

CONDITIONS:

The above decision is subject to the following condition(s):

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 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.
3. That the 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 all outstanding property taxes be paid prior to issuance of the Certificate of Consent.
5. 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 dated, December 16, 2022 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.
6. That the applicant receive final approval of the minor variance applications D13-09-2023 and D13-10-2023 for reduced lot areas of the severed and retained parcels (Parts 1 & 2) and reduced front and rear yard setbacks of the retained parcel (Part 1), as illustrated on the Survey Sketch prepared by Suda and Maleszyk Surveying Inc., OLS dated, December 16, 2022.



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7. That the Applicant/Owner prepare a Stage 1-2 Archaeological assessment and appropriated acknowledgement letter from the Ministry of Citizenship and Multiculturalism (“MCM”) confirming that the Stage 1 & 2 archaeological assessment have been completed and the letter of acknowledgement from the MCM confirmation acceptability prior to final approval of the consent.
8. 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.
9. That the Owner convey the lands described as Part 3, as illustrated on the Survey Sketch prepared by Suda and Maleszyk surveying Inc., OLS dated, December 16, 2022 to the City of Thorold for the purposes of providing a daylighting triangle prior to final approval of the consent.
10. That the Owner make arrangements with the City of Thorold Engineering Department for the provision of separate municipal services for each of severed and retained lots prior to the issuance of building permits.

Date of Decision: June 15, 2023
Date of Decision Notice: June 20, 2023
Last date to file a notice of appeal: July 10, 2023
Last date to fulfill all conditions: June 15, 2025

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.

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: June 15, 2023 Date of Mailing: June 20, 2023