

COMMITTEE OF ADJUSTMENT

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

September 21, 2023

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-09-2023
8 – 8A Clairmont Street, Thorold, Ontario
2731 000 005 08000

PROPOSAL:

An application has been submitted for consent for the purpose of severing 1 (one) new lot containing existing commercial development (shown as Part 1 Figure 2: Severance Sketch)

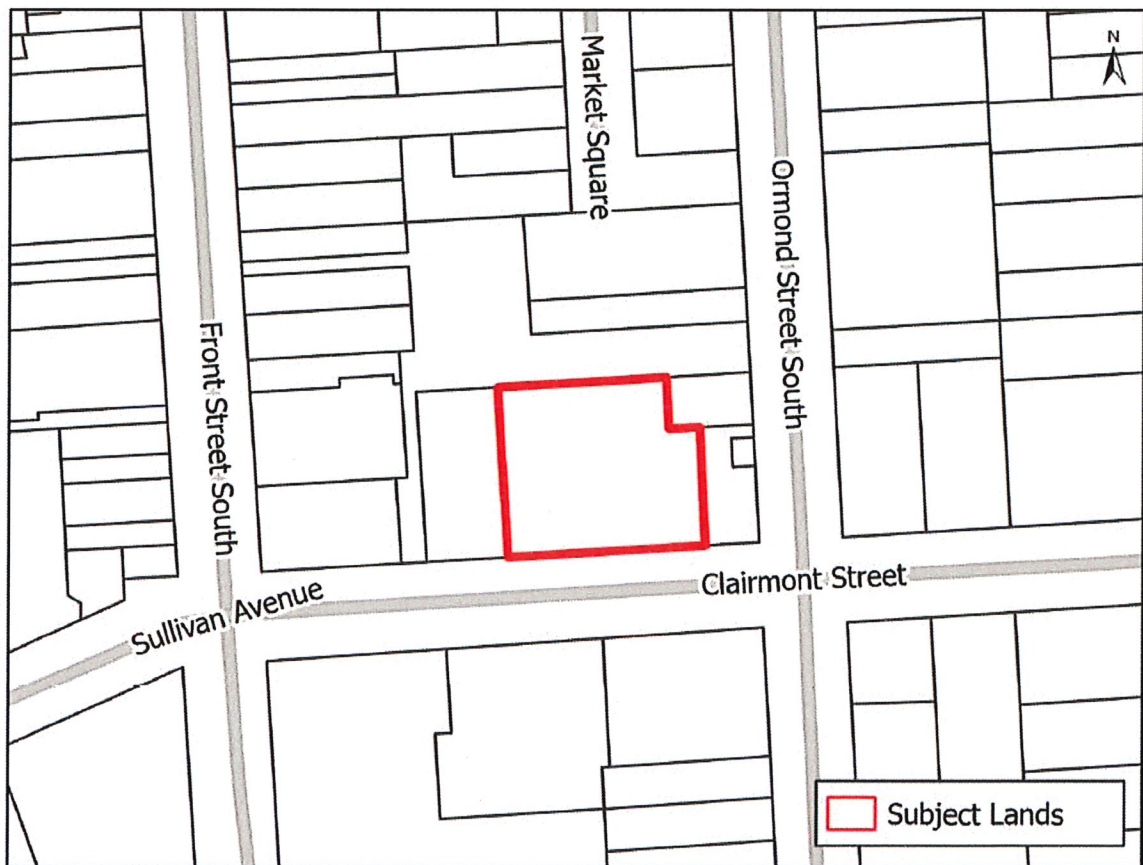


Figure 1: Location Map

RECOMMENDATION:

That Consent Application D10-09-2023 to sever a parcel of land having 9.58 metres of frontage and 779 square metres of lot area shown as Part 1 on the attached Severance Sketch be **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 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 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 all outstanding property taxes be paid prior issuance of the Certificate of Consent.
- 5) That the payment of 2% of the value of the new lot, shown as Part 1, as illustrated on the Severance Sketch prepared by Chambers and Associates Surveying Ltd., OLS dated, June 23, 2023 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 Owner shall verify with the City of Thorold Engineering Department that separate municipal servicing exists for each of severed and retained lots prior to registration. Should separate water and sanitary services be required, provision of service connections will be at the cost of the owner to the satisfaction of the City of Thorold Engineering Department.
- 7) That the Owner shall provide wall elevation drawings to the City of Thorold Building Division for review of spatial separation compliance with the Ontario Building Code and confirmation of proof of compliance prior to registration of the reference plan.

Site Description

The subject lands are located at the north side of Clairmont Street, between Front Street South and Ormond Street South. One new lot is being proposed. The retained parcel (Part 2), as shown on the Severance Sketch prepared by Chambers and Associates, OLS dated, June 23, 2023 contains an existing commercial building, access driveway and affiliated parking that is intended to remain. The newly created parcel (Part 1) is also currently developed with a commercial building and separate access driveway with surface parking spaces to the rear of the existing building.

Background

The subject property previously applied for consent to sever the lands in 2014 however, the approval has lapsed and conditions remain unfulfilled. Accordingly, a new application is required to facilitate the conveyance of the lands. The proposed severance is illustrated on the sketch below:

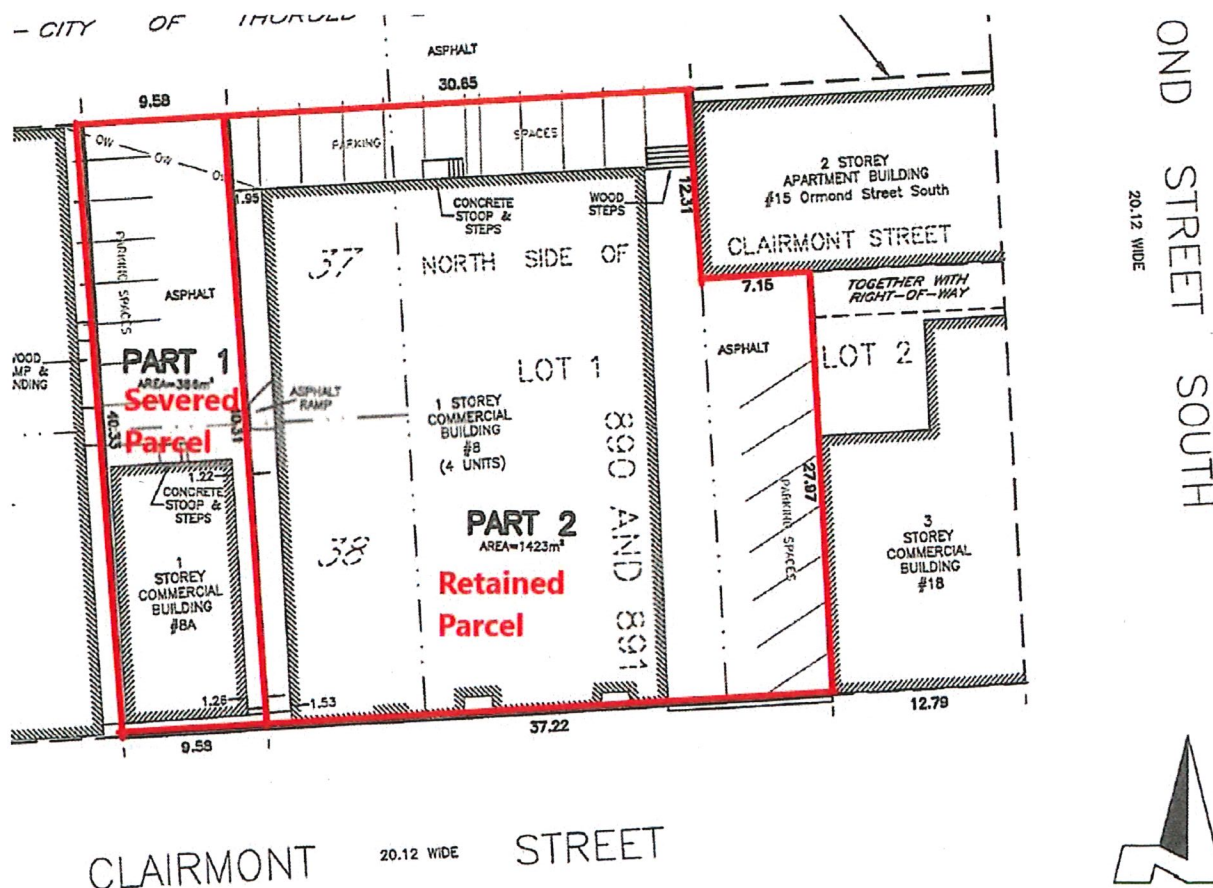


Figure 2: Severance Sketch



Figure 3: Existing street view from Clairmont Street where the lots will be created

City of Thorold Official Plan

The subject property is designated as “Downtown” within the City’s Official Plan (OP) and is within the Downtown Thorold Community Improvement Area. The purpose of the Downtown designation is to promote Downtown Thorold as a focal point for commerce and hospitality. The proposed consent facilitates the separate ownership of existing commercial uses which currently operate independently and no further development is proposed. Accordingly, it is staff’s opinion the proposed consent is 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 City of Thorold Official Plan. Staff is of the opinion that both the proposed and retained lots would meet all relevant criteria of the aforementioned policy. In accordance with Policy D4.2.1, the lots would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

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 lot is within the Downtown which contains

a variety of lot sizes and configurations with existing lots in the area and are consistent with the established lot fabric, and is suitable for the commercial use and does not offend any matters of Provincial interest and conforms to the City of Thorold Official Plan.

Planning Policy Documents

The application for consent was reviewed with consideration of applicable policies in 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*.

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 or be focused in “built-up” areas. The subject lands are located within the built-up area of the City of Thorold and therefore the consent is appropriate for the continued use of the property for commercial purposes.

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

Zoning Bylaw 60- 2019

The subject property is zoned Downtown Main Street (C1) under Zoning Bylaw 60-2019. Both the retained and severed parcels conform with the applicable regulations of Zoning Bylaw 60-2019 as they are both currently developed for commercial uses with no further development proposed. All other requirements of the zoning bylaw are being maintained and each property has independent driveway access with associated surface parking facilities adjacent and to the rear of the existing commercial buildings. No variances are required to support the consent.

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.

Building Division

- Confirmation of spatial separation compliance with the OBC required

Bell Canada

- Easement Requested, see attached.

Cogeco

- No comments or concerns.

Engineering Division

- Separate Water and Sanitary Service connections to be confirmed by Owner

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- Outstanding taxes to be paid

Niagara Region

- No comments or concerns

Public Comments

- No comments received

CONCLUSION:

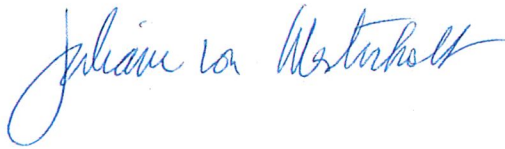
It is the recommendation of Planning staff that consent application D10-09-2023 requesting consent for creation of a new lot containing existing commercial development, legally addressed as 8 – 8A Clairmont Street be **approved** subject to conditions stated herein.

Prepared by:



Nicolette van Oyen, BES, MCIP, RPP
Senior Planner, MHBC Planning

Respectfully Submitted By:



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Associate, MHBC Planning

Bell Canada
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September 7, 2023

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

Attention: Angela Nesbitt Angela.Nesbitt@thorold.ca - by email only

Dear Angela:

Subject: Consent Application - Severance
8 – 8A Clarimont St
Plan Rolls Lot 1 Pt Lot 2 NP 890, 891 Plan George Keefer Pt Lots 37, 38 NP890, 891
RP59R10578 Parts 1 to 3
CofA File: D10-09-2023 **Bell File: 905-23-327**

Subsequent to review of the Severance Application by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing buried facilities, supply service to the properties and to maintain service in the area. According to our records, Bell Canada has buried cable that runs along the north portion of this property with a small entrance cable feeding the building. We request the easement be the full length of the facilities, as shown as an approximation on the attached sketch.

Bell Canada would like to confirm that a blanket easement over the lands or a specific easement measured 3.0m wide (1.5m on either side of the buried plant), and to a minimum of 1.0m past any pedestal installation as can be accommodated, would satisfy our needs. Concerning the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Yours truly,

A handwritten signature in cursive script that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate
(Encl.)

