

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

November 16, 2023

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-10-2023

1482 Beaverdam's Road George, Thorold, Ontario
Plan 29, Lots 507 to 509
2731 000 019 06600 0000

PROPOSAL:

An application has been submitted for consent for the purposes of creating an easement for a municipal forcemain to facilitate connection to municipal water and wastewater services.



Figure 1: Location Map

RECOMMENDATION:

That Consent Application D10-10-2023 to permit an easement over Part 1, Plan 59R-17713 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.
- 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.

Site Description

The subject lands are located at the northeast intersection of Beaverdams Road and Queen Street South within the City of Thorold Urban Area West of the Welland Canal. A reference plan showing the location of the proposed easement described as Part 1 of Plan 59R-17713 has been deposited at the land Registry Office on May 24th, 2023.

Background

The subject property has recently undergone a renovation which included connection to municipal water and wastewater services. The engineering services department requested a 3.0 metre wide easement as a result of the proposed development in order to maintain access to the municipal sanitary forcemain.

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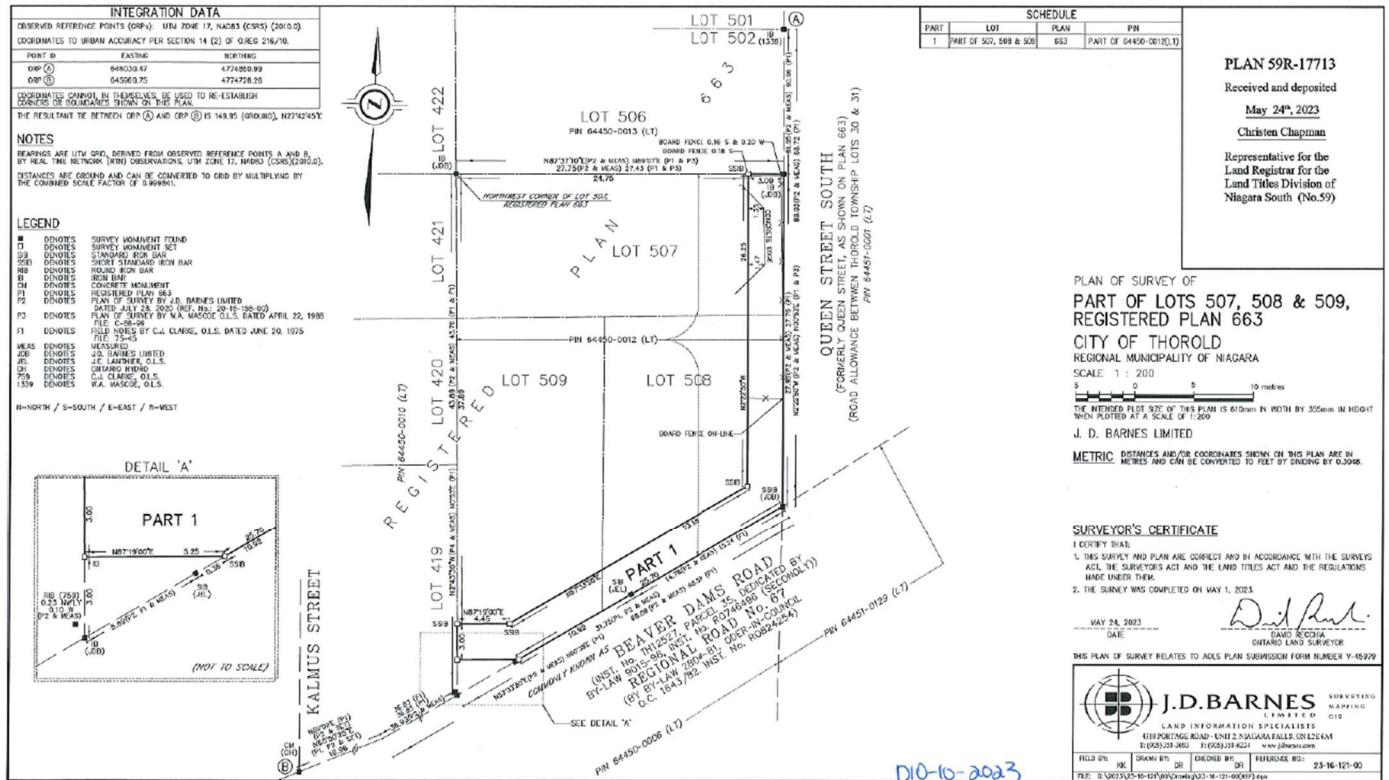


Figure 2: Reference Plan showing easement



Figure 3: Existing single-detached dwelling street view from Beaverdams Road

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.

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. 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.

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 is 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 for the creation of an easement to permit access to the municipal sanitary forcemain and allow for connection to municipal water and wastewater services is appropriate and in keeping with the intent of the Official Plan.

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

Comprehensive Zoning By-law 2140 (97)

The subject property is zoned Residential First Density Special ‘R1A’ Zone under Comprehensive Zoning By-law 2140 (97). The consent application is to facilitate creation of an easement in favour of the City of Thorold to permit access to the sanitary forcemain.

The proposal conforms to the City of Thorold Zoning Bylaw.

CIRCULATION 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

- No comments or concerns.

Bell Canada

- No comments or concerns.

Cogeco

- No comments or concerns.

Engineering Division

- Water and Sanitary Services are available on Beaverdams Road

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- No comments or concerns

Niagara Region

- No concerns

Additional Public Comments

- No comments received

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-11-2023 requesting consent for the creation of an easement in favour of the City of Thorold, described as Part 1 of Plan 59R-17713, dated May 24th, 2023, prepared by J.D. Barnes Limited be **approved** subject to conditions stated herein.

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

Prepared by:



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Respectfully Submitted By:



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