



COMMITTEE OF ADJUSTMENT

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

REVISED: August 15, 2023

TO: Chairperson and Members of the Committee of Adjustment

DATE OF MEETING: August 17, 2023

SUBJECT: Consent Application D10-08-2023
77 Welland Street South
Plan 14 Pt Lot 9 to Pt Lot 11

PROPOSAL: An application has been submitted for consent to partial discharge of mortgage or charge over Part 1 (309.3 m²), Part 2 (48.5 m²) and Part 3 (390.5 m²) on the drawing submitted.

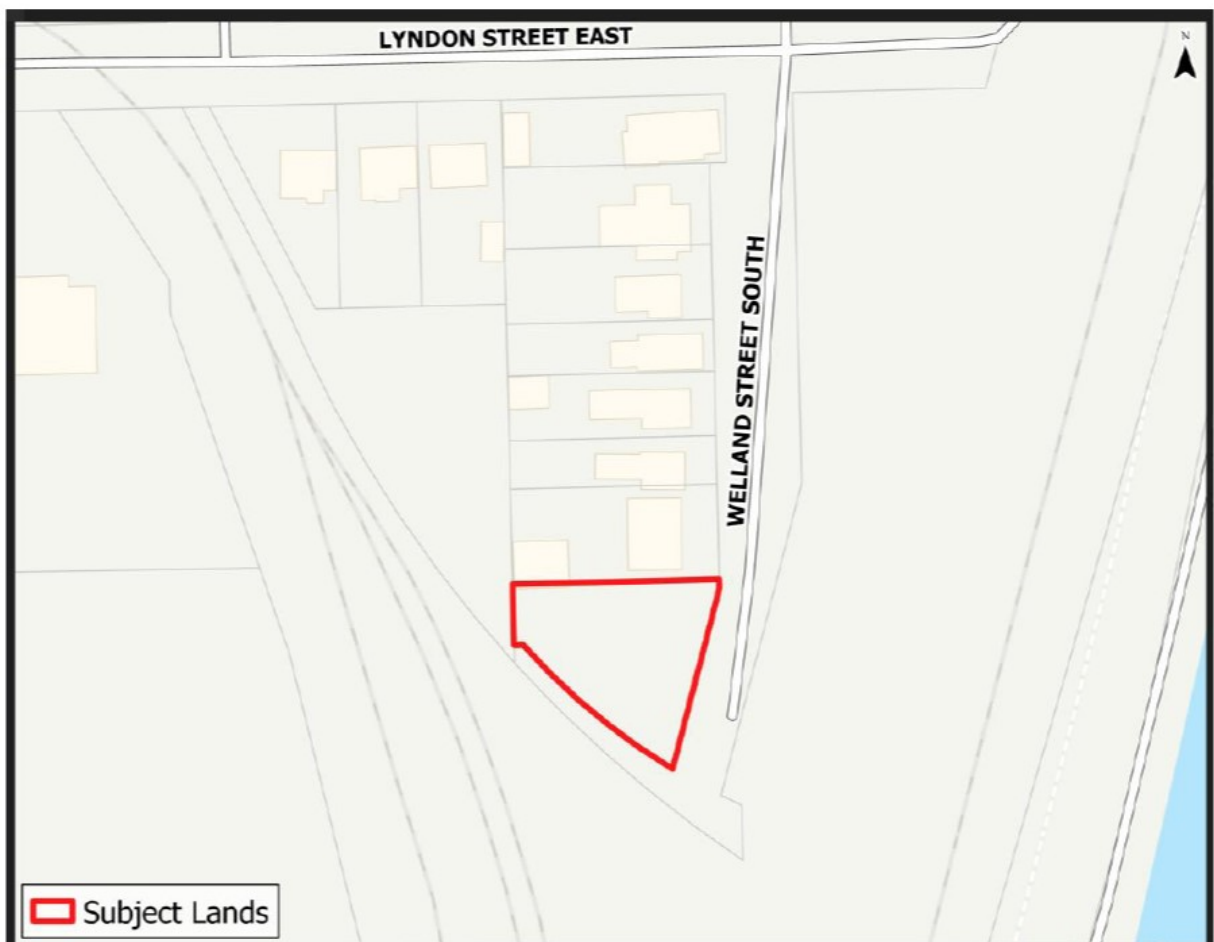


Figure 1: Location Map

RECOMMENDATION:

That Consent Application D10-08-2023 requesting consent for a partial discharge of the mortgage on a parcel of land being Part 1, Part 2 and Part 3 on Plan 14 Pt Lot 9 to Pt Lot 11, **BE APPROVED**, without conditions.

Site Description

The subject lands are located on the east side of the Welland Street South extension south of Lyndon Street. The newly created lot will have frontage on Welland Street South.

The property is currently developed with a single-detached dwelling with attached garage which is intended to remain on the retained parcel (Part 3) as illustrated in the survey sketch, prepared by Chambers and Associates, dated May 18, 2022 and attached. A two-storey single detached dwelling with attached garage is proposed for the severed lands (Part 1) for which a consent was approved in July 2022. Part 2 will be conveyed to the City to serve as a turning bulb for Welland Street South. The severed and retained lands received approval of minor variances from Zoning Bylaw 2140 (97) to permit the lot creation.

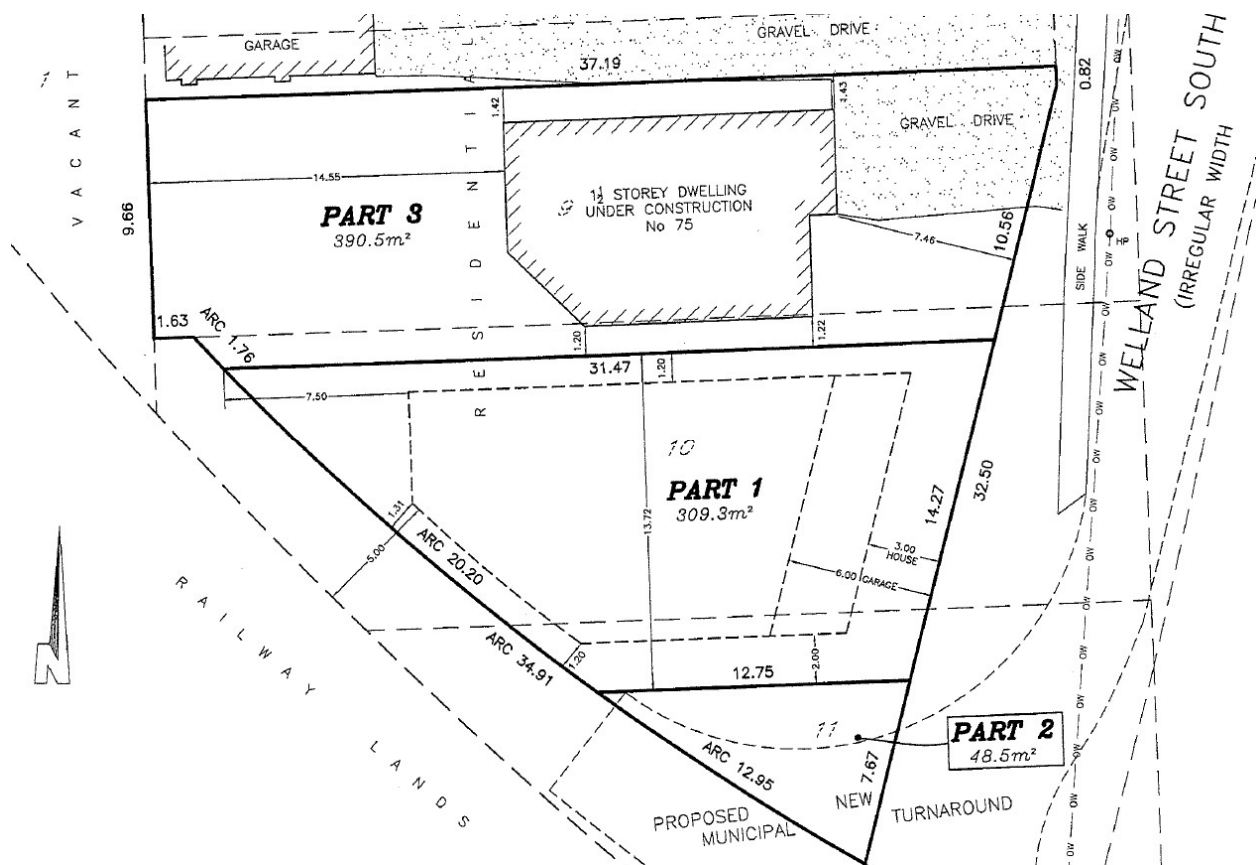


Figure 2: Severance Sketch

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, that the proposed lots are appropriate for their intended use and the lot size and configuration is consistent with development in the area.

In addition, the proposed consent will provide for a partial discharge of mortgage in accordance with Section 50 (16) of the Planning Act, R.S.O. 1990 P.13, as amended.

Planning Policy Documents

The application 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 and further states that growth will be focused in “built-up” areas. The subject lands are located within the built up area.

Region of Niagara Official Plan

As per the Regional Official Plan (ROP), the subject lands are within the “Urban Area Boundary”. A range of uses including employment 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 where the City wishes 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 proposal facilitates creation of a lot that 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 OP. Staff is of the opinion that both the proposed and retained lot meet all relevant criteria of the aforementioned policy. Specifically, the lots would front onto an existing public road; utilize existing municipal services; and not result in any negative impacts.

With regards to Policy D4.2.1 c), which states *that the Committee of Adjustment shall be satisfied that the proposed lot is in keeping with the intent of the relevant provisions and performance standards of the zoning bylaw.*

In addition, the lands are located within the Thorold 23.5. Community Improvement Area (CIP) in the City's Official Plan. The intention of the CIP is to ***“encourage and support redevelopment proposals for existing serviced sites or the conversion of existing buildings for residential intensification. Intensification shall mean: the development of a property, at a higher density than currently exists that is not permitted by the zoning bylaw and or when one or more of the zone provisions such as setbacks, frontage or lot coverage provisions are modified to facilitate the construction of the proposed use”.***

As the intent of the consent is to provide for modest intensification through the development of one additional lot, which is at a scale and density that is characteristic of the neighbourhood with no anticipated negative impacts, it is staff's opinion that the consent application conforms with the policies of the City's Official Plan.

Comprehensive Zoning Bylaw 2140 (97)

The subject property is zoned Residential Second Density “R2S” Zone under Comprehensive Zoning Bylaw 2140 (97).

In order to support the new lot created, minor variances were also approved as part of the previously approved consent application. The consent is implementing the variances previously obtained for the proposed and retained lands.

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

- No comments or concerns

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- No comments or concerns

Niagara Region

- No comments or concerns.

Neighbourhood Comments

A letter has been received that raises concern over a tax reduction in favour of the applicant, however, the consent application for the mortgage discharge will have no impact on the applicant's taxes. The applicant, as a condition of the previous consent, is required to convey a portion of the lands to the City of Thorold for road improvements (turning bulb) to increase safety for emergency vehicles. In addition, there is concern regarding a fence on railroad property. This matter is not relevant to the consent application and is a matter for the railway to address.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-16-2022 requesting a partial discharge of the mortgage for Part 1, Part 2 and Part 3 as illustrated on the Severance Sketch, prepared by Chambers and Associates Surveying Ltd., dated May 18, 2022 for a lot fronting Welland Street South in the City of Thorold be **approved** without conditions.

REASON:

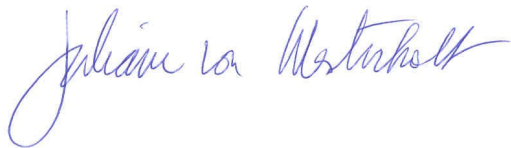
- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

Prepared by:



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