

COMMITTEE OF ADJUSTMENT

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

NOTICE OF DECISION – MAY 16, 2024

FILE NO.: D10-09-2024 **ROLL NO:** 2731 000 029 18800 0000
SUBJECT LAND: 40 River Street, Thorold Plan M10 Lot 14
APPLICANT: Wayne Michael
AGENT: Deborah Lawrence - Acheampong

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

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.

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 June 10, 2024.

Type of Transaction for which application for consent is being made:

√: Conveyance △ Mortgage or Charge △ Partial Discharge of Mortgage
△ Other:

DECISION: **GRANTED WITH CONDITIONS**

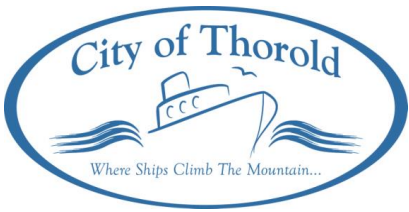
CONDITION(S): **SEE SCHEDULE “A” ATTACHED**

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 neighbourhood.
4. For reasons as outlined in the Planning Report.

Electronically Signed By J. Theisen, Chair/Member	In favour
Electronically Signed By E. Pizzo, Member	In favour
Electronically Signed By G. Jackson, Member	In favour
K. Daniels, Member - Absent	No vote
Electronically Signed By P. DiPaola, Member	In favour
Electronically Signed By G. Ravenek, Member	In favour



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SCHEDULE "A" – NOTICE OF DECISION D10-09-2024 – 40 RIVER STREET, THOROLD

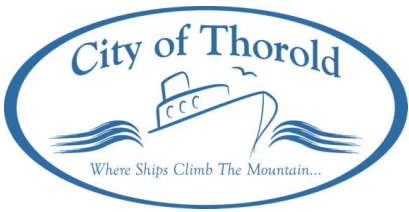
This is Schedule "A" attached to and forming part of the decision regarding Consent Application D10-09-2024, 40 River Street, Thorold, ON;

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; and
- 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 (2) years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first; and
- 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; and
- 4) That all outstanding property taxes be paid prior to issuance of the Certificate of Consent; and
- 5) That the payment of 5% 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 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; and
- 6) That the applicant receive final approval of the minor variance application D13-11-2024 for the proposed reduced front yard setback of the severed parcel (Part 1), as illustrated on the Site Plan prepared by NK Design Group Ltd. Dated, March 18, 2024; and
- 7) That the Owner grant Canadian National Railway (CN) an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN; and
- 8) That the Owner provide a finalized survey in order to convey a minimum of 3.5 metre triangle on the corner of River Street and Cross Street to the City of Thorold for the purposes of providing a daylighting triangle prior to final approval of the consent, to the satisfaction of the City of Thorold.

Date of Decision:	May 16, 2024
Date of Decision Notice:	May 22, 2024
Last date to file a notice of appeal:	June 10, 2024
Last date to fulfill all conditions:	May 22, 2026



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Notice of appeal must be filed with the Secretary Treasurer for the City of Thorold Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal (OLT).
<https://olt.gov.on.ca/appeals-process/fee-chart/>

Please note neighbours and other interested parties not defined by the Planning Act are no longer eligible to file appeals for this application as per Bill 23, More Homes Built Faster Act, 2022.

Planning Act appeals may be file by the applicant, the Minister of Municipal Affairs and Housing, a "specified person" (as defined by Planning Act 1(1)), and any "public body" (as defined by Planning Act 1(1)).

Information regarding the Ontario Land Tribunal (OLT) can be found at:
<http://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

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 Committee of Adjustment.

ORIGINAL SIGNED

Angela Nesbitt
Secretary Treasurer, Committee of Adjustment

Date of Decision: May 16, 2024 Date of Mailing: May 22, 2024