



May 9, 2024

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-09-2024
Minor Variance Application D13-11-2024
40 River Street, Thorold, Ontario
PLAN M10 LOT 14
2731 000 029 18800 0000

PROPOSAL: An application has been submitted for the creation of one (1) new lot to facilitate the construction of a new single detached dwelling on lands zoned Residential Second Density (R2) in accordance with the City's Comprehensive Zoning Bylaw 2140 (97). The applicant is proposing the construction of a single detached dwelling on Part 1 (proposed newly created lot through Consent D10-09-2024). In order to facilitate the development on Part 1 as proposed, application is made for relief from the following provision of Bylaw 2140(97):

- Section 11 – Residential Second Density R2 Zone: Provision 11.2.1 (c) – To permit a minimum front yard setback of 5.6 metres whereas the bylaw requires a minimum front yard setback of 7.5 metres.



Figure 1: Location Map

RECOMMENDATIONS:

That Minor Variance Application D13-11-2024 to reduce the minimum required front yard setback from 7.5 metres to 5.6 metres for the purpose of the construction of a single detached dwelling on Part 1 (newly created lot) **BE APPROVED**.

That Consent Application D10-09-2023 to sever a parcel of land having 20.12 metres of frontage along Cross Street, and 404.75 square metres of lot area **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 (2) 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 issuance of the Certificate of Consent.
- 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.
- 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.
- 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.
- 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.

Site Description

The subject lands are located at the northeast intersection of River Street and Cross Street, within Port Robinson East, as shown in **Figure 1** above. The retained parcel (Part 2), as shown on the Severance Sketch prepared by Chambers and Associates Surveying Ltd., OLS and included **Appendix 1-1** is currently developed with a single-detached dwelling to remain. The newly created parcel (Part 1) is intended to be developed with a single-detached dwelling, as shown in the Concept Drawing in **Figure 2**, and the Site and Context Plan provided in **Appendix 1-2**. Both River Street and Cross Street are classified as local roads on Schedule D of the City of Thorold Official Plan. There are existing sidewalks along the east side of River Street and north side of Cross Street and the roads are developed with a rural cross-section.



Figure 2: Concept Drawing

Background Review

The subject property is zoned Residential Second Density (R2) in the City of Thorold’s Zoning Bylaw 2140 (97), as amended. A review of the retained and severed lots, in comparison with the applicable provisions of the City’s zoning bylaw is provided in the table below.

No variances are required for the retained lot (Part 2). While the existing front yard and interior side yard setbacks do not meet the zoning provisions from the R2 zone, these existing setbacks are “legal non-complying”, based on the date of construction of the home (1850). The setback from the newly created rear yard lot line of the retained lot complies with the setback requirements of the R2 zone. All other requirements of the R2 zoning under Bylaw 2140 (97) are met for the retained lot.

A reduction in the front yard setback from 7.5 metres to 5.6 metres is required to accommodate the proposed development on the severed parcel (Part 1). All other requirements of the R2 zoning under Bylaw 2140(97) are being maintained, and no variances are required to accommodate the creation of the new lot.

Table 1: Bylaw 2140(97) – Residential Second Density (R2) Requirements

Provisions	R2 Requirement (Single Detached Dwelling)	Retained Existing Lot and Dwelling (Part 2)	Severed Lot and New Dwelling (Part 1)
Minimum Lot Area	360 m ²	618 m ²	405 m ²
Minimum Lot Frontage	12.0 m	20.12 m	20.12 m
Minimum Front Yard Setback	7.5 m	N/A (legal non-complying, relief not required)	5.6 m*
Minimum Rear Yard Setback	6.0 m	20 m	6.0 m
Minimum Interior Side Yard Setback	1.2 m	N/A (legal non-complying, relief not required)	1.2 m
Minimum Exterior Side Yard Setback	4.5 m	N/A	N/A
Maximum Lot Coverage	40%	11%	35%
Maximum Height	11 m	Existing	10.39 m
Parking Spaces Required	1 space for each dwelling unit	1	2
Minimum Setback from Front Lot Line to Platform Structure (0.9 m height)	3.0 m	N/A (legal non-complying, relief not required)	4.81 m
Minimum Setback from Rear Lot Line to Platform Structure (0.6 m height)	1.8 m	N/A (legal non-complying, relief not required)	2.95 m
Minimum Setback from Interior Side Lot Line to Platform Structure	1.2 m	N/A (legal non-complying, relief not required)	1.2 m

***Denotes zoning deficiency**

CONSENT PLANNING ANALYSIS

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 (2021)*, the *Regional Official Plan*, the *City of Thorold Official Plan* and the *City of Thorold Comprehensive Zoning Bylaw 2140(97)*.

Provincial Policy Statement (2020) (PPS)

The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development.

Therefore, in the opinion of staff, the consent application is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)

A Place to Grow Plan (P2G) 2021, incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. The subject lands are designated as “Delineated ‘Built-Up’ Area” according to the P2G. The Growth Plan also directs development to settlement areas to be focused in “built-up” areas.

Therefore, in the opinion of staff, the consent application conforms to the provisions of the P2G.

Regional Official Plan

As per the Region of Niagara’s Official Plan (NOP), the subject lands are within the “Urban Built – Up Area”. Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. A range of uses including residential uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

Therefore, in the opinion of staff, the consent application conforms to the Region’s Official Plan.

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.

Subsection D4.2.1 of the Official Plan sets out criteria that are to be satisfied prior to lot creation by consent, including that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the zoning bylaw;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,
- i) Complies with Provincial Minimum Distance Separation Formula, where applicable.

In the opinion of staff, the proposal would satisfy all applicable criteria and would represent an appropriate infill development. In accordance with Policy D4.2.1, the lot would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

In addition to being designated as Urban Living Area, the site is within the “Port Robinson East Special Policy Area” shown on Schedule A-4 of the City’s Official Plan. As such, the site is subject to the Port Robinson East Special Policies defined in Section B2.5 of the City’s Official Plan.

Subsection B2.5.3 of the Official Plan sets out additional criteria for lot creation within Port Robinson East to ensure that the existing character and built form of the area is respected. New lots within the Port Robinson East Special Policy Area designation are required to abut an assumed public road and should maintain a minimum lot area and frontage that is comparable to adjacent residential lots. The proposed consent would result in lot frontages and areas for both the severed and retained lots that are similar to the existing lots within the neighbourhood.

Staff is of the opinion that the proposed consent facilitates the creation of an additional lot for a single-detached residential development, is appropriate and in keeping with the

intent of the Official Plan. As such, the proposed consent conforms to the City's Official Plan.

City of Thorold Comprehensive Zoning Bylaw 2140 (97)

The subject property is zoned Residential Second Density (R2) in the City of Thorold's Zoning Bylaw 2140(97), as amended. Both the retained and severed parcels meet the general intent of the Zoning Bylaw 2140(97) as they will both be developed for single-detached residences. As noted above, the proposed development on the severed parcel (Part 1) requires relief for a front yard setback of 5.6 metres rather than 7.5 metres. Accordingly, a minor variance application has been submitted in concert with the consent application to permit the proposed variance for Part 1.

MINOR VARIANCE PLANNING ANALYSIS:

The Committee of Adjustment, in accordance with Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the bylaw, subject to the following considerations:

- The variance maintains the general intent and purpose of the Zoning Bylaw;
- The variance maintains the general intent and purpose of the Official Plan;
- The variance is appropriate for the development or use of the land; and
- The variance is minor in nature.

A summary of planning staff's review of the proposed variances with respect to each of these considerations is provided below.

Is the general intent and purpose of the Zoning Bylaw maintained?

The purpose of the minimum front yard setback is to ensure a relatively uniform setback along the street, as well as to ensure adequate area for amenity space and parking. The proposed front yard setback is in keeping with the setbacks established within the neighbourhood. It is staff's opinion that the requested reduction in the required front yard is not anticipated to impact the surrounding residential properties, and still provides for adequate amenity space as well as parking.

As such, the variance requested to reduce the minimum required front yard setback from 7.5 metres to 5.6 metres maintains the general intent and purpose of the zoning bylaw.

Is the general intent and purpose of the Official Plan maintained?

The subject lands are designated Urban Living Area and are subject to the Port Robinson East Special Policy Area overlay in the City of Thorold Official Plan. Lands designated

Urban Living Area are identified as existing and planned residential development and complementary uses on full municipal services.

Section A2.4.2 of the Official Plan outlines objectives for urban character in the City, which include:

- To respect the character of stable residential areas and only support applications for new development that are physically compatible with the character of the surrounding neighbourhood; and
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.

It is staff's opinion that the requested variance would not negatively impact the character of the area as the variance would permit a similar front yard as other residential uses established through the neighbourhood. Therefore, the requested variance would maintain the general intent and purpose of the Official Plan.

Is the variance appropriate for the development of the land?

This is not a subjective test as to whether the variance is appropriate to the Applicant or to neighbouring property owners. Rather, the test examines whether the variance is desirable from the standpoint of permitting appropriate development as a public interest.

The variance for a reduced front yard setback would facilitate safe and harmonious development of a property that is subject to space constraints. The reduction in the required yards is appropriate as it will not impact the surrounding residential properties. There is still adequate amenity space in the rear yard and exterior side yard, and the existing separation between buildings will be maintained.

As such, staff is of the opinion the requested variance is appropriate for the development of the land.

Is the variance minor?

In making a determination of whether a variance is minor as required, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant.

In staff's opinion, the impact on the streetscape and neighbouring properties as a result of the proposed reduction in the front yard will not be discernable, given the established setbacks of the existing dwellings in the neighbourhood.

As such, the variance requested is minor.

COMMENTS:

Agency & Department Comments

The application was circulated to internal departments and external agencies for comments, which are summarized below. A copy of the agency and department comments received are provided in **Appendix 2**.

The following Departments/Agencies provided comments noting no concerns with the proposal: Ministry of Transportation Ontario, Cogeco, City of Thorold Heritage Advisory Committee (LACAC), GIO Rail, Niagara Peninsula Conservation Authority (NPCA), Hydro One, and TransCanada Pipelines Limited.

The following Departments/Agencies did not provide comments on the proposal: Bell Canada, Niagara Escarpment Commission, Thorold Fire and Emergency Services, Ontario Power Generation, Trillium Railway, Canada Post, District School Board of Niagara, and Niagara Catholic District School Board.

Niagara Region

- Regional staff noted that they do not object to the proposed development as it is consistent with Provincial and Regional policies, subject to the comments summarized below.
- Regional staff noted that a series of clearance/acknowledgement letters from the Ministry of Tourism, Culture and Sport (now the Ministry of Citizenship and Multiculturalism) confirmed that no further archaeological assessment is necessary for the subject property, and as such, no further archaeological assessments are required for the site. Regional staff however provided an archaeological warning clause to be observed during the future development of the site.
- Additionally, Regional staff noted that due to the proximity to an active rail line, purchasers/tenants are advised that sound levels due to increasing rail traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound level may exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria.

Canadian National Railway (CN)

- CN staff noted that the subject site is within 300 metres of CN's Main Line, citing concerns of developing/densifying residential uses in proximity to railway operations as development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated.

- CN staff recommended following be incorporated into the proposal approval:
 - The following clause should be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:
 - “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
 - The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
 - The implementation of the following mitigation measures in the dwelling design and construction:
 - Forced air ventilation systems with central air conditioning,
 - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,

City Building Department

- Clearances to above ground electrical conductors shall be as per OBC subsection 3.1.19., article 9.1.1.5., article 3.15.5.2., or 9.38.3.4. as applicable. (Conform to the requirements of CAN/CSA-C22.3 No.1, “Overhead Systems”, for electrical conductors carrying voltages greater than 69 kV.)
- Provide location of all existing building services to the existing building on the site plan. Separate services (water and sanitary) required for each property. Building permits required for new services.
- Provide calculations to confirm existing buildings complies with OBC 9.10 for spatial separation of existing building(s) to proposed property line.
- Building permits are required for the demolition of existing buildings (sheds not more than 15m² are exempt) and construction of the proposed buildings.

- City Development Charges and Regional Development Charges, will apply and will be calculated at the time of building permit issuance. If the owner wishes to estimate the fee at this stage of the development process, prior to building permit review process, please review the requirements in the respective Development Charges By-laws.
- Refer to Fire Department for all fire safety matters, life safety and emergency procedures.

City Engineering Department

- City staff noted that the Engineering Department has the following comments in regards to this Consent Severance Application.
 - Each lot must have separate municipal services
 - Each lot must have its own entrance to the property.
 - Daylight triangle minimum 3.5m is required on the corner of River Street and Cross Street.

City Tax Department

- Taxes outstanding to be paid.

Public Comments

The application was also circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. At the time of writing of this report, no public comments have been received.

CONCLUSION:

In conclusion, it is the recommendation of Planning staff that Consent Application D10-09-2024 to sever a parcel of land having 20.12 metres of frontage along Cross Street, and 404.75 square metres of lot area be approved subject to the conditions stated herein. Furthermore, it is the recommendation of Planning Staff that minor variance application D13-11-2024 requesting relief to the City of Thorold Comprehensive Zoning Bylaw 2140(97) to reduce the minimum required front yard setback from 7.5 metres to 5.6 metres, be approved without conditions for the reasons as described within this report.

Prepared by:

ORIGINAL SIGNED

Connor MacIsaac
Planner, Development Services

Respectfully Submitted By:

ORIGINAL SIGNED

Marc Davidson
Senior Development Planner,
Development Services



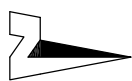
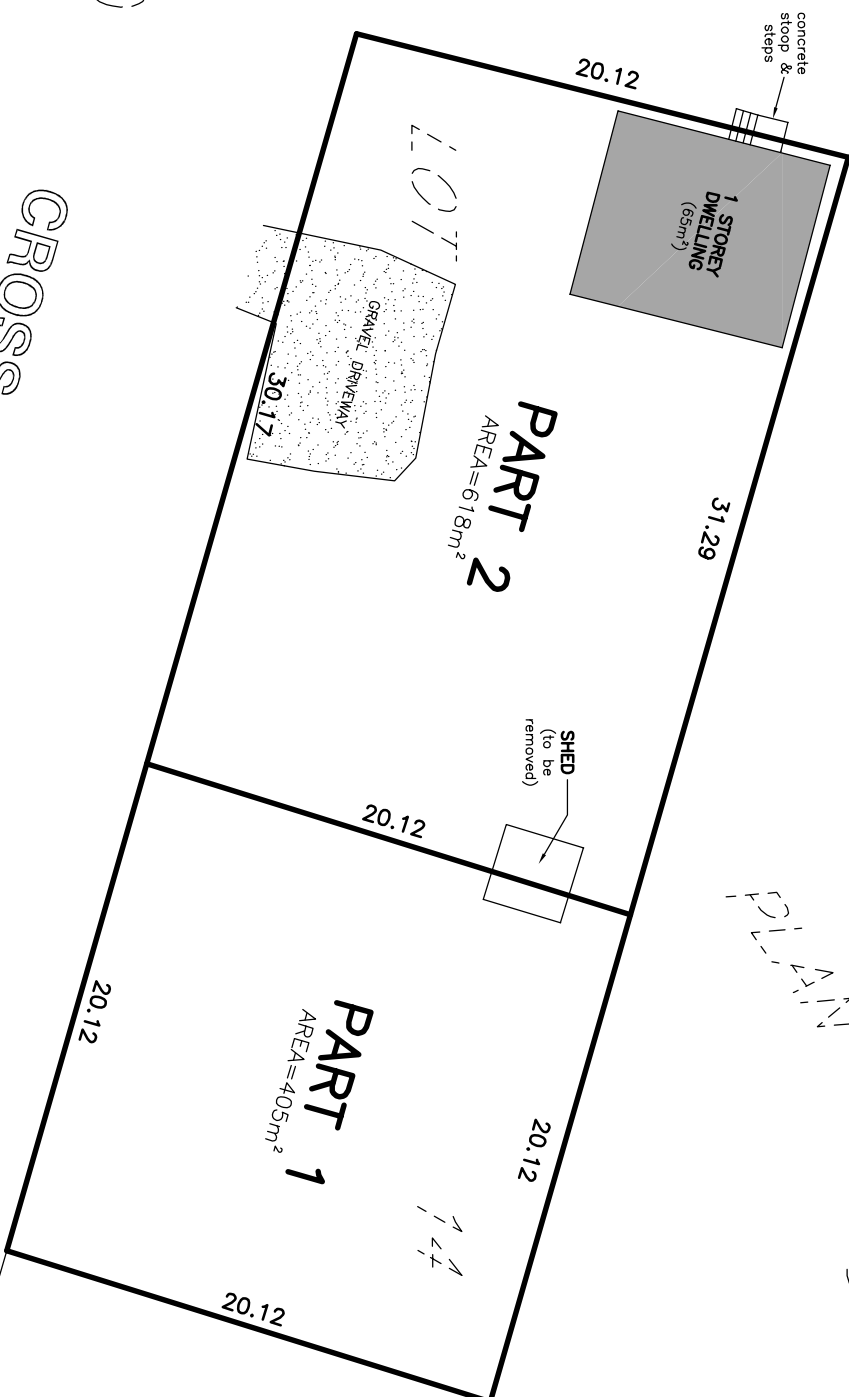
Appendix 1-1: Survey Sketch

REGISTERED

RIVER STREET (20.12 WIDE±)

CROSS STREET (20.12 WIDE±)

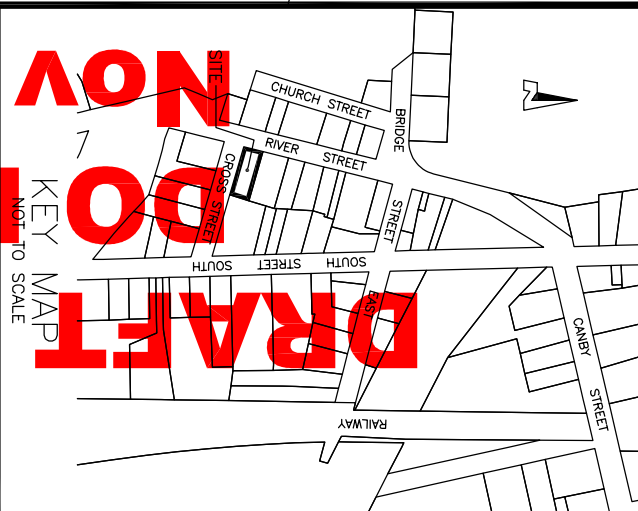
STREET



PLAN

15

LOT



DRAFT
NOV 2023
 KEY MAP
 NOT TO SCALE

SKETCH

PREPARED FOR CONSENT APPLICATION
 LOT 14
 REGISTERED PLAN M-10
 CITY OF THOROLD
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1:500 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ADJUTAL SURVEY. DO NOT SCALE FROM THIS DRAWING.

ALL MEASUREMENTS ARE ± 7.5 MEASUREMENTS.

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DATE _____ DONALD G. CHAMBERS, B. Sc., O.L.S.

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NOTE
 SUBJECT AND ABUTTING LAND USE - RESIDENTIAL



Appendix 1-2: Site & Context Plan



Appendix 2: Agency & Department Comments

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Via Email Only**May 3, 2024**

File Number: PLCS202400143

Angela Nesbitt ACST-A

Secretary Treasurer, Committee of Adjustment

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway

Thorold, ON L2V 4A7

Dear Ms. Nesbitt:

Re: Regional and Provincial Comments
Application Type: Consent
City File Number: D10-09-2024
Applicant: Lawrence Deborah Lavern
Location: 40 River Street
Municipality Name: Thorold

Regional Growth Strategy and Economic Development staff has reviewed the Consent Application for 40 River Street located in the City of Thorold. The Applicant is seeking to create a new lot and facilitate the construction of a single detached dwelling. The retained parcel includes the existing dwelling.

Staff notes there is also a concurrent Minor Variance Application associated with the Consent. Regional staff offer no comments concerning the Minor Variance Applications. A pre-consultation meeting took place on September 20, 2023, with Regional and City staff in attendance.

The following comments are provided to assist the City of Thorold with their review of the proposed Consent Application.

Provincial and Regional Policies

The subject lands are within a "Settlement Area" in accordance with the Provincial Policy Statement, 2020 ("PPS") and designated as "Delineated 'Built-Up' Area" in A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"). The Growth Plan contains policies that call for infill and intensification

within the built-up area to support the achievement of complete communities, access to multimodal and active transportation networks, and connections to transit services and other public amenities.

The subject lands are within the Urban Area and designated “Built-Up Area” in the Niagara Official Plan (“NOP”). A full range of residential, commercial, and employment uses are generally permitted within the urban area designation, subject to the availability of adequate municipal services and infrastructure. The NOP promotes development in its urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. City staff should be satisfied that the interface of the established residential uses has been addressed in the site design.

As such, Regional Staff does not object to the proposed development, subject to the comments below.

Land Use Compatibility

The subject site is approximately 200 metres from the CN Railway Line. Regional staff recognize there is intervening development between the railway line and the proposed development. Any future owners and tenants should be made aware of the potential for noise from the feature through the appropriate warning clauses in future offers of purchase and sale and tenant agreements.

Given the proximity to the railway line and intervening development, it is recommended that at the Building Permit stage appropriate noise mitigation measures/building materials are implemented in the building design/construction in order to ensure that the recommended indoor sound levels of the Ministry of the Environment, Conservation, and Parks’ (“MECP”) NPC-300 Guidelines is achieved, by using double-paned windows and the installation of air conditioning so that windows can remain closed.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The subject property is located within the Niagara Region’s mapped Area of Archaeological Potential as outlined in Schedule K of the NOP, indicating there is potential for the discovery of archaeological resources. At the pre-consultation meeting, Regional staff required that a Stage 1 Archaeological Assessment be completed, at a

minimum, along with the appropriate acknowledgement letter from the Ministry of Citizenship and Multiculturalism.

Regional staff has reviewed the Stage 1 and 2 Archaeological Assessments prepared by AS & G Archaeological Consulting Inc. (dated January 15, 2024). The Stage 1 assessment indicated that there is potential for the recovery of archaeological resources within the property. As it could not be demonstrated that the site had been subject to complete and intensive disturbance, a Stage 2 Archaeological Assessment was completed. The Stage 2 survey consisted of systematic test pits at five-metre intervals and did not result in the identification of archaeological resources within the property. Therefore, no further assessment of the property is required.

Regional staff has received the associated acknowledgement letter from the Ministry of Citizenship and Multiculturalism and notes that no additional assessment be required. Regional staff, however, notes that notwithstanding the results and recommendations presented in the assessment reports, no archaeological assessment can necessarily predict, account for, or identify every form of isolated or deeply buried archaeological deposit. Additionally, staff will require that the following warning clause be observed:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Culture, Tourism and Sport and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the Niagara Regional Police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Culture, Tourism and Sport should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the Consent Application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

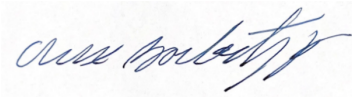
Please send copies of the staff report and notice of the City’s decision on these applications. Should you have any questions related to the above comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Pat Busnello,

PLCS202400143

May 3, 2024

Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Kind regards,

A handwritten signature in blue ink, appearing to read "Alex Boekestyn", is placed over a light blue rectangular background.

Alex Boekestyn, M.Sc.

Development Planner

Angela Nesbitt

From: Alexandre Thibault <Alexandre.Thibault@cn.ca> on behalf of Proximity <proximity@cn.ca>
Sent: Monday, April 15, 2024 4:55 PM
To: Angela Nesbitt
Subject: D10-09-2024_Consent_40 River Street_Request for comments - City of Thorold Committee of Adjustment May 2024 - Due by Friday, May 3rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Angela,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 300 meters of CN's Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN
- The implementation of the following mitigation measures in the dwelling design and construction:
 - a. Forced air ventilation systems with central air conditioning,
 - b. Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,

Thank you and do not hesitate to contact me with any questions.

Best regards

Angela Nesbitt

From: Ben Hiebert
Sent: Wednesday, May 8, 2024 1:30 PM
To: Angela Nesbitt
Cc: Jason Simpson; Daniel Dickson
Subject: 40 River Street - Building Comments

Comments from the Building Division are below on the following Planning applications.

40 River St (Consent/Minor Variance)

- Clearances to above ground electrical conductors shall be as per OBC subsection 3.1.19., article 9.1.1.5., article 3.15.5.2., or 9.38.3.4. as applicable. (Conform to the requirements of CAN/CSA-C22.3 No.1, "Overhead Systems", for electrical conductors carrying voltages greater than 69 kV.)
- Provide location of all existing building services to the existing building on the site plan. Separate services (water and sanitary) required for each property. Building permits required for new services.
- Provide calculations to confirm existing buildings complies with OBC 9.10 for spatial separation of existing building(s) to proposed property line.
- Building permits are required for the demolition of existing buildings (sheds not more than 15m² are exempt) and construction of the proposed buildings.
- City Development Charges and Regional Development Charges, will apply and will be calculated at the time of building permit issuance. If the owner wishes to estimate the fee at this stage of the development process, prior to building permit review process, please review the requirements in the respective Development Charges By-laws.
- Refer to Fire Department for all fire safety matters, life safety and emergency procedures.



Ben Hiebert C. Tech

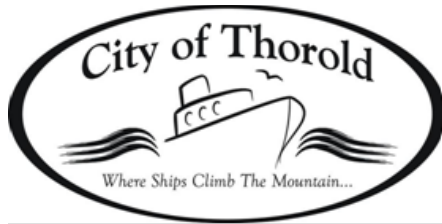
Building Inspector, Plans Examiner
Planning and Development Services

City of Thorold

905-227-6613 x257

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

www.thorold.ca



Memorandum
City of Thorold
Operations Department
905-227-3535

To: Connor MacIsaac, Planner
From: Haesun Jung, Engineering Tech.
Subject: Consent Severance D10-09-2024
40 River Street
Plan M10 Lot 14
Thorold, ON
Date: April 29, 2024

Please be advised that the Engineering Department has the following comments in regards to this Consent Severance Application.

- Each lot must have separate municipal services
- Each lot must have its own entrance to the property.
- Daylight triangle minimum 3.5m is required on the corner of River St. and Cross St.

Should you have any questions, please contact the undersigned.

Haesun Jung,
Engineering Technician, Engineering Division
haesun.jung@thorold.ca
(905) 227-6613. Ext. 291