



In the matter of the Planning Act, R.S.O. 1990, c. P.13, s. 53:

**DECISION:** File No. Consent B-24/22 471 Line 1 Road  
Assessment Roll No. 2627020014212020000

**Description of the Land and Purpose and Effect of the Application:**

The subject lands are known municipally as 14 Highlander Street, lying on the north side of Highlander Street, east of the Niagara River Parkway, Niagara-on-the-Lake.

Consent Application B-26/22 proposes the creation of one new lot with frontage on Highlander Street. The existing single-detached dwelling and garage will be demolished. The severed and retained lot would be used for future single-detached dwellings.

**Decision: Granted subject to the conditions attached as Schedule A.**

**Reasons:** The Committee of Adjustment considered all the written and oral submissions and agrees with the consent report analysis and recommendation that, subject to the conditions of provisional consent, this application meets Planning Act requirements, is consistent with the Provincial Policy, the Niagara Regional Official Plan and the Town Official Plan regarding the creation of a new lot.

**Date of Notice: November 18, 2022**

**Last date to file a notice of appeal: December 8, 2022**

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

You will be entitled to receive notice of any changes to the conditions of provisional consent if you have made a written request to be notified of changes to the conditions.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association on its behalf.

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

**Last date to fulfil all conditions: November 17, 2024**

Consent was obtained by the Secretary Treasurer on November 17, 2022 to insert electronic signatures below;



\_\_\_\_\_  
Steve Bartolini  
Committee of Adjustment

CONFLICT

\_\_\_\_\_  
John Bice (Vice Chair)  
Committee of Adjustment



\_\_\_\_\_  
Paul Harber  
Committee of Adjustment

ABSENT

\_\_\_\_\_  
Eric Lehtinen  
Committee of Adjustment



\_\_\_\_\_  
Allen Snider (Chair)  
Committee of Adjustment

ABSENT

\_\_\_\_\_  
Richard Ventresca  
Committee of Adjustment

I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

DATED at the Town of Niagara-on-the Lake, this 18<sup>th</sup> day of November, 2022.



\_\_\_\_\_  
Natalie Thomson, Secretary Treasurer

## SCHEDULE A

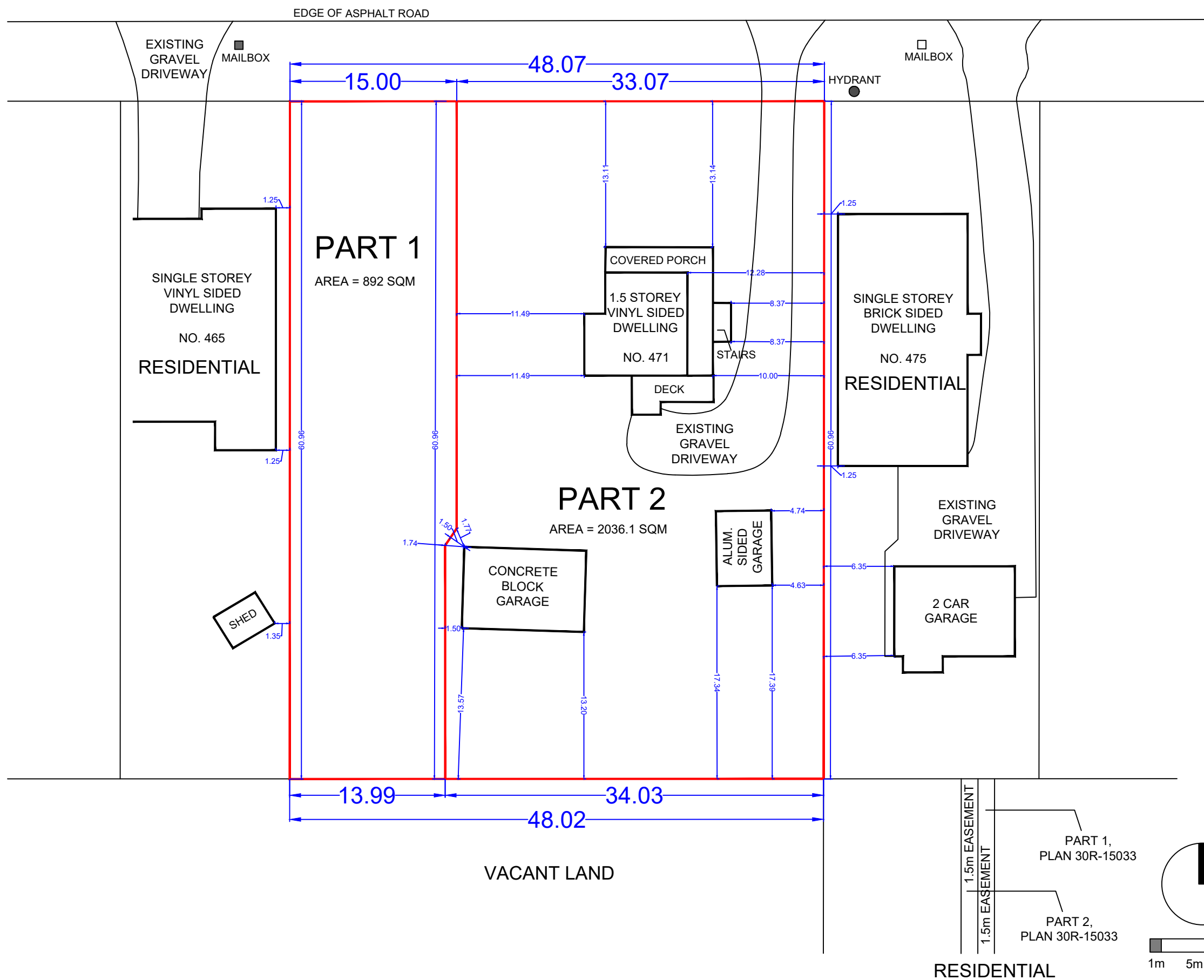
### Conditions of Provisional Consent:

- 1.1.1 That the owner/applicant provides a legal description of Part 1, as shown in Appendix III attached to this report, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Community and Development Services, for use in the issuance of the Certificate of Consent;
- 1.1.2 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 1, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
- 1.1.3 That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 1 using the direct comparison approach, to the satisfaction of the Manager of Finance; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 1;
- 1.1.4 That the owner/applicant obtain final approval for Zoning By-law Amendment Application ZBA-18-2022, to the satisfaction of the Director or Community and Development Services;
- 1.1.5 Dedication of a 3-metre wide road allowance widening fronting Part 1 of the proposed severance to the benefit of the Town, to the satisfaction of the Director of Operations;
- 1.1.6 That the Owner/applicant provide separate water and sanitary services wholly fronting Part 1 of the proposed severance, by way of a completed application for applicable services to the Environmental Services Department and a pro-rated buy-in charge for the fronting sanitary sewer main of \$737.89;
- 1.1.7 That the Owner replace the existing water service fronting Part 2 of the proposed severance by way of a completed application for water service to the Environmental Services Department;
- 1.1.8 That the Owner/applicant provide separate sanitary services wholly fronting Part 2 of the proposed severance, by way of a completed application for applicable services to the Environmental Services Department and a pro-rated buy-in charge of \$1,015.95 plus applicable connection charges to the Environmental Services Department;

- 1.1.9 That the Owner/applicant obtains approval in the form of a municipal entrance permit from the Town's Operations Department for a driveway access Part 1 of the proposed severance;
- 1.1.10 That following completion of any remediation and/or risk assessment work, a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance with Environmental Protection Act and associated regulations, as amended. Finalized copies of the Environmental Site Assessments, site remediation reports, MECP written acknowledgement of the filing of the RSC, and certification from a Qualified Professional (QP) outlining that the property meets the applicable standard(s) of the intended land uses, shall be submitted to Niagara Region. A reliance letter from a QP shall also be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted to clear this condition; and
- 1.1.11 That the owner obtains the required permit to demolish the existing septic system from the Niagara Region.

(MUNICIPAL ROAD - 20.12 WIDE)

# LINE 1 ROAD



### SITE STATISTICS

Part 1 (Severed Lot) Area	892 m <sup>2</sup>
Part 2 (Retained Lot) Area	2,036.1 m <sup>2</sup>
Part 1 Proposed Use	Residential - Single-detached dwelling
Part 2 Current Use	Residential - Single-detached dwelling

### REVISIONS

NO.	DATE	REVISION	BY
1	2022-11-09	Consent sketch	LL

### PROPOSED SEVERANCE

CONSENT APPLICATION  
471 LINE 1 ROAD, NIAGARA-ON-THE-LAKE

For: Teresa Arnold Scale: As Shown  
Drawing No.: 21681.01 Date: 2022-11-09

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