

7888 2023-03-24



Committee of Adjustment
The Planning Act - Section 53
Application for Consent

revisions rec'd Mar 31, 2023 AA

File No. B-2023-006

Please Type or Print In Ink

- 1. (a) Registered Owner(s): Canterra Property Holdings Inc.
 Mailing Address: [REDACTED]
 City: [REDACTED] Province: [REDACTED] Postal Code: [REDACTED]
 Telephone: _____ Fax: _____ Email: _____
- (b) Owner's Solicitor (if any): _____
 Mailing Address: _____
 City: _____ Province: _____ Postal Code: _____
 Telephone: _____ Fax: _____ Email: _____
- (c) Authorized Agent (if any): Upper Canada Consultants
 Mailing Address: [REDACTED]
 City: [REDACTED] Province: [REDACTED] Postal Code: [REDACTED]
 Telephone: [REDACTED] Fax: _____ Email: [REDACTED]

(d) Please specify to whom all communications should be sent:

Owner [] Solicitor [] Agent [x]

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- [] Creation of New Lot
- [] Disposal of Surplus Farm Dwelling
- [x] Addition to Lot
- [] Mortgage or Charge
- [] Lease
- [x] Partial Discharge of Mortgage
- [x] Easement (describe below)
- [] Right-of-way (describe below)

Part 10 in favour of all parts in 7960

(b) If a lot addition, identify the lands to which the parcel will be added:

7960 Oakwood Dr

(c) Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged:

Giovana Butera (7960 Oakwood Drive)

3. Are there any existing easements or restrictive covenants affecting the land?

Yes [] No [x]

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land: LT 3 PL 144 STAMFORD; PT LT 4 PL 144 STAMFORD AS IN RO609391 ; NIAGARA FALLS

Municipality (City/Town/Township) _____
 Former Municipality _____
 Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____
 Reference Plan No. _____ Part(s) _____
 Name of Street _____ Street No. _____

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5. Description of subject land: 7888 Oakwood Dr. Part No. on sketch: 72 8-18 without # 10

(a) Frontage: 23.91 m Depth: 157.95 m Area: 1,839.0 sq. m. or ha.

(b) Existing Use: Existing Driveway Access (Part 10) Proposed Use: Existing Driveway Access - Easement to the benefit of 7880 Oakwood Drive requested over Part 10 for vehicular access and stormwater.

(c) Existing and proposed buildings and structures on the subject land:

Existing: There are no existing buildings or structures on Part 10.

Proposed: There are no buildings or structures proposed on Part 10.

What were the previous uses of the subject lands?

- Residential Industrial Commercial
 Agricultural Parkland Vacant Other

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

6. Description of land to be retained: 7888 Oakwood Drive Part No. on sketch: 3, 4, 5 & 10

(a) Frontage: 60.9 m Depth: 265.36 m Area: 2.19 sq. m. or ha.

(b) Existing Use: Industrial Proposed Use: Industrial (New Car Agency)

(c) Existing and proposed buildings and structures on the subject land:

Existing: One Storey Building (Sunbelt Rentals), Storage Containers

Proposed: Existing Structures to Remain.

What were the previous uses of the subject lands?

- Residential Industrial Commercial
 Agricultural Parkland Vacant Other

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

7. (a) Type of access to subject land:

- Provincial Highway Regional Road
 Municipal Road maintained all year Other Public Road
 Municipal Road maintained seasonally Right-of-Way
 Water Access * Private Road

* If access is by water only, detail the parking & docking facilities to be used and the approximate distance of those facilities and the nearest public road: _____

(b) Type of access to retained land:

- Provincial Highway Regional Road
 Municipal Road maintained all year Other Public Road
 Municipal Road maintained seasonally Right-of-Way
 Water Access* Private Road

* If access is by water only, detail the parking & docking facilities to be used and the approximate distance of those facilities and the nearest public road: _____

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water supply	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lake	<input type="checkbox"/>	<input type="checkbox"/>
Well (private or communal)	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/> _____	<input type="checkbox"/> _____

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9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/> []	<input checked="" type="checkbox"/> []
Septic system (private or communal)	<input type="checkbox"/> []	<input type="checkbox"/> []
Other (specify)	<input type="checkbox"/> [] _____	<input type="checkbox"/> [] _____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Municipal Official Plan: Industrial
- (b) Regional Policy Plan: Urban Area, Employment Area

11. What is the present zoning on the land(s)?

Prestige Industrial - 540 (PI-540) - 7888 Oakwood Drive

12. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes [] No [X]

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____

Decision: _____

13. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes [] No [X]

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name: _____

Land Use on severed parcel: _____

Date parcel transferred: _____

Consent file number (if known): B- _____

14. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an official plan amendment; a zoning bylaw amendment; a minor variance?

Yes [] No [X]

(b) If the answer of (a) is "Yes", give the file number and status of the application.

15. As provided for in Ontario Regulation 547/06, and as required by this Committee of Adjustment, an application must be accompanied by eighteen (18) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one set of eighteen (18) drawings plus one extra copy for each additional application will suffice.

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;

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- (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
 - (i) the location and nature of any easement affecting the subject land.
16. Is the application consistent with the policy statements issued under subsection 3(1) of the Act?
Yes [x] No []
-
17. (a) Are the subject lands within an area of land designated under any Provincial plan(s)?
Yes [x] No []
18. (b) If yes, please indicate if the application conforms to or does not conflict with the applicable Provincial Plan(s).
The application is consistent with the 2020 Provincial Policy Statement and conforms with the 2020 Growth Plan for the Greater Golden Horseshoe.
19. One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the Treasurer, City of Niagara Falls.

I/We Craig Rohe of Upper Canada Consultants
of the City/Town/Township of Welland
in the County/District/Regional Municipality of Niagara
solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the _____) TO BE SIGNED IN THE PRESENCE OF
City _____ of _____ St. Catharines) A COMMISSIONER FOR TAKING AFFIDAVITS
in the Regional Municipality of Niagara,)
this 23 day of March)
A.D. 2023)
(Signature of applicant(s), sponsor or authorized agent)

H. Gracey
A Commissioner, etc.
Hannah Kay Gracey, a Commissioner, etc.,
Province of Ontario, for Upper Canada
Planning & Engineering Ltd.
Expires November 28, 2025.

PLEASE NOTE:
Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to:
The Freedom of Information and Privacy Coordinator,
4310 Queen Street, P.O. Box 1023, Niagara Falls, ON L2E 6X5; 905-356-7521, extension 4241.

APPENDIX 1

Environmental Site Screening Questionnaire

In order to assist in determining if the subject lands are potentially contaminated, applicants are to complete the following. It should be acknowledged that if there is reason to suspect contamination, further studies will be required and that a Record of Site Condition will also be required in the event of remediation.

1. Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
 2. Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
 3. Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
 4. Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
 5. Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
 6. Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
 7. Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
 8. If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
 9. Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.
10. If current or previous use of property is industrial or commercial, or if the answer is YES to any of 1 to 9 above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

ACKNOWLEDGEMENT CLAUSE

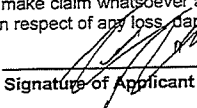
I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Craig Rohe, Upper Canada Consultants

Name (please print)

March 23, 2023

Date


Signature of Applicant



OWNER'S AUTHORIZATION FORM

Location of Subject Lands

7888 Oakwood Drive

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize:

Upper Canada Consultants

Of the _____ City _____ of _____ St. Catharines _____
(Municipality)

to make application(s) on my/our behalf to the Committee of Adjustment for the City of Niagara Falls for consent to convey an interest in the land in accordance with Subsection 1 of Section 53 of the Planning Act, R.S.O. 1990.

Dated at the _____ City _____ of _____ St. Catharines _____ in the Regional
Municipality of _____ Niagara _____, this 23 day of March _____, 2023 .

Signature of Owner

Luciano Butera, ASO for Canterra Property Holdings Inc.
Name of Owner (printed)

Signature of Owner

Name of Owner (printed)

Signature of Owner

Name of Owner (printed)

NOTE:
This form is only to be used for applications which are to be signed by someone other than the owner(s). If the applicant is a corporation, the corporate seal is to be affixed over the owner's signature(s).