

COMMITTEE OF ADJUSTMENT

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

March 12, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-06-2021
72 Pine Street North, Thorold, Ontario

PLAN 1890 PT LOT 10

RECOMMENDATION:

That the minor variances requested in application D13-06-2021 be approved.

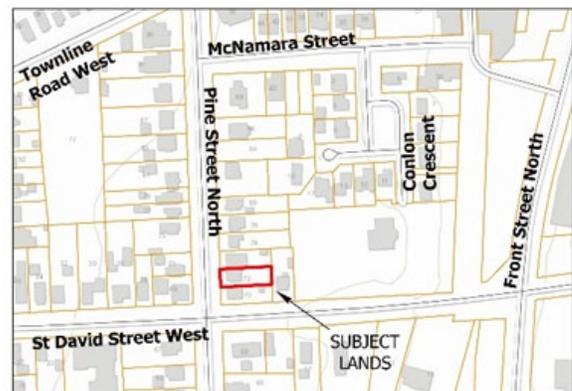
PROPOSAL:

The applicant is proposing the construction of one half of a semi-detached dwelling as shown on the drawing submitted. In order to facilitate the development as per Comprehensive Zoning Bylaw 2140(97), the following variances are being requested:

Section 11.2 R2 zone provisions:

1. 11.2.1(a)(i) Minimum Lot Area for semi-detached dwelling, duplex dwelling - To reduce the minimum lot area from 550 square metres to 457.25 square metres;
2. 11.2.1(b) Minimum Lot Frontage – To reduce the minimum lot frontage from 18 metres to 12.5 metres;

Figure 1: Location of Subject Property



KEY MAP

BACKGROUND

The subject lands has an existing single detached dwelling on it. The proposal to add another dwelling would convert the existing single detached dwelling into one half of a semi-detached dwelling.

CITY OF THOROLD OFFICIAL PLAN:

The subject property is designated as 'Urban Living Area' in the City's Official Plan (OP). The Official Plan permits residential uses including semi-detached dwellings.

COMPREHENSIVE ZONING BY-LAW 2140 (97):

The subject lands zoned Residential Second Density (R2) in accordance with Comprehensive Zoning Bylaw 2140(97). The zone permits semi-detached dwellings on the subject lands.

PLANNING REVIEW:

1. Are the variances minor from the provisions of the By-law?

The variances would have little to no impact on the adjacent properties as the subject lands are an existing lot of record. The Zoning By-law already permits a semi-detached dwelling on the subject lands. The configuration of the proposed semi-detached dwelling, with the proposed dwelling not fronting on the street reduces the need for an 18 metre frontage.

Staff are of the opinion that the requested variances are minor in nature.

2. Are the variances appropriate for the development of the land?

The zoning of the property permits a semi-detached dwelling on the subject lands. The intent of the minimum lot area is to ensure that there is adequate space for parking, landscaping and amenity areas. The proposal depicts two parking spaces at the end of a driveway which meets the minimum number of spaces. The spaces are also proposed to meet the minimum size requirements of the zoning bylaw. The parking spaces are located no closer to existing dwellings than what is already permitted in the bylaw. There are no minimum distance requirements for parking spaces adjacent to dwellings.

The rear yard of 11.32 metres is almost twice the size of the minimum rear yard requirements of 6 metres providing ample amenity space for the two dwellings. There is also landscaped area in the front of the dwelling along Pine Street North. If the proposal was the same size but only an addition, it would be permitted as of right in the zoning bylaw and a minor variance would not be required.

The intent of requiring a minimum lot frontage in the zoning bylaw is to ensure that there is enough frontage for two dwellings. Typically, semi-detached dwellings front onto a street. As the proposed dwelling is located behind the existing dwelling, frontage on the street is not possible.

Staff are of the opinion that the requested variances are appropriate for the development of the land.

3. Is the general intent and purpose of the By-law maintained?

The zoning of the property permits a semi-detached dwelling on the subject lands. The intent of the minimum lot area is to ensure that there is adequate space for parking, landscaping and amenity areas. The proposal depicts two parking spaces at the end of a driveway which meets the minimum number of spaces. The spaces are also proposed to

meet the minimum size requirements of the zoning bylaw. The parking spaces are located no closer to existing dwellings than what is already permitted in the bylaw. There are no minimum distance requirements for parking spaces adjacent to dwellings.

The rear yard of 11.32 metres is almost twice the size of the minimum rear yard requirements of 6 metres providing ample amenity space for the two dwellings. There is also landscaped area in the front of the dwelling along Pine Street North. If the proposal was the same size but only an addition, it would be permitted as of right in the zoning bylaw and a minor variance would not be required.

The intent of requiring a minimum lot frontage in the zoning bylaw is to ensure that there is enough frontage for two dwellings. Typically, semi-detached dwellings front onto a street. As the proposed dwelling is located behind the existing dwelling frontage on the street is not possible.

Staff are of the opinion that the requested variances would maintain the general intent and purpose of the zoning by-law.

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

Intensification of vacant or occupied residential lots in the built boundary are generally supported by the Official Plan where the criteria identified below are satisfied.

The Urban Living Designation permits semi-detached dwellings subject to Policy B1.1.5 when considering zoning bylaw amendments. Although a semi-detached dwelling is already a permitted use, the criteria are still appropriate to apply to this application.

Policy B1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings

In considering a Zoning By-law Amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;

The neighbourhood consists of a range of one and a half and two storey dwellings. The proposed addition will make the overall footprint larger than existing dwellings in the area but not substantially. The addition will be located to the rear of the dwelling and will not be the focal point from the street.

b) Can be easily integrated with surrounding land uses;

The neighbourhood is predominantly residential dwellings. The proposed addition for the semi-detached dwelling will generally not be visible from the street.

c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,

The addition of one dwelling unit will not create traffic hazards or unacceptable levels of congestion on surrounding roads.

d) Is located on a site that has adequate land area to incorporate required parking, amenity areas, recreational facilities, landscaping and buffering on-site.

The required parking can be accommodated on site. There is ample amenity area and landscape area in the rear yard and the front yard of the property. There is an existing fence along the northern interior property line to act as buffering.

Staff are of the opinion that the requested variances would maintain the general intent and purpose of the Official Plan.

CIRCULATION COMMENTS:

The following comments on the application were received from internal departments and external agencies.

Hydro One

No issues.

Cogeco

Cogeco has no concerns with this application.

MTO

The MTO has no concerns, as the property is located outside the MTO permit control area.

Engineering Department

The Engineering Department has no comments to offer in regard to this property.

Building Department

A building permit is required for the proposed addition.

NPCA

There are no regulated features on the property, therefore the NPCA has no objections.

The following are a general list of concerns identified by members of the public. The full set of comments submitted to date are attached to this report.

Concerns over the upkeep of the existing house including not taking care of the lawn and not maintaining the property or the house.

Staff response: The City has a Property Standards Bylaw and a Clean Yard's Bylaw to address issues of properties not being taken care of.

Concerns that the proposed dwelling will have more than three bedrooms, have multiple people living in it and be occupied by university students.

Staff response: The City is not legally able to control who lives in a dwelling, the number of people that live in a dwelling or the number of bedrooms in a dwelling.

Concerns over drainage of the property and water draining onto adjacent properties.

Staff response: The drainage of the property has to be appropriately addressed at the building permit stage and can't drain onto adjacent properties.

Concerns that a semi-detached dwelling does not fit with the character of the area.

Staff response: The majority of the addition will not be visible from the street. A semi-detached dwelling is an appropriate form of intensification for this area.

Concerns that there is not enough parking on site to accommodate the occupants.

Staff response: The City's Zoning Bylaw requires one parking space per dwelling. There are additional spaces for on street parking on one side of the street.

CONCLUSION:

It is the opinion of Planning staff that the proposed variances meet the prescribed tests set out in the Planning Act, being that:

1. The variances are minor in nature from the provisions of the By-law;
2. The variances are appropriate for the development of the land;
3. The general intent and purpose of the By-law is maintained; and
4. The general intent and purpose of the Official Plan is maintained.

Prepared and respectfully
submitted by:

ELECTRONICALLY SIGNED

Denise Landry, MCIP, RPP
Manager of Planning Services

Appendix I – Comments received to date from the public