



COMMITTEE OF ADJUSTMENT

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

June 10, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-12-2021
57 Commerford Street, Thorold, Ontario

PLAN M42 LOT 407
273100002358225

RECOMMENDATION:

That the variances 1 and 2, as noted below, be denied.

PROPOSAL:

An existing accessory building on the subject property requires the following variances to recognize its location:

1. Section 3.1 b) – To permit an existing accessory building to be located 0.51 m from any other building on the property
2. Table 3.1 – To reduce the minimum exterior lot line setback for an existing accessory building from 3.0 m to 0.7 m

Figure 1: Location of Subject Property



The subject property is located in the southeast corner of the east leg of Commerford Street and Buchanan Crescent (see Figure 1) and is surrounded by residential uses. The property contains a single detached dwelling, and four accessory buildings/structures, including the accessory building in question.

CITY OF THOROLD OFFICIAL PLAN:

The subject property is designated as 'Urban Living Area' in the City's Official Plan (OP). Single detached dwellings and accessory buildings are permitted in the Urban Living Area designation.

COMPREHENSIVE ZONING BY-LAW 2140 (97):

The subject property is zoned 'R1C' in accordance with Zoning By-law 2140 (97), which permits single detached dwellings and accessory buildings.

COMPREHENSIVE ZONING BY-LAW 60-2019 (Partially under appeal):

'Part 6 – Residential Zones' within new Comprehensive Zoning By-law 60-2019 remains under appeal. The 'R1C' zoning under By-law 2140 (97) permits accessory buildings, but because 'Part 3 – General Regulations' of By-law 60-2019 is in force and effect, accessory buildings are subject to this section of the new by-law.

PLANNING REVIEW:

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

NO

The variances would maintain the negative visual impact on the streetscape caused by location of the accessory building. Furthermore, the variances represent significant numerical deviations from the by-law regulations in the context of the application.

Staff are of the opinion that the variances are not minor.

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

NO

The by-law affords exterior side yards with enhanced setback requirements to improve streetscape quality in corner lot locations, whereas the variances would perpetuate an undesirable arrangement of built form on the subject property.

Staff are of the opinion that the variances are not appropriate for the development of the land.

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

NO

The by-law intends to deemphasize accessory buildings in corner lot locations and provide opportunities for the enhancement of exterior side yards. The location of the building detracts from the visual quality of the streetscape.

Staff are of the opinion that the variances would not maintain the general intent and purpose of the Zoning By-law.

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

NO

Section A2.4.2 of the Official Plan outlines the following objective for urban character:

- 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;

Accessory buildings can negatively effect neighbourhood character. In this case, the location of the building clutters the streetscape in a prominent corner lot location. The building location is not compatible with the character of the surrounding stable neighbourhood.

Staff are of the opinion that the variances would not maintain the general intent and purpose of the Official Plan.

CIRCULATION COMMENTS:

No concerns were raised with the subject application.

CONCLUSION:

It is the opinion of Planning staff that the requested variances **do not** 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 by:

Respectfully submitted by:

ELECTRONICALLY SIGNED

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ELECTRONICALLY SIGNED

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