

## COMMITTEE OF ADJUSTMENT

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

June 15, 2021

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Minor Variance Application D13-14-2021  
25 Ivy Crescent, Thorold, ON

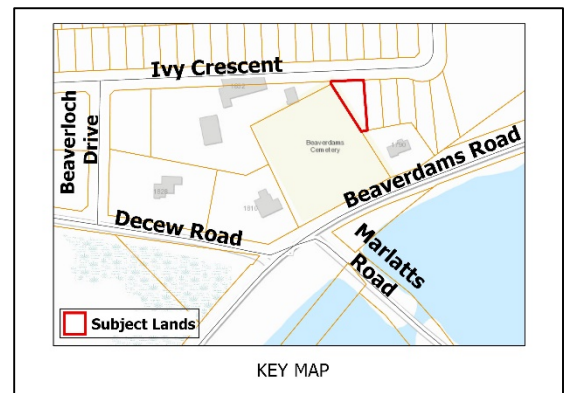
PLAN 59M478 Lot 34  
**2731 000 023 13440 0000**

### RECOMMENDATION:

That the minor variance requested in application D13-14-2021 be deferred.

### PROPOSAL:

The subject lands are designated Urban Living Area in the City of Thorold Official Plan and zoned Residential First Density (R1C-6) in accordance with Comprehensive Zoning Bylaw 2140(97). The applicant is proposing the construction of a 2-storey single detached dwelling as shown on the drawing submitted. In order to facilitate the development as per Comprehensive Zoning Bylaw 2140(97), the following variance is being requested:



1. Provision (e) – To reduce the interior side yard setback for the west lot line from 3.0 metres to 1.75 metres.

### CITY OF THOROLD OFFICIAL PLAN:

The subject property is designated as 'Urban Living Area' within the City's Official Plan. Single-detached dwellings are permitted in the Urban Living Area designation.

### COMPREHENSIVE ZONING BY-LAW 2140 (97):

The subject property is zoned 'R1C-6' (Residential First Density) in accordance with Zoning By-law 2140 (97). Single detached dwellings are permitted in the 'R1C-6' zone.

### PLANNING REVIEW:

Planning staff are requesting additional time to review the proposed minor variance. The proposed reduced interior side yard setback for the west lot line is adjacent to the existing

Smith Cemetery (Old Beaverdams Burying Ground). The Urban Design Guidelines approved for the Decew Terrace Subdivision referenced the Heritage Impact Assessment (HIA) prepared by Leah D. Wallace in June 2017. The HIA indicated the proposed dwelling on lot 34 should provide low height wooden fencing and low naturalized plantings of trees or shrubs along the side yard to conserve a sense of openness to the cemetery. In order to adequately review the proposed reduced side yard setback, staff want to ensure that the intent of the HIA is maintained. Staff cannot effectively assess the proposal against the four prescribed tests set out in the Planning Act until it is confirmed whether the side yard can accommodate the fencing and planting requirements with the reduced setback and maintain the intent of the HIA.

As such, staff request that the application be deferred to the July Committee of Adjustment meeting and the applicant has been advised. Until an opinion statement is received from Leah Wallace, staff are not in a position to provide a report regarding the application.

### **CIRCULATION COMMENTS:**

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

#### Building Division

- Building Division has no concerns with this application.

#### Canada National Railway

- CN Rail does not have any concerns with this application.

#### Cogeco

- Cogeco has no concerns with this application.

#### Engineering Division

- Engineering staff have no comments in regards to the subject Minor Variance.

#### Finance Division

- There is a current balance of \$4.80 for 25 Ivy Crescent.

#### Ministry of Transportation (MTO)

- The property is located outside the MTO Permit Control Area, and therefore, and MTO Building & Land Use Permit is not required.

### **CONCLUSION:**

It is the opinion of Planning staff that the proposed variance be deferred until staff receives an opinion statement from Leah Wallace, the heritage consultant who prepared the HIA for the Decew Terrace Subdivision.

Prepared by:

Electronically signed

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Sarah Burjaw  
Student Planner, Planning Services

Respectfully submitted by:

Electronically signed

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Denise Landry, MCIP, RPP  
Manager of Planning Services