



May 9, 2024

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

**SUBJECT:** Minor Variance Application D13-12-2024  
73 Martin Street, Thorold, Ontario  
PLAN 17 LOT 41 NP903

**PROPOSAL:** An application has been submitted for an accessory structure which proposes a garage on the ground floor and a second dwelling unit on the second floor. The lands are zoned Residential Second Density Special (R2S) in accordance with the City's Comprehensive Zoning Bylaw 2140 (97). Regulations relating to second dwelling units are governed by the City of Thorold Comprehensive Zoning Bylaw 60-2019. In order to facilitate the development, the following variance from the provisions of Bylaw 60-2019 is being requested:

- Relief from Part 3 – General Regulations, Table 3.1: Accessory Building or Structure Requirements – To permit a maximum height for an accessory structure within the residential zone of 6.3 metres whereas the bylaw permits a maximum of 4.5 metres.

**RECOMMENDATION:**

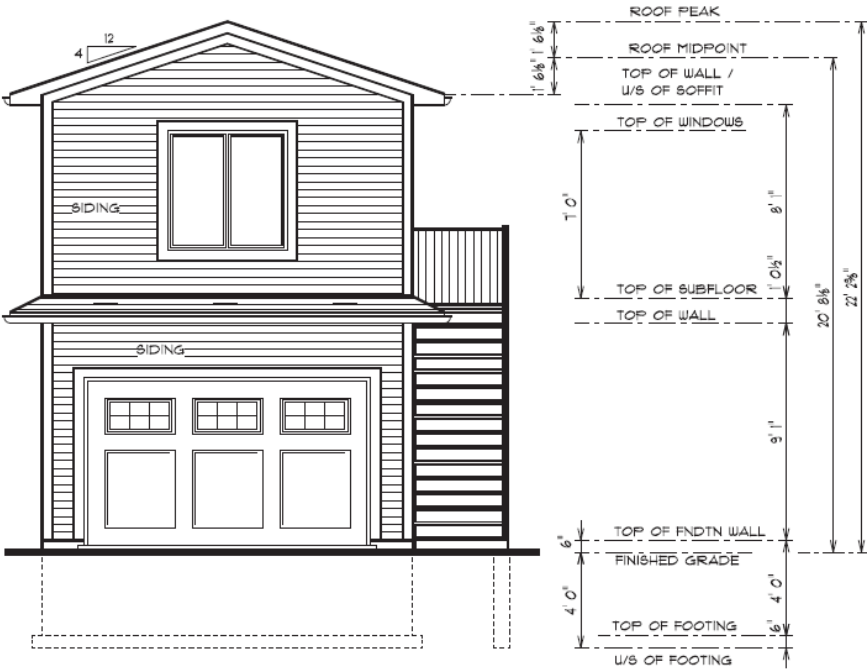
That Minor Variance Application D13-12-2024 to increase the maximum permitted height for an accessory structure within the residential zone from 4.5 metres to 6.3 metres, for the purpose of a garage on the ground floor and a second dwelling unit on the second floor **BE APPROVED**.

Site Description

The subject lands are located on the west side of Martin Street between Chippawa Street to the north, and Beaverdams Road to the south, west of the Welland Canal as shown in **Figure 1**. The land is currently developed with a single detached dwelling. The proposal is for an accessory structure with a garage located on the ground floor and a second dwelling unit (SDU) on the second floor, located to the rear of the property, as shown in concept drawing in **Figure 2**, as well as the proposed Site Plan (**Appendix 1**).



**Figure 1: Location Map**



NAUTA HOME DESIGNS

**FRONT ELEVATION D**

March 1, 2024  
 CONTRACT # 2023-221

J.N.

01:14 PM  
 PLAN # GR351

**Figure 2: Concept Drawing**

Background Review

The subject property is zoned Residential Second Density (R2S) in the City of Thorold's Zoning Bylaw 2140 (97), as amended, that permits single detached dwellings and accessory structures. As per *Bill 23, More Homes Built Faster Act, 2022*, zoning must allow for up to three (3) additional residential units per lot (i.e., two (2) in the main building and one (1) in an accessory building), with no minimum unit sizes, and no more than one (1) additional parking space can be required, as of right.

Both the existing dwelling and proposed SDU within an accessory structure comply with all provisions of the R2S zone in Zoning Bylaw 2140 (97) and the provisions of Section 3.21 – Second Dwelling Units in Zoning Bylaw 60-2019. The accessory structure must comply with the provisions as set out by Section 3.1 - Accessory Buildings of the City's Comprehensive Zoning Bylaw 60-2019. As the accessory structure does not conform to the height provision as set out by Section 3.1, a minor variance to permit an increase in height is being requested.

A review of the proposed SDU within an accessory structure compared to the provisions of Section 3.1 of Zoning Bylaw 60-2019 is provided in the table below.

**Table 1: Bylaw 60-2019 – Section 3.1 – Accessory Buildings and Structure**

Bylaw 60-2019 – Accessory Buildings and Structures Requirements and Second Dwelling Units		
Provisions	Residential Zones Requirement	Provided
Maximum Lot Coverage of Accessory Building(s) or Structure(s)	10% of total lot coverage permitted	9.7%
Minimum Front Yard Setback	6.0 m, but in no case closer to the street than the front wall of the dwelling	20 m
Minimum Rear Yard Setback	0.9 m	1.2 m
Minimum Interior Side Yard Setback	0.9 m	1.32 m
Minimum Exterior Side Yard Setback	3 m	N/A
Maximum Height	4.5 m	<b>6.3 m*</b>

**\*Denotes zoning deficiency**

**MINOR VARIANCE PLANNING ANALYSIS:**

The Committee of Adjustment, in accordance with Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the bylaw, subject to the following considerations:

- The variance maintains the general intent and purpose of the Zoning Bylaw.
- The variance maintains the general intent and purpose of the Official Plan.
- The variance is appropriate for the development or use of the land.
- The variance is minor in nature.

A summary of planning staff’s review of the proposed variances with respect to each of these considerations is provided below.

**Is the general intent and purpose of the Zoning Bylaw maintained?**

The intent of the maximum height of 4.5 metres for accessory structures is to ensure that accessory buildings do not impact neighbouring properties, and to ensure their accessory nature to the primary dwelling. The proposed additional height will permit a two (2) story SDU, allowing for a low density housing option, and will remain a lesser height than the 11 metre building height permitted for primary dwellings within the R2S zone. Furthermore, the accessory structure is proposed to be located away from the residential neighbours to the rear of the property, which is anticipated to mitigate privacy concerns associated with the proposed increase in height.

Staff are satisfied that the variance requested to permit an increase in the maximum permitted height of an accessory structure from 4.5 metres to 6.3 metres maintains the general intent and purpose of the bylaw.

**Is the general intent and purpose of the Official Plan maintained?**

The subject property is located in the Urban Area Boundary, designated Urban Living Area and are subject to the Centre Community Improvement Area and Built Boundary overlays in the City of Thorold Official Plan.

The Built-Up Area comprises all lands within the Urban Area Boundaries of Thorold that have been developed into urban uses as of June 2006. Lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services.

According to the City's Official Plan, SDUs are considered to be an appropriate form of residential intensification and such housing will also contribute to the supply of affordable housing in the City. On this basis, according to the Official Plan, SDUs are permitted in the Urban Living Area designation and are also permitted as-of-right in the City's implementing Zoning Bylaw within the Urban Living Area designation.

Section B.1.1.4.2 of the Official Plan outlines objectives for urban character in the City, which include:

- 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; and
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.

The proposed variance would allow for a SDU within a permitted accessory structure, behind the existing dwelling on the subject lands. The existing established neighbourhood contains a variety of one and two storey residential dwellings and a variety of accessory structures, including the two storey accessory structure located immediately to the north of the subject lands at 71 Martin Street. With the introduction of a SDU, no negative impacts to the existing neighbourhood are anticipated as the scale and character of the neighbourhood has been maintained.

Therefore, staff is of the opinion the requested variance would maintain the general intent and purpose of the Official Plan.

### **Is the variance appropriate for the development of the land?**

This is not a subjective test as to whether the variance is appropriate to the Applicant or to neighbouring property owners. Rather, the test examines whether the variance is desirable from the standpoint of permitting appropriate development as a public interest.

According to the City's Official Plan, SDUs are considered to be an appropriate form of residential intensification and such housing will also contribute to the supply of affordable housing in the City. SDUs within accessory structures are permitted on the lands, and are compatible with the existing development of the neighbourhood in scale and built form. As such, staff is of the opinion the requested variance is appropriate for the development of the land.

### **Is the variance minor?**

In making a determination of whether a variance is minor, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant.

In staff's opinion, the impact on the streetscape and neighbouring properties as a result of the proposed increase in height will not be discernable. As such, the variance requested to permit an increase in the maximum permitted height of an accessory structure from 4.5 metres to 6.3 metres is minor.

## COMMENTS:

### Agency & Department Comments

The application was circulated to internal departments and external agencies for comments, which are summarized below. A copy of the agency and department comments received are provided in **Appendix 2**.

The following Departments/Agencies provided comments noting no concerns with the proposal: Cogeco, City Engineering Division, City of Thorold Heritage Advisory Committee (LACAC), City Tax Department, GIO Rail, Niagara Peninsula Conservation Authority (NPCA), and TransCanada Pipelines Limited.

The following Departments/Agencies did not provide comments on the proposal: Bell Canada, Hydro One, Thorold Fire and Emergency Services, Niagara Escarpment Commission, Ontario Power Generation, Trillium Railway, Canada Post, Canadian National Railway, District School Board of Niagara, and Niagara Catholic District School Board.

### Ministry of Transportation Ontario

- MTO staff noted that the subject area is located within the MTO Permit Control Area for the Highway 58 and as a result, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office prior to the start of any onsite construction/works. MTO noted that these comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requested that the City circulate the official application for review, where they will provide more detailed comments.

### Niagara Region

- Regional staff noted that due to the proximity to an active rail line (approximately 380 metres from CN Railway Line), and Highway 58, The subject site is approximately 380 metres from the CN Railway Line and approximately 360 metres, staff suggest, for the Applicants consideration, that at the Building Permit stage, appropriate noise mitigation measures/building materials are implemented in the building design/construction in order to ensure that the recommended indoor sound levels of the Ministry of the Environment, Conservation, and Parks' ("MECP") NPC-300 Guidelines is achieved, including the installation of air conditioning so that windows can remain closed, and double-paned windows.
- Additionally, Regional staff also noted that future owners and tenants should be made aware of the potential for noise from the railway and highway through the following warning clauses in future offers of purchase and sale and tenant agreements:

- “Purchasers/tenants are advised that sound levels due to rail traffic and highway traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound level may exceed the Municipality’s and the Ministry of Environment, Conservation and Parks’ noise criteria.”

### City Building Department

- Clearances to above ground electrical conductors shall be as per OBC subsection 3.1.19., article 9.1.1.5., article 3.15.5.2., or 9.38.3.4. as applicable. (Conform to the requirements of CAN/CSA-C22.3 No.1, “Overhead Systems”, for electrical conductors carrying voltages greater than 69 kV.)
- Proposed development appears to be located within a MTO Permit Control Area. A Building and Land Use permit from the Ministry of Transportation is required. A copy of the MTO Building and Land Use permit is required as part of a building permit application.
- Building permits are required for the construction of the proposed building and water/sewer services on site.
- All unprotected openings in an exterior wall facing a property line or another building are limited in size according to OBC 9.10, unless approved otherwise.
- No unprotected openings are permitted in any exterior wall with a limited distance less than 1.2m (4').
- No plumbing serving a dwelling unit shall comply with OBC 7.2.1.1(4).
- Refer to Fire Department for all fire safety matters, life safety and emergency procedures.

### Public Comments

The application was also circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. At the time of writing of this report, no public comments have been received.

### **CONCLUSION:**

In conclusion, it is the recommendation of Planning staff that minor variance application D13-12-2024 requesting a minor variance to the City of Thorold Comprehensive Zoning Bylaw 60-2019 to increase the maximum permitted height for an accessory structure within the residential zone from 4.5 metres to 6.3 metres be approved without conditions for the reasons as described within this report.

Prepared by:

ORIGINAL SIGNED

\_\_\_\_\_  
Connor MacIsaac  
Planner, Development Services

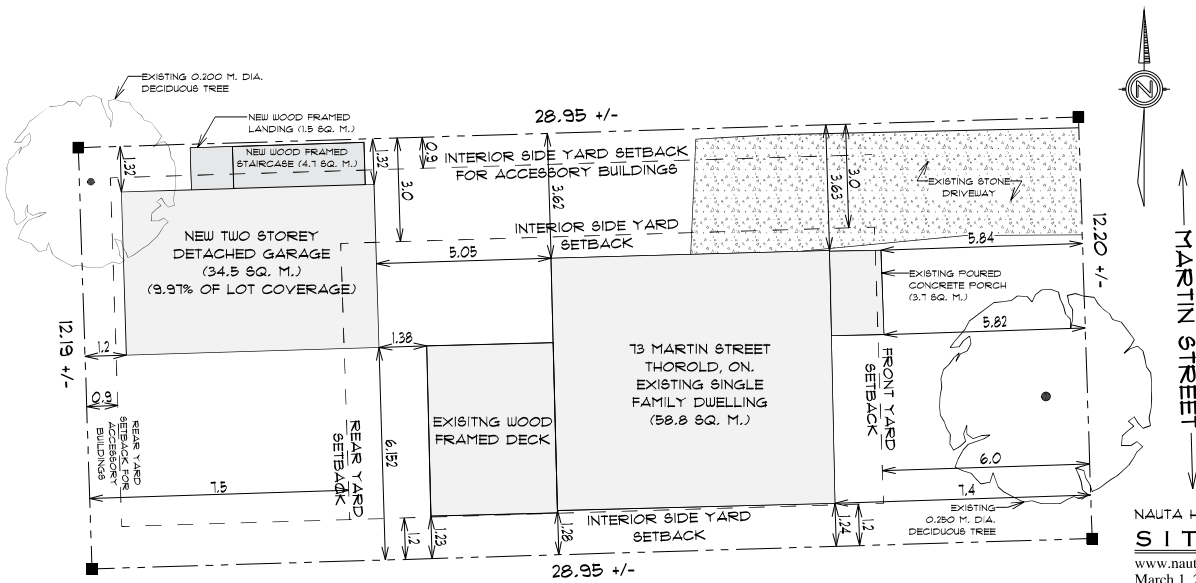
Respectfully Submitted By:

ORIGINAL SIGNED

\_\_\_\_\_  
Marc Davidson  
Senior Development Planner,  
Development Services



## **Appendix 1: Site Plan**



MARTIN STREET

LOT COVERAGE		
RIC ZONE	SQ. M.	%
LOT AREA	353.12 SQ. M.	
EXISTING LOT COVERAGE	62.5 SQ. M.	17.70%
PROPOSED LOT COVERAGE	103.8 SQ. M.	29.40%
MAXIMUM LOT COVERAGE	158.9 SQ. M.	45%

SURVEY PROVIDED BY:  
 GARRETT RUSSEL P.Eng  
 SURVEY NUMBER: T3MART  
 DATE OF SURVEY:  
 DECEMBER 13 2023

NAUTA HOME DESIGNS  
**SITE PLAN C**  
 www.nautahomedesigns.com 905-892-9657  
 March 1, 2024 R.B. 01:14 PM  
 CONTRACT # 2023-221 PLAN # GR351



## **Appendix 2: Agency & Department Comments**

## Angela Nesbitt

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**From:** Boekestyn, Alex <Alex.Boekestyn@niagararegion.ca>  
**Sent:** Friday, May 3, 2024 3:24 PM  
**To:** Angela Nesbitt  
**Cc:** Development Planning Applications; Young, Katie; Lampman, Cara  
**Subject:** Regional Comments - May Committee of Adjustment Applications  
**Attachments:** Regional Comments - 40 River Street - 2024-05-03.pdf; Regional Comments - 2740 Merrittville Highway - 2024-05-03.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Angela,

Please see the attached Regional comments for 40 River Street and 2740 Merrittville Highway. Additionally, staff offer the following comments for 73 Martin Street.

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The subject site is approximately 380 metres from the CN Railway Line and approximately 360 metres from Highway 58. Regional staff recognize there is intervening development between the proposed development and both the rail line and Highway 58. As such, Regional staff suggest, for the Applicants consideration, that at the Building Permit stage, appropriate noise mitigation measures/building materials are implemented in the building design/construction in order to ensure that the recommended indoor sound levels of the Ministry of the Environment, Conservation, and Parks' ("MECP") NPC-300 Guidelines is achieved, including the installation of air conditioning so that windows can remain closed, and double-paned windows.

In addition, future owners and tenants should be made aware of the potential for noise from the railway and highway through the following warning clauses in future offers of purchase and sale and tenant agreements:

*"Purchasers/tenants are advised that sound levels due to rail traffic and highway traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."*

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Should you have any questions please do not hesitate to reach out.

Kind regards,

**Alex Boekestyn, MSc**

DEVELOPMENT PLANNER

Niagara Region, 1815 Sir Isaac Brock Way, Thorold, ON, L2V 4T7



**P** : (905) 980 - 6000 ext. 3264  
**W** : [www.niagararegion.ca](http://www.niagararegion.ca)  
**E** : [Alex.Boekestyn@niagararegion.ca](mailto:Alex.Boekestyn@niagararegion.ca)



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## Angela Nesbitt

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**From:** Amirpour, Siavash (MTO) <Siavash.Amirpour@ontario.ca>  
**Sent:** Friday, April 12, 2024 11:00 AM  
**To:** Angela Nesbitt  
**Subject:** RE: Request for comments - City of Thorold Committee of Adjustment May 2024 - Due by Friday, May 3rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Angela,

Re: Requests for comments – City of Thorold Committee of Adjustment May 2024

- D13-12-2024            73 Martin Street

The subject sites described above (**73 Martin Street**) appears to be located within the **MTO Permit Control Area** for Highway 58, as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. Further, MTO requests that the drawings related to be sent to this office for review. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the Official Site Plan Application for the subject site for review, where we will provide more detailed comments, including what materials will be required for review as part of the Site Plan Application circulation.

- D13-13-2024            2740 Merrittville Highway

The subject sites described above (**2740 Merrittville Highway**) appears to be located within the **MTO Permit Control Area** for Highway 406, as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. Further, MTO requests that the drawings related to be sent to this office for review. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the Official Site Plan Application for the subject site for review, where we will provide more detailed comments, including what materials will be required for review as part of the Site Plan Application circulation.

- D10-09-2024            40 River Street
- D13-11-2024            40 River Street Part 1

According to your information, two of the properties (**40 River Street** and **40 River Street Part 1**) you describe are located outside the MTO Permit Control Area. Therefore, we have no comment.

Information regarding the application process, forms and the policy can be found at the link:

[Highway corridor management | ontario.ca](https://www.ontario.ca/highway-corridor-management)

Please do not hesitate to contact me if you have questions or concerns.

Sincerely,

**Siavash Amirpour, EIT, RCJI, PMP | Corridor Management Officer**

Highway Corridor Management Section | Central Operations | Ministry of Transportation  
159 Sir William Hearst Avenue, 7<sup>th</sup> Floor, Toronto, ON. M3M 0B7  
Telephone: 647-530-4027 | Email: siavash.amirpour@ontario.ca



**From:** Angela Nesbitt <Angela.Nesbitt@thorold.ca>

**Sent:** April 12, 2024 10:28 AM

**To:** Bell <circulations@wsp.com>; Bell ROW <ROWCentre@bell.ca>; Canada Post <Andrew.Carrigan@Canadapost.ca>; CN <proximity@cn.ca>; Cogeco - Mike Embleton <mike.embleton@kogeco.com>; DSBN - Michelle McPhee (Michelle.McPhee@dsbn.org) <Michelle.McPhee@dsbn.org>; Enbridge <MunicipalPlanning@enbridge.com>; GIO Rail <aaron.white@giorail.com>; Heritage Thorold LACAC - Anne O'Hare <AbfOHare@hotmail.com>; Hydro One - Brettney Brunton <brettney.brunton@hydroone.com>; Hydro One - Land Use Planning <landuseplanning@hydroone.com>; Hydro One - Quinn Briscall <Quinn.Briscall@HydroOne.com>; Hydro One - Zone 2 scheduling <zone2scheduling@hydroone.com>; MNCFN - Adam LaForme <Adam.LaForme@mncfn.ca>; Amirpour, Siavash (MTO) <Siavash.Amirpour@ontario.ca>; Ali, Usama (MTO) <Usama.Ali@ontario.ca>; Akhtar, Usman (MTO) <Usman.Akhtar@ontario.ca>; NCDSB <Planning@ncdsb.com>; Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>; Adair, Kendra (MNRF) <Kendra.Adair@ontario.ca>; NPCA - Meghan Birbeck <mbirbeck@npca.ca>; NPCA - Sarah Mastroianni <smastroianni@npca.ca>; NPCA Taran Lennard <tlennard@npca.ca>; OPG <executivevp.lawanddevelopment@opg.com>; Region - Alex Boekestyn <Alex.Boekestyn@niagararegion.ca>; Region - Development Planning <devtplanningapplications@niagararegion.ca>; St. Catharines <mjosipovic@stcatharines.ca>; TransCanada PipeLines (MHBC on behalf of) <TCEnergy@mhbcplan.com>; Trillium Railway <aaron.white@trilliumrailway.com>

**Subject:** Request for comments - City of Thorold Committee of Adjustment May 2024 - Due by Friday, May 3rd

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good day,

The May 2024 City of Thorold Committee of Adjustment Notices of Hearing and application materials can be found here –<https://files.thorold.ca/s/kYd6XkowmaoJdSt> for the consent and minor variance applications listed below:

D10-09-2024	Consent	40 River Street
D13-11-2024	Minor Variance	40 River Street Part 1
D13-12-2024	Minor Variance	73 Martin Street
D13-13-2024	Minor Variance	2740 Merrittville Highway

Please review and provide comments to the undersigned **on or before 4:00 p.m. on Friday, May 3<sup>rd</sup>, 2024.**

Thanking you in advance.

Respectfully,



**Angela Nesbitt** ACST-A

Planning Clerk  
Development Services

**City of Thorold**

905-227-6613 x259

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

[www.thorold.ca](http://www.thorold.ca)

## Angela Nesbitt

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**From:** Ben Hiebert  
**Sent:** Wednesday, May 8, 2024 2:13 PM  
**To:** Angela Nesbitt; Connor MacIsaac  
**Cc:** Jason Simpson; Daniel Dickson  
**Subject:** 73 Martin St - Building Comments

### 73 Martin St

- Clearances to above ground electrical conductors shall be as per OBC subsection 3.1.19., article 9.1.1.5., article 3.15.5.2., or 9.38.3.4. as applicable. (Conform to the requirements of CAN/CSA-C22.3 No.1, "Overhead Systems", for electrical conductors carrying voltages greater than 69 kV.)
- Proposed development appears to be located within a MTO Permit Control Area. A Building and Land Use permit from the Ministry of Transportation is required. A copy of the MTO Building and Land Use permit is required as part of a building permit application.
- Building permits are required for the construction of the proposed building and water/sewer services on site.
- All unprotected openings in an exterior wall facing a property line or another building are limited in size according to OBC 9.10, unless approved otherwise.
- No unprotected openings are permitted in any exterior wall with a limited distance less than 1.2m (4').
- No plumbing serving a dwelling unit shall comply with OBC 7.2.1.1(4).
- Refer to Fire Department for all fire safety matters, life safety and emergency procedures.



**Ben Hiebert** C. Tech

Building Inspector, Plans Examiner  
Planning and Development Services

**City of Thorold**

905-227-6613 x257

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

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