



COMMITTEE OF ADJUSTMENT

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

March 14, 2022

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-08-2022
48 Sullivan Avenue Thorold, ON

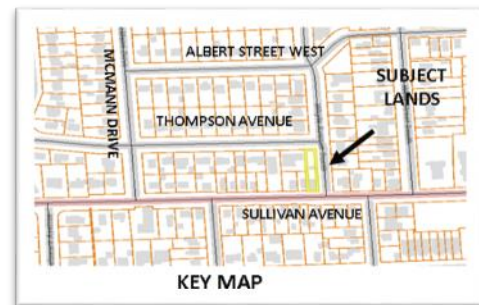
PLAN 908 LOTS 3 AND 44
273100001709200

RECOMMENDATION:

That the minor variances 1, 2, and 4 requested in application D13-08-2022 be denied, and that minor variance 3 be approved.

PROPOSAL:

The subject lands are designated Urban Living Area in the City of Thorold Official Plan and are dually zoned Residential Second Density R2 and Residential First Density R1B in accordance with Comprehensive Zoning Bylaw 2140(97). The applicant is proposing the construction of a detached garage as shown on the drawing submitted. In order to facilitate the development, as per Comprehensive Zoning Bylaw 2140(97), the following variance from Section 8 Residential First Density R1B zone provisions, and as per Zoning Bylaw 60-2019, the following variances from the Part 3 General Regulations, Part 4 Parking and Loading Requirements zone provisions are being requested:



Bylaw 2140(97) - Section 8.2 (g) provision –
Maximum Lot Coverage (percent of lot area)

1. To increase maximum lot coverage from 35% to 36%; and

Bylaw 60-2019 Part 3 Table 3.1 – Accessory Building or Structure Requirements –
Residential Zones:

2. Maximum Lot Coverage of Accessory Building(s) or Structures(s) – To increase the maximum lot coverage of an accessory building from 10% to 19%; and
3. Minimum Exterior Lot Line Setback – To reduce the Minimum Exterior Lot Line setback from 3 metres to 1.84 metres; and

Bylaw 60-2019 Part 4.4.2(a) Driveways

- To increase the number of driveways permitted in a residential zone from 1 to 2.

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 'R2' (Residential Second Density) and 'R1B' Residential First Density in accordance with Zoning By-law 2140 (97) single detached dwellings are permitted within both zones.

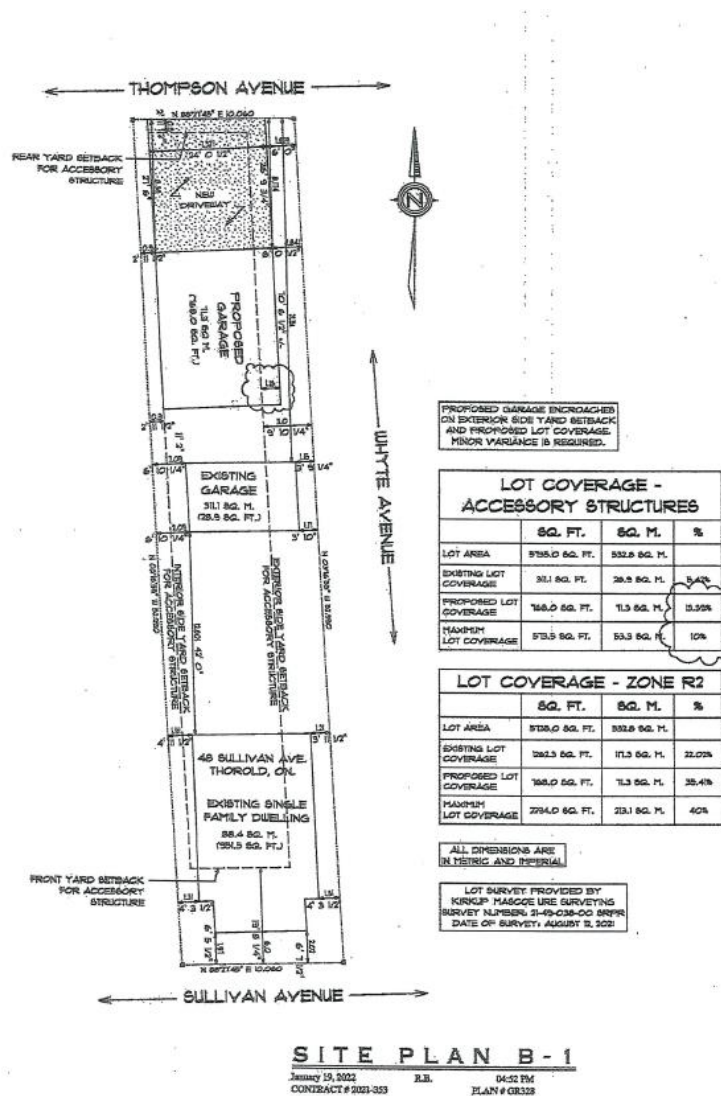


Figure 2 – Proposed Severance Sketch

PLANNING REVIEW:

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

Variance 1 – To increase maximum lot coverage for all structures from 35% to 36%. A 1% increase in lot coverage will not have any adverse effects on neighbouring properties, however it will have a visual impact on the street. The variance would result in over development of accessory structures on the lot. Staff are of the opinion that Variance 1 is not minor in nature.

Variance 2 – To increase maximum lot coverage of accessory building(s) or structures(s) from 10% to 19%. Staff are not supportive of a 90% increase in the allowable lot coverage of an accessory structure. The variance would result in a lot that contains 19% accessory structure, and 17% dwelling unit. Accessory structures are intended to be subordinate to dwelling units, and the increase would permit a lot that is majority accessory structures, impacting the existing neighbourhood streetscapes. The proposed garage will be in a prominent location on two street faces, being located in close proximity to the corner of a corner lot. For the above reasons, the variance is not considered minor.

Variance 3 – To reduce the minimum exterior lot line setback from 3 metres to 1.84 metres. 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. 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 is setback from the street approximately 8.2 metres, where the minimum setback from a rear yard for accessory structures is 0.9 metres. The setback of the garage decreases the concern of diminished driver visibility and street safety, and will not impact the character of the street. Therefore, variance 3 is considered minor.

Variance 4 - To increase the number of driveways permitted in a residential zone from 1 to 2. The addition of a second driveway on a corner lot in proximity to the intersection is not considered minor.

As such, staff are of the opinion that the requested variances 1, 2, and 4 are not minor in nature. Variance 3 is considered minor in nature.

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

Variance 1 – The overall maximum lot coverage of 36% would result in the development of an accessory structure that would create a situation where a dwelling is subordinate in coverage to the accessory structures. The existing garage and proposed garage will create a situation where accessory buildings are the prominent structures on the site. Therefore, the increase does not result in appropriate development of the land.

Variance 2 - The variance for increased maximum lot coverage for accessory structures would not be appropriate for the development of the land. Accessory structures are

intended to be subordinate, and accessory to dwellings. An increase of 90% of the standard is not appropriate development.

Variance 3 – The proposed reduction would result in an accessory structure closer to the exterior side yard than permitted in the Zoning By-law. However, it is in keeping with the character of the area and is appropriate development.

Variance 4 – The proposed increase in maximum number of driveways is not appropriate for development of the lot, the driveways are in close proximity to an intersection, and it is not appropriate for a single family dwelling in a residential neighbourhood.

As such, staff are of the opinion that the requested variances 1, 2, and 4 are not appropriate for the development of the land. Variance 3 is appropriate for the development of the land.

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

Variance 1 – Lot coverage maximum requirements in residential zones are intended to ensure that there is adequate landscaped space, avoid over development of a lot, and provide proper drainage. The proposed increase is minor in percentage, however does impact the streetscape of Thompson Avenue, does not maintain appropriate setbacks, and therefore does not maintain the intent and purpose of the Zoning By-law.

Variance 2 – Lot coverage maximums for accessory structures are intended to ensure that accessory structures remain subordinate to the primary uses and structures. In this case, the increase would result in a lot that has more accessory coverage than dwelling coverage. The variance does not meet the general intent of the Zoning By-law.

Variance 3 – The intent of exterior side yard setbacks is to maintain distance from the street to increase visibility for drivers, avoid over-development of lots, and allow for enhanced landscaping along corner lots. The proposed variance maintains the general intent of the Zoning By-law.

Variance 4 – The provision that restricts residential lots to 1 driveway is intended to ensure landscaped open spaces, maintenance of the streetscape, and to minimize safety concerns. The increase from 1 driveway to 2 does not maintain the intent of the Zoning By-law.

As such, staff are of the opinion that requested variances 1, 2, and 4 would not maintain the general purpose and intent of the Zoning By-law. Variance 3 maintain the general purpose and intent of the Zoning By-law.

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

Section A2.4.2 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 requested variances 1, 2, and 4 would have a negative impact on the character of the surrounding area. The variances would allow for over development of accessory structures on a lot. The scale of the proposed garage and driveway in addition to the existing garage are too large for the current lands and should be scaled to respect the character of the neighbourhood. However, variance 3 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:

Building Division

- Roof overhang shall not encroach over property lines.

The above comment shall be addressed at building permit stage.

Cogeco

- No concerns.

Engineering Division

- A secondary driveway is not permitted, existing garage driveway must be stopped up and closed. Curb and asphalt must be re-instated to barrier curb and any asphalt in the City right of way must be sodded.
- Swales must be installed on the side of new garage.
- New driveway entrance must not be installed within 10m of the stop sign intersection.

As a result of the above comments, variance 4 is recommended to be denied. Should the applicant choose to close the existing driveway in favour of the proposed driveway, the new driveway must not be within 10 metres of the stop sign intersection.

Finance Division

- As of February 25, outstanding fees of \$448.87 due February 28 and \$447 due April 29, 2022.

Hyrdo One

- No concerns.

MTO

- No concerns.

NPCA

- No concerns.

Niagara Region

- No concerns.

CONCLUSION:

It is the recommendation of Planning staff that the requested minor variances 1, 2, and 4 of application D13-08-2022 be denied. It is the opinion of Planning staff that the proposed variances do not meet the prescribed tests set out in the Planning Act, being that:

1. The variances are not minor in nature from the provisions of the By-law;
2. The variances are not appropriate for the development of the land;
3. The general intent and purpose of the By-law is not maintained; and
4. The general intent and purpose of the Official Plan is not maintained.

It is the recommendation of Planning staff that the requested minor variance 3 of application D13-08-2022 be approved. It is the opinion of Planning staff that the proposed variances do not meet the prescribed tests set out in the Planning Act, being that:

1. The variance is minor in nature from the provisions of the By-law;
2. The variance is 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:

Electronically signed

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Respectfully submitted by:

Electronically signed
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Manager of Planning Services