

COMMITTEE OF ADJUSTMENT

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

November 10, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-32-2021 (concurrent with D13-31-2021 and D10-05-2021)
24 King St (PART 2), Thorold, ON

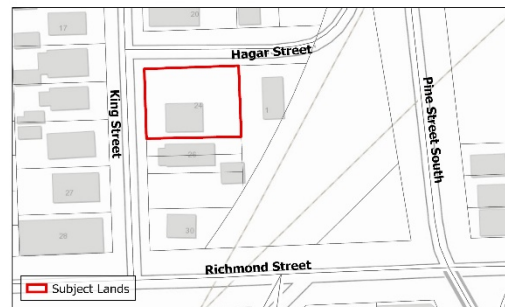
PLAN 16 LOT 23 LOT 24 NP902
2731 000 010 10700 0000

RECOMMENDATION:

That the minor variances requested in application D13-32-2021 be approved.

PROPOSAL:

The subject lands are designated Urban Living Area in the City of Thorold Official Plan and are zoned Residential Second Density Special (R2S) in accordance with Comprehensive Zoning Bylaw 2140(97). The applicant is proposing the construction of a single detached dwelling on Part 2 (proposed newly created lot through Consent application D10-05-2021) as shown on the drawing submitted. In order to facilitate the development, as per Comprehensive Zoning Bylaw 2140(97), the following variances from R2S zone provisions are being requested:



KEY MAP

1. To reduce the Minimum Lot Area from 550 square metres to 335 square metres;
2. To reduce the Minimum Lot Frontage from 15.00 metres to 14 metres;
3. To reduce the Front Yard Setback from 7.5 metres to 4.5 metres; and
4. To increase the Interior Side Yard Setbacks from 1.2 metres to 1.5 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 'R2S' (Residential Second Density Special) in accordance with Zoning By-law 2140 (97). Single detached dwellings are permitted in the 'R2S' zone.

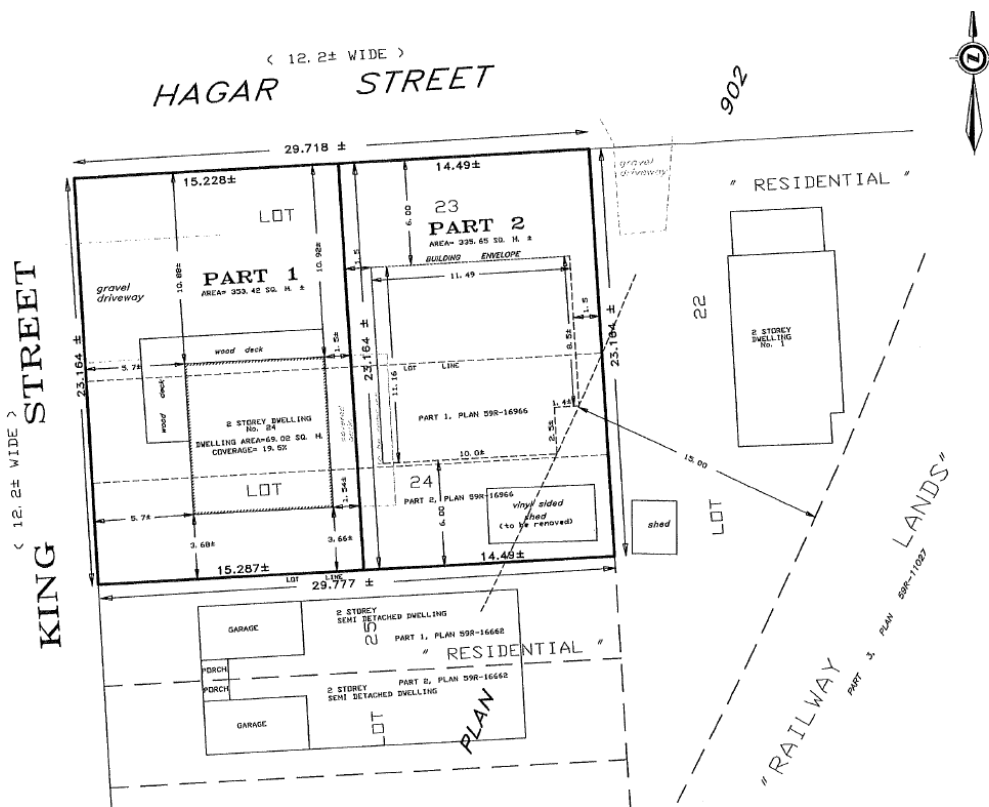


Figure 2 – Proposed Severance Sketch

PLANNING REVIEW:

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

Variance 1 –The proposed reduced lot area is an adequate size for a single detached dwelling, and will not pose any adverse impacts to the surrounding area.

Variance 2 - The variance proposes a compatible reduced minimum lot frontage from 15.0m to 14.0m that would pose no impact on the streetscape or surrounding residential properties. The surrounding neighbourhood contains a variety of lot frontages, both larger and smaller than the proposed 14.0 m.

Variance 3 – The variance to front yard setback from 7.5 m to 4.5 m is considered minor due to there being no negative impacts to the property or surrounding neighbourhood. The adjacent property (1 Hagar Street) and across the street (4 Hagar Street) have front yard setbacks of less than 3.5 m. The proposed dwelling will be the only other dwelling fronting on to this area of Hagar Street. Therefore, the proposed setback of 4.5 m is more consistent with what currently exists in the area than the 7.5 m required in the zoning.

Variance 4 - The variance to side yard setback is considered minor as there will be no visual impact to the property. The proposed side yard setback maintains a typical setback seen throughout the City.

As such, staff are of the opinion that the requested variances are minor in nature.

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

Variance 1 – The reduced minimum lot area is necessary to facilitate severance. The reduced lot area is appropriate for the area, and will not adversely impact adjacent properties.

Variance 2 - The variance for a reduced minimum lot frontage would facilitate a consent that is compatible with the surrounding neighbourhood, and allow for the development of a single detached dwelling on Part 2.

Variance 3 - The variance is appropriate for the development of the land as it allows for a front yard setback that is consistent with the adjacent dwellings.

Variance 4 - The variance to allow for a 1.5 m side yard setback is appropriate for the development of the land as there will still be a setback of 1.5 m required, which is a typical side yard setback throughout the City. There will still be adequate setback for privacy reasons should a 2.5-3 storey dwelling be proposed. The impact to privacy is not changed by an additional storey, since the maximum height of 11 m still applies.

As such, 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?

Variance 1 – The purpose of minimum lot areas in residential zones is to ensure that there is adequate space for parking, landscaping and amenity areas on the property. They are also intended to ensure that the character of the surrounding neighbourhood is maintained. The proposed reduced lot area maintains the purpose of lot area requirements by providing adequate area for a dwelling, parking, landscaping and any accessory structures. The character of the area is also maintained and not negatively impacted.

Variance 2 - Minimum lot frontage requirements in residential zones are intended to ensure that there is adequate separation between dwellings and surrounding properties. Side yard setbacks also ensure a consistent separation between adjacent buildings. The proposed reduced lot frontage is appropriate and compatible with surrounding development, and still maintains the appropriate side yard setbacks.

Variance 3 – The purpose of front yard setbacks is to ensure there is consistency between dwellings from a streetscape perspective. The proposed front yard setback allows for a dwelling that will be more consistent with the existing dwellings along Hagar Street.

Variance 4 - The Zoning By-law requires the following in terms of interior side yard setback: *“1.2 metres plus 0.3 metre for each storey or part thereof above one storey on one side and 3.0 metres on the other side except, where a private garage or carport is attached to the dwelling in which case both sides may be 1.2 metres plus 0.3 metre for*

each story or part thereof above one storey". The applicant wishes to vary this provision in case the dwelling they propose is designed to be 2.5 -3 storeys, which is technically possible within the Maximum Building Height of 11.0 m. In Staff's opinion the impact of the height is the same regardless of how many storeys are fit within the permitted maximum 11.0 m. Therefore the general intent and purpose of the By-law is maintained.

As such, 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?

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 would not negatively impact the character of the area. The variances would allow established conditions to continue and facilitate compatible residential development.

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

CIRCULATION COMMENTS:

The application was circulated to internal departments and external agencies. The following comments were received:

Ministry of Transportation (MTO)

- Although the Ministry has no objection or comments in regards to the proposed consent and minor variance applications, the subject property is within the MTO Permit Control Area for Hwy 58. Therefore, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office before the start of any onsite construction/works. For all MTO Permit related inquiries, please contact Mr. Peter DeLuca, (Peter.Deluca@ontario.ca or 647-248-8548). Information regarding the application process, forms and the policy can be found at the link:
<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

Hydro One

- Maintain proper distance from the overhead hydro line during construction.

CONCLUSION:

It is the recommendation of Planning staff that minor variance application D13-32v-2021 be approved. 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 by:

Electronically signed _____

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Respectfully submitted by:

Electronically signed _____

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