

COMMITTEE OF ADJUSTMENT

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

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-20-2023
211 & 213 Taylor Street, Thorold, Ontario
Plan 656 Lots 127 and 128

PROPOSAL:

An application has been submitted for a minor variance to permit a reduced front yard setback from 7.5 metres to 4.8 metres to permit the construction of a semi-detached residential dwelling in the R2 (Residential Second Density) zoning under Bylaw 2140 (97). The following variance from the regulations is required to accommodate the development of the lands for a semi-detached dwellings fronting Taylor Street. Semi-detached dwellings are a permitted use in the R2 zone and all other requirements of the zoning bylaw are being maintained. The following variance is being sought:

RECOMMENDATION:

That Minor Variance Application D13-20-2023 to permit a variance to the front yard setback requirements from 7.5 metres to 4.8 metres **BE APPROVED**.

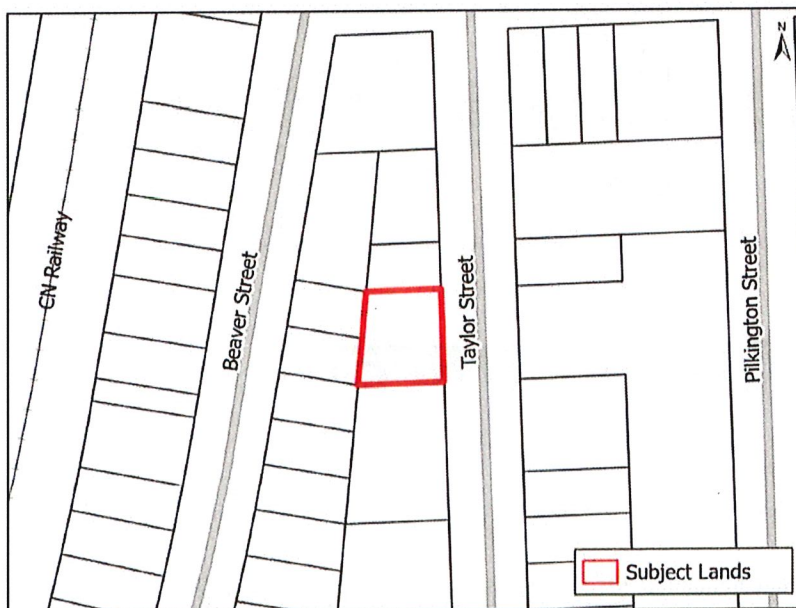


Figure 1: Location Map

Site Description

The subject lands are located on the east side of Taylor Street between Mary Street and Clara Street. The lands comprise approximately 528 m² of lot area with approximately 24 metres of frontage on Taylor Street as illustrated on the concept sketch below. The lands are currently vacant, however, are intended to be developed by Habitat for Humanity Niagara with a semi-detached dwellings with attached garages. Sufficient space will be maintained for the provision of driveways in front of the attached garage.

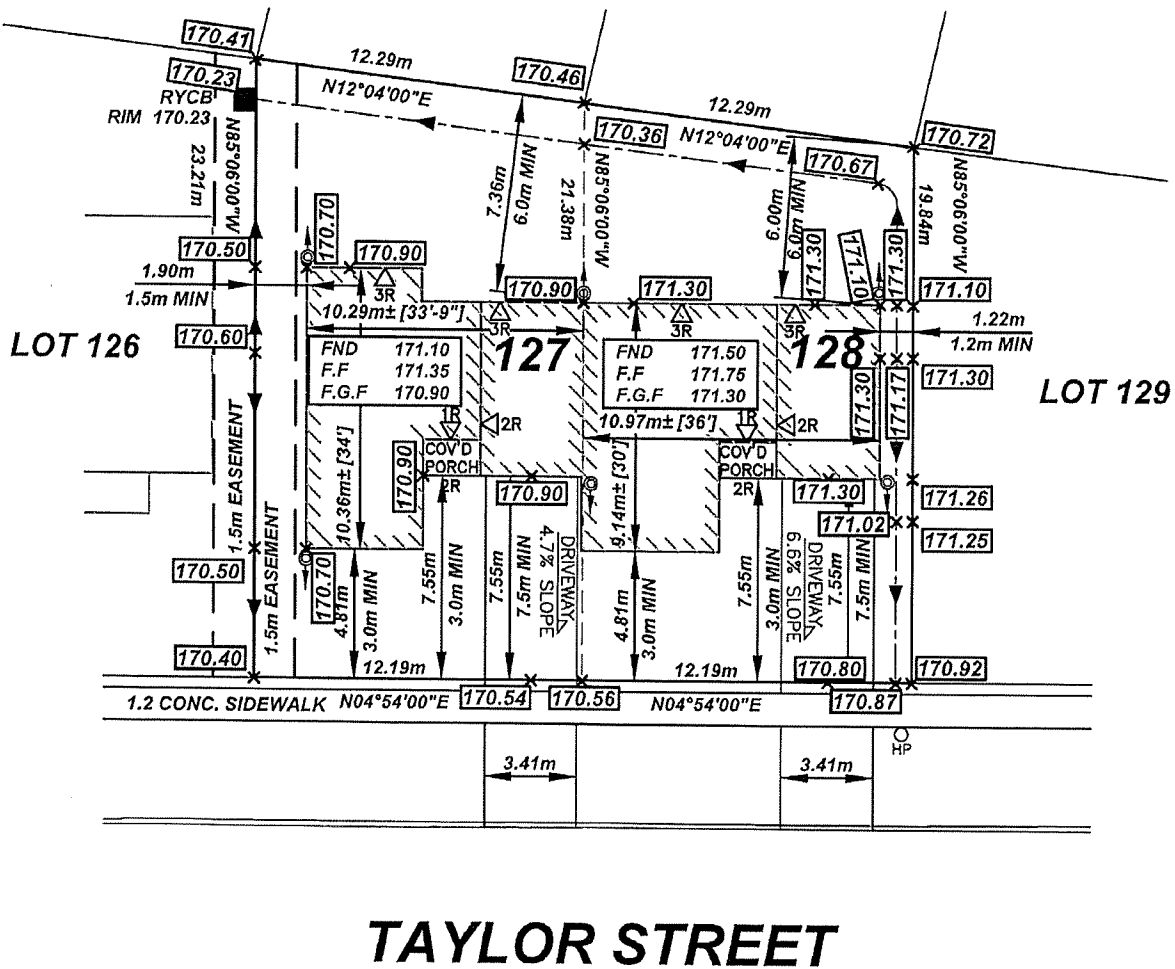


Figure 2: Survey Sketch

MINOR VARIANCE PLANNING ANALYSIS:

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

The property is designated as Urban Living Area within the City's Official Plan. In addition to being designated Urban Living Area, it also is subject to two Official Plan overlays: Urban Area Boundary and Built Boundary.

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 include existing and planned residential development on full municipal services.

The subject property will be used for low density residential purposes and therefore, the permission to a reduced front yard setback for the proposed semi-detached dwellings maintains the existing neighbourhood character. In addition, this encourages private investment, provides needed attainable housing, does not compromise community safety, and ensures development is at a scale that is compatible with the neighbourhood character.

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 proposed variance would allow the semi-detached dwellings to be constructed with a reduced front yard setback from the residential portion of the building, while maintaining a 7.5 metre setback from the attached garage. The proposed development compliments the existing neighbourhood character and is at a scale that is compatible with the neighbourhood

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

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

The subject property is zoned Residential Second Density 'R2' in the City of Thorold's Zoning Bylaw 2140 (97), as amended. The R2 zone permits semi-detached dwellings however, requires a 7.5 metre setback from Taylor Street. The proposed variance would allow the semi-detached dwellings to be constructed with a reduced front yard setback from the residential portion of the building. The 7.5 metre setback from the attached garage is maintained and would therefore continue to provide space for one on site parking space.

As such, staff is of the opinion that requested variances would maintain the general intent and purpose of the zoning bylaw.

Are the variances appropriate for the development of the land?

The variances are required to facilitate the use of the property for semi-detached dwelling units on an existing vacant property. In Planning Staff's opinion, the variance is appropriate for the development of the lot, as there are no adverse impacts anticipated and all other requirements of the bylaw are being met.

As such, staff is of the opinion that the requested variances are appropriate for the development of the land.

Are the variances minor?

All other requirements of the zoning bylaw are being met and sufficient space is being provided in front of the attached garages to provide a parking space in keeping with zoning requirements.

The lot size and lot frontages meet the requirements of the Zoning permissions as set out in Section 11 of the R2 Zone (which permits semi-detached dwellings) and are consistent with existing development in the area.

As such, staff is of the opinion that the requested variance is minor.

COMMENTS:

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

Building Division

- No comments or concerns.

Bell Canada

- No comments or concerns.

Cogeco

- No comments or concerns.

Engineering Division

- Water and Sanitary Services available on Taylor Street

Hydro One

- No comments or concerns.

- MTO
- No comments or concerns.

Tax Division

- Outstanding taxes to be paid

Niagara Region

- See attached

Public Comments

- No comments received

CONCLUSION:

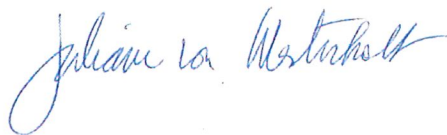
It is the recommendation of Planning staff that minor variance application D13-20-2023 requesting a minor variance to permit the use of the lands for a semi-detached dwellings with a reduction in the front yard from 7.5 metres to 4.8 metres be **approved**.

Prepared by:



Nicolette van Oyen, BES, MCIP, RPP
Senior Planner, MHBC Planning

Respectfully Submitted By:



Juliane von Westerholt, BES, MCIP, RPP
Associate, MHBC Planning

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

August 4, 2023

Region File: D.17.09.MV-23-0076
Angela Nesbitt
Secretary Treasurer
City of Thorold
3540 Schmon Parkway
Thorold, ON L2V 4A7

Dear Ms. Nesbitt:

**Re: Regional and Provincial Comments
Minor Variance Application
Applicant: Habitat for Humanity
City File: D13-20-2023
211 & 213 Taylor Street
City of Thorold**

Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for 211 & 213 Taylor Street located in the City of Thorold. The Applicant is seeking a Minor Variance for the proposed construction of semi-detached dwelling units. In order to facilitate the development, the following variance is being requested:

- To reduce the front yard setback from 7.5 metres to 4.81 metres.

The following comments are provided to assist the City of Thorold with their review of the proposed Minor Variance Application.

Provincial and Regional Policies

The subject lands are within a "Settlement Area" in accordance with the *Provincial Policy Statement, 2020* ("PPS") and designated as "Delineated 'Built-Up' Area" in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The Growth Plan contains policies that call for infill and intensification within the built-up area to support the achievement of complete communities, access to multimodal and active transportation networks, and connections to transit services and other public amenities.

The subject lands are within the Urban Area and designated "Built-Up Area" in the *Niagara Official Plan* ("NOP"). A full range of residential, commercial and employment

uses are generally permitted within the urban area designation, subject to the availability of adequate municipal services and infrastructure. The NOP promotes development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. City staff should be satisfied that the interface of the established residential uses has been addressed.

As such, Regional Staff does not object to the proposed development, subject to the comments below.

Land Use Compatibility

The subject site is approximately 70 metres from the CN Railway Line. Any future owners and tenants should be made aware of the potential for noise from this transportation source through warning clauses in future offers of purchase and sale and tenant agreements. Further, it is recommended that at the Building Permit stage that 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 are achieved, including the installation of air conditioning so that windows can remain closed, and double-paned windows. A condition requiring that a legal undertaking be submitted confirming that these recommendations will be implemented is included in the conclusion to this letter.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject property is located within the Niagara Region's mapped Area of Archaeological Potential on Schedule K of the NOP, indicating there is potential for the discovery of archaeological resources. As such, Regional staff will require the submission of both a Stage 1 Archaeological Assessments (at a minimum) and a letter of acknowledgment/clearance from the Ministry of Culture, Tourism and Sport. An advisory clause has also been included in the conclusion below for information purposes.

Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions below:

1. That the Applicant/Owner submit a Stage 1 Archaeological Assessment completed by a licensed archaeologist and receive acceptance from the Ministry of Culture, Tourism and Sport ("MCTS") for the archaeological assessment. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCTS through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. That a written legal undertaking be provided by the Owner agreeing to implement the following:
 - i) Incorporate appropriate noise mitigation measures during the design and construction of the dwellings, including the installation of central air conditioning units, upgraded windows and doors, and brick veneer.
 - ii) That any future owners and tenants will be made aware of the potential for noise from nearby transportation sources through the appropriate warning clauses in future offers of purchase and sale and tenant agreements.
3. That the Owner be advised of the following clause:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Culture, Tourism and Sport and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the Niagara Regional Police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Culture, Tourism and Sport should also be notified to ensure that the site is not subject to

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August 4, 2023

unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

Should you have any questions related to the above comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Best regards,



Alex Boekestyn, M.Sc.
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region