

COMMITTEE OF ADJUSTMENT

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

July 14, 2023

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-12-2023
Lots 86, 87, 88 Mary Street, Thorold, Ontario

PROPOSAL:

An application has been submitted for a minor variance to permit the use of 4 (four) street townhouses in the current R2 (Residential Second Density) zoning under Bylaw 2140 (97). The following variances from the regulations are also required to accommodate the development of the lands for street townhouses fronting Mary Street.

1. Relief from Section 11.2.1 (a) to provide a lot area of 180 m² for a street townhouse dwelling and a minimum lot area for an end unit of 225 square metres.
2. Relief from Section 11.2.1 (b) to provide a lot frontage of 6 metres per dwelling unit for a street townhouse dwelling and a minimum lot frontage for an end unit of 7.5 metres.

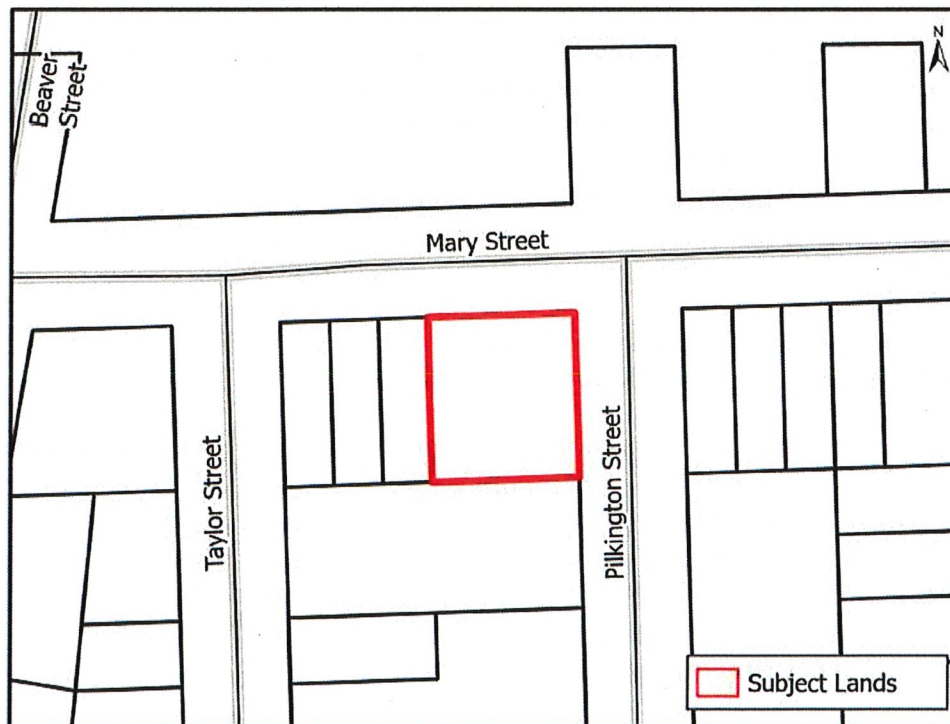


Figure 1: Location Map

RECOMMENDATION:

That Minor Variance Application D13-12-2023 to permit the use of the property for street townhouses and permit variances to the lot area and frontage requirements **BE APPROVED.**

Site Description

The subject lands are located on the south side of Mary Street between Pilkington Street and Taylor Street. The lands comprise approximately 836 m² of lot area with frontage on Mary Street and Pilkington Street as illustrated on the concept sketch below. The lands are currently vacant.

Background

The property is intended to be developed by Habitat for Humanity Niagara with 4 (four) attainable street townhouse dwelling units fronting Mary Street. The current R2 (Residential Second Density) zoning applying to the lands does not permit townhouses and accordingly, a minor variance is required to permit the street townhouse use. The proposed reductions to lot area and frontage are in keeping with lot area and frontage requirements within the R3 (Residential Third Density) zone where townhouses are permitted. Upon completion of development, the applicant is proposing to create the lots by way of Part Lot Control Exemption Bylaw. All other requirements of the R2 zoning applying to the lands under Bylaw 2140 (97) will be maintained. A Pre-Consultation meeting was held on June 2, 2022 which confirmed this approach to the proposed development. The R2 zone does not permit townhouses and therefore does not contain regulations or provisions to guide townhouse use. Therefore, to aid the committee in its deliberation to permit the townhouse use, the provisions of the R3 (Residential Third Density) are being applied, as the townhouse use is permitted therein.

In addition, for ease of reference, the following excerpt from Section 45 (1) of the Planning Act which provides the Powers of the Committee as follows:

*“The Committee of Adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under Section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, **authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof**, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.”*

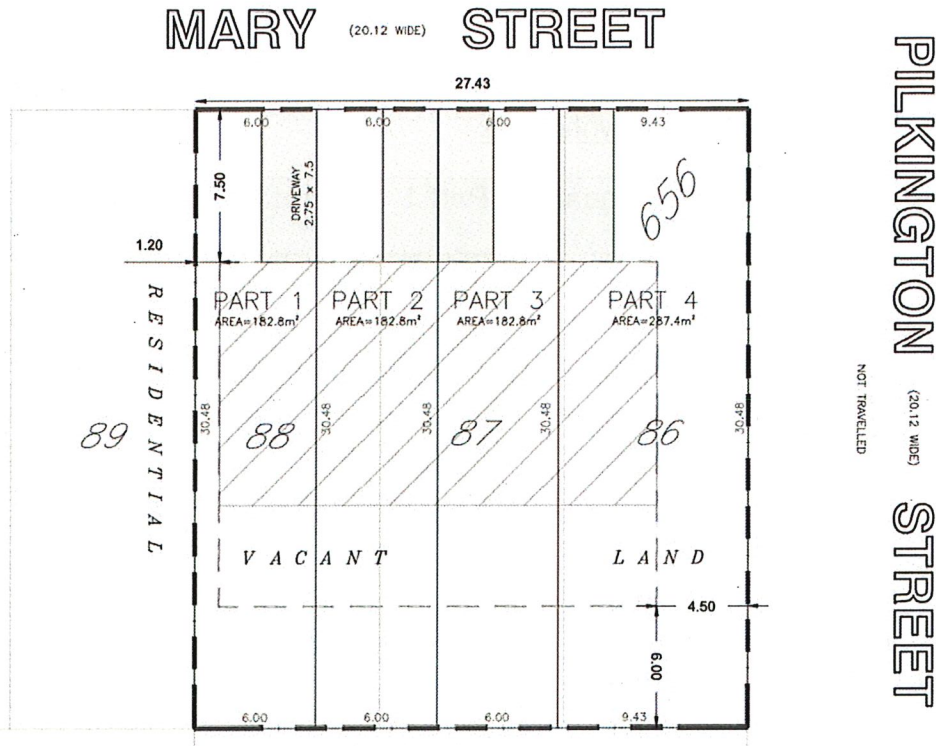


Figure 2: Survey Sketch



Figure 3: Existing Conditions (View from Mary Street)

Section 11.2 (R2) & 13.2.3 (R3) of By-law 2140 (97) Zone Provisions Review for Street Townhouses

Category	Requirements	Part 1	Part 2	Part 3	Part 4 (End Unit)
Minimum Lot Area (R2) (i) Semi-detached, duplex (ii) Single-detached	360 550	*182.8	*182.8	*182.8	*287.4
Minimum Lot Frontage (R2) (i) Single-detached (ii) Duplex	12 15	*6	*6	*6	*9.43
Minimum Lot Area (R3) (Street Townhouse)	180 m ² 225 m ² (end unit)	182.8 m	182.8 m	182.8 m	287.4 m
Minimum Lot Frontage (R3) (Street Townhouse)	6 m 7.5 m (end unit)	6 m	6 m	6 m	9.43 m
Front Yard Setback	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Interior Side Yard Setback	1.2 m	1.2 m	N/A	N/A	N/A
Exterior Side Yard Setback	4.5 m	N/A	N/A	N/A	4.5 m
Rear Yard Setback	6 m	6 m	6 m	6 m	6 m
Maximum Lot Coverage	40%	32%	39%	39%	21%
Maximum Building Height	11m	<11 m	<11 m	<11 m	<11 m

*Denotes zoning deficiency

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.

Therefore, the permission to allow street townhouse residential development that maintains a low density scale and is similar in height and built form to the existing

neighbourhood character is in keeping with the surrounding character. This increase in density does not compromise the intent of the Official Plan, as it allows for modest intensification and infilling. In addition, it would encourage private investment, provide needed attainable housing, would 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.

Section B1.1.2 of the Official Plan identifies permitted uses in the Urban Living Area which include *semi-detached, **townhouse**, multiple and apartment dwellings*.

In addition, Section B1.1.3 of the Official Plan provides policy direction for Residential Intensification within the Urban Living Area designation and confirms the intent for the City to accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the built boundary of Thorold in accordance with Provincial and Regional policy. Further, residential intensification is to include the use of vacant or occupied residential lots, as well as the development or redevelopment of existing vacant land or underutilized land within the built boundary.

The proposed variances to allow the street townhouse use with reduced lot areas and frontages on Mary Street would allow for modest intensification and infilling in an existing established neighbourhood that contains a variety of low rise residential dwelling built forms. The proposed development compliments the existing neighbourhood character.

Therefore, staff is of the opinion that requested variance would maintain 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 By-law 2140 (97), as amended. The R2 zone permits single-detached dwellings however, it does not permit street townhouse dwellings.

The proposed variances are to permit the proposed use for street townhouses with reduced lot area and frontage requirements that are in compliance with lot area and frontage requirements of the R3 zone (which permits street townhouses). All other requirements of the R2 zone are being maintained or exceeded. No negative impacts to

the subject lands or adjacent properties are anticipated and the proposed lot configuration is generally in keeping with the lotting fabric of the surrounding lands.

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

Are the variances appropriate for the development of the land?

The variances are required to facilitate the use of the property for 4 (four) attainable street townhouse dwelling units on an existing vacant property. The intent is to create the lots through a Part Lot Control Exemption bylaw once the dwelling units have been constructed. In Planning Staff's opinion, the variances are 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?

The variances requested would add a new use to permit "street townhouse" with reduced lot area and frontage requirements in order to allow the development of 4 (four) attainable street townhouses on the subject lands. This is a gentle intensification in an area that will have no impact on adjacent properties or the existing neighbourhood. The proposed development will not impact the existing homes located in the neighbourhood. Sufficient outdoor amenity space and driveways can be accommodated on all of the proposed lots.

The proposed lot sizes and lot frontages meet the requirements of the Zoning permissions as set out in Section 13.2.3 of the R3 Zone (which permits the street townhouse use) and which were used to guide staff's recommendation.

As such, staff is of the opinion that the requested variances are 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

- No comments or concerns.

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- No comments or concerns.

Niagara Region

- That the Applicant/Owner submit a Stage 1 Archaeological Assessment completed by a licensed archaeologist. In this regard, a Stage 1 & 2 Archaeological Assessment was prepared by Irvin Heritage Inc. and concluded that the Study Area had been sufficiently assessed and is free of further archaeological concern.

Neighbourhood Comments

- See attached e-mail correspondence, dated June 13, 2023.

In response to correspondence provided by Mr. Matt Dobrindt (attached), the following is intended to summarize the concerns raised:

Issue Raised	Response
Preference for 3 Single-detached homes rather than 4 townhouse units	4 Townhouse units provides an opportunity to meet Provincial and Regional intensification targets as stipulated in the City's Official Plan. 4 Townhouse units is a more efficient use of land that assists in reducing costs thereby providing an opportunity for provision of attainable housing

Reduced Lot Area request from 360 m2 to 182.8 m2 is not minor	The minimum lot area of 360 m2 relates to the requirement for a single-detached dwelling whereas the requirement for a townhouse dwelling as permitted in the R3 zone is 180 m2
Townhouses do not fit the character of the neighbourhood which is primarily single-detached homes	The existing homes in the neighbourhood are primarily smaller one storey single-detached homes however, there is also an institutional use adjacent to the subject property to the rear (south), semi-detached dwellings at the east intersection of Mary Street and Pilkington Street and a number of larger 2 storey dwellings currently under construction along Pilkington Street and Taylor Street.
Existing homes on Mary Street have a greater setback from the road and there may be potential for reduced sunlight and blockage of views	Existing street setback requirements for the R2 zoning applying to the property is 7.5 metres and reduced setbacks have not been requested. The proposed townhouse dwellings will not have the effect of reducing sunlight or block views for existing residences.
Existing surrounding homes are generally older and vulnerable to water leakage and drainage problems that could intensify by new construction	The owner will be required to obtain approval of grading and drainage plans by the City of Thorold through the building permit process in order to ensure grading and drainage conditions meet City standards
Existing tree at 142 Mary Street may be impacted by construction	The existing tree at 142 Mary Street is entirely within the property limits of 142 Mary Street ahead of the building line and close to the street line. It is not anticipated that damage to the tree will occur however, the Acting Manager of Community Services and Public Works will ensure existing adjacent trees will be adequately protected and provisions are made for additional street trees for the townhouse development.

CONCLUSION:

It is the recommendation of Planning staff that minor variance application D13-12-2023 requesting a minor variance to permit the use of the lands for townhouses with reduced lot area and frontage requirements be **approved**.

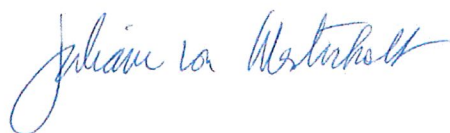
- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

Prepared by:



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

Respectfully Submitted By:



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

Angela Nesbitt

From: Matthew Dobrindt <matt_d_7@hotmail.com>
Sent: Tuesday, June 13, 2023 1:01 PM
To: Angela Nesbitt
Subject: Minor Variance Public Hearing for Mary St in Thorold June 15th 2023

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 Day,

I am writing this email to voice my personal concerns with minor variance application D13-12-2023 for Mary Street in the city of Thorold.

I would like to start off by saying that I appreciate what Habitat for Humanity does for families in regards to affordable housing and I believe that we are in a time where more affordable housing should be built.

However, I do not believe that changing lot sizes from 360 M² to 182.8 M² should be classified as a minor variance.

If you look at surrounding lot area you will see that single detached houses on Mary St have a Parcel Area of 278 M². The organization plans on using vacant land that measures at 835.35 M² for townhouses. This large size of land would allow the organization to build 3 single detached homes at 278 M² which would better suit the aesthetics of the neighbourhood.

Habitat for Humanity just built 3 detached homes at the corner on Mary St at the corner of Taylor St. They built these houses on 880 M² land. So I'm unsure how they can claim the purposed townhomes will fit the street character after they just furthered the identity of the neighborhood being single detached homes.

The houses on Mary St are built further back from the road and with the unknown size and height of the townhomes and how far back these town houses are built there is a chance the townhouses would affect the amount of sunlight to neighbouring houses and obstruct the view.

I think that the zoning should stay as R2 to be more compatible with the existing neighbourhood with respect to size and setbacks, and that townhomes will cause issues such as privacy. scale and space that would be detrimental to the streetscape of the neighbourhood.

My other concern is that the surrounding houses are older homes and vulnerable to water leakage and draining problems that could be intensified by the new construction. The plot of the land the purposed townhouses are to be built is on decent slant and this has not been addressed by the developer.

There is also a very big tree at 142 Mary St that provides shade and greenery to the area. My concern is that due to the size of the tree there will need to be roots cut for construction on the purposed townhomes which can affect the tree and would ask that if this notice is granted that there not be a permit issued to cut the roots of the tree on private property.

I would like to point out that the photo taken Labelled figure 3: existing conditions (view from Mary St) is not at all what the property and surrounding neighbourhood looks like to this date and that whoever gets to vote on this should be able to see an updated photo of the area.

Lastly my objection is not that no houses should be built on this vacant land. I just ask that you look at the surrounding neighborhood and that Habitat for Humanity builds homes that improve the neighborhood and that the families that eventually buy these properties can enjoy a single detached house to make their home, not a townhouse with a shared wall on a small property.

I wish I could have attended the meeting in person or virtually to voice my concerns and have an open discussion in regards to what I have written but due to the time of the meeting and it being a weekday that is not possible. If there is any question I can answer or that anyone voting on this matter has they can reach out to me via email I would be happy to have a positive discussion.

Kind Regards,

Matt

I would also like this email to show that I am requesting the comments made at the meeting as well as a copy of the decision of the Committee of Adjustment or notice of adjournment of hearings.