

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 D13-19-2023
5 Cunningham Street, Thorold, Ontario
Plan Shriener Farm Pt Lot 15 Pt Lot 16
NP897

PROPOSAL: An application has been submitted for a minor variance to permit the construction of an additional dwelling unit to the rear of the existing single detached dwelling on lands zoned Residential Second Density Special (R2S) in accordance with Zoning Bylaw 2140 (97). Regulations relating to additional dwelling units are however, governed by Zoning Bylaw 60-2019, and the following variances from Part 3 – General Regulations thereof are being requested:

1. Relief from Part 3, Section 3.1, Table 3.1 – Accessory Buildings and Structures – Maximum Lot Coverage of Accessory Structures – To increase the permitted lot coverage for accessory buildings from 10% to 15%; and
2. Relief from Part 3, Section 3.1, Table 3.1 – Accessory Buildings and Structures – Maximum Height – To increase the maximum height from 4.5 metres to 5.5 metres.

RECOMMENDATION:

1. THAT, the Minor Variance application made to permit an additional dwelling unit with an increase in lot coverage from 10 % to 15% and a height of 5.5 metres rather than 4.5 metres **BE APPROVED**.

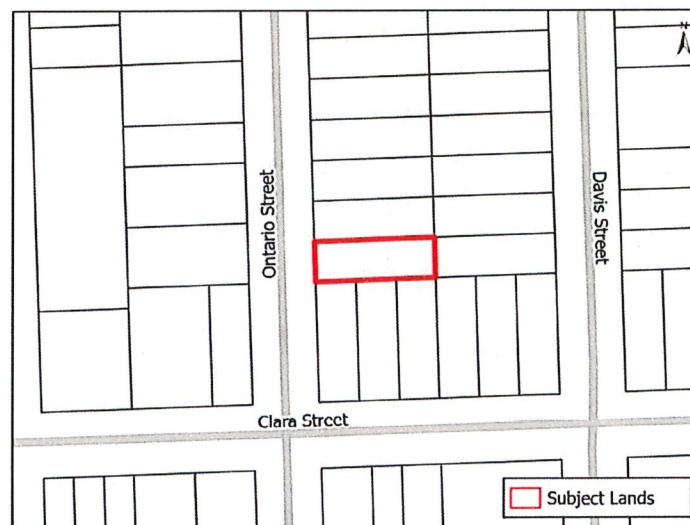


Figure 1: Location Map

Site Description

The subject lands are located on the west side of Cunningham Street at the intersection of Garden Street, within the City of Thorold Urban Area east of the Welland Canal. A single detached residence exists on the property and complies with all regulations of the R2S (Residential Second Density Special) zone under Zoning Bylaw 2140 (97). The proposed 1 ½ storey second dwelling unit will be constructed in the approximate location of the existing detached garage.

Background

The existing site is designated Urban Living Area and zoned Residential Second Density Special 'R2S' under Zoning Bylaw 2140 (97). The property is currently developed with a single detached dwelling which complies with all other in effect zoning regulations.

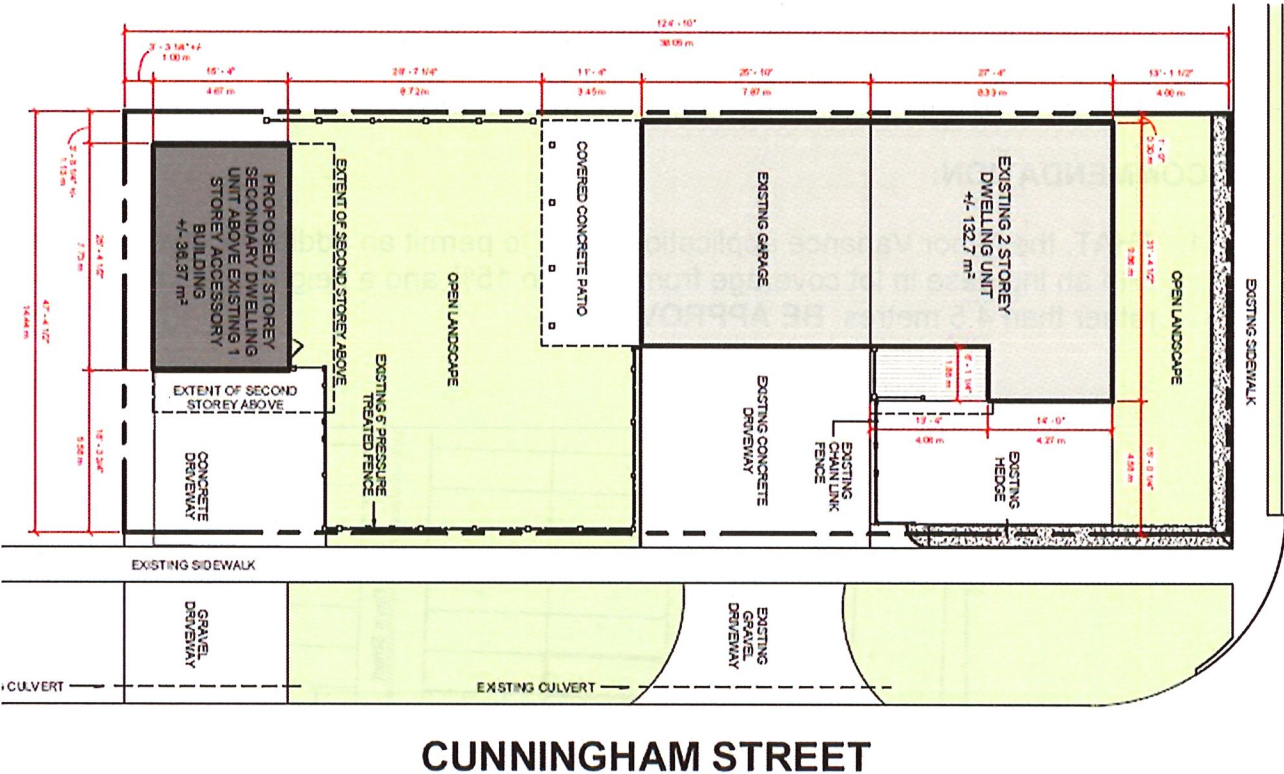


Figure 2: Site Plan

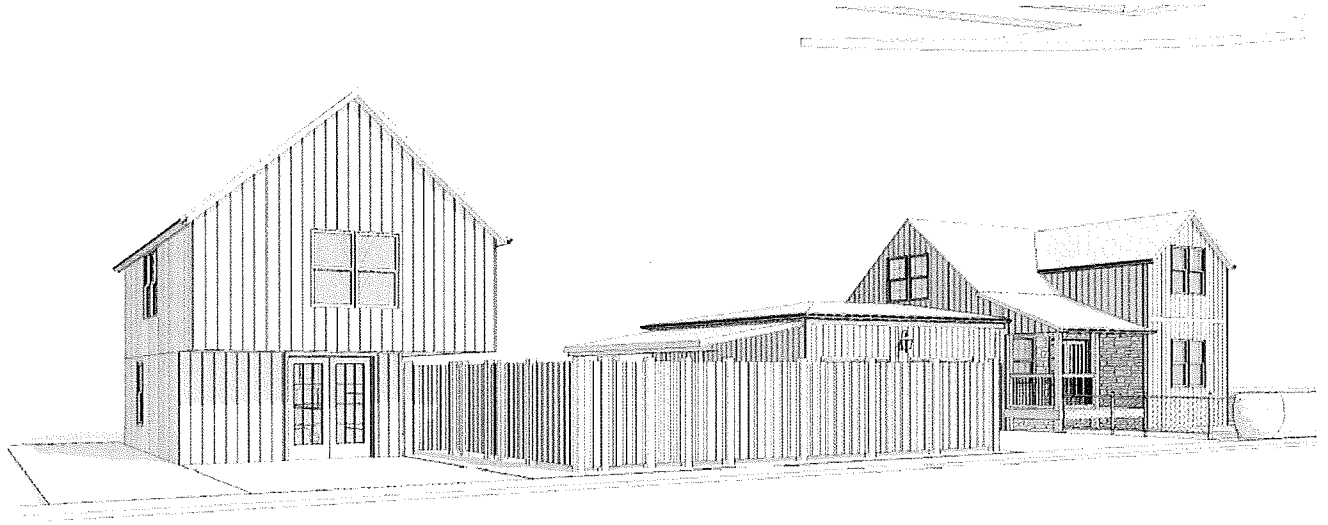


Figure 3: Conceptual Rendering

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 are intended for existing and planned residential development and complementary uses on full municipal services.

The existing property is approximately 549 square metres in size and has a frontage of approximately 14 metres along Garden Street, which meets the minimum requirements for lot area and frontage of the R2S Zoning applying to the property. All other zoning regulations are being met. The requested reductions do not compromise the intent of the Official Plan which directs development to built up areas to be compatible with the established character of the neighbourhood. Additional/secondary dwelling units are permitted in the R2S Zone.

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 for the construction of an additional dwelling unit behind the existing single detached dwelling on the subject lands. The existing established neighbourhood contains a variety of low rise residential dwellings built forms. With the introduction of an additional dwelling unit, no negative impacts to the existing neighbourhood are anticipated as the scale and character of the neighbourhood has been maintained. Therefore, it is staff's opinion that the general intent of the Official Plan has been maintained.

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

The subject property is zoned Residential Second Density 'R2S' in the City of Thorold's Zoning Bylaw 2140 (97), as amended, and meets the lot width and size requirements of the R2S zone. The R2S zone permits single detached dwellings and their associated accessory buildings including additional dwelling units.

The proposed variance requesting an increase in lot coverage from 10% to 15% and increased building height from 4.5 metres to 5.5 metres to accommodate the proposed 1 ½ storey additional dwelling continues to meet the intent of the zoning by-law as this permits a low density housing option. Regulations for additional dwelling units are governed by Zoning Bylaw 60 (2019). No negative impacts to the subject lands or adjacent properties are anticipated through the development of the second dwelling unit. As such, staff is of the opinion that requested variance 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 construction of an additional dwelling unit to the rear of the proposed single detached dwelling. 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. The development is compatible with the existing development in scale and built form. As such, staff is of the opinion that the requested variances are appropriate for the development of the land.

Are the variances minor?

The variance is requesting an increase in lot coverage for the additional dwelling unit from 10% to 15 % and an increased in height from 4.5 metres to 5.5 metres as illustrated in the attached Site Plan provided as Figure 2 and conceptual rendering provided as Figure 3. The proposed increase in lot coverage provides for sufficient setback from the existing dwelling on the property to the east and does not compromise privacy of adjacent lands due to existing fencing and landscaping. As such, staff is of the opinion that the requested variance is minor.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

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.

PUBLIC COMMENTS:

No public comments have been received at the time of writing of this report.

AGENCY COMMENTS:

Building Division

- A building permit is required for the addition.

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

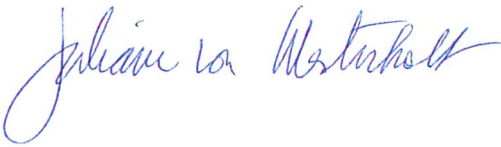
- See attached.

PREPARED BY:



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REVIEWED AND 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-23-0075
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
City File: D13-19-2023
5 Cunningham Street
City of Thorold**

Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for 5 Cunningham Street located in the City of Thorold. The Applicant is seeking a Minor Variance for the proposed construction of a second storey addition to an existing accessory building for the purpose of a second dwelling unit. In order to facilitate the development, as per Comprehensive Zoning Bylaw 60-2019, the following variances from Part 3 – General Regulations are being requested:

- Part 3, Section 3.1, Table 3.1 – Accessory Buildings and Structures – Minimum Rear yard Setback of existing accessory building – To recognize the reduced minimum rear yard setback from 0.9 metres to 0.21 metres; and
- Part 3, Section 3.1, Table 3.1 – Accessory Buildings and Structures – Minimum Interior Side Yard Setback of existing accessory building – To recognize the reduced minimum interior side yard setback (south side) from 0.9 metres to 0.13 metres; and
- Part 3, Section 3.1, Table 3.1 – Accessory Buildings and Structures - Maximum Lot Coverage of Accessory Structures – To increase the permitted lot coverage for accessory buildings from 10% to 15%; and
- Part 3, Section 3.1, Table 3.1 – Accessory Buildings and Structures – Accessory Buildings and Structures – Maximum Height – To increase the maximum height from 4.5 metres to 5.5 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 its 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.

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 the proposed development includes the addition of a second floor to an existing accessory structure, an archaeological assessment will not be required in this instance. Should future development take place and require a Planning Act application that includes ground disturbance a Stage 1 Archaeological Assessment may be required.

Further, Regional staff notes that the plan included with the Notice appears to indicate that the proposed addition may extend beyond the footprint of the existing structure. As it is unclear if any ground disturbance is to occur to support the addition, Regional staff has included an archaeological advisory clause 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 Owner be advised of the following advisory 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 Citizenship and Multiculturalism 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 local 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 Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to 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

