

## COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services

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April 16, 2026

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Application for Consent  
D10-01-2026 – Lilly Scappaticci  
17 Biggar Road, Thorold, Ontario  
Crowland Concession 1 Part Lot 17 RP 59R-10204 Parts 1 and 2  
Roll Number: 273100003240000

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### KEY FACTS

- Consent to sever approximately 630 m<sup>2</sup> to create a new residential lot (Part 2), retaining 657 m<sup>2</sup> (Part 1) for continued residential use in the R1A zone in Port Robinson East.
- Staff have reviewed the application in accordance with the consent provisions of the *Planning Act* and recommend approval subject to the conditions listed herein.

### RECOMMENDATIONS

That the City of Thorold Committee of Adjustment **APPROVE** application D10-01-2026, submitted by Steven Rivers of South Coast Consulting, on behalf of Lilly Scappaticci, for the creation of a new residential lot on lands known municipally as 17 Biggar Road (Crowland Concession 1 Part Lot 17 RP 59R-10204 Parts 1 and 2), subject to the following conditions:

1. That the Owner provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the Owner provides a lawyer's undertaking, to the satisfaction of the City, to forward a copy of documentation confirming the transaction has been carried out,

- the document to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
3. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
  4. That the owner/applicant obtain a municipal address for the severed parcel, and updated address for the retained parcel if required, to the satisfaction of the City.
  5. That the existing garage accessory structure on Part 2 be removed, unless the owner/applicant can demonstrate the following to the satisfaction of the City:
    - a. The existing accessory garage structure servicing connection to the principal dwelling (Part 1) is removed; and
    - b. The proposed lands to be severed (Part 2) be temporarily rezoned to permit the existing accessory garage structure for a period not greater than three (3) years; and
    - c. The applicant apply for and receive all required building permits; and
    - d. That all other accessory structures on Part 2 are moved/removed to the satisfaction of the City.
  6. That all outstanding property taxes be paid prior issuance of the Certificate of Consent.
  7. That the owner/applicant provide any applicable parkland dedication or cash-in-lieu requirement, to the City's satisfaction, in accordance with the municipality's Parkland Dedication By-law (82-2025).
  8. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failure of which this consent shall be deemed to be refused.

## **PROPOSAL**

The applicant is seeking to sever approximately 630 m<sup>2</sup> from the existing lot at 17 Biggar Road. The lands are presently zoned Residential One – R1A according to the City of Thorold Comprehensive Zoning By-law 60(2019). Under the City of Thorold Official Plan (2016) and the Region of Niagara Official Plan (2022) the lands are designated as part of the Port Robinson East Special Policies and Designated Greenfield Area, respectively.

In order to facilitate this proposal on the subject lands, Section 53(1) of The Planning Act applies:

*An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.*

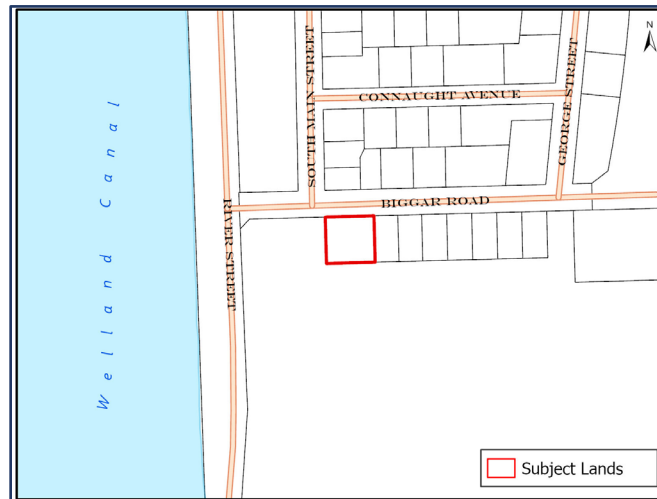


Figure 1: Location Map

### **Site Description**

The subject lands are located on the south side of Biggar Road in an established residential neighbourhood (characterized by existing low-density residential development) bounded by South Main Street to the west and George Street to the east. The lands comprise approximately 1287 m<sup>2</sup> within the Port Robinson East Special Policy Area of the City of Thorold Official Plan. Currently the site contains a single detached dwelling, detached accessory garage, a greenhouse and shipping containers. The single detached dwelling and accessory garage both front towards Biggar Road.

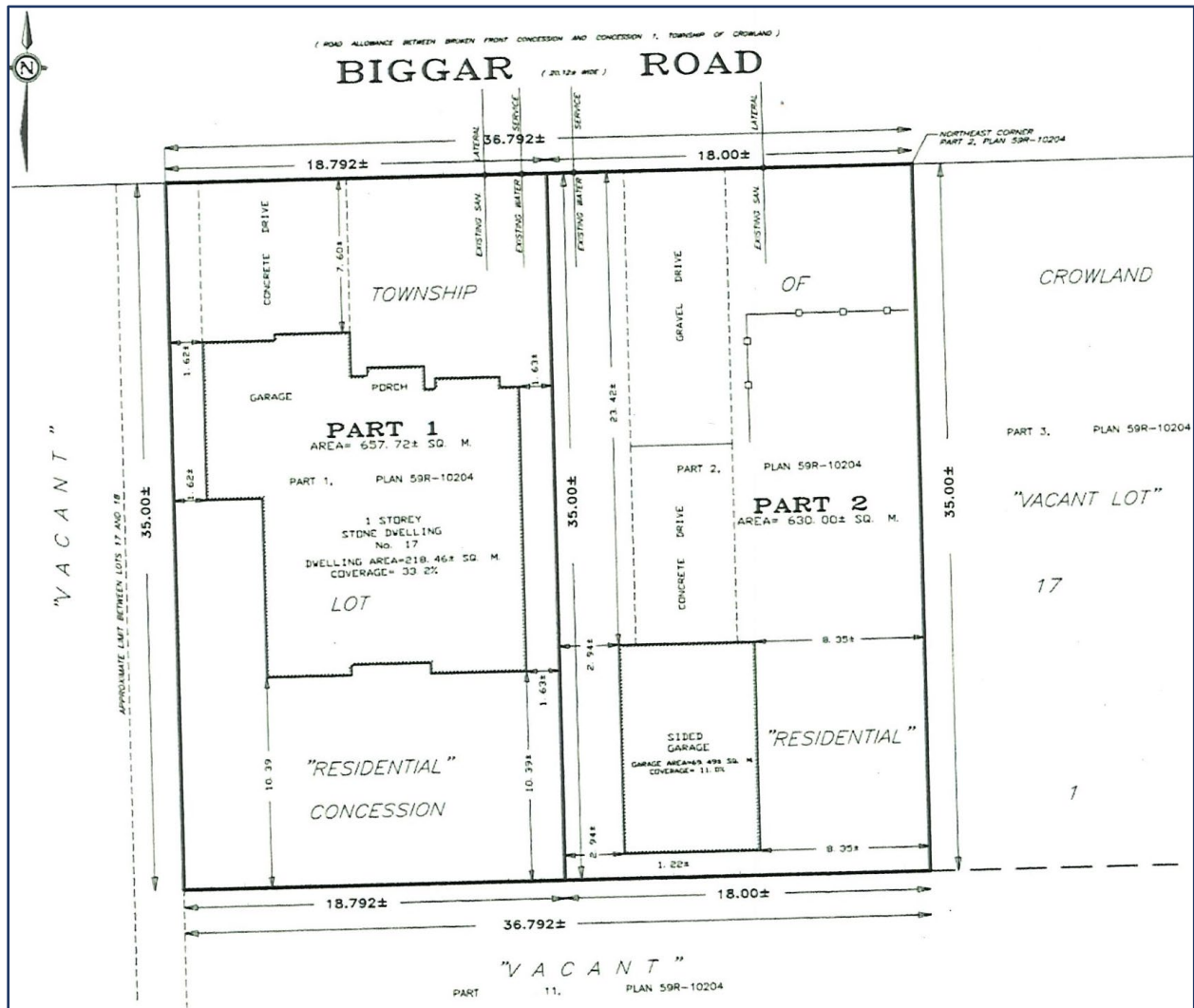


Figure 2: Proposed Plan

## Background Review

### Provincial Planning Statement (PPS)(2024)

The PPS, effective October 20, 2024, provides the planning policy framework for municipalities within the Province of Ontario. The PPS includes 6 chapters, including the introduction and implementation, which outlines the goals and objectives of planning

authorities as it relates to building homes, infrastructure and facilities, the wise use and management of resources, protecting public safety.

The PPS contains the following policies which relate to the submitted application:

**2.1.6a** – *Planning authorities should support the achievement of complete communities by: accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.*

**2.2.1** – *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

*a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*

*2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*

*d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

**2.3.1.3** – *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

*Niagara Regional Official Plan (NOP) (2022)*

As of March 31, 2025, the Region no longer holds planning authority under the Planning Act. The NOP now serves as an Official Plan for the City of Thorold, who in turn is responsible for ensuring conformity with its policies.

The subject lands are designated as part of the Designated Greenfield Areas within the NOP. The following policies of the NOP relate to the submitted application:

**2.2.2.23** - *Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*

**2.2.2.24** - *Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.*

**2.2.2.25** - *Designated greenfield areas will be planned as complete communities by:*

*a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;*

*b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;*

*c) ensuring infrastructure capacity is available; and*

*d) supporting active transportation and encouraging the integration and sustained viability of public transit service.*

*City of Thorold Official Plan (CTOP) (2016)*

The CTOP, approved April 18, 2016, provides the basis for managing growth within the City of Thorold. The intention of the plan is to provide direction and encouragement for public and private sector investment, while recognizing the existing, built and natural features which contribute to the quality of life in Thorold.

The subject lands are designated as part of the Port Robinson East Special Policies within the CTOP. The following policies of the CTOP relate to the submitted application:

***B2.5.1 - The purpose of the Port Robinson East Special Policy designation is to recognize Port Robinson East as a historic and stable rural community, which is not a focus area for future growth in the City.***

***B2.5.3.1 - Future development in Port Robinson East will be limited to infilling of lots that will support land use that respects the existing character and built form of Port Robinson. Lot creation shall occur through the consent process unless there is a compelling public and/or financial interest which requires a more formal Plan of Subdivision process. New lots within the Port Robinson East Special Policy designation shall abut an assumed public road and should maintain a minimum lot area and frontage that is comparable to adjacent residential lots.***

***B2.5.3.2 - All development in the Port Robinson East Special Policy designation shall be serviced by municipal water and sanitary services.***

***D4.2.1 - Prior to considering an application to create a new lot for any purpose, the Committee of Adjustment shall be satisfied that the proposed lot:***

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;*
- c) Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;*
- d) Can be serviced with an appropriate water supply and means of sewage disposal;*

- e) *Will not have a negative impact on the drainage patterns in the area;*
- f) *Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;*
- g) *Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;*
- h) *Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and, i) Complies with Provincial Minimum Distance Separation Formulae, where applicable.*

Comprehensive Zoning By-Law 60(2019) (CZBL)

The CZBL, adopted May 23, 2024, is intended to implement the policies of the CTOP. The Zoning By-law regulates the dimensions and built forms of permitted uses on lots, as well as identifies the relevant zone based on usage type as prescribed by the CTOP.

The subject lands are zoned Residential One – R1A under the CZBL. The following provisions of the CZBL relate to the submitted application:

<b>Table 10.3 – Lot, Building, and Structure Requirements for Community Zones – R1A</b>			
<b>Provision</b>	<b>Requirement</b>	<b>Provided (17 Biggar - Retained)</b>	<b>Provided (17 Biggar - Created)<sup>1</sup></b>
<i>Minimum Lot Area</i>	400.0 m <sup>2</sup>	658 m <sup>2</sup>	630 m <sup>2</sup>
<i>Minimum Lot Frontage</i>	12.0 m	18.8 m	18.0 m
<i>Minimum Front Yard</i>	4.5 m	7.6 m	23.4 m
<i>Minimum Rear Yard</i>	7.5 m	10.4 m	1.2 m
<i>Minimum Interior Side Yard</i>	1.2 m	1.6 m	2.9 m

<i>Minimum Interior Side Yard</i>	1.2 m	1.6 m	8.4 m
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1. A temporary rezoning will be required to permit the existing detached garage structure on the created lot at 17 Biggar Road as an accessory structure is not permitted in advance of a principal use on the subject lands.

### **CONSENT PLANNING ANALYSIS**

The application for consent was reviewed with consideration of applicable policies in the PPS, the NOP, the CTOP and the CZBL.

#### **Provincial Planning Statement (PPS) (2024)**

Under the PPS planning authorities are directed to support the development of “complete communities” by providing for an appropriate range and mix of housing types. The proposal serves the intention of the PPS by creating an additional residential lot within an established subdivision in the City of Thorold. The proposed lot maintains the generally established neighbourhood character, while providing a slightly smaller area for a range of housing options. Given the proposed lot size and frontage, in combination with existing OP and zoning provisions, a new residential dwelling may be developed on the created lot, subject to compliance with the applicable Official Plan, Zoning By-law, and Building Code requirements. This increased density is not anticipated to be significant enough to negatively impact the City’s ability to provide a “complete community” to the residents of Port Robinson.

Overall staff is of the opinion that the proposal generally **meets** the intention of the PPS.

#### **Niagara Regional Official Plan (NOP) (2022)**

Within the NOP, new residential development and residential intensification is encouraged to “meet housing needs at all stages of life”. The City of Thorold is projected to account for 1610 new dwelling units through intensification by 2051. As part of this intensification, 60% of all new residential dwellings will occur within the existing built-up

area. Within Designated Greenfield areas, development should achieve a minimum of 50 jobs and residents per hectare.

In the NOP, “Additional Residential Units” are defined as “Self-contained residential units with kitchen and bathroom facilities located within a primary dwelling or within an accessory structure that is detached from the primary dwelling, as provided for in Subsection 16 (3) of the Planning Act, 1990”. As such, a primary dwelling or principal use must be established prior to the ARU. This requirement can be addressed through a temporary rezoning, to permit the existing accessory structure for a period not greater than three (3) years. This provides, in the opinion of Planning Staff, adequate time for the owner/applicant to legalize the accessory structure.

In summary, the severance of a developable lot within the Port Robinson East area, a Designated Greenfield, supports the intensification goals of the NOP. The severance creates an additional, similarly sized lot within an area of Thorold where intensification is “limited to infilling of lots”, and conditions can be imposed to ensure the existing structure is ultimately legalized. This severance supports the further, gentle intensification of an established neighbourhood – identified as a priority within regional and municipal policy.

As such, Planning staff are of the opinion that the proposal **meets** the general intent and goals of the NOP.

### **City of Thorold Official Plan (CTOP) (2016)**

The subject lands fall within the “Port Robinson Robinson East Special Policy” area of the CTOP. The purpose of lands within the designation are to “recognize Port Robinson East as a historic and stable rural community, which is not a focus area for future growth in the City”.

Residential intensification, through the consent process, is permitted within the designation provided that “limited to infilling of lots that will support land use that respects the existing character and built form of Port Robinson” and conforms to the criteria outlined in D4.2.1. Planning staff have reviewed the application and are of the opinion that the proposal conforms to the residential intensification policies of the Port Robinson East Special policy designation, and those outlined in D4.2.1.

As such, Planning staff are of the opinion that the proposal **meets** the general intent and goals of the CTOP.

### **City of Thorold Comprehensive Zoning By-law (CZBL) 60(2019)**

An Additional Residential Unit (ARU) is generally defined as a self-contained dwelling unit located within the same building or on the same lot as an existing residential unit. While the CZBL does not presently have a definition for an ARU this is a comprehensive definition that gives some direction in relation to this application.

Under the CZBL definitions, an accessory use is defined as “a use subordinate and incidental to the principal/primary use(s) on the same lot.” As such, a new lot cannot be created with an ARU on the property, it would require the establishment of a primary use, otherwise it would create an illegal situation.

A building permit was issued for an accessory structure on the subject lands, this structure was placed on the property in accordance with the accessory structure regulations. However, the building permit was issued for an accessory structure on the lands to construct a detached garage, there is no record of a permit for a residential component related to the accessory structure. As such, the residential use is illegal at this time.

Therefore, the ARU has no legal status, and the structure is situated in accordance with the accessory provisions of the CZBL and could not be considered a principal residence due to the siting of the structure.

Ordinarily Staff would recommend that the accessory garage structure be either moved or removed from the property (as is being recommended for the other accessory structures on the subject lands). However, as the existing garage structure is new and significantly sized, Staff are recommending a condition for a temporary rezoning. This temporary rezoning will give the proponents an opportunity to obtain the necessary building permits and construct a principal residence within an approved timeframe. Staff would suggest a period of three (3) years would be suitable to rectify the situation and would not recommend an extension to this timeframe if it were to be requested.

Given the outstanding issues noted above, Staff would only be supportive of the application given the following conditions:

- a. The existing accessory garage structure servicing connection to the principal dwelling (Part 1) is removed to the satisfaction of the City;
- b. The proposed lands to be severed (Part 2) be temporarily rezoned to permit the existing accessory garage structure for a period not greater than three (3) years;
- c. The applicant apply for and receive all required building permits, to the satisfaction of the City; and
- d. That all other accessory structures on Part 2 are moved/removed to the satisfaction of the City.

As such, staff believe the proposal **meets** the intent of the CZBL, provided the recommended conditions are imposed.

## **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:

- Please see attached comment.
- Building staff advised that the detached structure on the proposed severed parcel was reviewed and approved as a garage only. No living space, washrooms, kitchen or bedroom was contemplated through the building permit review, so it cannot be considered a primary dwelling. Building staff further advised that if all required building permits are received, and inspections completed to confirm code compliance, there would be no objections.

### MNCFN

- Please see attached comment.

- The Mississaugas of the Credit First Nation have no comments or concerns at this time regarding the land severance. Please be advised that should any future ground disturbance be planned, a Stage 1 Archaeological would be required at minimum.

### Summary

The following agencies and departments were circulated for comment and either indicated no objections or did not provide comment at this time.

Indicated no objections	Did not provide comment
NPCA MNCFN City of Thorold Building	NEC Heritage Committee City of Thorold Engineering City of Thorold Fire City of Thorold Public Works City of Thorold Community Services City of St. Catharines City of Welland Town of Pelham  City of Niagara Falls Canada Post Ministry of Transportation CN Rail GIO Rail Niagara Region District School Board of Niagara Niagara Catholic District School Board St. Lawrence Seaway Alectra Utilities Bell Canada Cogeco Enbridge Hydro One Ontario Power Generation Rogers TransCanada Pipeline Infrastructure Ontario

Public Comments

No Public comments were received as of the date of the writing of the report.

**CONCLUSION**

It is the recommendation of Planning Staff that Consent Application D10-01-2026, for the purpose of severing a 630 m<sup>2</sup> residential lot at 17 Biggar Road **BE APPROVED**, subject to the conditions listed above.

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**Prepared by:**  
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**Submitted by:**  
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AppendixAppendix 1  
Comments