

COMMITTEE OF ADJUSTMENT

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

NOTICE OF DECISION – APRIL 18, 2024

In the matter of an application for a minor variance by:

FILE NO.: D13-08-2024 **ROLL NO:** 2731 000 008 00600 0000
SUBJECT LAND: 5 Cunningham Street, Thorold **Plan** Shriner Farm Pt Lot 15 Pt Lot 16
APPLICANT: George Mellas **AGENT:** n/a

PURPOSE OF APPLICATION:

The subject lands are located within the Urban Area Boundary, designated Urban Living Area and subject to the Centre Community Improvement Area and Built Boundary overlays in the City of Thorold Official Plan and are zoned Residential Second Density R2 in accordance with Section 12 of the City of Thorold Comprehensive Zoning Bylaw 2140(97).

In 2023, a minor variance application (D13-19-2023) was made to facilitate a proposed second story addition to an existing accessory structure for the purpose of a second dwelling unit, relief was granted from the following provisions of Bylaw 60-2019:

- Part 3 – General Regulations, Table 3.1: Accessory Building or Structure Requirements – To permit a maximum height for an accessory structure within the residential zone of 5.5 metres whereas the previous variance to the bylaw permits a maximum of 4.5 metres; and
- Part 3 – General Regulations, Table 3.1: Accessory Buildings and Structures – To increase the permitted lot coverage for accessory buildings from 10% to 15%.

Due to a request for relief made in the original submission (D13-19-2023) being inadvertently excluded in the original decision, and an increase in the proposed height of the accessory structure, a new application will need to be made for relief from the following provisions of Bylaw 60-2019:

- Part 3 – General Regulations, Table 3.1: Accessory Building or Structure Requirements – To permit a maximum height for an accessory structure within the residential zone of 6.2 metres whereas the bylaw permits a maximum of 5.5 metres;
- Part 3 – General Regulations, Table 3.1: Accessory Building or Structure Requirements – To permit a minimum front yard setback for an accessory structure within the residential zone of 4.2 metres, whereas the bylaw requires a minimum front yard setback of 6.0 metres; and
- Part 3 – General Regulations, Section 3.21: Second Dwelling Units – To permit a second dwelling unit with a gross floor area of 47% of the principal dwelling unit gross floor area whereas the bylaw permits a second dwelling unit with a gross floor area of a maximum of 40% of the principle dwelling unit gross floor area.

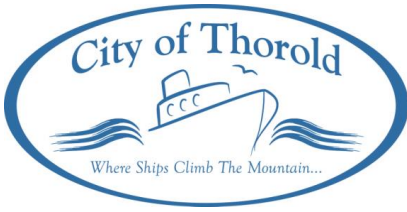
This application was heard at a Public Hearing of this Committee held on April 18, 2024 at City Hall, Thorold and the decision on the variance requested was made pursuant to the provisions of Section 45 of the *Planning Act, R.S.O. 1990, c.P. 13*, as amended, as follows:

DECISION: **GRANTED**

REASONS:

The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the *Planning Act* tests for minor variance being:

1. The requested variance is considered minor in nature;
2. The variance is appropriate for the development or use of the land, building or structure;
3. The general intent and purpose of the Zoning Bylaw is maintained; and
4. The general intent and purpose of the Official Plan is maintained.



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NOTICE OF DECISION – D13-08-2024 – 5 CUNNINGHAM STREET, THOROLD

The last day for appeal of this decision is May 8, 2024.

Notice of appeal must be filed with the Secretary Treasurer for the City of Thorold Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal (OLT). <https://olt.gov.on.ca/appeals-process/fee-chart/>

Please note neighbours and other interested parties not defined by the *Planning Act* are no longer eligible to file appeals for this application as per Bill 23, More Homes Building Faster Act, 2022.

Planning Act appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by *Planning Act* 1(1)), and any “public body” (as defined by *Planning Act* 1(1)).

Information regarding the Ontario Land Tribunal (OLT) can be found at:
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

Electronically Signed By J. Theisen, Chair/Member	In favour
Electronically Signed By E. Pizzo, Member	In favour
Electronically Signed By G. Jackson, Member	In favour
Electronically Signed By K. Daniels, Member	In favour
Electronically Signed By P. DiPaola, Member	In favour
Electronically Signed By G. Ravenek, Member	In favour

Date of Decision: April 18, 2024

Date of Decision Notice: April 22, 2024

Last date to file a notice of appeal: May 8, 2024

I, Angela Nesbitt, Secretary Treasurer of the Committee of Adjustment of the City of Thorold certify that the above is a true copy of the Decision of the Committee of Adjustment.

ORIGINAL SIGNED

Angela Nesbitt
Secretary-Treasurer of the Committee of Adjustment