



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: Consent Application D10-07-2023
Minor Variance Application D13-14-2023 & D13-15-2023
1 McMann Drive, Thorold, Ontario
2731 000 017 08000

PROPOSAL:

An application has been submitted for consent for the purpose of the creation of 1 (one) new lot for residential development. The following variances from Zoning Bylaw 2140 (97) are also required to accommodate the lot creation:

1. Relief from Provision 11.2.1 (a)(ii) to reduce the minimum lot area of the severed parcel (Part 2) from 360 m² to 354 m²;
2. Relief from Provision 11.2.1 (c) to reduce the minimum front yard setback of the retained parcel (Part 1) from 7.5 m to 4.64 m;
3. Relief from Provision 11.2.1 (d) to reduce the rear yard setback of the retained parcel (Part 1) from 6 metres to 1.44 metres;

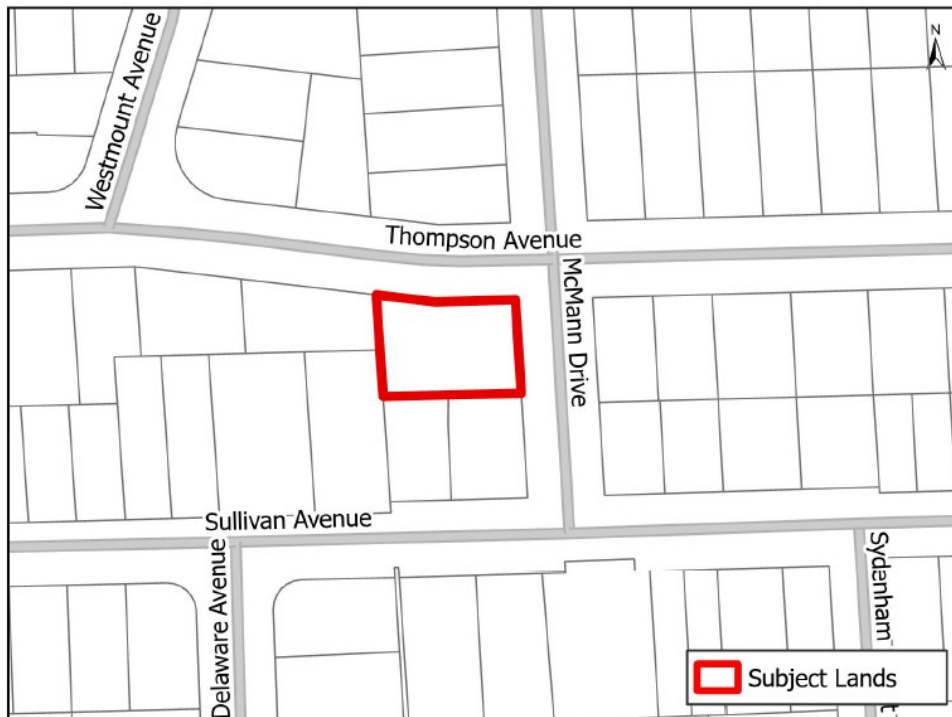


Figure 1: Location Map

RECOMMENDATION:

That Consent Application D10-07-2023 to sever a parcel of land having 14.5 metres of frontage and 354 square metres of lot area be **BE APPROVED** subject to the following conditions:

- 1) That the applicant 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 Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City 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 all outstanding property taxes be paid prior issuance of the Certificate of Consent.
- 5) That the payment of 5% of the value of the new lot, shown as Part 2, as illustrated on the Severance Sketch prepared by J.D. Barnes, OLS dated, January 23, 2023 be made to the City of Thorold in lieu of dedication of land for park purposes pursuant to Section 53(13) of the Planning Act, R.S.O. 1990, as amended.
- 6) That the applicant receive final approval of the minor variance applications D13-14-2023 and D13-15-2023 for reduced lot area of the severed parcel (Part 2) and reduced front and rear yard setbacks of the retained parcel (Part 1), as illustrated on the Survey Sketch prepared by J.D. Barnes, OLS dated, January 23, 2023.
- 7) That the Owner make arrangements with the City of Thorold Engineering Department for the provision of separate municipal services for each of severed and retained lots prior to the issuance of building permits.

Site Description

The subject lands are located at the southwest intersection of Thompson Avenue and McMann Drive just north of Sullivan Avenue. One new lot is being proposed. The retained parcel (Part 1), as shown on the Severance Sketch prepared by J.D. Barnes, OLS dated, January 23, 2023 contains an existing single-detached residential dwelling with attached garage that is intended to remain. The newly created parcel (Part 2) is intended to be developed with a single-detached dwelling. Both Thompson Avenue and McMann Drive are classified as local roads on Schedule D of the City of Thorold Official Plan. There are

existing sidewalks along Thompson Avenue and McMann Drive and the roads are developed with an urban cross-section.

Background

The existing retained lot will require minor variances for a reduction in the lot area requirement from 360 square metres to 354 square metres, a reduction in the front yard setback from 7.5 m to 4.64 m, and a reduction in the rear yard setback from 7.5 m to 1.4 m. A sideyard of 8.4 metres will be provided on the east side of the existing dwelling in order to provide sufficient outdoor amenity space for the retained lands.

A reduction in the lot area requirement from 360 m² to 354 m² is required to accommodate the creation of the severed parcel (Part 2). All other requirements of the R2 zoning under Bylaw 2140 (97) are being maintained.

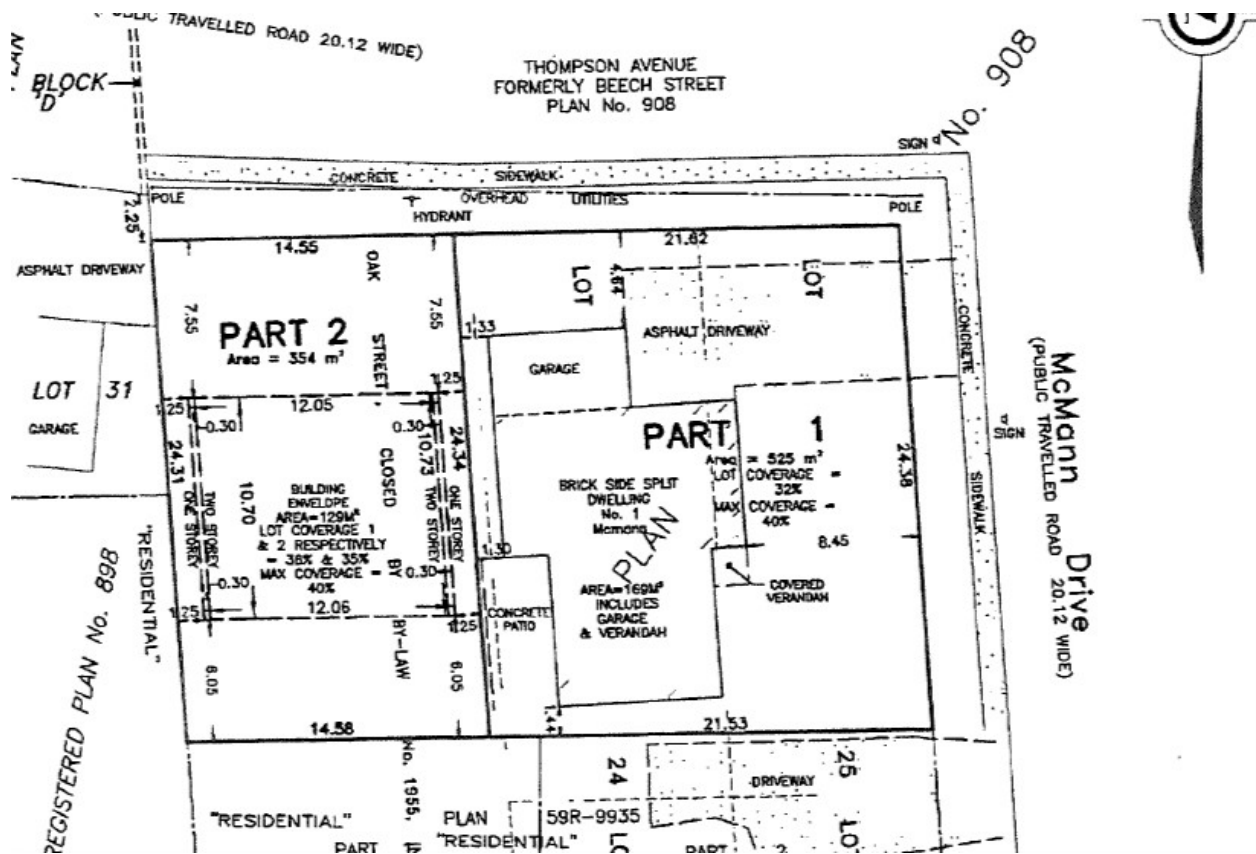


Figure 2: Severance Sketch



Figure 3: Existing street view from Thompson Avenue where new lot will be created

City of Thorold Official Plan

The subject property is designated as “Urban Living Area” within the City’s Official Plan (OP). The purpose of the Urban Living Area designation is to accommodate a range of residential uses and encourages intensification and/or the redevelopment of under-utilized lands. Staff is of the opinion that the proposed consent facilitates the creation of an additional lot for single detached residential development is appropriate and in keeping with the intent of the Official Plan.

Proposals for the creation of new lots by consent are assessed against the criteria of Policy D4.2.1 of the City of Thorold Official Plan. Staff is of the opinion that both the proposed and retained lots would meet all relevant criteria of the aforementioned policy. In accordance with Policy D4.2.1, the lots would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

The consent application conforms to the City’s Official Plan.

Planning Act

In making its recommendation concerning the consent requested, Planning staff has considered all of the criteria outlined in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13 as amended. Particularly, the proposed lot is of a similar size and lot configuration with existing lots in the area and are consistent with the established lot fabric, and is suitable for the proposed residential use.

Planning Policy Documents

The applications for both consent and minor variances were reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, and the *City of Thorold Official Plan*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development.

The Growth Plan also directs development to settlement areas or be focused in “built-up” areas.

As per the Regional Official Plan (ROP), the subject lands are within the “Urban Built – Up Area”. A range of uses including residential uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

Comprehensive Zoning By-law 2140 (97)

The subject property is zoned Residential Second Density ‘R2’ Zone under Comprehensive Zoning By-law 2140 (97). Both the retained and severed parcels meet the general intent of the Zoning By-law 2140 (97) as they will both be developed for single-detached residences. The severed parcel requires relief for the lot area requirement with a reduction from 360 m² to 354 m², while the retained parcel requires permission for a front yard setback of 4.6 m rather than 7.5 m and a rear yard setback of 1.44 m rather than 6 m. Accordingly, minor variance applications have been submitted in concert with the consent application to permit the variances

Section 11.2 of By-law 2140 (97) Zone Provisions Review

Category	Requirements	Part 1 (Retained)	Part 2 (Severed)
Minimum Lot Area	360 m ²	525 m ²	*354 m ²
Minimum Lot Frontage	12 m	21.62 m	7.55 m
Front Yard Setback	7.5 m	*4.64 m	7.5 m
Rear Yard Setback	6 m	*1.44 m	6.05 m
Interior Side Yard Setback	1.2 m	1.3 m	1.2 m
Exterior Side Yard Setback	4.5 m	8.45	N/A
Maximum Lot Coverage	40%	>35	36
Maximum Building Height	11m	<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 are comprised of existing and planned residential development and complementary uses on full municipal services.

Therefore, both the severed and retained lots will be used for single-detached residential development that are in keeping with the general character of the neighbourhood. This increase does not compromise the intent of the Official Plan, as it allows for modest intensification and infilling. In addition, it would encourage private investment, 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.

The proposed variances 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 is in keeping with the existing neighbourhood character. The existing dwelling will remain and a new residential infill lot will be created. 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 and their associated accessory buildings.

The proposed variances are requesting reduction in lot area for the severed parcel (Part 2) and a reduction in the front and rear yard setbacks for the existing retained parcel (Part 1). The reduced front yard setback for the existing dwelling is in existence and the reduced rear yard setback will be offset by the existing 8.5 metre side yard, thereby providing sufficient amenity space for the retained parcel and existing dwelling. All other requirements of the zoning bylaw are being maintained. 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, particularly the lands directly to the south where a similar severance application has occurred.

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 a consent for the purposes of creating a new lot for single-detached residential development. 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 variance is appropriate for the development of the land.

Are the variances minor?

The variances requested for a reduction in the lot area and reduction in the front and rear yards will allow for the creation of an additional building lot and as a modest form of gentle intensification in an area that will have no impact on adjacent properties. The existing dwelling will remain in its current location and the addition of a new dwelling with an area of approximately 130 m² will not impact the existing homes located in the neighbourhood. Sufficient outdoor amenity space can be accommodated on both the severed and retained parcels.

The proposed lot sizes and lot frontages are in keeping with the general intent of the Zoning Bylaw requirements and typical of development within the neighbourhood.

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

- Each lot must have separate municipal services
- Each lot must have its own entrance to the property
- Engineering requires a daylight triangle at the corner of McMann Drive and Thompson Avenue.

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- Outstanding taxes to be paid

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-07-2023 requesting consent for creation of a lot for residential development, addressed as 1 McMann Drive be **approved** subject to conditions stated herein.

- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.
- 2) The application for consent is conditional on approval of the minor variances as listed herein.

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