



## COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services  
3540 Schmon Parkway, P.O. Box 1044  
Thorold, ON L2V 4A7  
905-227-6613 ext. 259

June 15, 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. Section 11.1 Inclusion of townhouse as a permitted use
2. Relief from Section 11.2.1 (a) to provide a lot area of 182.8 m<sup>2</sup> for a street townhouse dwelling and a minimum lot area for an end unit of 287.4 square metres.
3. 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 9.43 metres.

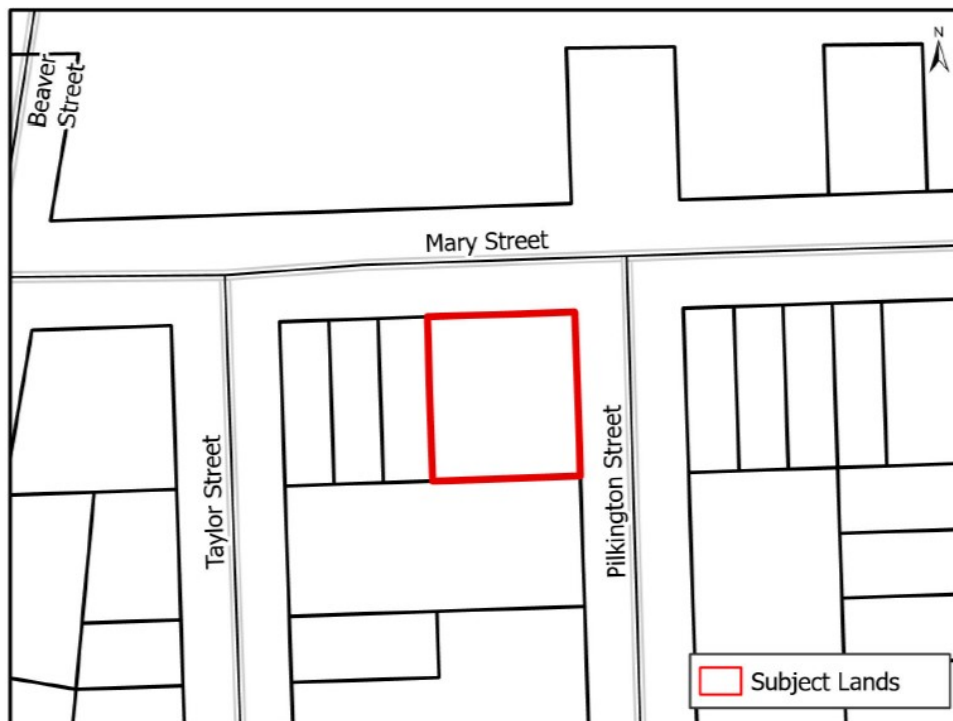


Figure 1: Location Map

## **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 m<sup>2</sup> 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.

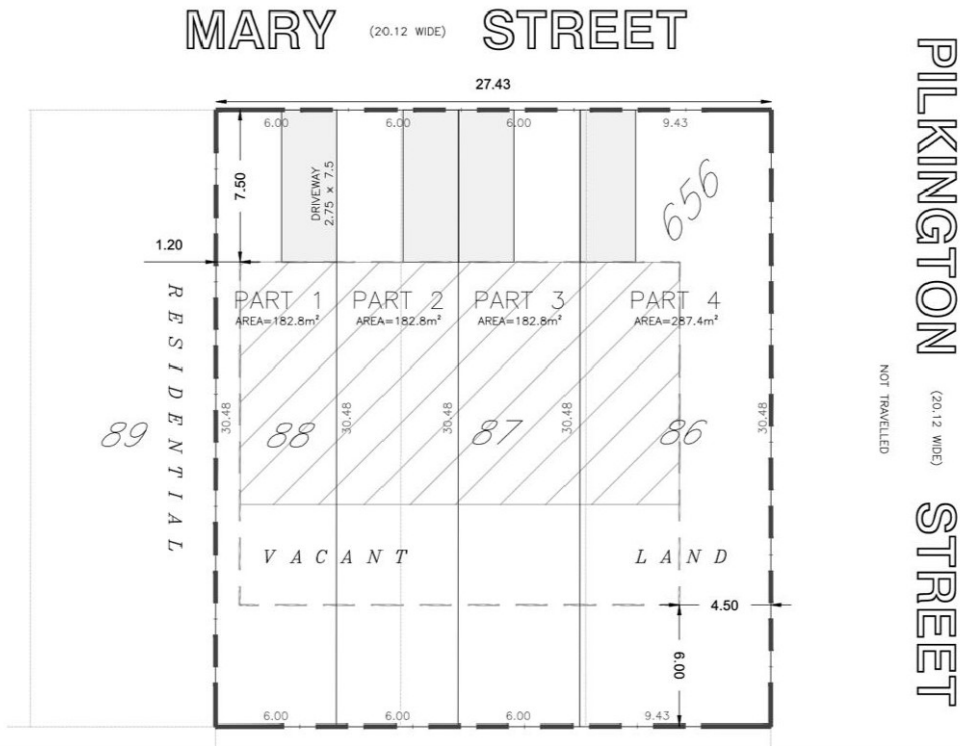


Figure 2: Survey Sketch



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 <sup>2</sup> 225 m <sup>2</sup> (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 and complementary uses on full municipal services.

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

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 Special '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 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

- No comments or concerns

**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:



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

Respectfully Submitted By:

A handwritten signature in blue ink that reads "Juliane von Westerholt". The signature is written in a cursive style with a large initial 'J'.

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Juliane von Westerholt, BES, MCIP, RPP

Associate, MHBC Planning