



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613 ext. 252

DATE: May 18, 2023

TO: Chairperson and Members of the Committee of Adjustment

FILE NO: D13-06-2023 (Minor Variances)

SUBJECT: **Recommendation Report**
Application for Minor Variances made by Raimondo + Associates
Architect Inc. on behalf of Catechist Sisters of the Sacred Heart

LOCATION: 32 Sullivan Avenue
PR59R4057 Plan 898 Part Lots 55 & 56
2731 000 013 06800

CONTACT: Nicolette van Oyen, Senior Planner, MHBC Planning
Juliane von Westerholt, Associate, MHBC Planning

OVERVIEW:

- **A Minor Variance application has been submitted by Raimondo + Associates Inc. (Emilio Raimondo, Architect) on behalf of the Catechist Sisters of the Sacred Heart for property municipally addressed as 32 Sullivan Avenue in the City of Thorold and Region of Niagara.**
- **The Minor variance requests permission to reduce the minimum exterior side yard setback for a proposed attached garage from 7.5 metres to 5.9 metres and to reduce the minimum exterior side yard setback for the existing addition from 7.5 metres to 7.0 metres.**

RECOMMENDATION:

1. THAT, the Minor variance application made by Raimondo + Associates Architect Inc. (Emilio Raimondo) on behalf of Catechist Sisters of the Sacred Heart for file D13-06-2023, BE APPROVED.

PROPOSAL:

An application has been submitted for minor variance made by Raimondo + Associates on behalf of the Catechist Sisters of the Sacred Heart for a reduced exterior side yard setback from 7.5 metres to 5.9 metres in order to facilitate the construction of an attached

garage and for a reduced side yard setback for the existing addition from 7.5 metres to 7.0 metres.

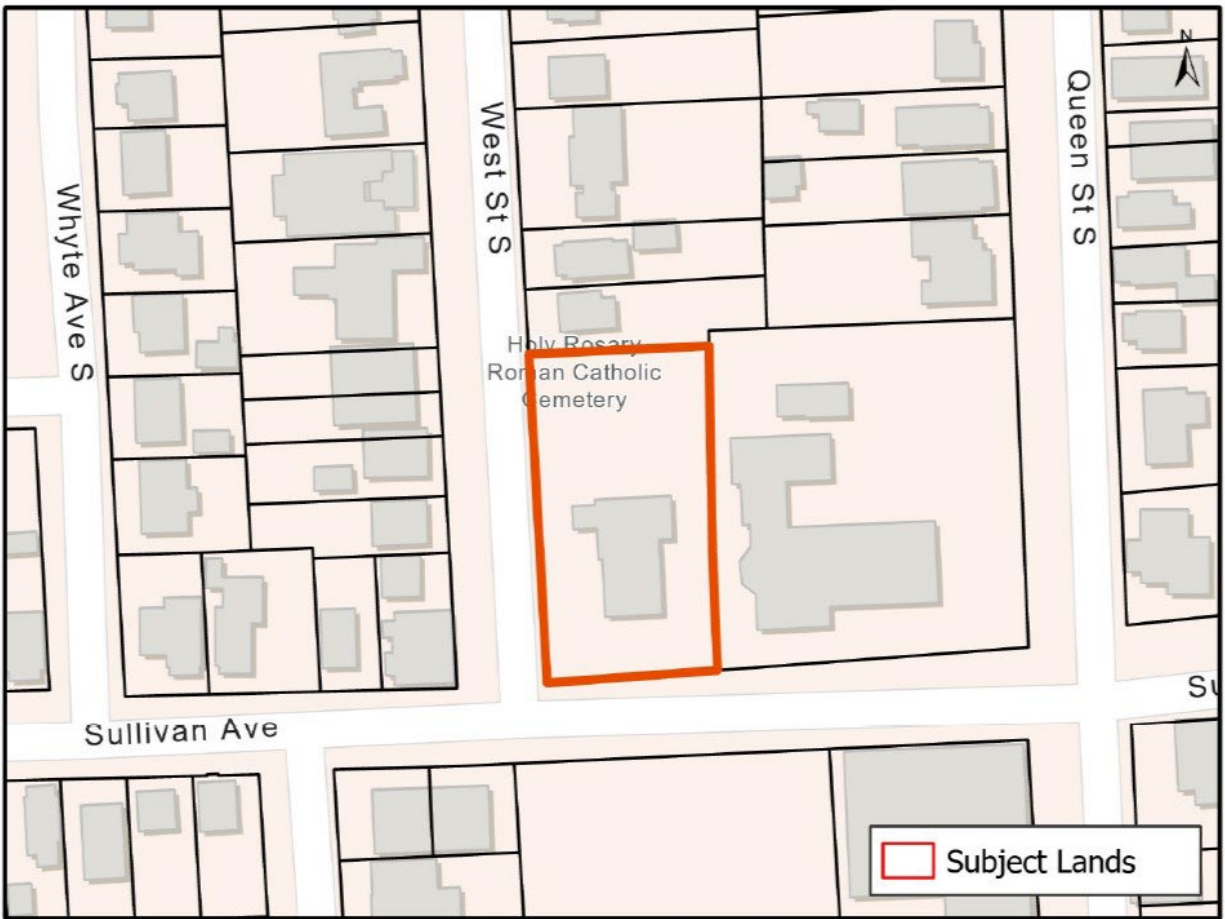


Figure 1: Location Map

Site Description

The subject lands are located on the north side of Sullivan Avenue at the east intersection of West Street South. There is an existing building which is being used as a Residence for the Sisters of the Sacred Heart and a Day Nursery/Day Care facility.

Background

The existing site is designated Urban Living Area and zoned I1 Major Institutional Special under Zoning Bylaw (60) 2019. The property is currently developed with a residence for the Sisters of the Sacred Heart and operates as a Public Day Nursery/Nursery School in a converted dwelling that has existed since the 1920's.

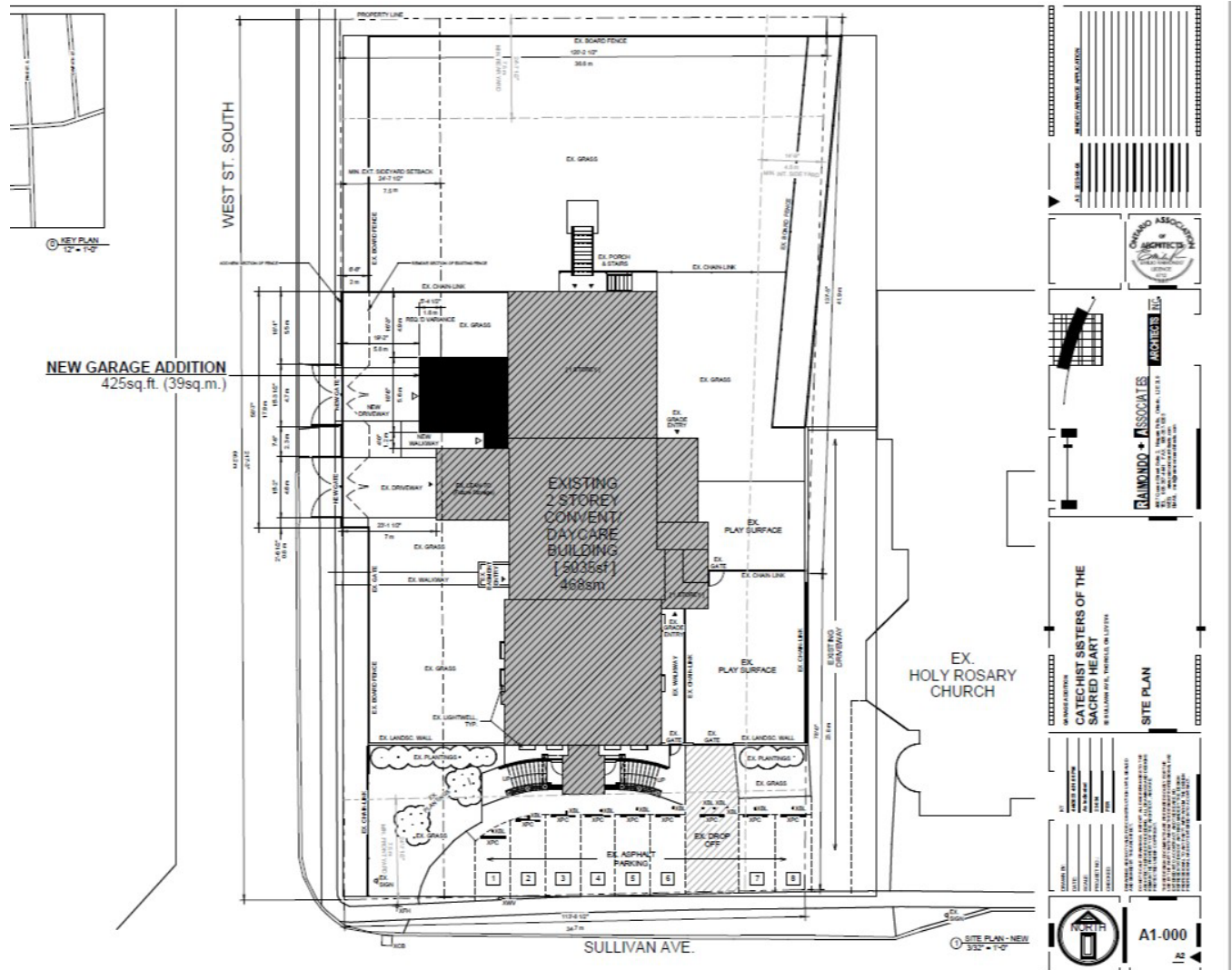


Figure 2: Development Proposal

The proposed minor variance will facilitate the construction of an attached enclosed garage and legalize an existing covered parking area (carport) as illustrated in Figure 2: Proposed Site Plan, prepared by Raimondo + Associates Inc., dated April 4, 2023.



Figure 3: Existing Street View from West Street South looking south



Figure 4: Existing Street View from West Street South looking north



Figure 5: Proposed Elevations

Section 10.3 of By-law (60) 2019 Zone Provisions Review

I1 Zone	Requirement	32 Sullivan Avenue
Minimum Lot Area	10,000 m ² (1 ha)	2,297 m ² Legal non-conforming
Minimum Lot Frontage	20 m	34.7 m
Minimum Front Yard Setback	7.5 m	9.22 m
Minimum Rear Yard	7.5 m (or ½ building height, whichever is greater)	1.25 m
Minimum Interior Side Yard	4.5 m (or ½ building height, whichever is greater)	6 m
Minimum Exterior Side Yard	7.5 m	5.9 m & 7.0 m

Minimum Landscape Open Space	25%	>25%
Maximum Lot Coverage	40%	>40%
Maximum Building Height	20 m	11 m +-
Minimum Distance between bldgs	½ the height of bldgs	N/A

*Denotes zoning deficiency

MINOR VARIANCE PLANNING ANALYSIS:

Is the general intent and purpose of the Official Plan maintained?

The property is designated as Institutional within the City's Official Plan. In addition to being designated Institutional, it also is subject to three Official Plan overlays: Urban Area Boundary, Built Boundary and Thorold Centre Community Improvement Area

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 Institutional Area are intended to permit institutional uses which serve the needs of the community including Public Uses and recognize the cultural and social importance of major institutional land and buildings.

Development Policies for Institutional Uses are stipulated in Section B1.7.4.1 of the City of Thorold Official Plan which states that expansions to existing uses on lands that are already within the Institutional designation may require an amendment to the implementing zoning by-law and shall be subject to Site Plan Control.

The proposed variance would allow for modest expansion of an existing established Institutional use in an area that is designated Institutional. The proposed development is in keeping with the existing policies of the Institutional designation. 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 'I1' in the City of Thorold's Zoning By-law (60)2019. The I1 zone permits Public Uses/Public Service facilities.

The proposed variances are requesting a reduction in the exterior side yard setback for the existing addition (carport) of 7.0 metres and for the proposed garage addition of 5.9 metres rather than the required 7.5 metres. No negative impacts to the subject lands or adjacent properties are anticipated because the carport is existing and the variance will legalize this condition and the proposed garage will accommodate parking for the daycare.

As such, staff is of the opinion that requested variance would maintain the general intent and purpose of the zoning by-law.

Are the variance appropriate for the development of the land?

The variance is required to facilitate the construction of a garage addition and legalization of an existing covered addition (carport). 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.

As such, staff is of the opinion that the requested variance is appropriate for the development of the land.

Are the variance minor?

The variance is requesting a reduction in the exterior side yard from 7.5 metres and 5.9 metres respectively for the proposed garage construction and to legalize the existing addition (carport) that has existed since 1970's without any known impacts. The proposed garage and legalization of the existing addition (carport) is at a scale and massing that is consistent with other garages/carports in the neighbourhood thereby maintaining the character of the neighbourhood.

All other regulations of the Zoning Bylaw are being met.

As such, staff is of the opinion that the requested variance is minor.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

PUBLIC COMMENTS:

No comments received

INTER-DEPARTMENTAL COMMENTS:

Notice was mailed to all agencies on April 28, 2023

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 comment

Bell Canada

- No comments or concerns.

Cogeco

- No comments or concerns.

Engineering Division

- No concerns.

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- No comments or concerns.

Niagara Region

No comments or concerns.

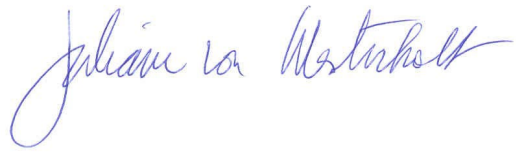
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Associate, MHBC Planning