

COMMITTEE OF ADJUSTMENT

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

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-21-2023
Ontario Street, Thorold, Ontario
Plan 662 Lot 68

PROPOSAL: An application has been submitted for a minor variance to permit the construction of a single detached dwelling with a rear covered deck on the lands zoned Residential Second Density (R2) in accordance with Zoning Bylaw 2140 (97). The variance requested is:

1. Relief from Section 11.2.1(g) – To increase the maximum lot coverage from 40% to 50%.

RECOMMENDATION:

1. THAT, the Minor Variance application made to permit an increase in lot coverage from 40% to 50%, **BE APPROVED**.



Figure 1: Location Map

Site Description

The subject lands are located on the east side of Ontario Street just north of the intersection of Clara Street and Ontario Street within the City of Thorold Urban Area, east of the Welland Canal. The applicant is proposing a single detached dwelling with a rear covered deck, which, if approved increases the lot coverage from 40% to 50%.

Background

The existing site is designated Urban Living Area and zoned Residential Second Density 'R2' under Zoning Bylaw 2140 (97). The property is proposed to be developed with a single detached dwelling which complies with all other in effect zoning regulations. The existing property is approximately 445 square metres in size and has a frontage of approximately 12 metres, which meets the minimum requirements for lot area and frontage of the R2 Zoning applying to the property.

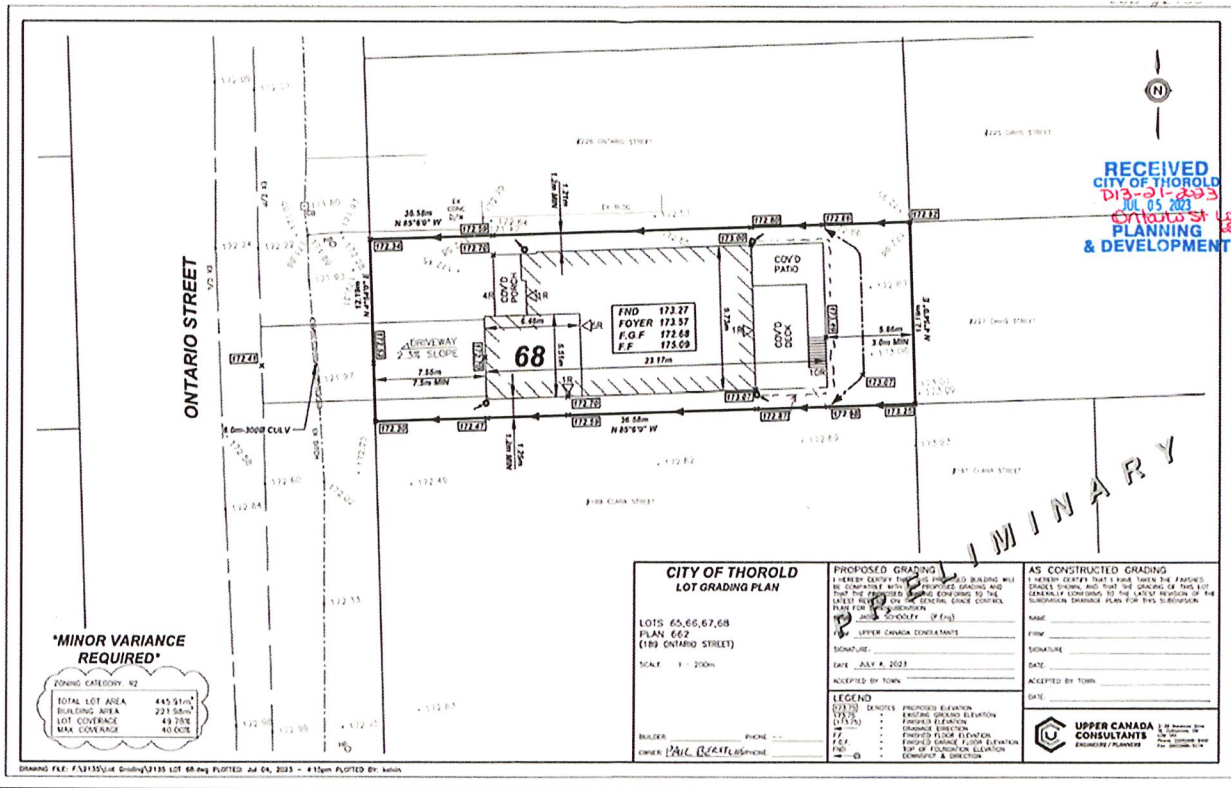


Figure 2: Survey Sketch

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 intended for existing and planned residential development on full municipal services.

The requested increase does not compromise the intent of the Official Plan which directs development to built up areas to be compatible with the established character of the neighbourhood. The proposed single detached dwelling with a rear covered deck is at a scale that is characteristic of the neighbourhood.

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 variance would allow for a single detached dwelling with a rear covered deck in an existing established neighbourhood that contains a variety of low rise residential dwellings built forms. There are no negative impacts to the existing neighbourhood as a result of the proposed single detached dwelling with a rear covered deck. Therefore, it is staff's opinion that the general intent of the Official Plan has been maintained.

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 Bylaw 2140 (97), as amended, and meets the lot width and size requirements of the R2 zone. The R2 zone permits single detached dwellings and their associated accessory buildings.

The proposed variance is requesting an increase in lot coverage from 40% to 50% to accommodate the proposed single detached dwelling with a rear covered deck. No negative impacts to the subject lands or adjacent properties are anticipated. As such, staff is of the opinion that requested variance would maintain the general intent and purpose of the zoning bylaw.

Are the variances appropriate for the development of the land?

The variance is required to facilitate the construction of a single detached dwelling with a rear covered deck. 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. The development is compatible in scale with the existing development. As such, staff is of the opinion that the requested variance is appropriate for the development of the land.

Are the variances minor?

The variance is requesting an increase in lot coverage from 40% to 50% as illustrated in the attached Site Plan provided as Figure 3. The proposed increase in lot coverage provides for sufficient setback from the existing dwelling on the property to the east and does not compromise privacy of adjacent lands due to existing fencing and landscaping. As such, staff is of the opinion that the requested variance is minor.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

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.

PUBLIC COMMENTS:

No public comments have been received at the time of writing of this report.

AGENCY COMMENTS:

Building Division

- A building permit is required for the addition.

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

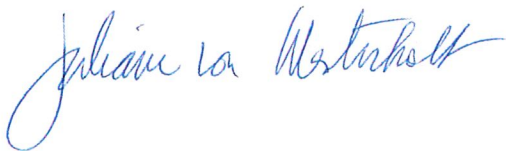
- See attached.

PREPARED BY:



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Senior Planner, - MHBC Planning

REVIEWED AND SUBMITTED BY:



Juliane von Westerholt, BES, MCIP, RPP
Associate, MHBC Planning

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

August 4, 2023

Region File: D.17.09.MV-23-0077
Angela Nesbitt
Secretary Treasurer
City of Thorold
3540 Schmon Parkway
Thorold, ON L2V 4A7

Dear Ms. Nesbitt:

**Re: Regional and Provincial Comments
Minor Variance Application
City File: D13-21-2023
Applicant: Paul Berstling
Ontario Street Lot 68
City of Thorold**

Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for Ontario Street located in the City of Thorold. The Applicant is seeking a Minor Variance for the proposed construction of a single detached dwelling with a rear covered deck. In order to facilitate the development, the following variances are being requested:

- To increase the maximum lot coverage from 40% to 50%.

The following comments are provided to assist the City of Thorold with their review of the proposed Minor Variance Application.

Provincial and Regional Policies

The subject lands are within a "Settlement Area" in accordance with the *Provincial Policy Statement, 2020* ("PPS") and designated as "Delineated 'Built-Up' Area" in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The Growth Plan contains policies that call for infill and intensification within the built-up area to support the achievement of complete communities, access to multimodal and active transportation networks, and connections to transit services and other public amenities.

The subject lands are within the Urban Area and designated "Built-Up Area" in the *Niagara Official Plan* ("NOP"). A full range of residential, commercial and employment

uses are generally permitted within the urban area designation, subject to the availability of adequate municipal services and infrastructure. The NOP promotes development in its urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. City staff should be satisfied that the interface of the established residential uses has been addressed in the site design.

As such, Regional Staff does not object to the proposed development, subject to the comments below.

Land Use Compatibility

The subject site is approximately 370 metres from the CN Railway Line. Any future owners and tenants should be made aware of the potential for noise from the feature through the appropriate warning clauses in future offers of purchase and sale and tenant agreements. Further, in lieu of a Noise Study in this instance, given the proximity to the railway line and intervening development, it is recommended that at the Building Permit stage that appropriate noise mitigation measures / building materials are implemented in the building design / construction in order to ensure that the recommended indoor sound levels of the Ministry of the Environment, Conservation, and Parks' ("MECP") NPC-300 Guidelines is achieved, including the installation of air conditioning so that windows can remain closed, and double-paned windows.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject property is located within the Niagara Region's mapped Area of Archaeological Potential as outlined in Schedule K of the NOP, indicating there is potential for the discovery of archaeological resources. Based on a review of historical aerial photography, Regional staff recognize that site has been previously subject to significant ground disturbance and in this instance will not require a Stage 1 Archaeological Assessment. However, staff will require that the following warning clause be observed, noting the applicant's risk that construction activities would need to cease, and an archaeological assessment would be required if any deeply buried archaeological resources are encountered during excavation work.

Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions below.

1. That a written legal undertaking be provided by the Owner agreeing to incorporate appropriate noise mitigation measures/devise during the design and construction of the townhouses, including central air conditioning units, upgraded windows and doors, and brick veneer into the proposed development in order for windows and doors to remain closed should there be adverse noise impacts from the nearby railway line.
2. That any future owners and tenants should be made aware of the potential for noise from the feature through the appropriate warning clauses in future offers of purchase and sale and tenant agreements.
3. That the Owner be advised of the following advisory clause:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Culture, Tourism and Sport and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the Niagara Regional Police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Culture, Tourism and Sport should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

Should you have any questions related to the above comments, please contact the undersigned at Alex.Bokekestyn@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Best regards,



D.17.09.MV-23-0077

August 4, 2023

Alex Boekestyn, M.Sc.
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region