



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: D10-05-2023 (Consent) & D13-04-2023 and D13-05-2023 (Minor Variance)

SUBJECT: Recommendation Report
Application for Consent and Minor Variances made by Upper Canada Consultants (Craig Rohe) and Robert DiLallo on behalf of Joseph Pizzacalla

LOCATION: 13-15 West Street South
Lot 209 Registered Plan No. 898
2731 000 0013 0800

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

OVERVIEW:

- **A Consent and Minor Variance application has been submitted by Upper Canada Consultants on behalf of the owner Joseph Pizzacalla for property municipality addressed as 13-15 West Street South in the City of Thorold and Region of Niagara.**
- **The Consent application proposes to create a new residential lot by severing Part 1 - 366.1 square metres and retaining Part 2 – 367.7 square metres as shown on the provided Survey Sketch, prepared by Kirkup Mascoe Ure Surveying Ltd. for the purposes of facilitating a partial discharge of mortgage for the existing semi-detached residential dwellings.**
- **Parts 1 & 2 will continue to be used for residential use.**
- **The owner has applied for combined Consent and Minor Variance applications.**
- **The Minor Variances requested are to permit the creation of residential lots for semi-detached dwelling units requiring an increase in lot coverage from 40% to 43%.**

RECOMMENDATION:

1. THAT, the Consent application made by Upper Canada Consultants (Craig

Rohe) on behalf of Joseph Pizzacalla for file D10-05-2023, BE APPROVED;
Subject to the following conditions:

- i. That the approval applies to the transaction as applied for or substantially similar to the application made.
 - ii. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
 - iii. That the owner provides a lawyers 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.
 - iv. That the payment of 5% of the value of the new lot, shown as Part 1, as illustrated on the Severance Sketch prepared by Kirkup Mascoe Ure Surveying Ltd., dated May 10, 2016 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;
 - v. That the owner make arrangements with Bell Canada for any required easements as provided in the attached letter and to receive clearance from Bell indicating they are satisfied this condition has been met prior to issuance of the consent certificate.
 - vi. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer.
 - vii. That all municipal requirements be met to the satisfaction of the municipality including cash-in-lieu of parkland dedication, property maintenance, compliance with Zoning By-law provisions, and any related requirements, financial (including taxes) or otherwise.
 - viii. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.
2. THAT, the minor variance application made by Upper Canada Consultants on behalf of Joseph Pizzacalla for file D13-04-2023 and D13-05-2023 to permit lot coverage of 43% BE APPROVED.

PROPOSAL:

An application has been submitted for consent by Upper Canada Consultants on behalf of Joseph Pizzacalla for the purpose of the creation of a new lot to permit a partial discharge of a mortgage for an existing semi-detached dwelling. To support the consent, a minor variance application has also been submitted to address an increase in lot coverage.

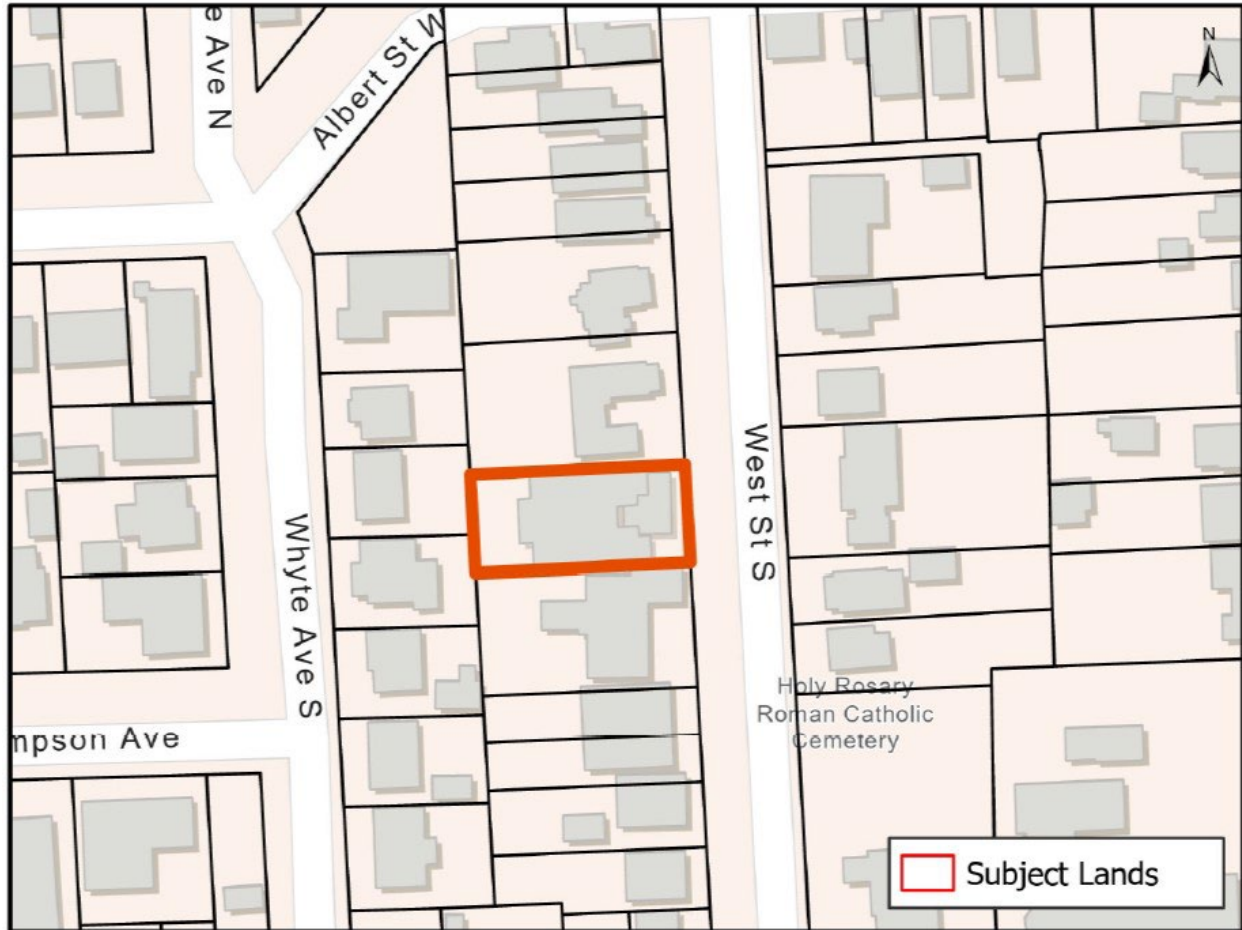


Figure 1: Location Map

Site Description

The subject lands are located on the west side of West Street South and north of Sullivan Avenue. The existing semi-detached dwelling was constructed in 2015.

Background

The existing site is designated Urban Living Area and zoned Residential Second Density Special 'R2A under Zoning Bylaw 2140 (97). The property is currently developed with a

semi-detached dwelling. Both the severed and retained lands will require a minor variance to address the increase in the required lot coverage from 40% to 43%.

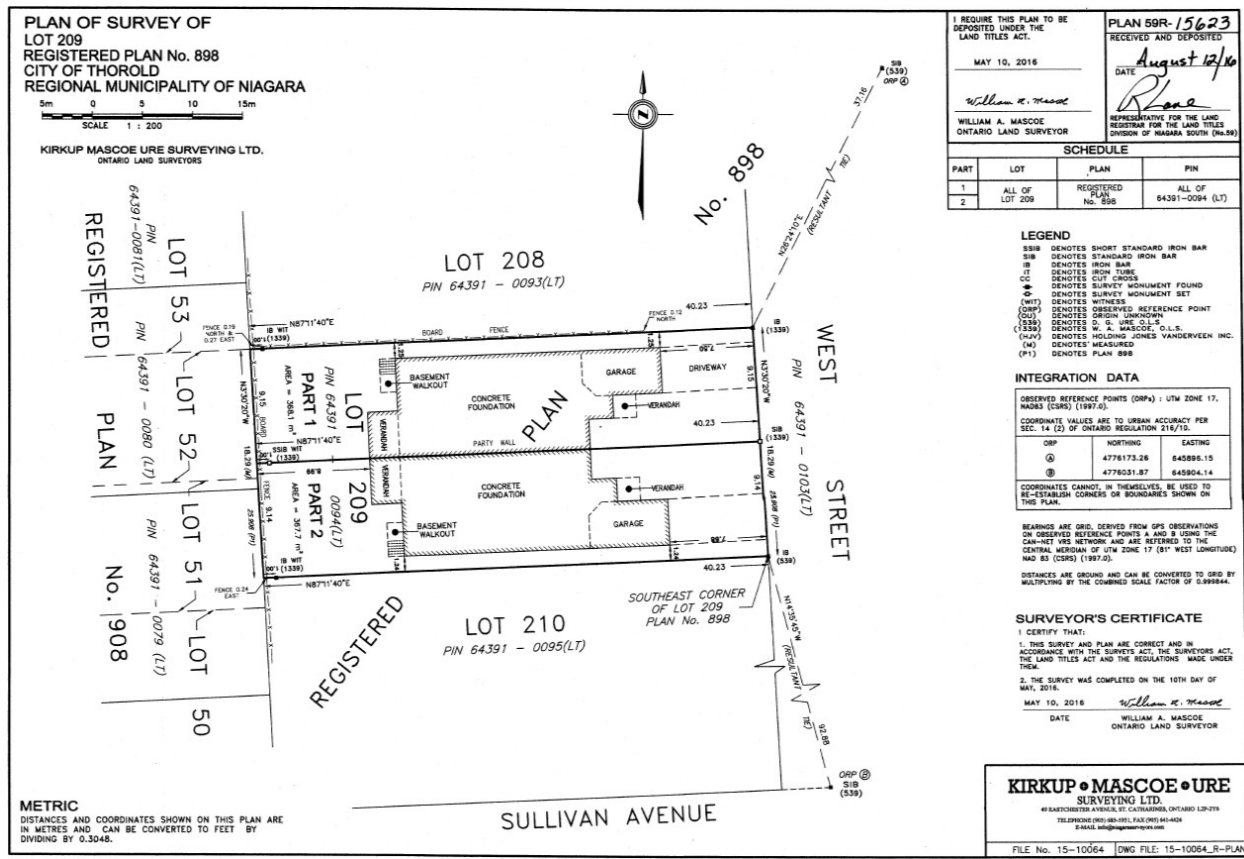


Figure 2: Severance Sketch

The proposed consent will sever the parcel into two parts. The subject parcel is shown as Parts 1 & 2 on the Severance Sketch prepared by Kirkup Mascoe Ure Surveying Ltd. dated August 13, 2016 submitted with this application and included as Figure 2 of this report. Part 1 represents the severed lands, while Part 2 depicts the retained lands, both contain an existing semi-detached dwelling. The purpose of the consent is to facilitate a partial discharge of the mortgage.



Figure 3: Street View from West Street South

CONSENT PLANNING ANALYSIS:

Planning Act

In making its recommendation, 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. In particular, the proposed consent conforms to the Official Plan and is suitable for the proposed semi detached lot.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the intended areas for growth and development. The subject lands are located within the City of Thorold, which is a settlement area within the Niagara Region, the proposed

consent would permit a modest form of infilling within the settlement area.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. The Growth Plan also directs development to settlement areas. Within settlement areas, the Growth Plan states that growth will be focused in “built-up” areas. In keeping with the (P2G) direction the proposed lot creation within the built up area will contribute toward the objective of increasing the housing supply in the City of Thorold.

Greenbelt Plan (2017)

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

Regional Official Plan

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The objectives of the ROP are to direct the majority of growth and development to Niagara’s existing Urban Areas by directing a significant portion of Niagara’s future growth to the Built-up Area through intensification. In the case of this application. The Region’s goal is to build more sustainable, complete communities, by making efficient use of land, resources and infrastructure and supporting intensification. This application meets this Regional planning objective.

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 where the City wishes 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 proposal facilitates creation of a lot that is appropriate and in keeping with the general intent of the Official Plan.

Proposals for the creation of new lots by consent are assessed against nine criteria of Policy D4.2.1 of the OP.

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis.*

As previously mentioned, the newly created lot will have frontage on West Street South, which is classified as a local road on Schedule D of the City of Thorold Official Plan. As West Street South is a local road it is a public road and is maintained on a year-round basis.

- b) *Will not cause a traffic hazard as a result of its location on a curve or a hill;*

The proposed severed and retained lots are located on West Street South, which is relatively flat with driveway locations that have been in existence since construction of the homes (approximately 8 years ago).

- c) *Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;*

The applicant has applied for a minor variance to address the lot coverage increase. No other variances have been identified. Planning Staff have added as a condition of the consent that the minor variance for the increased lot coverage be approved.

- d) *Can be serviced with an appropriate water supply and means of sewage disposal;*

The proposed lot is within Urban Living Area of the City of Thorold and is situated on a public road, and the lots are connected to full municipal services.

- e) *Will not have a negative impact on the drainage patterns in the area;*

The proposed development is not expected to result in any negative drainage issues. At this time, the applicant is proposing the creation of the lot. A Grading and Drainage Plan was approved by the City as part of the building permit process. The Grading and Drainage Plan will ensure that the property accommodates all drainage on its own site and does not impact neighbouring properties.

- f) *Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;*

The proposed development will not compromise the lands ability to be developed. Rather, it will help to make more efficient use of land, and will also support intensification in Thorold's Built Up area.

- g) *Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;*

There are no environmentally sensitive features located on the property, therefore, there will be no negative impact as a result of the proposed development.

- h) *Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,*

The subject property is not located within the Niagara Escarpment Plan and therefore, the Niagara Escarpment Plan policies for lot creation are not applicable. The Regional Official Plan lot creation policies are upheld with this proposed severance.

- i) Complies with Provincial Minimum Distance Separation Formulae, where applicable.

The Provincial Minimum Distance Separation Formulas are not applicable for this property.

Staff is of the opinion that both the proposed severed and retained lots would meet all relevant criteria of the aforementioned policy. Namely, the lots would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

With regards to Policy D4.2.1 c), which states *that the Committee of Adjustment shall be satisfied that the proposed lot is in keeping with the intent of the relevant provisions and performance standards of the zoning by-law*. The lot areas of the proposed parcels generally meet the minimum requirements of Comprehensive Zoning By-law 2140 (97). The proposed severed lot (Part 1) will require its lot frontage deficiency to be addressed, therefore a condition has been added to this recommendation report that a minor variance be approved in concert with the consent.

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

Comprehensive Zoning By-law 2140 (97)

The subject property is zoned Residential Second Density Special '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 both remain residential lots. The newly created lots will result in a slightly greater lot coverage than specified in the zoning bylaw however, all the zoning requirements for the severed and retained parcels are met.

Parts 1 & 2, the proposed severed and retained parcels have an increased lot coverage. As a result, a minor variance application has been submitted in concert with the consent application to permit an increase from 40% to 43%.

Section 11.1 of By-law 2140 (97) Zone Provisions Review

Category	Requirements	Part 1 (13 West) Severed	Part 2 (15 West) Retained
Minimum Lot Area	550 m ² (for 2 dwelling units)	368.1 m ²	367.7 m ²
Minimum Lot Frontage	18 m (9 m per unit)	9.15 m	9.14 m
Front Yard Setback	7.5 m	7.5 m	7.5 m
Interior Side Yard Setback	1.2 m	1.25 m	1.24 m
Exterior Side Yard Setback	4.5 m	N/A	N/A
Rear Yard Setback	6 m	8.99 m	8.99 m
Maximum Lot Coverage	40%	43%	43%
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 the site of existing and planned residential development and complementary uses on full municipal services.

Therefore, the creation of two lots that meet all the requirements of the zoning bylaw and would only require relief for an increase in lot coverage from 40% to 43% is in keeping with the general intent and purpose of the Official Plan. 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 variance 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 homes are constructed and exist today and the severance will facilitate individual ownership of each unit. 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 semi-detached dwellings and their associated accessory buildings.

The proposed variances are requesting an increase in lot coverage from 40% required in the R2 Zone while 43% is provided. The minor increase in lot coverage is attributed to the covered verandahs on the back side of each dwelling which contribute to lot coverage. All other requirements of the zoning bylaw 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 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 a consent for partial discharge of a mortgage for semi-detached residential development with an increased lot coverage for the severed both the severed and retained lands (Parts 1 & 2). 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 an increase in lot coverage from 40% to 43%. The buildings (semi-detached homes) have existed since 2015 without any known impacts. The approval of minor variances for these increases to lot coverage are intended to facilitate separate ownership of each unit.

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

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

- Building permits were issued for the construction of the Semi-detached dwellings

Bell Canada

- See letter attached from Bell Canada.

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

No comments provided

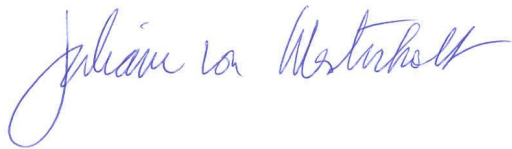
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May 2, 2023

City of Thorold
Planning & Development Services
P.O. Box 1044,
3540 Schmon Parkway,
Thorold, ON.,
L2V 4A7

Attention: Angela Nesbitt- Angela.Nesbitt@thorold.ca - email only

Dear Angela:

Subject: Application for Consent – Severance
13-15 West Street South
Plan 11 Lot 209 NP 898 Thorold
CofA File: D10-05-2023

Bell File: 905-23-173

Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing buried and aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's services run parallel to the rear lot boundary as identified in the sketch provided.

Bell Canada would like to confirm that a blanket easement over the lands or a specific easement measured 3.0m wide (1.5m on either side of the buried plant), and to a minimum of 1m past any pedestal installation as can be accommodated, would satisfy our needs. Concerning the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Additionally, Bell Canada requires a 3.0m wide strip to be measured 1.5m on either side of the aerial installation, and to extend from each pole to a minimum of 2.0m past the anchor installation to be measured 0.5m on either side of the guy wire installation as can be accommodated.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction are the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Yours truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate
(Encl.)



