

COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
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November 16, 2023

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-11-2023
Minor Variance Application D13-25-2023 & D13-26-2023
7 Dobbie Road, Thorold, Ontario
Lot 167, Plan M42
2731 000 023 56001 0000

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 8.2 (d) to reduce the minimum rear yard setback of the retained parcel (Part 1) from 7.5 metres to 4.97 metres;
2. Relief from Provision 8.2 (a) – to reduce the minimum lot area of the severed parcel (Part 2) from 460 square metres to 355 square metres.

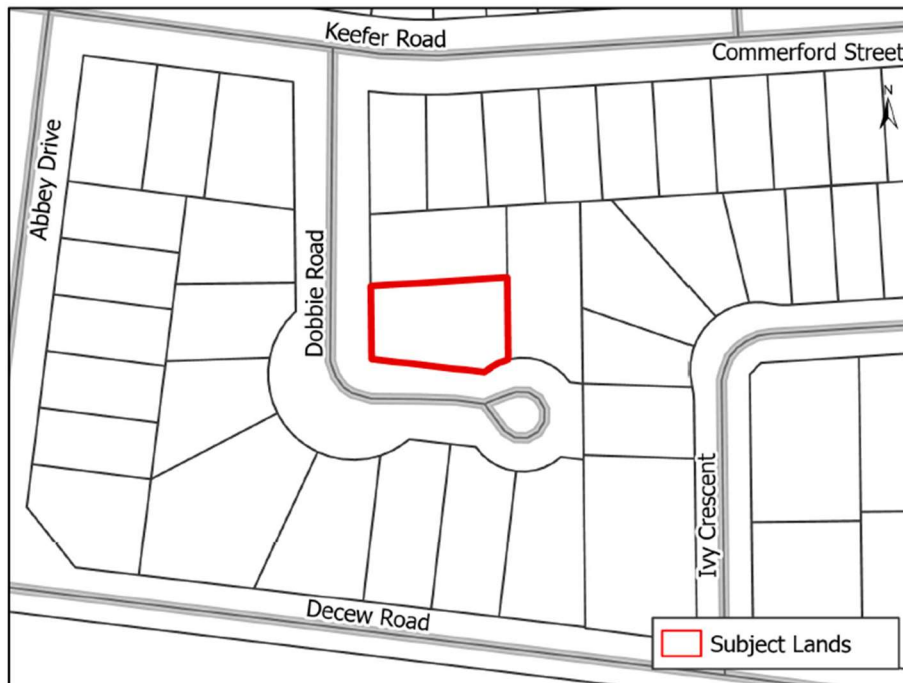


Figure 1: Location Map

RECOMMENDATION:

That Consent Application D10-11-2023 to sever a parcel of land having 15.0 metres of frontage and 355 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 Limited, dated October 2, 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 D13-25-2023 and D13-26-2023 for a reduced rear yard for the retained parcel (Part 1) and reduced lot area of the severed parcel (Part 2) as illustrated on the Severance Sketch prepared by J.D. Barnes Limited, dated October 2, 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.
- 8) That the Owner make arrangements with the Surveyor to illustrate a 4.5 metre daylighting triangle on the final reference plan as PART 3 and that arrangements be made to convey the lands described as Part 3, to the City of Thorold for the purposes of providing a daylighting triangle prior to final approval of the consent applications.

Site Description

The subject lands are located at the northeast intersection of Dobbie Road and the cul-de-sac portion of Dobbie Road north of Decew Road within the Thorold Urban Area west of the Welland Canal. The retained parcel (Part 1), as shown on the Severance Sketch prepared by J.D. Barnes, dated October 2, 2023 contains an existing single-detached residential dwelling that is intended to remain. The newly created parcel (Part 2) is intended to be developed with a single-detached dwelling. Dobbie Road is classified as a local road on Schedule D of the City of Thorold Official Plan. There are no sidewalks along either side of Dobbie Road.

Background

The existing retained lot (Part 1) will require a minor variance for a reduction in the rear yard from 7.5 metres required in the R1B Residential First Density B zoning applying to the property to 4.97 metres. An existing deck, outdoor patio area and grassed area are currently within the rear yard providing adequate outdoor amenity space for the existing dwelling.

A reduction in the lot area requirement from 460 square metres to 355 square metres is required to accommodate the creation of the severed parcel (Part 2). A building envelope of approximately 95 square metres (1,000 square feet) is shown on the proposed severance sketch. All other requirements of the R1B zoning under Bylaw 2140 (97) applying to the lands are being maintained.

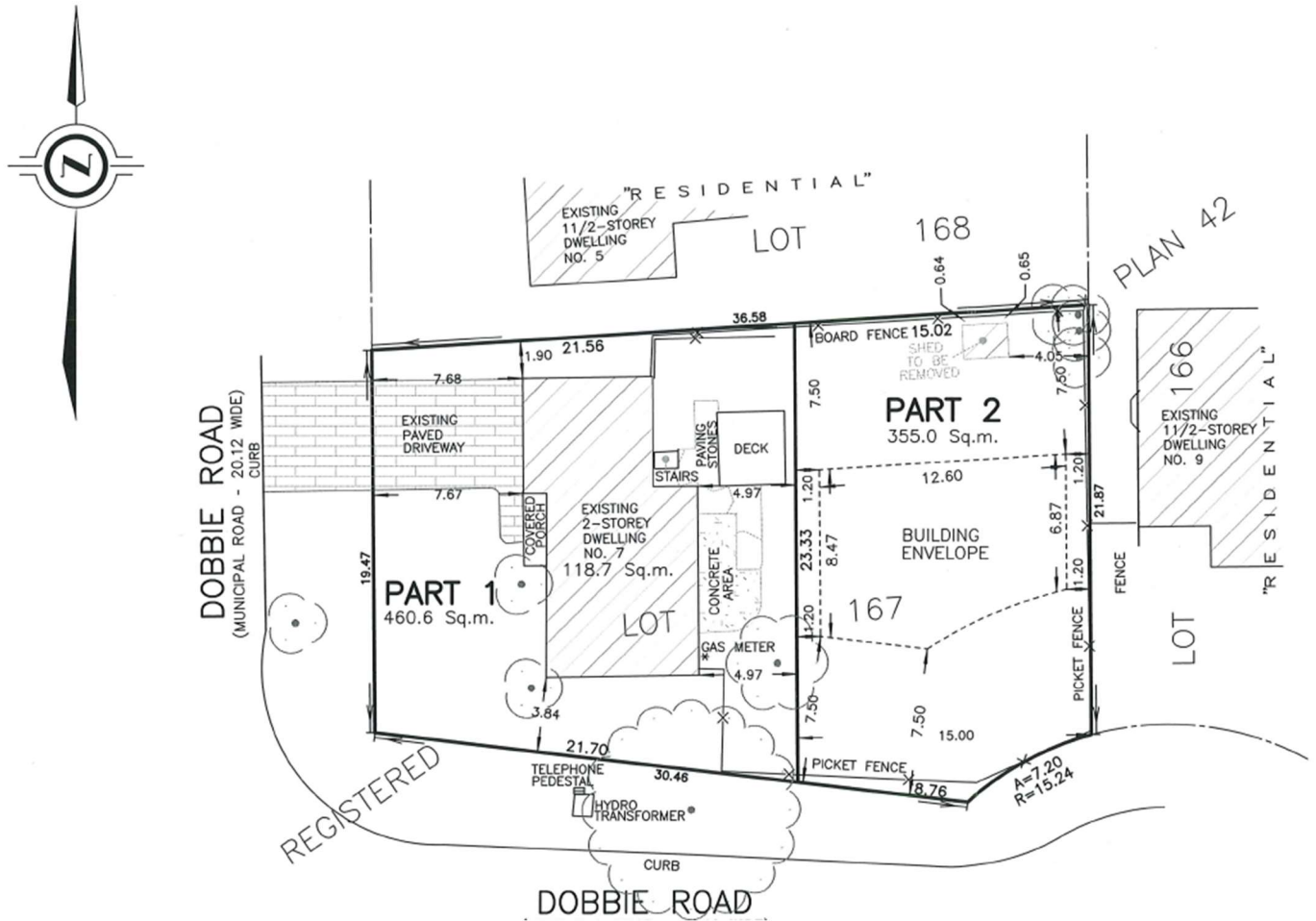


Figure 2: Severance Sketch



Figure 3: Proposed Lot

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 lots are of a similar size and lot configuration of existing lots in the area and are consistent with the established lot fabric and are 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. Within settlement areas, the Growth Plan states that growth will 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 First Density Special ‘R1B’ 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 retained parcel requires relief of the rear yard requirement from 7.5 metres to 4.97 metres and the severed parcel requires relief from the lot area requirement of 460 m² to 355 m². Accordingly, minor variance applications have been submitted in concert with the consent application to permit the variances.

Section 8.2 of By-law 2140 (97) Zone Provisions Review

Category	Requirements	Part 1 (Retained)	Part 2 (Severed)
Minimum Lot Area	460 m ²	460.6 m ²	355.0m ²
Minimum Lot Frontage	15 m	19.47 m	15 m
Front Yard Setback	7.5 m	7.67 m	7.5 m
Interior Side Yard Setback	1.2 m	1.9 m	1.2 m
Exterior Side Yard Setback	4.5 m	As existing	N/A
Rear Yard Setback	7.5 m	4.97 m	7.5 m
Maximum Lot Coverage	35%	>35	>35
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, the creation of two lots for single-detached residential development 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, the variance 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 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 Special 'R1B' in the City of Thorold's Zoning By-law 2140 (97), as amended. The R1B zone permits single-detached dwellings and their associated accessory buildings.

The proposed variances are requesting a reduced rear yard for the retained parcel (Part 1) from 7.5m to 4.97 m and reduced lot area for the severed parcel (Part 2) from 460m² to 355m². The reduced rear yard setback for the existing dwelling allows for retention of the existing patio area and deck in addition to a grassed area, thereby providing sufficient

amenity space as intended in the zoning bylaw for the retained parcel and existing dwelling. 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 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 reduced lot area on the severed parcel and reduced rear yard on the retained parcel will allow for the creation of an additional building lot and 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 95 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. A plan showing the general lotting fabric in the neighbourhood is attached to this report.

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



Figure 4: Neighbourhood Lotting Fabric

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.

Engineering Division

- Water and Sanitary Services are available on Dobbie Road

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- Outstanding taxes to be paid

Niagara Region

- No comments or concerns

Additional Public Comments

Two letters have been received from adjacent property owners of the Dobbie Street community in opposition to the proposed severance (attached to report). Below is a summary of concerns raised by adjacent property owners:

- Increased traffic;
- Threat to existing character, privacy and exclusivity of existing neighbourhood;
- Potential to reduce market desirability and lower property values;
- Noise and dust as a result of proposed construction;
- Additional lot may set a precedent for additional development, thereby transforming neighbourhood;
- Concern for safety of children that currently use Cul-de-sac area for playing.

Response to Neighbourhood Concerns

Traffic:

The addition of one single-detached dwelling is not anticipated to generate significant traffic. It is recognized that Dobbie Road is a cul-de-sac and it is our opinion that the benefits of the opportunity for gentle intensification and increase of one single-detached dwelling in the neighbourhood will not have an impact on the quiet enjoyment nor will it have significant impact of traffic generation that would impact existing properties.

Existing Character:

The surrounding neighbourhood is characterized by a range of housing types and lot sizes typical of existing suburban development that has been transformed over time as lands became available and in keeping with overriding provincial policies and plans for directing residential growth;

Potential to Lower Property Values:

Property values are based on a complex set of factors and minor density increases in neighbourhoods are not generally considered to negatively influence property values and rather relate strongly to market conditions which are ever fluctuating. Lands within settlement areas that are connected to municipal services for sewer and water are currently targeted by provincial legislation to direct residential intensification. Municipalities are mandated to meet population targets within existing built-up areas where existing services exist.

Noise and Dust during home construction

The City of Thorold maintains standards for which construction sites are obligated to adhere. In addition, local bylaws are in place that limit hours for noise typically associated with construction. These bylaws would apply to expansions/additions to existing homes, construction of accessory buildings and renovations permitted as of right to every homeowner in the City of Thorold.

Additional Development will Set a Precedent

Every application for new development is assessed based on whether the proposed development meets the City's Official Plan policies and higher order Provincial planning directives. The Committee of Adjustment exists specifically to address unique situations and lot configurations that are not able to meet certain requirements of the zoning bylaw however, can be justified through meeting the Four Tests of a minor variance as noted above and required by the Planning Act.

Concern for Safety of Children playing in Cul-de-Sac

It is unclear whether children playing freely within the cul-de-sac area and this being a communal safe haven for families is referring to the area of the actual roadway. The addition of one single-detached home which will create a home for a new family is unlikely to add significant traffic and/or danger. It is instead anticipated that the new family will be welcomed into the neighbourhood that is on a broader scale well serviced by existing schools, parks and shopping areas within close proximity.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-11-2023 requesting consent for creation of a lot for residential development, addressed as 7 Dobbie Road be **approved** subject to conditions stated herein.

- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

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