

June 14, 2024

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Minor Variance Application D13-16-2024  
45, 47, 49, 51, 53 Harmony Way  
RP 59M512 Block 29  
Thorold ON

**PROPOSAL:** An application has been submitted to facilitate the construction of a new five (5) unit street-townhouse structure on lands zoned Site Specific Residential Third Density (R3B-69) in accordance with Bylaw 2021-101 being a bylaw to amend Comprehensive Zoning Bylaw 60-2019. Bylaw 93-2022 further amended Bylaw 60-2019 to remove the Holding 'H' Symbol, changing the zoning on the lands to R3B-69. In order to facilitate the development, as per Bylaw 2021-101 amending Comprehensive Zoning Bylaw 60-2019, the following variances from the R3B-69 zone provisions are being requested:

- To reduce the minimum lot frontage for the end townhouse units from 7.5 metres to 7.39 metres for Unit A (53 Harmony Way) and for Unit E (45 Harmony Way); and
- To increase the maximum lot coverage for the interior townhouse unit B (51 Harmony Way) from 55% to 57%.

**RECOMMENDATION:**

That Minor Variance Application (D13-16-2024) to reduce the minimum required lot frontage for the end townhouse units from 7.5 metres to 7.39 metres, and to increase the permitted maximum lot coverage for the interior townhouse unit B (51 Harmony Way) from 55% to 57%, for the purpose of the construction of a new five (5) unit street-townhouse structure **BE APPROVED.**



**Figure 1: Location Map**

Site Description

The subject lands are located on the south side of Harmony Way, between Ventura Way to the west, and Barker Parkway to the East, as shown in **Figure 1**. The currently vacant block of land (Block 29) was registered as part of Rolling Meadow’s Phase 16 Draft Plan of Subdivision Plan 59M 449, and is proposed to be developed with a new five (5) unit street-townhouse structure, as shown on the proposed Site Plan (**Appendix 1**).

Background Review

The subject lands were created through the registration of Rolling Meadows, Phase 16, and were concurrently re-zoned as Site-specific Residential Third Density [R3B-69(H)] under Bylaw 2021-101, being a bylaw to amend Comprehensive Zoning Bylaw 60-2019. Bylaw 93-2022 further amended Bylaw 60-2019 to remove the Holding ‘H’ Symbol, changing the zoning on the lands to R3B-69. The lands are designated as Residential within the Neighbourhoods of Rolling Meadows Secondary Plan. The Official Plan and Zoning regulations permit the development of the subject lands with street-townhouse dwellings.

A review of the proposed development, in comparison with the applicable provisions of the City’s zoning bylaws is provided in the table below.

**Table 1: Bylaw 60-2019 as Amended by Bylaw 2021-101 – Residential Third Density (R3B-69)**

Provisions	Requirement Townhouse (Street)	Provided
Minimum Lot Frontage	6.0 m per interior unit	Unit B: 6.07 m Unit C: 6.07 m Unit D: 6.07 m
	7.5 m per end unit	<b>Unit A: 7.39m*</b> <b>Unit E: 7.39m*</b>
Maximum Total Lot Coverage	55%	Unit A: 46.98% <b>Unit B: 57%</b> Unit C: 54.86% Unit D: 54.69% Unit E: 44.93%

**\*Denotes zoning deficiency**

## **MINOR VARIANCE PLANNING ANALYSIS:**

The Committee of Adjustment, in accordance with Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the bylaw, subject to the following considerations:

- The variance maintains the general intent and purpose of the Zoning Bylaw.
- The variance maintains the general intent and purpose of the Official Plan.
- The variance is appropriate for the development or use of the land.
- The variance is minor in nature.

A summary of planning staff's review of the proposed variances with respect to each of these considerations is provided below.

### **Is the general intent and purpose of the Zoning Bylaw maintained?**

The subject property is zoned R3B-69 in the City of Thorold's Zoning By-law 60-2019 and is intended for townhouse development. The zoning permits street townhouse dwellings.

**Variance 1** – The purpose of the minimum lot frontage requirement for end townhouse units is to ensure that there is adequate separation between buildings and surrounding properties. Side yard setbacks also help to ensure adequate and consistent separation between adjacent buildings. The proposed reduced lot width for the end units is appropriate and compatible with surrounding development in this context, and still maintains the appropriate side yard setbacks. No negative impacts to the subject lands or adjacent properties are anticipated as a result of the reduced lot frontage.

As such, the variance requested to decrease the minimum lot frontage for the end townhouse units from 7.5 metres to 7.39 metres for Unit A (53 Harmony Way) and for Unit E (45 Harmony Way) maintains the general intent and purpose of the zoning bylaw.

**Variance 2** – The purpose of the maximum lot coverage requirement is to ensure sufficient amenity space parking, drainage, and appropriate scale of buildings can be accommodated for each townhouse unit. The proposed buildings exceed minimum landscape open space requirements and provide adequate parking space, thereby ensuring adequate amenity, parking and drainage space will be accommodated on each lot. It is staff's opinion that the proposed increase in the maximum lot coverage for Unit B is not anticipated to impact the surrounding residential properties.

As such, the variance requested to increase the maximum lot coverage for the interior townhouse unit B (51 Harmony Way) from 55% to 57% maintains the general intent and purpose of the zoning bylaw.

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

The property is designated as Residential within the Neighbourhoods of Rolling Meadows Secondary Plan within Schedule A-3 of the City of Thorold Official Plan. The property is also subject to the Urban Area Boundary and Greenfield overlays in the City of Thorold Official Plan.

The Residential designation is intended to permit a variety of housing forms including street townhouse dwellings. Lands designated Greenfield Overlay are lands within urban areas that are located outside of the built boundary. Development occurring within the Greenfield Overlay designation shall be planned to achieve a minimum of 50 residents and jobs combined per hectare.

It is staff's opinion that the minor adjustment to lot coverage and frontage is not anticipated to have any adverse impact to the neighbourhood, and will contribute to the City's vision for the area as set out by the Neighbourhoods of Rolling Meadows Official Plan.

Therefore, the requested variances would maintain the general intent and purpose of the Official Plan.

**Are the variances appropriate for the development of the land?**

This is not a subjective test as to whether the variance is appropriate to the Applicant or to neighbouring property owners. Rather, the test examines whether the variance is desirable from the standpoint of permitting appropriate development as a public interest.

The variances for a reduced frontage and increased lot coverage would facilitate safe and harmonious development of a property that is subject to space constraints. The requested variances are appropriate as they are not anticipated to impact the surrounding residential properties. Staff is of the opinion that despite the increased lot coverage, there is still adequate amenity space, landscape space, and parking space, and that the reduced frontage maintains adequate separation between buildings.

As such, the requested variances are appropriate for the development of the land.

**Are the variances minor?**

In making a determination of whether a variance is minor as required, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant.

In staff's opinion, the impact on the streetscape and neighbouring properties as a result of the proposed reductions in frontage and lot coverage will not be discernable, given the established mix of housing in the neighbourhood.

As such, the the variances requested are minor.

## **COMMENTS:**

### **Agency & Department Comments**

The application was circulated to internal departments and external agencies for comments, which are summarized below. A copy of the agency and department comments received are provided in **Appendix 2**.

The following Departments/Agencies provided comments noting no concerns with the proposal: Niagara Region, Cogeco, City of Thorold Heritage Advisory Committee (LACAC), City Engineering Division, City Tax Department, City Building Department, GIO Rail, Hydro One, and TransCanada Pipelines Limited.

The following Departments/Agencies did not provide comments on the proposal: Ministry of Transportation Ontario (MTO), Thorold Fire and Emergency Services, Bell Canada, Niagara Escarpment Commission, Ontario Power Generation, Trillium Railway, Canada Post, Canadian National Railway, District School Board of Niagara, and Niagara Catholic District School Board.

### **Niagara Peninsula Conservation Authority**

- NPCA staff noted that during the subdivision process a watercourse a regulated watercourse was realigned away from the lots in question. As such, the NPCA has no comment and will nor require a review fee.

### **Public Comments**

The application was also circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. At the time of writing of this report, one public comment has been received.

The resident requested to be kept informed of how the proposal will affect the adjoining properties, mostly in regards to grade and water flow and sidewalk placement. As noted in the report, no impacts to adjacent properties are anticipated as a result of this proposal. Through the distribution of this report through the agenda package, the resident will be kept informed of the proposal

A redacted copy of the public comment received is included in **Appendix 3**.

## **CONCLUSION:**

In conclusion, it is the recommendation of Planning staff that minor variance application D13-16-2024 requesting relief to the City of Thorold Comprehensive Zoning Bylaw to

reduce the minimum required lot frontage for the end townhouse units from 7.5 metres to 7.39 metres, and to increase the permitted maximum lot coverage for the interior townhouse unit B (51 Harmony Way) from 55% to 57 be approved without conditions for the reasons as described within this report.

Prepared by:

ORIGINAL SIGNED

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Connor MacIsaac  
Planner, Development Services

Respectfully Submitted By:

ORIGINAL SIGNED

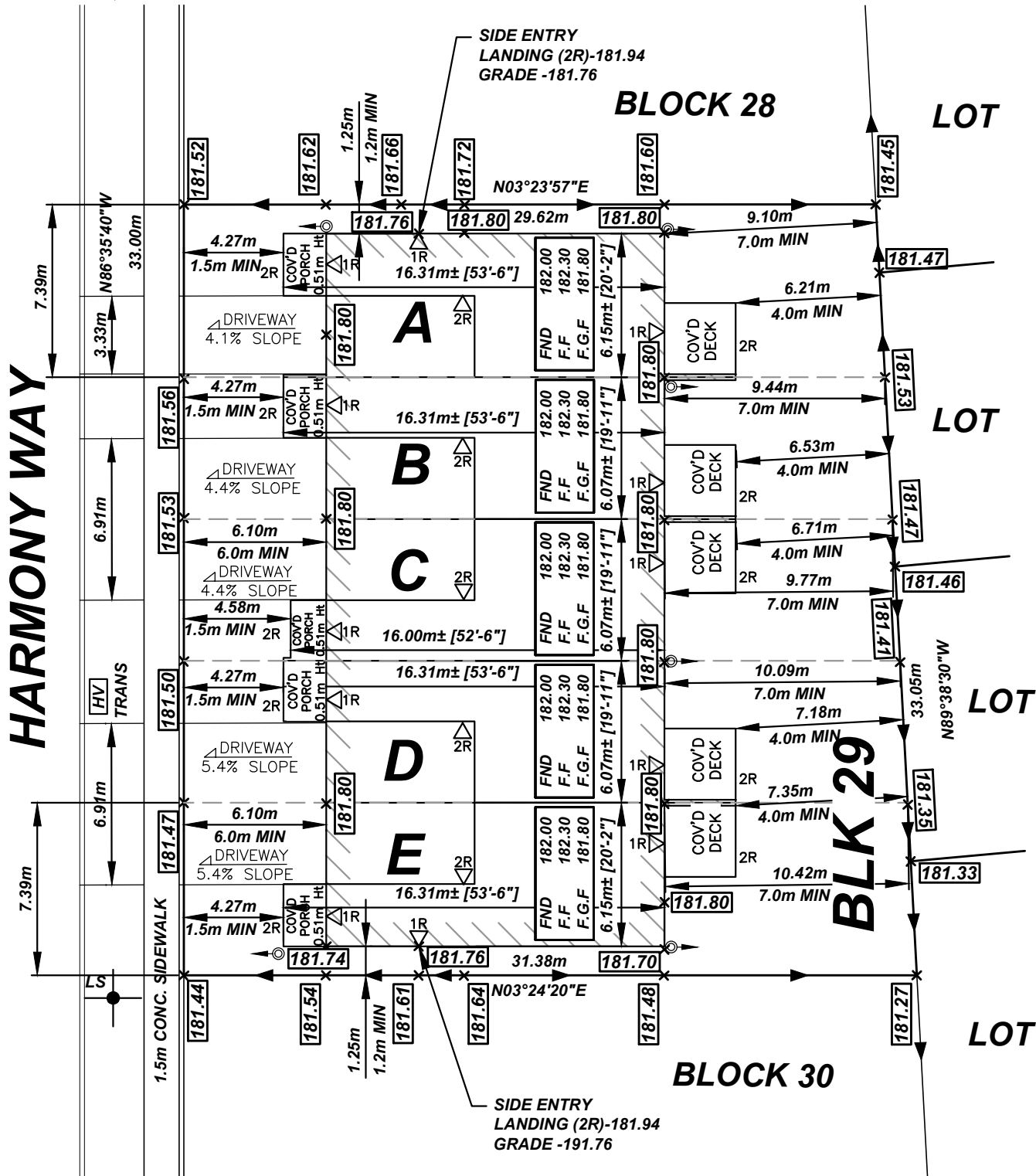
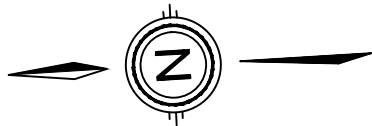
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Marc Davidson  
Senior Development Planner,  
Development Services



## **Appendix 1: Site Plan**

UNIT A	UNIT B	UNIT C	UNIT D	UNIT E
LA: 220.49m <sup>2</sup>	LA: 183.23m <sup>2</sup>	LA: 185.19m <sup>2</sup>	LA: 187.16m <sup>2</sup>	LA: 230.54m <sup>2</sup>
BA: 103.59m <sup>2</sup>	BA: 102.73m <sup>2</sup>	BA: 101.60m <sup>2</sup>	BA: 102.35m <sup>2</sup>	BA: 103.59m <sup>2</sup>
LC: 46.98%	LC: 56.07%	LC: 54.86%	LC: 54.69%	LC: 44.93%
MAX 55.00%	MAX 55.00%	MAX 55.00%	MAX 55.00%	MAX 55.00%
LDA: 116.71m <sup>2</sup>	LDA: 80.50m <sup>2</sup>	LDA: 83.60m <sup>2</sup>	LDA: 84.80m <sup>2</sup>	LDA: 126.95m <sup>2</sup>
LDC: 52.93%	LDC: 43.93%	LDC: 45.14%	LDC: 45.31%	LDC: 55.07%



NOTE:  
 BUILDER AND SURVEYOR TO VERIFY LOCATION OF ALL SERVICES AND UTILITIES PRIOR TO CONSTRUCTION.

SURVEYOR IS RESPONSIBLE FOR VERIFYING BUILDING SIZE & LOCATION PRIOR TO LAYOUT OF BUILDING FOUNDATION

**\*\*MINOR VARIANCE REQUIRED\*\***

ZONING CATEGORY: R3B-69

LOT AREA: 1006.60m<sup>2</sup>  
 BUILDING AREA: 514.04m<sup>2</sup>  
 LOT COVERAGE: 51.07%  
 MAXIMUM: 55.00%

**CITY OF THOROLD  
 GRADING PLAN**

**ROLLING MEADOWS PHASE 16  
 BLOCK 29  
 REGISTERED PLAN 59M-449**

SCALE: 1 : 250m  
 GRADE PLAN No.: 0695-PH16-GP1

PROPOSED GRADING  
 THE PROPOSED GRADING SHOWN CONFORMS TO THE LATEST REVISION OF THE SUBDIVISION DRAINAGE PLAN FOR THIS SUBDIVISION.

LEGEND  
 173.75 DENOTES PROPOSED ELEVATION  
 173.75 " " " " EXISTING GROUND ELEVATION  
 (173.75) " " " " FINISHED ELEVATION  
 DRAINAGE DIRECTION  
 FINISHED FLOOR ELEVATION  
 FINISHED GARAGE FLOOR ELEV.  
 TOP OF FOUNDATION ELEVATION  
 BOTTOM OF FOOTING ELEVATION  
 DOWNSPOUT & DIRECTION

BUILDER: RINALDI HOMES PHONE: ---  
 OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

SIGN: \_\_\_\_\_  
 FIRM: UPPER CANADA CONSULTANTS  
 DATE: MAY 15, 2024

**UPPER CANADA  
 CONSULTANTS**  
 ENGINEERS / PLANNERS  
 3-30 Hannover Drive  
 St. Catharines, ON  
 L2W 1A3  
 Phone: (905)888-9400  
 Fax: (905)688-5274



## **Appendix 2: Agency & Department Comments**



# **NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS**

## Ashley D'Amico

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**From:** Meghan Birbeck <mbirbeck@npca.ca>  
**Sent:** May 30, 2024 10:25 AM  
**To:** Angela Nesbitt  
**Subject:** NPCA response regarding Thorold's June COA Hearing  
**Attachments:** NPCA Response Regarding Thorold's June COA Hearing - 1706 Allanport Rd

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Angela,

Please find the NPCA's full comments to the City of Thorold's June COA below:

- D13-14-2024      Minor Variance      1706 Allanport Road
  - o Comments provided May 23, 2024 (see attached email)
  
- D13-15-2024      Minor Variance      1040 Thorold Stone Road
  - o The provided materials indicate that a minor variance reduction is being proposed for the front yard setback and landscape buffer to construct phase two of the commercial development for two new structures.
  - o The provided plans highlight that the new structures being proposed are located in the southeast corner of the property.
  - o The subject property is impacted by possible unevaluated wetlands as well as an unmapped floodplain.
  - o The possible unevaluated wetlands are located along the west and north lot line.
  - o Technical staff have had a review of the proposed structures and note that they do not have any flooding concerns.
  - o As such, the NPCA has no concerns with the variances and will not require a review fee.
  
- D10-10-2024      Consent                      197 St. Davids Road
  - o There are no NPCA regulated features on the subject property.
  - o As such, the NPCA has no comment and will not require a review fee.
  
- D13-16-2024      Minor Variance      45 – 53 Harmony Way Block 29
  - o The provided materials indicate that a minor variance increase is being proposed to the lot coverage.
  - o During the subdivision process a watercourse a regulated watercourse was realigned away from the lots in question.
  - o As such, the NPCA has no comment and will not require a review fee.
  
- D13-17-2024      Minor Variance      1201 Egerter Road
  - o The provided materials indicate that a minor variance is being proposed to expand a legal nonconforming use.
  - o The subject property is impacted by possible unevaluated wetland, the buffer of regulated PSW wetlands, as well as unmapped floodplains.
  - o The site plan identifies that the proposed expansion is on already disturbed lands.
  - o Technical staff have had a review and note that this floodplain is apart of the Towpath Drain and that it is expected that the development is outside of the floodplain.
  - o As such, the NPCA has no concerns and will not require a review fee.
  
- D10-11-2024      Consent                      3 – 5 Hagar Street
- D13-18-2024      Minor Variance      3 Hagar Street Part 2

- D13-19-2024 Minor Variance 5 Hagar Street Part 1
  - o There are no NPCA regulated features on the subject property.
  - o As such, the NPCA has no comment and will not require a review fee.

Best,  
Meghan



**Meghan Birbeck (MS)**  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext 278  
[www.npca.ca](http://www.npca.ca)  
[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

**From:** Angela Nesbitt <Angela.Nesbitt@thorold.ca>

**Sent:** Tuesday, May 21, 2024 4:26 PM

**To:** Bell <circulations@wsp.com>; Bell ROW <ROWCentre@bell.ca>; Canada Post <Andrew.Carrigan@Canadapost.ca>; CN <proximity@cn.ca>; Cogeco - Mike Embleton <mike.embleton@cogeco.com>; DSBN - Michelle McPhee (Michelle.McPhee@dsbn.org) <Michelle.McPhee@dsbn.org>; Enbridge <MunicipalPlanning@enbridge.com>; GIO Rail <aaron.white@giorail.com>; Heritage Thorold LACAC - Anne O'Hare <S. 14 MFIPPA >; Hydro One - Brettney Brunton <brettney.brunton@hydroone.com>; Hydro One - Land Use Planning <landuseplanning@hydroone.com>; Hydro One - Quinn Briscall <Quinn.Briscall@HydroOne.com>; Hydro One - Zone 2 scheduling <zone2scheduling@hydroone.com>; MNCFN - Adam LaForme <Adam.LaForme@mncfn.ca>; MTO - Kirandeep Kaur <KIRANDEEP.KAUR2@ontario.ca>; MTO - Usama Ali <Usama.Ali@ontario.ca>; MTO - Usman Akhtar <Usman.Akhtar@ontario.ca>; NCDSB <Planning@ncdsb.com>; NEC - Cheryl Tansony <Cheryl.Tansony@ontario.ca>; NEC - Kendra Adair <Kendra.Adair@ontario.ca>; Meghan Birbeck <mbirbeck@npca.ca>; Sarah Mastroianni <smastroianni@npca.ca>; Taran Lennard <tlennard@npca.ca>; OPG <executivevp.lawanddevelopment@opg.com>; Region - Alex Boekestyn <Alex.Boekestyn@niagararegion.ca>; Region - Development Planning <devtplanningapplications@niagararegion.ca>; St. Catharines <sritchie@stcatharines.ca>; TransCanada PipeLines (MHBC on behalf of) <TCEnergy@mhbcplan.com>; Trillium Railway <aaron.white@trilliumrailway.com>

**Subject:** Request for comments - City of Thorold Committee of Adjustment June 2024 - Due by Friday, June 7th

Good afternoon,

The June 2024 City of Thorold Committee of Adjustment Notices of Hearing and application materials can be found here - <https://files.thorold.ca/s/7arw76W8i46BndH> for the consent and minor variance applications listed below:

D13-14-2024	Minor Variance	1706 Allanport Road
D13-15-2024	Minor Variance	1040 Thorold Stone Road
D10-10-2024	Consent	197 St. Davids Road
D13-16-2024	Minor Variance	45 – 53 Harmony Way Block 29
D13-17-2024	Minor Variance	1201 Egerter Road
D10-11-2024	Consent	3 – 5 Hagar Street
D13-18-2024	Minor Variance	3 Hagar Street Part 2
D13-19-2024	Minor Variance	5 Hagar Street Part 1

Please review and provide comments to the undersigned **on or before 4:00 p.m. on Friday, June 7<sup>th</sup>, 2024.**

Thanking you in advance.

Respectfully,



**Angela Nesbitt** ACST-A

Planning Clerk  
Development Services

**City of Thorold**

905-227-6613 x259

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

[www.thorold.ca](http://www.thorold.ca)

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### **IMPORTANT NOTICE**

Effective April 15, 2024 the Niagara Peninsula Conservation Authority head office has moved to 3350 Merrittville Highway, Thorold Ontario L2V 4Y6



## **Appendix 3: Public Comments**

## Ashley D'Amico

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**From:** Tim McCaffery <[REDACTED]>  
**Sent:** June 7, 2024 7:45 AM  
**To:** Angela Nesbitt  
**Subject:** Fwd: Variance D13-16-2024-45-53 Harmony Way, BLOCK 29, Thorold

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

**From:** Tim McCaffery <[REDACTED]>  
**Date:** Fri, Jun 7, 2024 at 7:42 AM  
**Subject:** Variance D13-16-2024-45-53 Harmony Way, BLOCK 29, Thorold  
**To:** [Angela.Nesbitt@thorold.ca](mailto:Angela.Nesbitt@thorold.ca) <[Angela.Nesbitt@thorold.ca](mailto:Angela.Nesbitt@thorold.ca)>

I wish to keep informed of the proposed application mentioned above in the subject heading.. I am interested to know how it will affect the adjoining and my property. Mostly in regards to grade and water flow and sidewalk placement.

Thank You

Tim & Carol McCaffery  
[REDACTED]  
[REDACTED]