



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613 ext. 259

June 15, 2023

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-06-2023
Minor Variance Applications D13-09-2023 & D13-10-2023
23 George Street, Thorold, Ontario
2731 000 032 26900 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 7.2 (a) to reduce the minimum lot area of the severed parcel (Part 2) from 550m² to 412.7 m²;
2. Relief from Provision 7.2 (a) to reduce the minimum lot area of the retained parcel (Part 1) from 550 m² to 486 m²;
3. Relief from Provision 7.2 (c) to reduce the front yard setback of the retained parcel (Part 1) from 7.5 metres to 6.6 metres;
4. Relief from Provision 7.2 (d) to reduce the rear yard setback of the retained parcel (Part 1) from 7.5 metres to 3.35 metres.

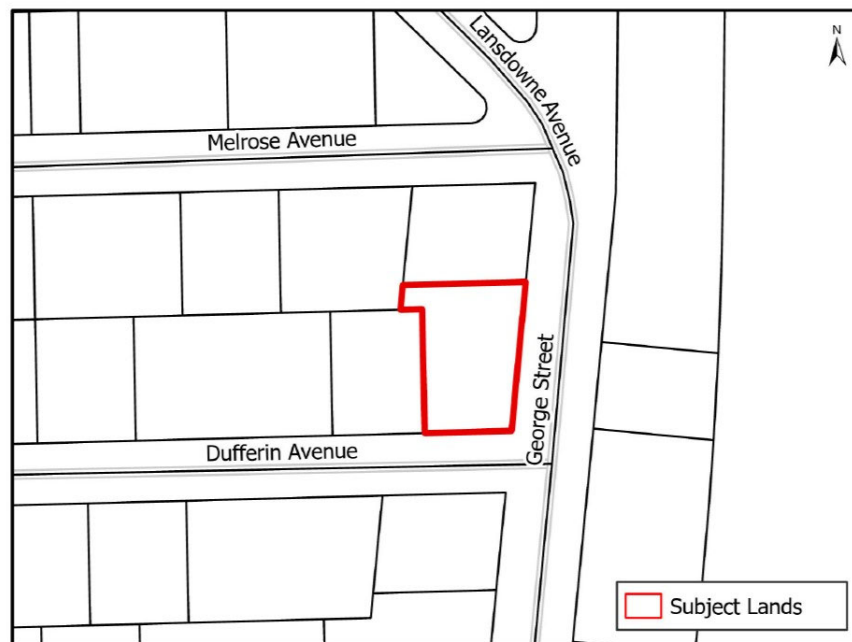


Figure 1: Location Map

RECOMMENDATION:

That Consent Application D10-06-2023 to sever a parcel of land having 14.3 metres of frontage and 412.72 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 the 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 Suda and Maleszyk Surveying Inc., OLS dated, December 16, 2022 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 D13-09-2023 and D13-10-2023 for reduced lot areas of the severed and retained parcels (Parts 1 & 2) and reduced front and rear yard setbacks of the retained parcel (Part 1), as illustrated on the Survey Sketch prepared by Suda and Maleszyk Surveying Inc., OLS dated, December 16, 2022.
- 7) That the Applicant/Owner prepare a Stage1-2 Archaeological assessment and appropriated acknowledgement letter from the Ministry of Citizenship and Multiculturalism ("MCM") confirming that the Stage 1 & 2 archaeological assessment have been completed and the letter of acknowledgement from the MCM confirming acceptability prior to final approval of the consent.
- 8) That at building permit stage, the Applicant/Owner agrees to include 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 and Welland Canal.

- 9) That the Owner convey the lands described as Part 3, as illustrated on the Survey Sketch prepared by Suda and Maleszyk Surveying Inc., OLS dated, December 16, 2022 to the City of Thorold for the purposes of providing a daylighting triangle prior to final approval of the consent.
- 10) 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.

Site Description

The subject lands are located at the northeast intersection of George Street and Dufferin Avenue just east of River Street within the Port Robinson East Special Policy Area Land Use Plan. One new lot is proposed. The retained parcel (Part 1), as shown on the Severance Sketch prepared by Suda and Maleszyk Surveying Inc. 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. Both George Street and Dufferin Avenue are classified as local roads on Schedule D of the City of Thorold Official Plan. There are no sidewalks along either George Street or Dufferin Street and the roads are developed with a rural cross-section.

Background

The existing retained lot will require minor variances for a reduced lot area from 550 m² to 486 m², a reduced front yard setback from 7.5 m to 3.35 m, and a reduced front yard setback from 7.5 m to 6.6 m. A side yard setback of 7.5 metres will be provided on the north side of the existing dwelling in order to provide sufficient outdoor amenity space for the retained lands.

A reduction in the lot area requirement from 550 m² to 410 m² is required to accommodate the creation of the severed parcel. All other requirements of the R1A zoning under Bylaw 2140 (97) applying to the lands are being maintained.

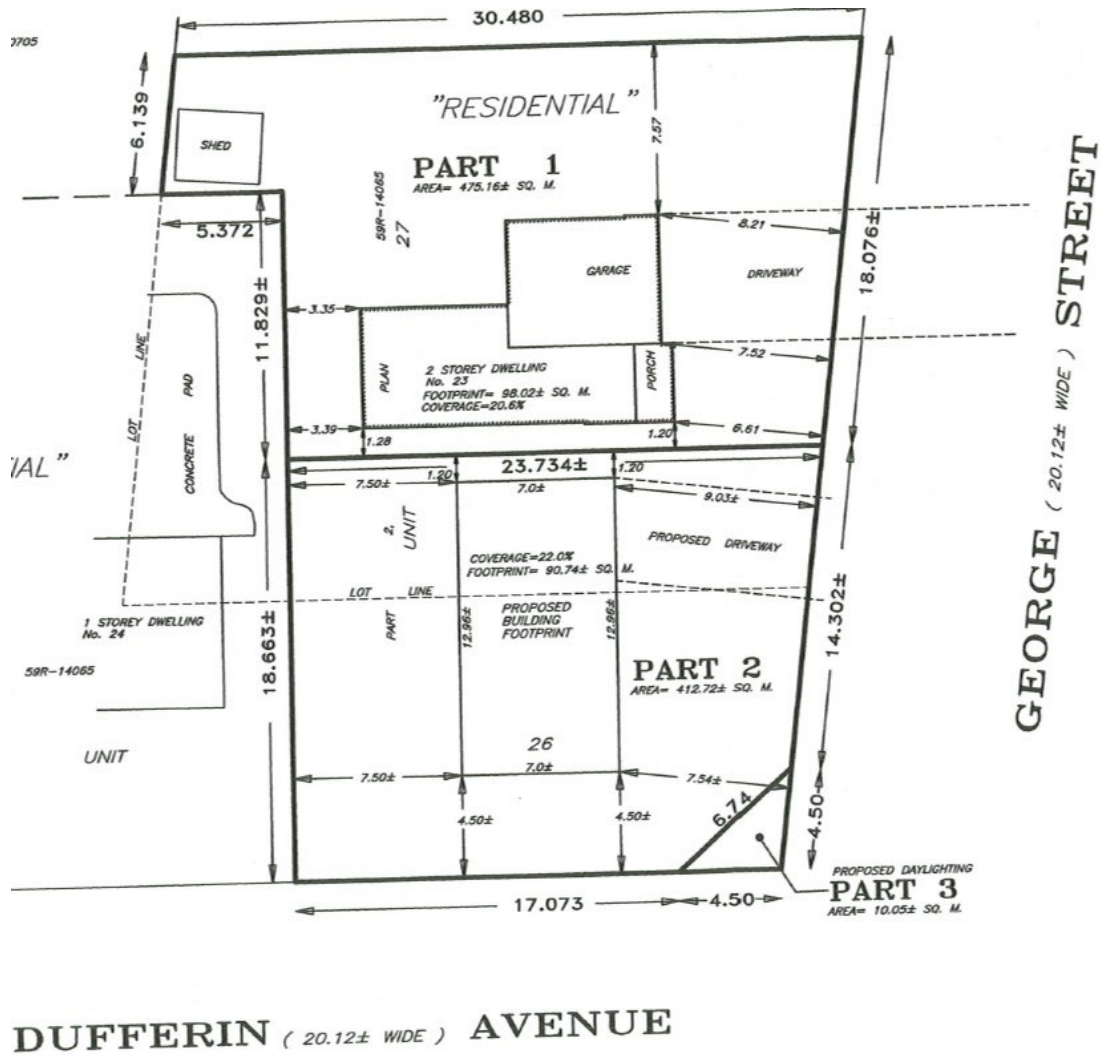


Figure 2: Severance Sketch



Figure 3: Existing dwelling shown fronting onto George Street

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.

In addition, Policy D2.2.5 indicates that local roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

The lands are also located within the Port Robinson East Special Policy Area and designated Rural Settlement. Port Robinson East Policy B2.5.3.1 stipulates that new lots within the Port Robinson East Special Policy designation shall respect the existing character and built form of Port Robinson and shall maintain a minimum lot area and

frontage that is comparable to adjacent residential lots. In this regard, the lots are requesting a minor reduction in lot area requirements to accommodate dwellings that are in keeping with the neighbouring properties.

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 'R1A' 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 lot area requirement from 550 m² to 486 m², a front yard setback of 6.6 m rather than 7.5 m and a rear yard of 3.35m rather than 7.5 m. The severed parcel requires a reduction in the lot area from 550 m² to 410 m². Accordingly, minor variance applications have been submitted in concert with the consent application to permit the variances

Section 7.2 of By-law 2140 (97) Zone Provisions Review

Category	Requirements	Part 1 (Retained)	Part 2 (Severed)
Minimum Lot Area	550 m ²	*475.1 m ²	*412.7 m ²
Minimum Lot Frontage	18 m	18 m	18.5 m
Front Yard Setback	7.5 m	*6.6 m	7.5 m
Interior Side Yard Setback	1.2 m	7.5 m	1.2 m
Exterior Side Yard Setback	4.5 m	N/A	4.5 m
Rear Yard Setback	7.5 m	*3.35 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 that are in keeping with the general character of the neighbourhood 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 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 'R1A' in the City of Thorold's Zoning By-law 2140 (97), as amended. The R1A zone permits single- - detached dwellings and their associated accessory buildings.

The proposed variances are requesting reduced lot areas for both parcels and reduced front and rear yard setbacks for the existing retained parcel (Part 1). The reduced front yard setback for the existing dwelling is in existence and the reduced rear yard setback will be offset by the proposed 7.5 metre side yard, 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 variance 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 variance minor?

The variances requested for reduced lot areas and reduced front and rear yards 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 90 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.

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

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.

Cogeco

- No comments or concerns.

Engineering Division

- Each lot must have separate municipal services
- Each lot must have its own entrance to the property
- The new entrance requires a culvert installation (Public Works)

Hydro One

- No comments or concerns.

MTO

- No comments or concerns.

Tax Division

- Outstanding taxes to be paid

Niagara Region

- Additional Conditions included to address comments (see attached)

Additional Public Comments

- One letter was received from an adjacent property owner on George Street in support of the proposed severance.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-06-2023 requesting consent for creation of a lot for residential development, addressed as 23 George Street be **approved** subject to conditions stated herein. It is also the recommendation of Planning staff that minor variance applications D13-09-2023 and D13-10-2023 requesting variances for reduced lot areas and reduced front and rear yard setbacks be **approved**.

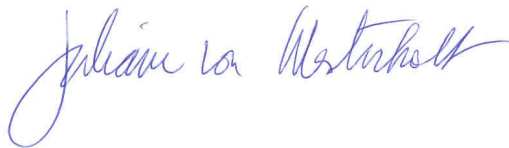
- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

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