



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: Minor Variance Application D13-08-2023
29 Elvira Way, Plan 59M512 Lot 9

PROPOSAL: An application has been submitted for a minor variance to permit the construction of a covered deck in the rear yard. The following variance from Bylaw 2021-100 is required to facilitate the proposed development:

1. Relief from provision d) of the R1D-9 Zone to reduce the rear yard from 7.0 m to 5.46 m.

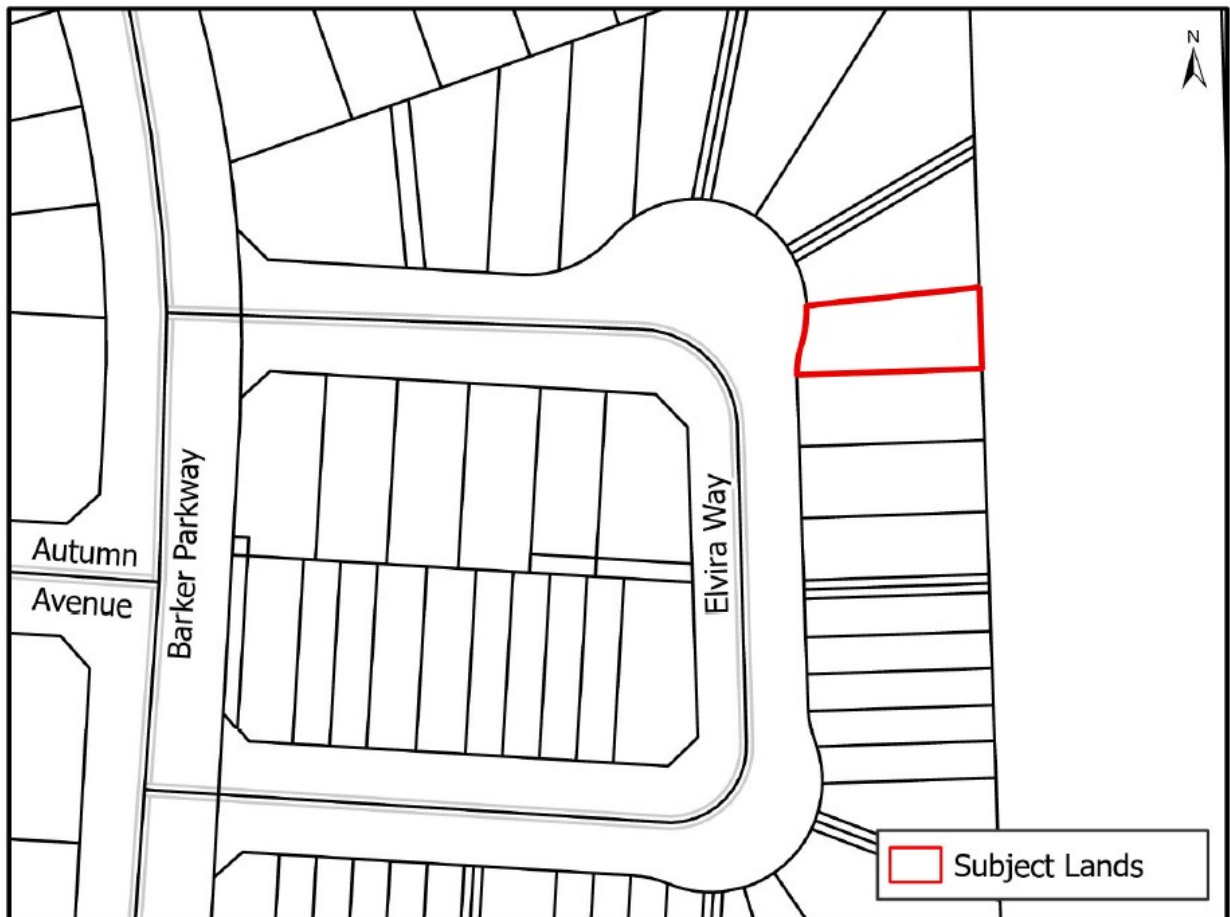


Figure 1: Location Map

RECOMMENDATION:

That Minor Variance Application D13-08-2023 to permit the construction of a covered deck at the rear of the property with a rear yard setback of 5.46 metres rather than the required 7.0 metres **BE APPROVED.**

Site Description

The subject lands are located north of Upper's Lane just east of Barker Parkway in the Rolling Meadows Secondary planning area. The lands are proposed to be developed with a single-detached dwelling with a covered deck at the rear of the property that will encroach into the rear yard setback.

Background

The property is currently vacant and intended to be developed with a single detached dwelling with covered deck at the rear. The lands are zoned R1D-9 (Residential First Density) and were approved as part of the Rolling Meadows subdivision approval (Phase 16). The lands are designated residential with Greenfield Overlay in the City of Thorold Official Plan and are within the Rolling Meadow's Secondary planning area.



Figure 2: Concept Rendering

Bylaw 100-2021 Zone Provisions Review

Category	Requirements R1D-9	Lot 9
Minimum Lot Area	225 m ²	351 m ²
Minimum Lot Frontage	8.2 m	+ - 11m
Minimum Front Yard	6 m	4.5 m to dwelling 6m to attached garage
Minimum Rear Yard	7 m	*5.46 m
Minimum Interior Side Yard	1.2 m (end unit only)	1.2 m
Minimum Exterior Side Yard	4.5 m	N/A
Minimum Landscape Open Space	30%	>30%
Maximum Lot Coverage	50%	<50%
Maximum Building Height	11m	>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 three Official Plan overlays: Urban Area Boundary, Built Boundary and Greenfield Overlay

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 permission to allow a reduced rear yard to accommodate the proposed covered deck is in keeping with the general character of the neighbourhood and the decrease in rear yard does not compromise the intent of the Official Plan, as it allows for a useable addition to the rear of their home and the 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 to allow the reduction in the rear yard setback would allow for a covered amenity space for a detached residential dwelling 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. Therefore, staff is of the opinion the 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 First Density 'R1D-9' as approved by Bylaw 2021-100 in the City of Thorold's Zoning By-law 2140 (97), as amended. The R1D-9 zone permits single-detached dwellings and their associated accessory buildings however, requires a rear yard setback of 7.0 metres.

The proposed variance is to permit the addition of a covered porch in the rear yard. All other requirements of the R1D-9 zone 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. In addition, despite the variance, the lot maintains sufficient outdoor amenity area.

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?

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 variances are appropriate for the development of the land.

Are the variances minor?

The variances requested for a reduction in rear yard setback to accommodate the covered porch addition is minor and has no impact on adjacent properties. All other requirements of the zoning by-law are being maintained.

As such, staff is of the opinion that the requested variances are 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

- 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

Public Comments

- None received at the time of the writing of this report

CONCLUSION:

It is the recommendation of Planning staff that minor variance application D13-08-2023 requesting a minor variance to permit a reduced rear yard setback from 7.0 metres to 5.46 metres to allow for the construction of a covered addition on lands addressed as 29 Elvira Way be **approved**.

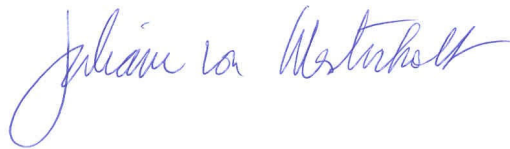
- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

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