



## COMMITTEE OF ADJUSTMENT

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

July 14, 2023

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

**SUBJECT:** Minor Variance Application D13-13-2023  
2800 Hurricane Road, Pt Twp Lots 159 & 160, RP59R-22

**PROPOSAL:** An application has been submitted for a minor variance to permit the construction of a residential dwelling to accommodate a second dwelling with a height of 10.5 metres rather than 4.5 metres.

1. Relief from provision Part 9, Section 9.4, Table 9.4 Accessory Buildings and Structures to Residential Uses Requirements for Agricultural and Rural Zones - To increase maximum height from 4.5 metres to 10.5 metres.

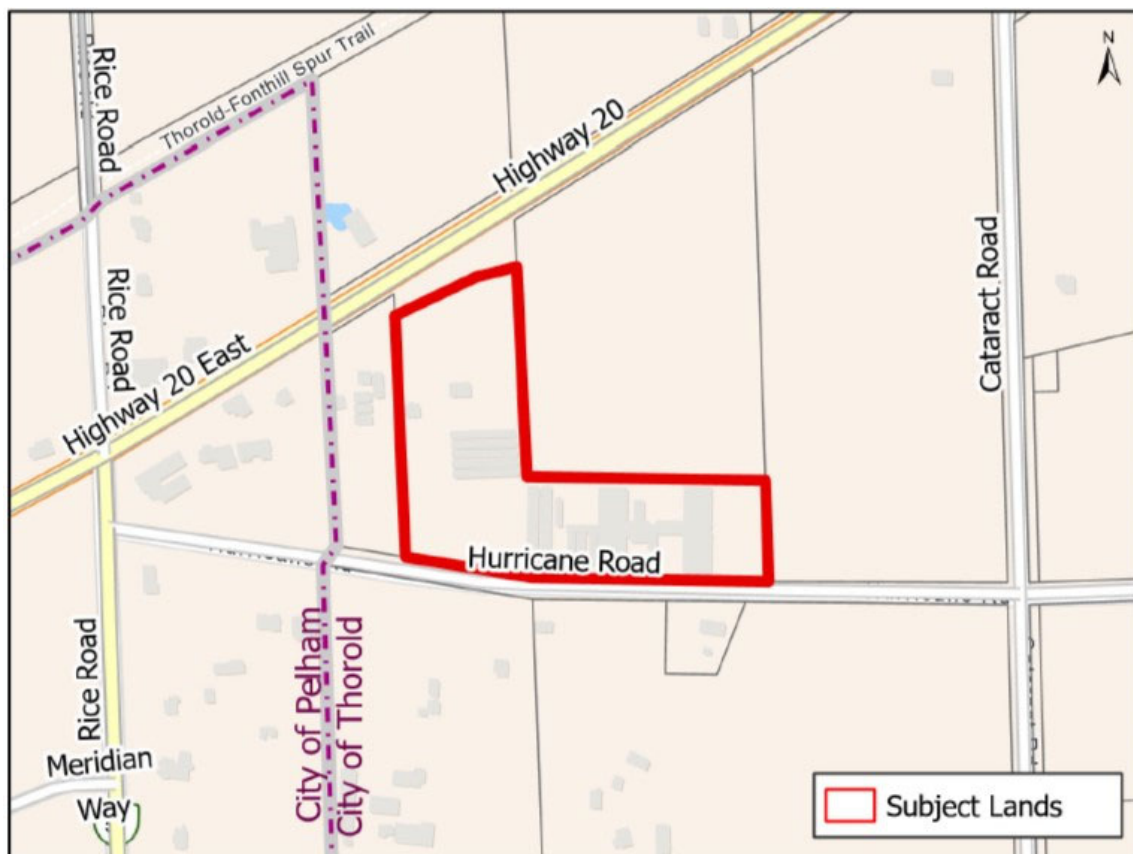


Figure 1: Location Map

## RECOMMENDATION:

That Minor Variance Application D13-13-2023 to permit the construction of a second dwelling unit with a building height of 10.5 metres rather than the maximum 4.5 metres **BE APPROVED.**

### Site Description

The subject lands are located on the north side of Hurricane Road just east of the westerly boundary between the City of Thorold and City of Pelham and just south of Highway 20. The lands are currently used for agricultural purposes with several greenhouses and a single detached dwelling located on the property.

### Background

The property is currently developed with several greenhouses and a single detached dwelling and is intended to be developed with a second dwelling unit to accommodate farm help. The lands are zoned Specialty Crop (AS) under Bylaw 60 (2019) which permits second dwellings in accordance with the regulations contained in Table 9.4. The lands are designated Specialty Crop and are within the Protected Countryside of the Greenbelt Plan and Tender Fruit and Crop Area of the Niagara Escarpment Plan Area.



Figure 2: Concept Rendering

Bylaw 60 (2019) Table 9.4 Zone Provisions Review

Category	Requirement A, AS, RU Zones	Provided
Minimum Front Yard	12.0 m but, in no case closer to the street the front wall of the dwelling	150 m2 +/-
Minimum Rear Yard	3.0 m	75 m
Minimum Interior Side Yard	3.0 m	6.6 m
Minimum Exterior Side Yard	5.0 m	N/A
Distance Between Dwelling and Accessory Building or Structure	1.2 m	>1.2 m
Maximum Lot Coverage	10% (including dwelling in the A and AS zone)	<10 %
Maximum Building Height	4.5 m	*10.5 m

\*Denotes zoning deficiency

**MINOR VARIANCE PLANNING ANALYSIS:**

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

The property is designated as Specialty Crop within the City's Official Plan.

The purpose of the Specialty Crop designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies. It is the intent of this Plan to support the viability of agricultural land and the existing and proposed agricultural businesses in the Specialty Crop designation. Lands within the Specialty Crop designation shall receive the highest priority of protection. The principle use of land in the Specialty Crop designation shall be for production of a full range of specialty crops that are capable of being grown in Niagara Region. The permitted uses within the Specialty Crop designation include single detached dwellings and accessory residential uses on farm properties.

Therefore, the permission to allow an increased height for a 2-storey second dwelling at 10.5 metres is in keeping with the general intent of the Official Plan, as it allows for an additional farm help residence to support the existing agricultural use of the property.

**Is the general intent and purpose of the Zoning By-law maintained?**

The subject property is zoned Specialty Crop 'AS' according to the City of Thorold's Zoning By-law (60) 2019. The AS zone permits second dwelling units as an accessory building however, requires a maximum building height of 4.5 metres whereas the applicant is proposing a 2-storey dwelling which will have a height of 10.5 metres.

The proposed variance to permit the construction of a 2-storey secondary dwelling to accommodate farm help will meet all other requirements of the AS (Specialty Crop) zone. Due to the size and configuration of the existing property, the proposed dwelling will not be visible from Hurricane Road and no negative impacts to the subject lands or adjacent properties are anticipated.

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?**

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 variance requested for an increased height to 10.5 metres 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

- Outstanding taxes to be paid

Niagara Region

- Comments received and will be addressed should additional development occur on the property

Public Comments

- No comments received.

**CONCLUSION:**

It is the recommendation of Planning staff that minor variance application D13-13-2023 requesting a minor variance to permit an increased height for a second dwelling unit from 4.5 metres to 10.5 metres to allow for the construction of a two storey farm help residence on lands addressed as 2800 Hurricane Road be **approved**.

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

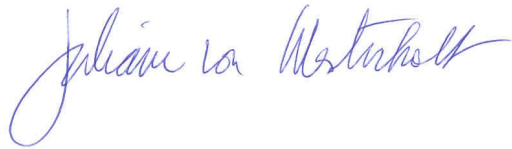
Prepared by:



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Nicolette van Oyen, BES, MCIP, RPP  
Senior Planner, MHBC Planning

Respectfully Submitted By:

A handwritten signature in blue ink, reading "Juliane von Westerholt". The signature is written in a cursive style with a large initial 'J'.

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Juliane von Westerholt, BES, MCIP, RPP

Associate, MHBC Planning