



COMMITTEE OF ADJUSTMENT
Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613 ext. 252

DATE: February 16, 2023

TO: Chairperson and Members of the Committee of Adjustment

FILE NO: D13-01-2023

SUBJECT: **Recommendation Report**
Application for Minor Variance submitted by Andrew Hellwig on behalf of Owen Voelkner

LOCATION: 65 Bridge Street East
PLAN M10 LOT 34
Thorold, Ontario
2731 000 0291 4600

AUTHOR: Meghan Birbeck, M.S.
Senior Planner

APPROVING SUPERVISOR: Tara Lynn O'Toole, BA, Hons
Manager of Planning

Planning staff has reviewed Minor Variance Application D13-01-2023 and offer the following comments for your hearing on Thursday, February 16, 2023.

PURPOSE

The Applicant is requesting relief from the provisions of the City of Thorold's Zoning By-law 2140 (97), as amended, under Section 45 of the Planning Act, with respect to the following:

1. Section 9.2 – To permit a reduction in the exterior side yard setback from 4.5 metres to 2.8 metres for the proposed dwelling.

PLANNING DIVISION COMMENTS

The Applicant is proposing to construct a dwelling on an existing vacant lot in the established residential subdivision of Port Robinson East. The relief from the exterior side yard setback is requested as the size and shape of the existing lot proves challenging when incorporating a dwelling size sufficient in its width dimension. A minor variance must be obtained to permit the development as proposed.

SITE CONTEXT

The subject property is an existing vacant residential parcel. The Municipal Property Assessment Corporation (MPAC) indicates that the roll number for the vacant residential parcel was created in 1979. The subject property is located on the south side of Bridge Street East, on

the southeast corner of the intersection at South Street South and Bridge Street. The land uses of the surrounding properties are historically residential.

DESIGNATION AND ZONE

The City of Thorold's Official Plan designates the property as Urban Living Area and notes that the property is also subject to the Port Robinson East special policy. The property is also zoned Residential First Density C (R1C). Single Detached Dwellings are the primary use permitted in the R1C Zone, which is being proposed on the property. However, the proposed development does not comply with the provisions for exterior side yard setback per Section 9.2 (f).

In order to allow the development as proposed, a variance to reduce the exterior side yard setback is being requested.

ANALYSIS

The applicant's proposal is to assist in the construction of a single detached dwelling. The proposed dwelling largely meets the zoning provisions of the R1C Zone but does not meet the minimum exterior side yard setback requirements.

In order to permit the proposed dwelling, the requested variances for reduced exterior side yard setback are necessary. While the setback would be below the minimum exterior side yard setback requirements for the R1C Zone the variance would be assisting in the better utilization of existing residential lots. The subject property has an irregular shape, one that resembles a scalene triangle, the widest point of the property is the frontage and the further the property goes back it tappers inwards. This irregular shape offers challenges for the property owner to build a single detached dwelling with its desired width while meeting the minimum exterior side yard setback for an R1C property.

The existing lot is 388.16 metres squared and the proposed dwelling is 114.15 metres squared in size. The proposed dwelling would have a lot coverage of only 29.4 %, resulting in a modest sized dwelling for the existing modest sized lot. The proposed dwelling would be assisting in ensuring that Thorold's existing residential lot inventory is being utilized effectively and in a manner that promotes infill and intensification.

The proposed lot generally complies with Zoning By-law 2140 (97) and is compatible to the surrounding lots within the neighbourhood. It is noted that "compatible implies nothing more than being capable of existing together in harmony". Although the lot is not necessarily the "same" as existing lots in the vicinity, it nonetheless is broadly similar in form and function and will coexist with surrounding properties with no ill effects, as the lot is existing and created in 1979. The development of this property will ensure the most efficient use of lands within the City's Urban Living Area.

In addition, the proposed dwelling is centered directed to the rear of the property and in doing this the proposed dwelling design would be offering sightline visibility at the intersection of South Street South and Bridge Street. The property is benefits from a wide boulevard with existing

sidewalks on both streets, which further enhances the sightline visibility at the intersection and ensures that the property has sufficient amenity space for residents.

For these reasons, it is Staff's opinion that the requested variance is minor.

FINAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL / AGENCY COMMENTS

On January 3, 2023, Cogeco noted that they have no concerns with this application.

On January 3, 2023, the City of Thorold's Finance Department indicated that there are no outstanding taxes on the property.

On January 6, 2023, Hydro One noted that they have no issues or concerns with the minor variance so long that the developer maintains minimum clearances from hydro lines. Further noting that safety is their first priority and that the applicant can contact them at quinn.briscall@hydroone.com for a copy of Hydro One's building near power lines brochure.

On January 10, 2023, the Niagara Peninsula Conservation Authority (NPCA) indicated that there are no NPCA regulated features on 65 Bridge St East. Therefore, they have no comments regarding this minor variance application.

On January 11, 2023, the City of Thorold's Building Division noted that a building permit is required prior to construction commencing.

On January 18, 2023, the Region of Niagara's Building and Development Services noted that Regional Planning and Development Services staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions as set out within their attached Appendix. They further noted that any questions related to the above comments can be directed to the undersigned at Katie.Young@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

RECOMMENDATION

The Planning Division recommends **approval** of Minor Variance Application D13-01-2023 for the following reasons:

1. **The application is desirable and in compliance with the general intent and purpose of the Official Plan** as the proposed reduction ensures that Thorold's existing inventory of residential lots are effectively utilized.

2. **The application is desirable and in compliance with the general intent and purpose of the Zoning By-law** as the proposed use is permitted in the R1C Zone and largely meets the R1C requirements.
3. **The application is desirable and an appropriate development of the subject land** as the intended future residential development is in keeping with the policy direction of the City, Region and Province.
4. **The application is minor** as the proposed variance will not negatively impact adjacent properties.

mb:MB

Appendices

Appendix A	Concept Sketch
Appendix B	Concept Drawing
Appendix C	Regional Comments

Appendix B: Concept Drawing

65 bridge street
port robinson

designer
AAH
architectural art & design inc.

notes

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date of issue and revision
A-150240 FOR REVIEW 2022 11 25

drawing
east elevation

drawn
reviewed
plot

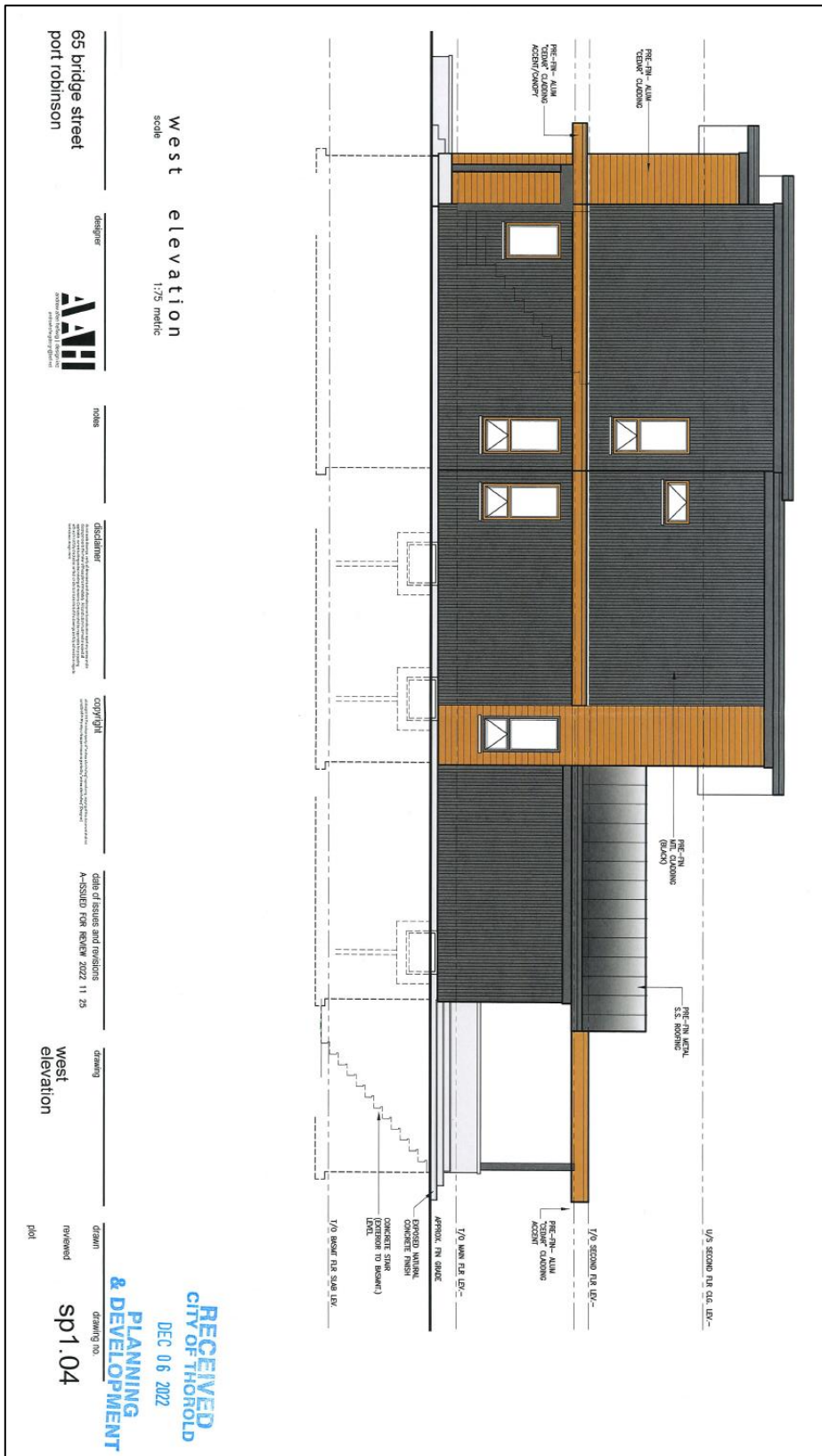
drawing no.
sp1.02

RECEIVED
CITY OF THOROLD
DEC 06 2022
PLANNING & DEVELOPMENT

east elevation
scale 1:75 metric

PRE-FIN ALUM VENEER CLADDING ACCESS
PRE-FIN ALUM VENEER CLADDING (BLACK)
PRE-FIN ALUM VENEER CLADDING (BLACK)
PRE-FIN METAL S.S. ROOFING
1/20 SECOND FLOOR ELEV.
1/20 SECOND FLOOR ELEV.
1/20 MAIN FLOOR ELEV.
1/20 BRIDGE STREET ELEV.
CONCRETE STAIR (EXTERIOR TO BROWN)
EXPOSED NATURAL CONCRETE FINISH





Appendix C: Regional Comments



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

January 18, 2023

Region File: D.17.09.MV-22-0139

Angela Nesbitt, ACST-A
Secretary Treasurer of the Committee of Adjustment
City of Thorold
3540 Schmon Parkway
Thorold, ON L2V 4A7

Dear Ms. Nesbitt:

**Re: Regional and Provincial Comments
Proposed Minor Variance Application
City File: D13-01-2023
65 Bridge Street East
City of Thorold**

Regional Planning and Development Services staff has reviewed the above-mentioned Minor Variance application, which seeks two variances. The subject lands are designated 'Urban Living Area', along with 'Special Policy A-4 Port Robinson East Special Policy' in the City of Thorold Official Plan and zoned 'Residential First Density (R1C)' in accordance with the City's Zoning By-law 2140 (97).

The applicant is proposing to construct a single-detached dwelling with an accessory dwelling and is requesting relief from the City's Zoning By-law to permit the second dwelling unit as an accessory use inside the proposed single-detached dwelling and to reduce the exterior side yard setback from 4.5 metres to 2.8 metres.

Staff note that there was no pre-consultation meeting for this application. The following comments are provided from a Provincial and Regional perspective in order to assist the Committee with their consideration of the application.

Provincial and Regional Policies

The subject land is located within a 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and within the 'Designated Greenfield Area' in both *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

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Designated Greenfield Areas are part of the Urban Area throughout Niagara and are to be planned as complete communities, ensuring development is sequential, orderly, and contiguous with existing Built-Up Areas and ensuring infrastructure capacity is available. In accordance with Growth Plan Policy 2.2.7.2 and NOP Policy 2.2.2.23 Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. The proposed construction of a single-detached dwelling with an additional residential unit will contribute to providing a mix of housing unit sizes and is a permitted use in accordance with Provincial and Regional growth management policies.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on Schedule K of the NOP, the subject land is within an area of archaeological potential. In accordance with NOP Policy 6.4.2.6, Regional staff requires the submission of a Stage 1 Archaeological Assessment, completed by a licensed archaeologist. The assessment will be required to follow the applicable guidelines and processes as dictated by the Province, such as the *Standards and Guidelines for Consultant Archaeologists*. The assessment is to be submitted to the Ministry of Citizenship and Multiculturalism, with a copy shared to Niagara Region. If the archaeologist requires further assessment, these reports must also be submitted to and accepted by the Ministry to the satisfaction of Niagara Region.

Appropriate conditions, as well as a standard warning clause with respect to the identification and protection of archaeological resources is provided within the attached Appendix.

Conclusion

Regional Planning and Development Services staff do not object to the proposed Minor Variance application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies, subject to the conditions as set out within the attached Appendix.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca. Please send a copy of the staff report and notice of the Committee's decision on this application.

Re: Minor Variance Application No. D13-01-2023
Agent: Andrew Hellwig
Owner: Owen Voelkner
65 Bridge Street East

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Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning

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January 18, 2023*

Appendix
Regional Conditions of Minor Variance
65 Bridge Street East, Thorold

1. That the Applicant/Owner submit a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, (and any required subsequent archaeological assessments) to the Ministry of Citizenship and Multiculturalism ("MCM") and receive an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.

NOTE: No demolition, grading, or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on site:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism ("MCM") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."