

COMMITTEE OF ADJUSTMENT
Development Services Department
3540 Schmon Parkway, P.O. Box 1044
Thorold ON L2V 4A7
905-227-6613

June 14, 2024

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-11-2024
Minor Variance Applications D13-18-2024 & D13-19-2024
3 – 5 Hagar Street, Thorold, Ontario
Plan 902 Pt Lots 23 and 24 RP 59R17158 Part 2
2731 000 010 10702 0000

PROPOSAL: In 2021, a consent application (D10-05-2021) created the subject lot, known municipally as 3 – 5 Hagar Street. In order to facilitate the creation of the lot for the construction of a semi-detached dwelling, a minor variance (D13-32-2021) was granted in conjunction with this consent application from the following provisions of Section 12 of Bylaw 2140(97):

- Provision 12.2 (a) – To reduce the Minimum Lot Area from 550 square metres to 335 square metres;
- Provision 12.2 (b) – To reduce the Minimum Lot Frontage from 15.00 metres to 14 metres;
- Provision 12.2 (c) – To reduce the Front Yard Setback from 7.5 metres to 4.5 metres; and
- Provision 12.2 (d) – To increase the Interior Side Yard Setbacks from 1.8 metres to 1.5 metres.

The applicant is now proposing, through Consent application D10-11-2024, to further subdivide the parcel to provide for separate lots for each unit of the existing semi-detached dwelling, constructed in 2023. As such, a new application has been submitted for consent for the purpose of creating a new lot and partial discharge of mortgage.

In order to facilitate the proposed lot creation, application is made for relief from the following provision of Bylaw 60-2019, Section 6 - Residential One (R1B) Zone, for both Hagar Street, Part 1 (retained parcel) and 3 Hagar Street, Part 2 (severed parcel):

- Table 6.3.a – To permit a minimum lot area of 167.79 square metres whereas the bylaw requires a minimum lot area of 200 square metres.

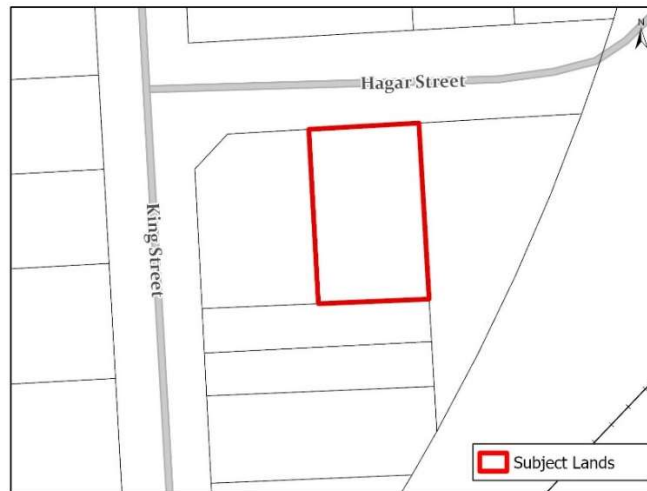


Figure 1: Location Map

RECOMMENDATIONS:

That Consent Application D10-11-2024, to sever a parcel of land and permit the partial discharge of mortgage over a parcel having 7.425 metres of frontage along Hagar Street, and 167.79 m² of lot area, being 3 Hagar Street (Part 2), **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 (2) 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 applicant receive final approval of the minor variance applications D13-18-2024 and D13-19-2024, for the proposed reduced lot areas of both the severed (3 Hagar Street, Part 2) and retained parcel (5 Hagar Street, Part 1), as illustrated on the Severance Sketch prepared by Suda Maleszyk Surveying Inc., dated March 11, 2024.

That Minor Variance Application D13-19-2024, to reduce the minimum required lot area from 200 m² to 167.79 m² for 5 Hagar Street, Part 1 (retained parcel) **BE APPROVED**.

That Minor Variance Application D13-19-2024, to reduce the minimum required lot area from 200 m² to 167.79 m² for 3 Hagar Street, Part 2 (severed parcel) **BE APPROVED**.

Site Description

The subject lands are located on the south side of Hagar Street, east of King Street and west of Pine Street South, as shown in **Figure 1** above. The retained parcel (Part 1) and severed parcel (Part 2), as shown on the Severance Sketch (**Appendix 1**), are currently developed with a semi-detached dwelling, as shown in **Figure 2**. The severance is proposed to create two symmetrical lots for the existing semi-detached dwelling, and no additional development of the lot is proposed at this time. Hagar Street is classified as a local road on Schedule D of the City of Thorold Official Plan. There is no existing sidewalk along Hagar Road and the road is currently developed with a rural cross-section.



Figure 2: Existing Semi-Detached Dwelling

Background Review

The subject property is zoned Residential One Zone (R1B) in the City of Thorold's Comprehensive Zoning Bylaw 60-2019, as amended. Please note that while the Notices for Minor Variance Applications D13-18-2024 and D13-19-2024 were distributed on May 21, 2024 requesting relief from the Residential Second Density Special (R2S) in the City of Thorold's Zoning Bylaw 2140 (97), as of May 23rd, 2024 Part 6: Residential Zones of the Comprehensive Zoning Bylaw 60-2019 is in force and effect. A revised notice was distributed June 3, 2024, reflecting the zoning of the subject property under the 60-2019 Bylaw.

A review of the proposed retained and severed lots, in comparison with the applicable provisions of the City's zoning bylaw is provided in the table below.

Table 1: Bylaw 60-2019 – Residential One Zone (R1B) Requirements

| Provisions | R1B Zone Requirement (Semi-Detached Dwelling) | Retained Lot (Part 1) | Severed Lot (Part 2) |
|------------------|---|-------------------------|-------------------------|
| Minimum Lot Area | 200 m ² | 167.79 m ² * | 167.79 m ² * |

***Denotes zoning deficiency**

CONSENT PLANNING ANALYSIS

The application for consent was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)*, the *Regional Official Plan*, the *City of Thorold Official Plan* and the *City of Thorold Comprehensive Zoning Bylaw 60-2019*.

Provincial Policy Statement (2020) (PPS)

The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development.

Therefore, in the opinion of staff, the consent application is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)

A Place to Grow Plan (P2G) 2021, incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. The subject lands are designated as “Delineated ‘Built-Up’ Area” according to the P2G. The Growth Plan also directs development to settlement areas to be focused in “built-up” areas.

Therefore, in the opinion of staff, the consent application conforms to the provisions of the P2G.

Regional Official Plan

As per the Region of Niagara’s Official Plan (NOP), the subject lands are within the “Urban Built – Up Area”. Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. A range of uses including residential uses are permitted and encouraged within such areas, in a manner that makes efficient use of existing services.

Therefore, in the opinion of staff, the consent application conforms to the Region’s Official

Plan.

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.

Subsection D4.2.1 of the Official Plan sets out criteria that are to be satisfied prior to lot creation by consent, including that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the zoning bylaw;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,
- i) Complies with Provincial Minimum Distance Separation Formula, where applicable.

In the opinion of staff, the proposal would satisfy all applicable criteria, as the applicant is proposing the creation of the new lot for ownership purposes of the existing semi-detached only. In accordance with Policy D4.2.1, the new lot would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

Staff is of the opinion that the proposed consent is appropriate and in keeping with the intent of the Official Plan. As such, the proposed consent conforms to the City’s Official Plan.

City of Thorold Comprehensive Zoning Bylaw 60-2019

The subject property is zoned Residential One Zone (R1B) in the City of Thorold’s Zoning Bylaw 60-2019 as amended. Both the retained and severed parcels meet the general

intent of the Zoning Bylaw as the lots have been previously developed with a semi-detached residence, as permitted by the zone. As noted above, the proposed consent to provide for separate lots for each unit of the existing semi-detached, necessitates the relief for the lot area provision of the R1B zone, from 200 m² to 167.79 m². Accordingly, subsequent minor variance applications have been submitted, in concert with the consent application, to permit the proposed variance for both the severed (3 Hagar Street, Part 2) and retained parcel (5 Hagar Street, Part 1).

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; and
- The variance is minor in nature.

It is noted that in support of the application, the applicant has provided a cover letter to demonstrate how, in the opinion of the applicant, the application conforms to good planning principles, and satisfies the criteria of Section 45(1) of the Planning Act. This cover letter is provided in **Appendix 2**.

A summary of planning staff's review of the proposed variance with respect to each of these considerations is provided below. It is noted that the variance requested for both 5 Hagar Street, Part 1 (retained lot) and 3 Hagar Street, Part 2 (severed lot) are identical, and as such, the analysis below pertains to both Minor Variance applications D13-18-2024 and D13-19-2024.

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

The purpose of minimum lot area requirements in residential zones is to ensure that there is adequate space for parking, landscaping and amenity areas on the property. They are also intended to ensure that the character of the surrounding neighbourhood is maintained.

In staff's opinion, the proposed reduced lot area maintains the purpose of the minimum lot area requirements by providing adequate area for the dwelling, parking, landscape open space, appropriate setbacks, and any accessory structures. The character of the area is also maintained and not negatively impacted.

As such, the variances requested to reduce the minimum required lot area from 200 m² to 167.79 m² maintains the general intent and purpose of the zoning bylaw.

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

The subject lands are designated Urban Living Area and are subject to the and are subject to the Urban Area Boundary, Centre Community Improvement Area and Built Boundary overlays in the City of Thorold Official. Lands designated Urban Living Area are identified as existing and planned residential development and complementary uses on full municipal services.

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.

It is staff's opinion that the requested variances would not negatively impact the character of the area as the semi-detached dwelling has already been established, and no additional development is proposed for the lot.

Therefore, the variances requested to reduce the minimum required lot area from 200 m² to 167.79 m² on each proposed parcel would maintain the general intent and purpose of the Official Plan.

Is the variance 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 variance for a reduced lot area would facilitate separate ownership of the existing semi-detached dwelling, providing safe and harmonious development of a property that is subject to space constraints. No new construction is proposed on this lot, and is an appropriate reduction in context of the neighbourhood.

The reduction in the required lot area will not impact the surrounding residential properties. There is still adequate amenity space, space for parking, and the existing separation between buildings will be maintained.

As such, staff is of the opinion the variances requested to reduce the minimum required lot area of each proposed parcel from 200 m² to 167.79 m² is appropriate for the development of the land.

Is the variance 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 reduction in the lot area will not be discernable, given the range of established lot areas of existing dwellings in the neighbourhood. The proposed reduced lot area is an adequate size for the units, and will not adversely impact the surrounding area.

As such, the variances requested to reduce the minimum required lot area of each proposed parcel from 200 m² to 167.79 m² variance requested is 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 3**.

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

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

City Engineering Department

- City staff noted that the Engineering Department has the following comments in regards to this Consent Severance Application.
 - Each lot must have separate municipal services. Separate services to be located on site plan.
 - Grading plan for each property to be provided.
 - Each lot must have its own entrance to the property.
- Compliance with the above will be confirmed at the time of building permit.

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, no public comments have been received.

CONCLUSION:

In conclusion, it is the recommendation of Planning staff that Consent Application D10-11-2024 to sever a parcel of land and permit the partial discharge of mortgage over a parcel having 7.425 metres of frontage along Hagar Street, and 167.79 m² of lot area, being 3 Hagar Street (Part 2), be approved subject to the conditions stated herein.

Furthermore, it is the recommendation of Planning Staff that minor variance application D13-18-2024 requesting relief to the City of Thorold Comprehensive Zoning Bylaw 60-2019 to reduce the minimum required lot area from 200 m² to 167.79 m² for 5 Hagar Street, Part 1 (retained parcel), be approved without conditions for the reasons as described within this report.

Finally, it is the recommendation of Planning Staff that minor variance application D13-19-2024 2024 requesting relief to the City of Thorold Comprehensive Zoning Bylaw 60-2019 to reduce the minimum required lot area from 200 m² to 167.79 m², for 3 Hagar Street, Part 2 (severed parcel), be approved without conditions for the reasons as described within this report.

Prepared by:

ORIGINAL SIGNED

Connor Maclsaac

Planner, Development Services

Respectfully Submitted By:

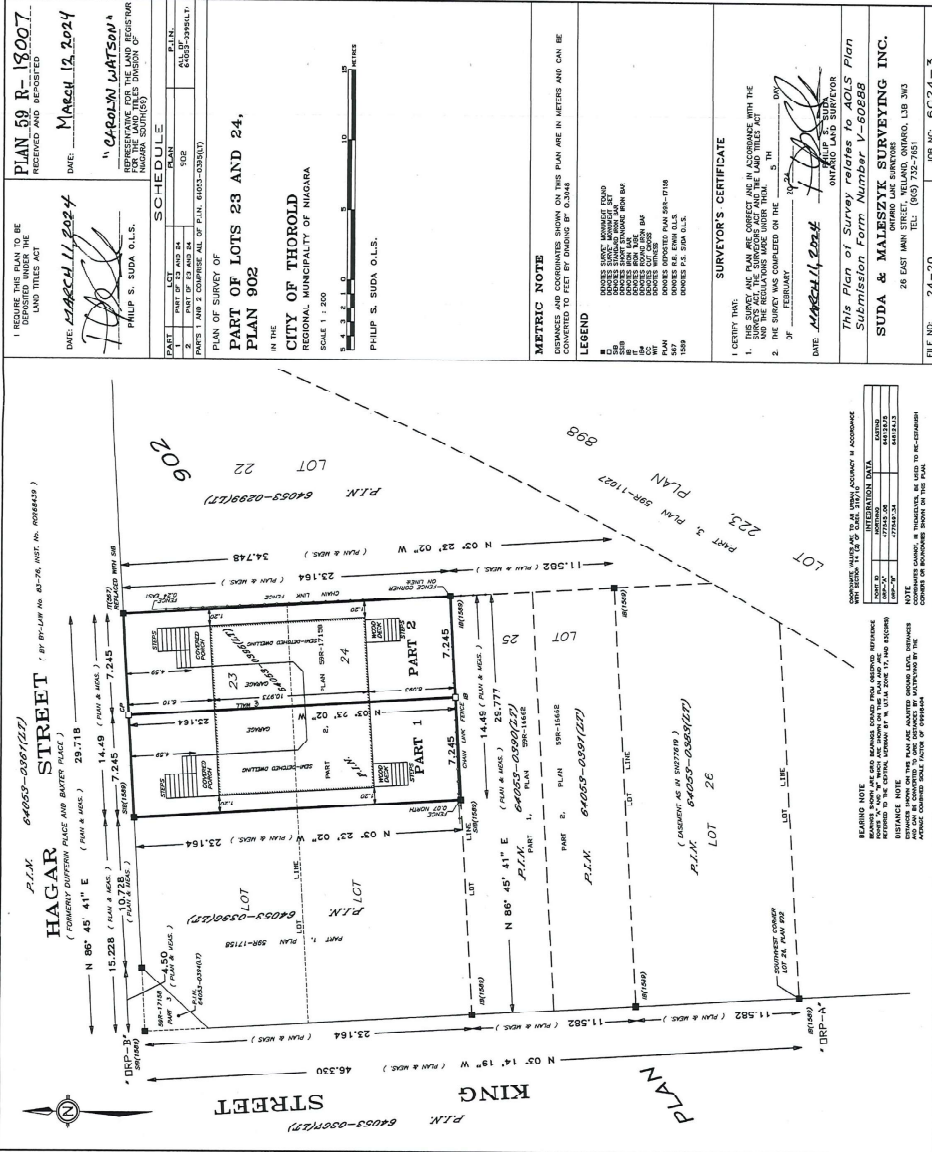
ORIGINAL SIGNED

Marc Davidson

Senior Development Planner,
Development Services



Appendix 1: Survey Sketch



3
5

PLAN 58 R-18007
RECEIVED AND REGISTERED

DATE: MARCH 12, 2024

1 CAROLYN WATSON A REPRESENTATIVE FOR THE LAND REGISTRAR (NATIVE SURVEYS DIVISION OF ONTARIO)

PHILIP S. SUDA O.L.S.

SCHEDULE
PART OF LOTS 23 AND 24, PART OF LOT 32, AND LOT 22, AND 1/2 CORNER ALL OF P.L.N. 64053-0389(17)

PLAN OF SURVEY OF PART OF LOTS 23 AND 24, PLAN 902 IN THE CITY OF THOROLD REGIONAL MUNICIPALITY OF ONTARIO

SCALE 1 : 200

PHILIP S. SUDA O.L.S.

METRIC NOTE
ESTIMATES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DIMENSIONED PORTION OF LOT 24
- DIMENSIONED PORTION OF LOT 23
- DIMENSIONED PORTION OF LOT 32
- DIMENSIONED PORTION OF LOT 22
- DIMENSIONED PORTION OF LOT 106
- DIMENSIONED PORTION OF LOT 32
- DIMENSIONED PORTION OF LOT 22
- DIMENSIONED PORTION OF LOT 106

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGULATION OF SURVEYING ACT AND THE REGULATIONS MADE UNDER THAT ACT
2. THE SURVEY WAS COMPLETED ON THE 12 DAY OF MARCH 2024
BY: _____ (PHILIP S. SUDA) SURVEYOR
DATE: MARCH 12, 2024 ONTARIO LAND SURVEYOR

This Plan of Survey relates to AOLS Plan Submission Form Number V-60268
SUDA & MALESZYK SURVEYING INC.
26 EAST MAIN STREET, WELLSBORO, ONTARIO L9B 3H3
TEL: (905) 735-1681

FILE NO: **24-20** | 208 INC. 6C24-3



Appendix 2: Applicant Cover Letter

May 3, 2024

To:

Connor Maclsaac
Development Services
City of Thorold
P.O. Box 1044
3540 Schmon Parkway, Thorold, ON
L2V 4A7

From:

JMT Partnership
1051 Old Thorold Stone Rd., Thorold, ON
L2V 3Y5

RE: 3/5 Hagar Street Minor Variance Applications

Dear Mr. Maclsaac,

JMT Partnership is submitting applications for Consent and Minor Variance to the City of Thorold regarding the property located at 3/5 Hagar Street, Thorold, Ontario. The Minor Variance application seeks relief from Comprehensive Zoning By-Law 2140 (97) to facilitate the application for consent. The proposed will result in the creation of 1 new lot and 1 retained lot. The Owner has recently completed construction of a semi detached dwelling on the premises and is pursuing these applications to satisfy their consideration of tenure.

The following cover letter will give a brief overview of the history of the lands and how the proposed application meets the four tests for a minor variance under Section 45(1) of the *Planning Act*.

In summary, the proposed application is minor in nature, requires relief from four zoning provisions, is a desirable and appropriate development, and keeps with the general intent of the City of Thorold's Official Plan and Comprehensive Zoning By-Law 2140 (97).

Property Context and History

As noted, the property currently contains two newly developed Semi-Detached dwellings (Permit No. PRM-2023-007 issued 2023-04-28). The property had previously been granted a minor variance to construct the semi-detached dwellings.

The property is located at 3/5 Hagar Street, Thorold. The total lot area for the property is 335.65 square meters, with a frontage of 14.49 meters. It is located within an existing residential neighbourhood, and is surrounded by a mix of single detached, semi-detached, and townhome dwellings (See attached photos). Within the greater surrounding area (3 KM) of the property includes Brock University as well as the commercial and recreational uses associated with Downtown.

The application seeks to sever the existing lot along the common wall, resulting in two symmetrical lots with frontages of 7.25 metres, depths of 23.16 metres, and a lot areas of 167.79 square metres.

The current City of Thorold Comprehensive Zoning By-Law does not have provisions reflecting semi-detached dwellings situated on their own lot. A previous minor variance was received for the property to construct the semi-detached dwellings in 2021 (File No. D13-32-2021). In order to facilitate an application for consent, minor variances for Lot Area, Frontage, Front Yard Setback, and Interior side yard setback, are required for both the severed and retained lots.

Four Tests for Minor Variance Applications

The following subsection will provide an overview of how the application meets the following four tests for a minor variance to address section 45(1) of the *Planning Act*; is the application minor in nature; is it desirable for the appropriate development or use of the land, building, or structure; is it in keeping with the general intent and purpose of the Official Plan; and is it in keeping with the general intent and purpose of the City's Comprehensive Zoning By-Law.

1. Is the application minor in nature?

The application seeks relief from the following provisions of the City of Thorold's Comprehensive Zoning Bylaw 2140 (97):

- Minimum Frontage: From 15 metres to 7.245 metres
- Minimum Lot Area: From 550 square metres to 167.82 square meters

The current Comprehensive Zoning By-Law does not have lot provisions within the Residential Second Density Special zone which recognizes semi-detached dwellings situated on their own lots. A minor variance was previously approved to facilitate the construction of the Semi-Detached dwelling.

When considering the current context and existing semi-detached dwellings on the lands, the application is minor in nature.

2. Is it desirable for the appropriate development or use of the land, building or structure?

The application for a minor variance is the result of residential intensification within the City's urban boundary, on lands that are municipally serviced and have capacity for development. The gentle density increase is in accordance with the City's goals for growth and development, as outlined in the Official Plan.

The development is within proximity to bus stops, amenities, and major institutions such as Brock University, and provides another diversity of housing options for the growing City population.

The application fits within the current residential context of the surrounding neighborhood, is a desirable and appropriate use of the land and compliments the built form of the area.

3. Is it in keeping with the general intent and purpose of the Official plan?

The City of Thorold Official Plan (2016) provides the basis for managing growth within the City. As such, the Official Plan outlines policies pertaining to residential development while balancing the character and heritage resources of the City.

The Official Plan designates the property Urban Living Area in Schedule A-1 (Figure 1). The Official Plan states the following regarding Urban Living Area lands:

A4.1.1 “Urban Living Area Lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services. The Urban Living Area may also include other small or minor land uses such as convenience stores or institutional uses which are supportive of and compatible within a primarily residential area.”

The Official Plan outlines permitted uses within the Urban Living Area, which includes semi detached, townhouse, and multiple and apartment buildings (B1.1.2 C), along with accessory apartments (B1.1.2 B).

In general, the Official Plan directs residential development within the Urban Area on existing residential services (A2.1.1), and intensification of residential redevelopment is encouraged to provide a diversity of housing in proximity to the downtown (A2.1.2).

The Official Plan also outlines policies pertaining to the criteria for development of Semi-Detached dwellings in subsection B1.1.5:

B1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings

In addition to the criteria listed in Section B1.1.3, in considering a Zoning By-law Amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;*
- b) Can be easily integrated with surrounding land uses;*
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,*
- d) Is located on a site that has adequate land area to incorporate required parking, amenity areas, recreational facilities, landscaping and buffering on-site.*

The neighborhood is characterized predominantly by residential uses and includes detached, semi-detached, and townhouse developments. The application respects the character of the

neighborhood and has been easily integrated with surrounding residential land uses. Additionally the proposal does not create traffic hazards or an unacceptable level of congestion and is located on a site that has the adequate land area to incorporate required parking and landscapes onsite.

Therefore, the application is in keeping with the general intent of the City of Thorold Official Plan.

4. Is it in keeping with the general intent and purpose of the zoning by-law?

The City of Thorold Comprehensive Zoning By-Law 2140 (97) regulates the use of land and controls how each property can be used within the City of Thorold. The property is zoned Residential Second Density Special (RS2) (Figure 2). The following uses are permitted within the RS2 Zone (bolding added):

12.1 Permitted Uses The following uses are permitted in a Residential Second Density Special R2S Zone:

- (1) single detached dwelling;*
- (2) **semi-detached dwelling**;*
- (3) duplex dwelling;*
- (4) triplex dwelling;*
- (5) converted dwelling;*
- (6) a home occupation, in accordance with the provisions of Section 6.21;*
- (7) a group home, in accordance with the provisions of Section 6.24;*
- (8) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.*

The purpose of the RS2 zone is to allow for a mix of residential dwelling type, providing a diversity of housing within the City. The Zoning-Bylaw does not recognize lot sizes, frontages, and setbacks for semi-detached dwellings on their own lot.

Therefore, the application is in keeping with the general intent and purpose of the zoning by-law.

In summary, the application for 3/5 Hagar Street for minor variances regarding minimum lot size, minimum lot frontage, interior side yard setbacks, and front yard setbacks meets the four tests for a minor variance under the *Planning Act (2024)*.

Sincerely,



Dawson McKenzie

JMT Partnership

Surrounding Area Photos (Via Google)



King Street Looking NE - Semi-Detached and Detached Homes



King Street Looking SE - Semi-Detached and Single Detached Homes



Richmond Street Looking NE - Townhomes

3/5 Hagar Street Property Photo



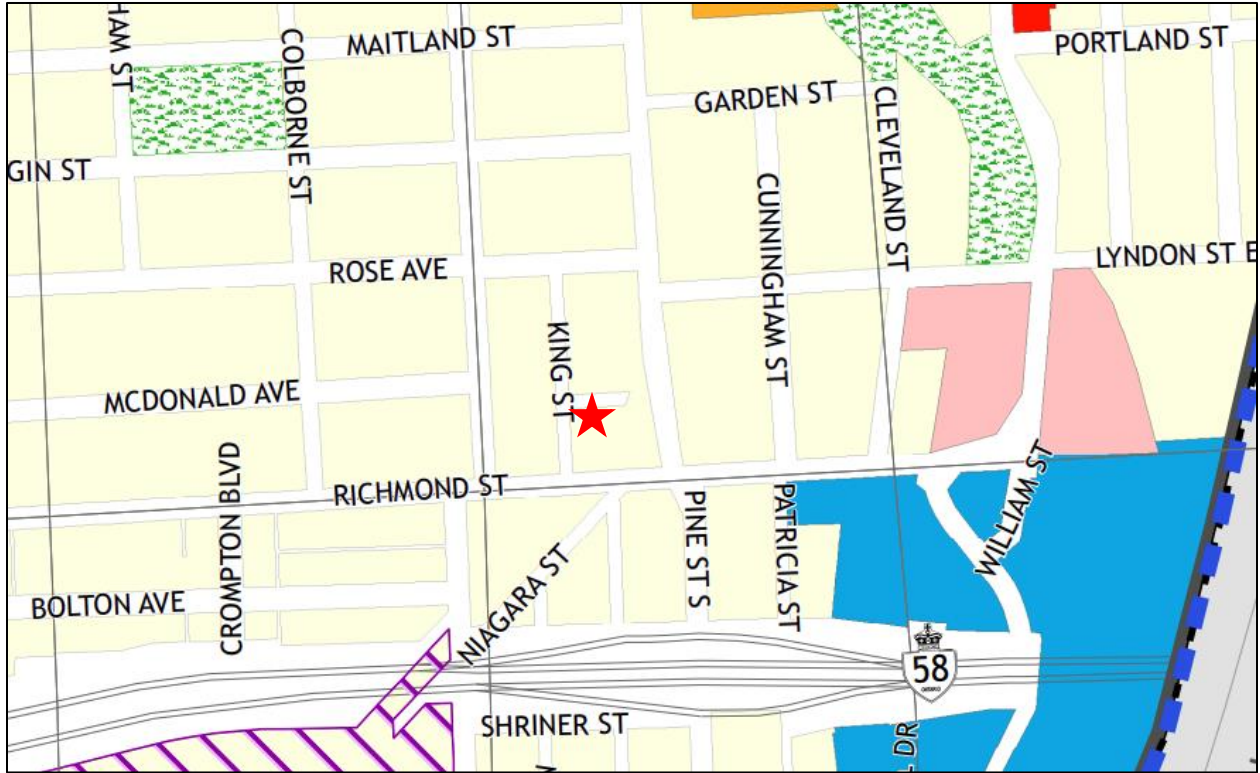


Figure 1: City of Thorold Official Plan Schedule A-1 - Subject Property denoted by Red Marking

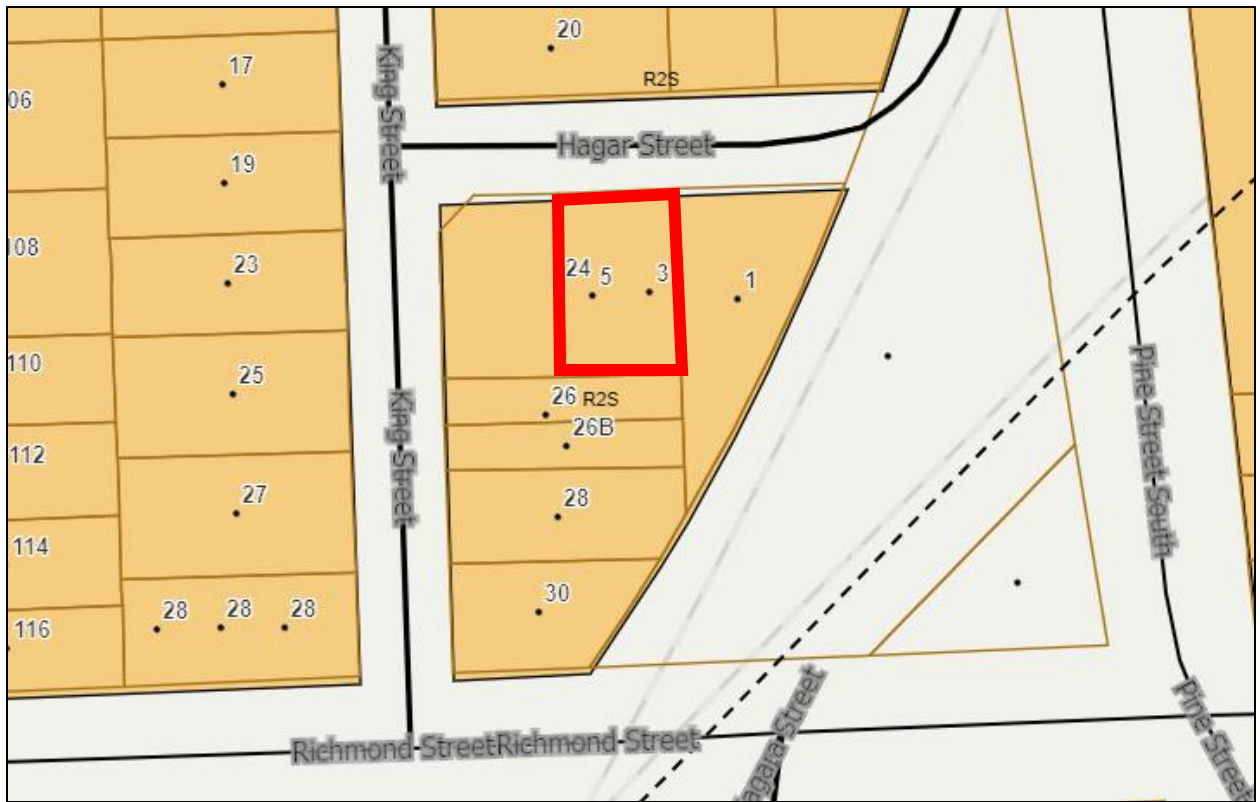
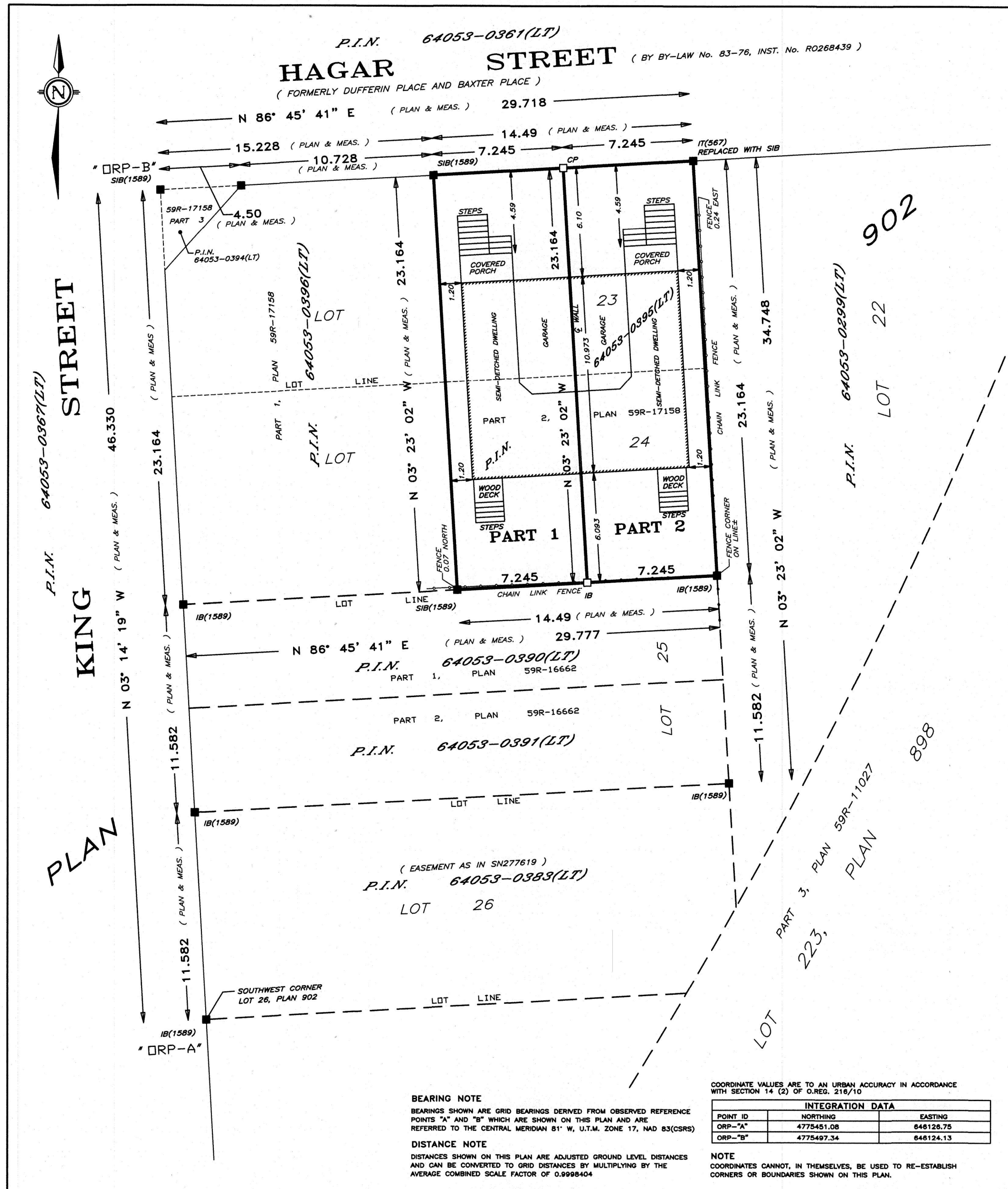


Figure 2: City of Thorold Comprehensive Zoning By-Law 2410 (97) – Approximate Subject Property (Red)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: MARCH 11, 2024

[Signature]
PHILIP S. SUDA O.L.S.

PLAN 59 R-18007
RECEIVED AND DEPOSITED

DATE: MARCH 12, 2024

"CAROLYN WATSON"
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH(59)

| SCHEDULE | | | |
|----------|-------------------|------|-----------------------|
| PART | LOT | PLAN | P.I.N. |
| 1 | PART OF 23 AND 24 | | ALL OF 64053-0395(LT) |
| 2 | PART OF 23 AND 24 | 902 | |

PARTS 1 AND 2 COMPRISE ALL OF P.I.N. 64053-0395(LT)

PLAN OF SURVEY OF
**PART OF LOTS 23 AND 24,
PLAN 902**

IN THE
CITY OF THOROLD
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 200

[Scale bar showing 0 to 15 metres]

PHILIP S. SUDA O.L.S.

METRIC NOTE

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

| | |
|------|----------------------------------|
| ■ | DENOTES SURVEY MONUMENT FOUND |
| □ | DENOTES SURVEY MONUMENT SET |
| SIB | DENOTES STANDARD IRON BAR |
| SSIB | DENOTES SHORT STANDARD IRON BAR |
| IB | DENOTES IRON BAR |
| IT | DENOTES IRON TUBE |
| IB# | DENOTES ROUND IRON BAR |
| CC | DENOTES CUT CROSS |
| WIT | DENOTES WITNESS |
| PLAN | DENOTES DEPOSITED PLAN 59R-17158 |
| 567 | DENOTES R.B. ERWIN O.L.S. |
| 1589 | DENOTES P.S. SUDA O.L.S. |

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 5 TH DAY OF FEBRUARY 2024

DATE: MARCH 11, 2024

[Signature]
PHILIP S. SUDA
ONTARIO LAND SURVEYOR

This Plan of Survey relates to AOLS Plan Submission Form Number V-60888

SUDA & MALESZYK SURVEYING INC.
ONTARIO LAND SURVEYORS
26 EAST MAIN STREET, WELLAND, ONTARIO, L3B 3W3
TEL: (905) 732-7651

FILE NO: 24-20 JOB NO: 6024-3

BEARING NOTE
BEARINGS SHOWN ARE GRID BEARINGS DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" WHICH ARE SHOWN ON THIS PLAN AND ARE REFERRED TO THE CENTRAL MERIDIAN 81° W, U.T.M. ZONE 17, NAD 83(CSRS)

DISTANCE NOTE
DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.9998404

COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O.REG. 218/10

| INTEGRATION DATA | | |
|------------------|------------|-----------|
| POINT ID | NORTHING | EASTING |
| ORP-"A" | 4775451.08 | 646126.75 |
| ORP-"B" | 4775497.34 | 646124.13 |

NOTE
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Total Lot Area (per lot)
= 167.8

Total Building Footprint (per Lot - see stamped BP Drawings)
= 66.89

Total Lot Coverage (per Lot)
= 39.8%

Landscape Open Space (per lot)
= 100.91 sq m

Height of Covered Porch (see stamped BP Drawings)
= 3.22m

Height of deck (see stamped BP drawings)
= .93m

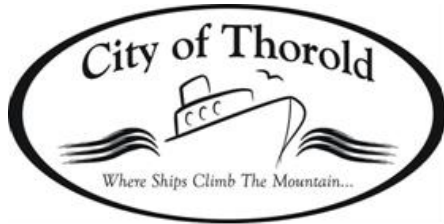
Setback to deck (see stamped BP drawings)
= 3.65 m



Appendix 3: Agency & Department Comments



CITY OF THOROLD ENGINEERING COMMENTS



Memorandum
City of Thorold
Operations Department
905-227-3535

To: Angela Nesbitt, Planning Clerk
From: Frankie Sica, Engineering Tech.
Subject: Consent D10-11-2024
3-5 Hagar Street
Plan 902 Pt Lots 23 and 24 Rp 59R17158 Part 2
Thorold, ON
Date: June 7, 2024

Please be advised that the Engineering Department has the following comments in regards to this Consent Application.

- Grading plan for property
- Each lot must have separate municipal services
- Each lot must have its own entrance to the property
- Locate services on site plan

Should you have any questions, please contact the undersigned.

Frankie Sica,
Engineering Technician, Engineering Division
frankie.sicag@thorold.ca
(905) 227-6613. Ext. 307