



COMMITTEE OF ADJUSTMENT

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

February 12, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-04-2021
1049 Niagara Street, Thorold, Ontario

PLAN TWP PT LOT 226

RECOMMENDATION:

That application D13-04-2021 be approved.

PROPOSAL:

The subject lands are designed Port Robinson West Mixed Use Commercial in the City of Thorold Official Plan and are zoned Highway Commercial/Industrial (HCI) – Highway 20 West of Canal in accordance with Comprehensive Zoning Bylaw 2140(97). The current use of the property is a bus terminal. The applicant is requesting that the following uses be considered similar to the existing use under Section 45(2)(a)(ii) of the *Planning Act*:

1. Equipment sales, rental and service;
2. Manufacturing of portable self-contained washrooms;
3. Auto mobile service and repair establishment.

Figure 1: Location of Subject Property



KEY MAP

PLANNING ACT

Section 45(2)(a)(ii) of the *Planning Act* gives the Committee of Adjustment power to permit a use(s) similar to a legally established use that is no longer permitted by the Zoning Bylaw.

CITY OF THOROLD OFFICIAL PLAN:

The subject lands are designated Port Robinson West Mixed Use Commercial in the City of Thorold Official Plan.

COMPREHENSIVE ZONING BY-LAW 2140 (97) AND 60(2019):

The subject property is zoned Highway Commercial/ Industrial (HCI) – Highway 20 West of Canal in accordance with Comprehensive Zoning Bylaw 2140(97).

The City's new Comprehensive Zoning Bylaw 60(2019) zones the subject lands Future Development 'FD'. This zone only permits existing uses.

PLANNING REVIEW:

The current use of the property is for bus repair and storage.

The use of the property was established prior to Comprehensive Zoning Bylaw 2140(97) and there is sufficient evidence to determine that the use was established legally. The City's new Comprehensive Zoning Bylaw 60(2019) does not permit the exiting use.

The applicant is proposing to convert the existing building to one of the following uses:

- equipment sales, rental and service;
- manufacturing of portable self-contained washrooms; or
- automobile service and repair

No new buildings are proposed to facilitate the change of use.

All three uses are similar to what is operating on the property today. There are also similar uses to the existing use and the three uses listed above along Niagara Street currently.

As such, Staff do not anticipate that the impact would be greater to neighbouring properties as a result of these uses than what is occurring today.

CIRCULATION COMMENTS:

The following comments on the application were received from internal departments and external agencies.

Alectra Utilities

- This address is not within the Alectra Utilities service area.

Building Division

- No concerns from the Building Division.

Cogeco

- Cogeco has no concerns with this application.

MTO

- The subject property is located outside MTO permit control and the Ministry is not concerned with the proposed minor variances.

NPCA

- We have no regulated features, therefore no objections to the subject application.

Finance Department

- No outstanding tax balances.

Niagara Region

- Our Department has no objection to the proposed uses provided a new sewage system is installed to service the building accounting for employees, store space, and washroom facilities. The property contains enough usable land for the installation of a new sewage system. Please note, most of the property is gravel parking which may need to be reduced due to the area required for the new sewage system.
- Therefore, we have no objections to proposed uses provided a new sewage system permit is applied for and installed meeting Ontario Building Code requirements.

The applicant will be required to obtain a new sewage system permit prior to utilizing the building for a new use.

CONCLUSION:

It is the opinion of Planning staff that the above noted uses are similar to the existing use on the property and that the application can be supported.

Respectfully submitted and approved by:

ELECTRONICALLY SIGNED

Denise Landry, MCIP, RPP
Manager of Planning Services