

COMMITTEE OF ADJUSTMENT

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

March 12, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-05-2021
47 Front Street South, Thorold, Ontario

PLAN 11 PT LOT 51 NP898
2731000007069020000

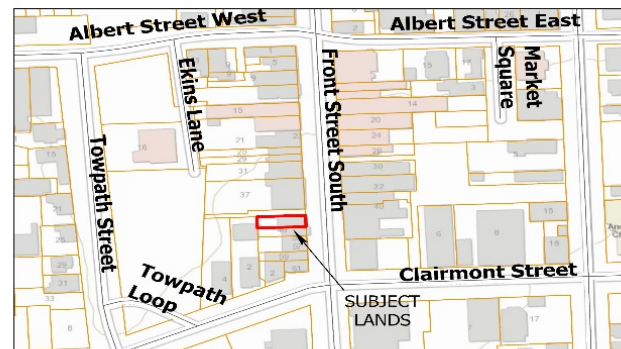
RECOMMENDATION:

That the minor variance requested in application D13-05-2021 be approved.

PROPOSAL:

The applicant is requesting permission to permit a dwelling unit in the basement of an existing dwelling unit located in a commercial/residential building as shown on the drawing submitted. In order to facilitate the development, as per Comprehensive Zoning Bylaw 2140(97), the following variance from Central Commercial (CC) zone provisions is being requested:

Figure 1: Location of Subject Property



KEY MAP

Central Commercial (CC) - Section 17.3 Conversion of Commercial Buildings or new Mixed use Apartment Buildings - Provision (c) – No dwelling unit shall be located in a basement:

1. To permit a dwelling unit in the basement.

BACKGROUND

The subject property is located downtown Thorold along Front Street. Parking is located at the rear of the building for the residential dwellings.

CITY OF THOROLD OFFICIAL PLAN:

The subject lands are designated Downtown in the City of Thorold Official Plan. Mixed use developments are permitted with a focus of creating a diverse mix of commercial, residential, cultural and social uses.

COMPREHENSIVE ZONING BY-LAW 2140 (97):

The subject lands are zoned Central Commercial (CC) in accordance with Comprehensive Zoning Bylaw 2140(97). Mixed use commercial buildings are a permitted use in the zone. Parking as per the Zoning Bylaw 2140(97) for lands zoned Central Commercial (CC) is only required for dwellings and not commercial uses.

PLANNING REVIEW:

1. Are the variances minor from the provisions of the By-law?

The dwelling is proposed to be located approximately half on the main floor (559 sq ft) and half in the basement (577 sq ft). The main floor portion of the dwelling is proposed to be located at the rear of the dwelling. Commercial space will occupy the front portion of the main floor. Although the dwelling will be located partially in the basement a large portion will be located on the main floor.

Staff are of the opinion that the requested variance is minor from the provisions of the By-law.

2. Are the variances appropriate for the development of the land?

The variance would facilitate the creation of a residential dwelling. Dwellings are a supported use in the downtown and are appropriate as there are nearby amenities and access to transit opportunities. The site also will accommodate parking with the new dwelling at the rear of the building.

Staff are of the opinion that the requested variance is appropriate for the development of the land.

3. Is the general intent and purpose of the By-law maintained?

The intent of the zoning bylaw provision is to control the location of dwelling units in an apartment or mixed use building(s). Locating half a dwelling in a basement does not pose any negative impacts to the adjacent buildings. Parking is only required in the CC zone for dwellings and the site will meet the minimum parking requirements.

Staff are of the opinion that the requested variance meets the general intent and purpose of the By-law.

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

Section B1.2.3 of the Official Plan outlines the vision for the downtown area. The vision is for the downtown to be reinforced as a focal point for commerce and hospitality in the City, accommodating a diverse mix of commercial, residential, cultural and social uses.

Section B1.2.2 of the Official Plan permits mixed use buildings.

The proposal supports the vision of the downtown by adding another dwelling in a mixed use building.

Staff are of the opinion that the requested variance would maintain the general intent and purpose of the Official Plan.

CIRCULATION COMMENTS:

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

Hydro One

No issues.

Cogeco

Cogeco has no concerns with this application.

MTO

The MTO has no concerns, as the property is located outside the MTO permit control area.

Engineering Department

Engineering Department has no comments to offer in regard to this property.

Building Department

A building permit is required to be obtained for the construction of the proposed dwelling unit.

NPCA

There are no regulated features on the property, therefore the NPCA has no objections.

CONCLUSION:

It is the opinion of Planning staff that the proposed variance meets the prescribed tests set out in the Planning Act, being that:

1. The variances are minor in nature from the provisions of the By-law;
2. The variances are appropriate for the development of the land;
3. The general intent and purpose of the By-law is maintained; and
4. The general intent and purpose of the Official Plan is maintained.

Prepared and respectfully
submitted by:

ELECTRONICALLY SIGNED
Denise Landry, MCIP, RPP
Manager of Planning Services