

COMMITTEE OF ADJUSTMENT

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

June 11, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-11-2021
1073 Niagara Street, Thorold, Ontario

PT TWP LOT 226
273100003117600

RECOMMENDATION:

That the application to permit an accessory building on the subject property be approved.

PROPOSAL:

The applicant proposes to construct an approximately 195 m² accessory building in the rear yard of the subject property for the storage of raw aluminum products used for manufacturing windows and doors within the existing facility on the property.

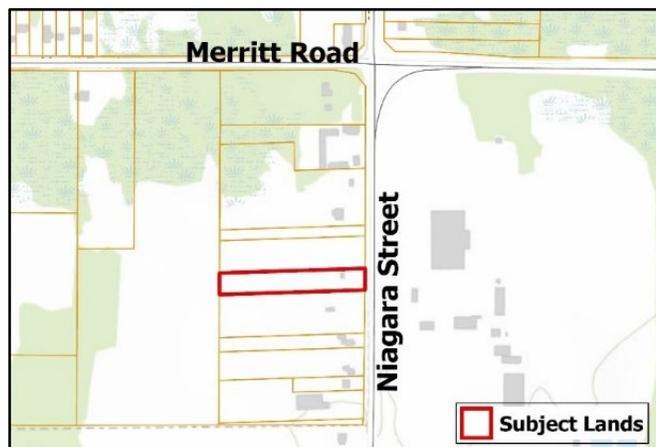
The subject property is located on the west side of Niagara Street, between Merritt Road and the City of Welland border (see Figure 1). The property contains a commercial/industrial building with offices and warehouse/manufacturing space for Peninsula Glass.

To facilitate the construction of the accessory building, an application to the Committee of Adjustment is required to allow the establishment of a use that is similar to the use currently operating on the property.

Where any land, building or structure, on the day a zoning by-law was passed, was lawfully used for a purpose prohibited by the by-law, Section 45(2)(a)(ii) of the Planning Act allows the Committee of Adjustment to permit a use that is similar to the purpose for which it was used on the day the by-law was passed or that is more compatible with the uses permitted by the by-law.

CITY OF THOROLD OFFICIAL PLAN:

Figure 1: Location of Subject Property



The subject property is designated as 'PRW – Mixed-use Commercial' in the City's Official Plan (OP). The subject property is located in the 'Phase 2' area of the Port Robinson West Secondary Plan. Land use designations in the 'Phase 2' area are subject to the completion of a future sub-watershed study.

COMPREHENSIVE ZONING BY-LAW 60-2019 (Partially under appeal):

The subject property is zoned 'FD' (Future Development) under new Comprehensive Zoning By-law 60-2019. With the exception of agriculture, only legally existing uses, buildings, and structures are permitted in the 'FD' zone.

The 'Natural Heritage Feature Buffer Area' layer also applies to the subject property. Typically, this layer necessitates the submission of an Environmental Impact Study (EIS) in support of development. However, during a pre-consultation meeting with the applicant, it was determined that an EIS was not necessary to support the development.

PLANNING ANALYSIS:

Unlike a typical Minor Variance application, the subject application is not evaluated under the four tests specified in Section 45(1) of the Planning Act. The Committee of Adjustment must decide if the application facilitates a use that is:

- similar to the purpose for which the subject land, building, or structure was lawfully used for when the new zoning by-law came into effect; or
- more compatible with the new permitted uses.

The proposed accessory building would provide protected, indoor storage space for materials in the rear yard of the subject property. Material storage is a component of the existing use of the property and is generally a component of all manufacturing/warehousing uses. Staff therefore suggest that the proposed use of an accessory building for material storage associated with the principal use is similar to the current use of the property.

In regards to technical matters associated with the establishment of the building, such as building location and stormwater management, staff note that the applicant has applied concurrently for an amendment to the Site Plan Agreement that is currently registered on the subject property. The Site Plan process will ensure that the proposed building does not impact surrounding lands.

CIRCULATION COMMENTS:

No concerns were raised through the circulation of the subject application.

CONCLUSION:

It is the opinion of Planning staff that the application facilitates a similar use to the current use of the subject property and should be approved by the Committee of Adjustment.

Prepared by:

Respectfully submitted by:

ELECTRONICALLY SIGNED

Paul Klassen, BES
Senior Planner

ELECTRONICALLY SIGNED

Denise Landry, MCIP, RPP
Manager of Planning Services