

COMMITTEE OF ADJUSTMENT

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

October 13, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-23-2021
2493 Highway 20, Thorold, ON

PT TWP LOT 194 RP59R-11200
2731 000 031 00400 0000

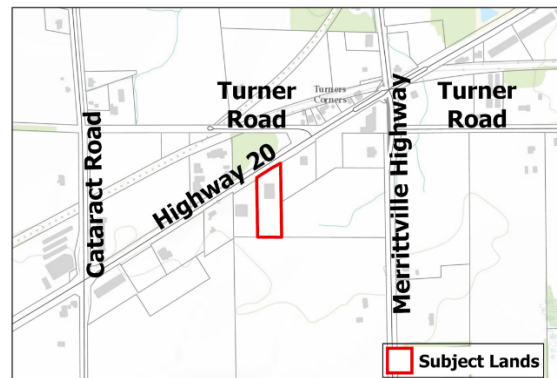
RECOMMENDATION:

That the minor variance requested in application D13-23-2021 be APPROVED.

PROPOSAL:

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. Retail sales of tools;
2. Repairing of tools;
3. Manufacturing of agricultural metal roofs;
and,
4. Building Outlet store.



KEY MAP

CITY OF THOROLD OFFICIAL PLAN

The subject lands are designated Specialty Crop in the City of Thorold Official Plan.

COMPREHENSIVE ZONING BY-LAW 60-2019 (PARTIALLY UNDER APPEAL):

The subject property is zoned Specialty Crop (AS) Zone in accordance with Comprehensive Zoning Bylaw 60-2019.

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 current use of the property is an automotive supplies/retail and trailer manufacturing establishment. The use has been in existence for approximately 31 years. The application proposed to permit retail sales and repairing of tools, manufacturing of agricultural metal roofs, and a building outlet store. No new structures are proposed to accommodate these uses, as they would all be accommodated within the existing buildings.

The proposed uses are similar in nature to the existing legal non conforming use. Since no expansion to the existing building is proposed to accommodate these uses, the addition of these permitted uses are considered minor and appropriate under Section 45(2) ii. of the Planning Act. Additionally, the proposed uses are complimentary to the existing use and are more compatible with agricultural uses than the existing use, as they may be used by agricultural businesses in the future.

In the opinion of staff, the proposed uses will allow the site to continue to function in a similar manner to the existing automotive supplies/retail and trailer manufacturing establishment and meet the applicable test under Section 45(2)(a)(ii) of the Planning Act.

CIRCULATION COMMENTS:

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

Building Division

- No comments

Cogeco

- No concerns

Engineering Division

- No engineering comments at this stage. If development is proposed in the future site grading and servicing plans will need to be submitted for review.

Finance Division

- No balance is outstanding for the property.

Niagara Peninsula Conservation Authority (NPCA)

- No objection.

Niagara Region

- Regional staff are satisfied that the proposed variance is consistent with the PPS, and conforms to the Growth Plan, Greenbelt Plan, and ROP from a Provincial and Regional perspective.

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:

Electronically signed _____

Brynne O'Neill
Senior Planner, Planning Services

Respectfully submitted by:

Electronically signed _____
Denise Landry, MCIP, RPP
Manager of Planning Services