



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

April 12, 2024

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-10-2024
1961 Kottmeier Road, Thorold, Ontario
PLAN ROLLS LOT 9 NP890 891

PROPOSAL: An application has been submitted, in partnership with Feed Niagara, for the construction of a 1881.3 m² warehouse/storage facility to store food donations from the community on lands zoned Highway Commercial (C5) in accordance with the City's Comprehensive Zoning Bylaw 60-2019. In order to facilitate the development, the following variances from the provisions of Part 7 – Commercial Zones, Table 7.3b: Lot, Building and Structure Requirements for the Neighbourhood, General, Mixed Use and Highway Commercial Zones of the City of Thorold Comprehensive Zoning Bylaw 60-2019 are being requested:

- To permit a minimum interior side yard setback (south side) of 1.2 metres whereas the bylaw permits a minimum interior side yard setback of 7.5 metres;
- To permit a maximum lot coverage of 18.5% whereas the bylaw permits a maximum lot coverage of 15%; and
- To permit a minimum planting/buffer strip of 0.0 metres abutting any front or side lot line (north, east and south sides) whereas the bylaw requires a minimum planting/buffer strip of 5.0 metres abutting any front or side lot line.

RECOMMENDATION:

That Minor Variance Application (D13-10-2024) to reduce the minimum required interior side yard setback from 7.5 metres to 1.2 metres, to increase the maximum permitted lot coverage from 15% to 18.5%, and to reduce the minimum required planting/buffer strip abutting any front or side lot line from 5.0 metres to 0.0 metres, for the purpose of a warehouse/storage facility to store food donations **BE APPROVED.**

Site Description and Proposal

The subject lands are located on the west side of Kottmeier Road between Highway 20 to the north, and Turner Road to the south, east of Highway 406 as shown in **Figure 1**. The land is currently developed with a series of grain drying silos and elevators located centrally on the property, a telecommunications tower on the east side of the property, and a weigh scale to the southerly side of the lands. The site is proposed to be further developed with an 1881.3 m² warehouse building at the rear of the property, including four associated loading docks and four parking spaces, as shown on the proposed Site Plan (**Appendix 1**).

The applicant has indicated that the proposed warehouse will service existing non-profit organizations through Feed Niagara, in order to accept surplus food from local sources, for distribution to food banks in the City of Thorold and throughout Niagara. A planning brief, as well as letter from Community Care regarding the need for the warehouse, in addition to metrics regarding food bank usage in Niagara was submitted as part of the application, and is provided in **Appendix 2**.

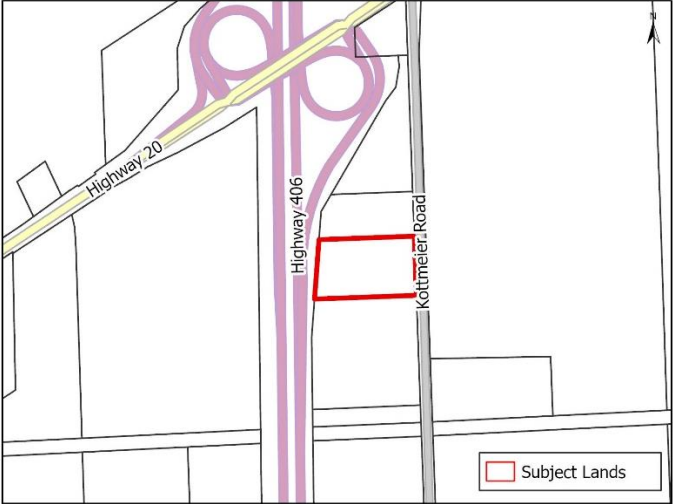


Figure 1: Location Map

Background Review

The subject property is zoned Highway Commercial (C5) in the City of Thorold’s Zoning Bylaw 60- 2019, as amended. The C5 zone permits the proposed warehouse use in accordance with the regulations contained in Part 7 – Commercial Zones, Table 7.3 b - Lot, Building and Structure Requirements for Neighbourhood, General, Mixed Use and Highway Commercial Zones. A review of the proposed 1881.3 m² warehouse, in comparison with the applicable provisions of the C5 zone is provided in the table below.

Table 1: Bylaw 60-2019 – Highway Commercial (C5) Zone Requirements

Provisions	Highway Commercial Zone Requirements	Provided
Minimum Lot Area	10,000 m ² (1 ha)	1.79 ha
Minimum Lot Frontage	75.0 m	103.68 m
Minimum Front Yard Setback	14.0 m	22.59 m

Provisions	Highway Commercial Zone Requirements	Provided
Minimum Rear Yard Setback	7.5 m	14.1 m
Minimum Interior Side Yard Setback	7.5 m	1.2 m*
Minimum Exterior Side Yard Setback	7.5 m	N/A
Maximum Lot Coverage	15%	18.27%*
Minimum Landscape Open Space	25%	28.14%
Maximum Height	-	N/A
Minimum Planting/Buffer Strip	5.0 m abutting any front or side lot line	0 m*
	3.0 m for every other lot line	14 m
Parking Spaces	1 space for every 1000 m ² of gross floor area (2)	4

*Denotes zoning deficiency

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.
- The variance is minor in nature.

It is noted that in support of the application, the applicant has provided a planning brief 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 planning brief is provided in **Appendix 2**.

A summary of planning staff’s review of the proposed variances with respect to each of these considerations is provided below.

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

Variance 1 – The purpose of the minimum interior side yard setback is to ensure adequate spatial separation between buildings on adjacent lots and no negative impacts on drainage. Staff is in agreement that the proposed reduced setback provides sufficient space to accommodate a drainage swale, and will not require vehicles to travel around the proposed building, as identified by the applicant.

As such, the variance requested to reduce the minimum required interior side yard setback from 7.5 metres to 1.2 metres maintains the general intent and purpose of the bylaw.

Variance 2 – The purpose of the maximum lot coverage is to ensure that there is adequate space between buildings and adequate area on the site to ensure functionality for parking, fire access and turnaround, landscape open space, stormwater management, and private septic services. It is staff's opinion that the lot coverage proposed for the site offers suitable lands for parking, fire access and turnaround, landscape open space, and stormwater management. The ability of the site to accommodate the required private septic services will be confirmed through Regional approval, prior to the issuance of a building permit.

As such, the variance requested to increase the permitted maximum lot from 15% to 18.5% maintains the general intent and purpose of the zoning bylaw.

Variance 3 – The intent of the planting/buffer strip along any front or side lot line is to ensure that there is adequate buffering between adjacent lands or uses. The applicant has noted that a reduction in the planting/buffer strip is required due to site constraints, and that the adjacent land uses include currently a vacant lot to the south, and an active warehouse/office to the north. The applicant has further indicated that tree plantings along Kottmeier Road will offset the elimination of the required front and side lot line planting buffers.

Staff is in agreement that the proposed development offers suitable landscaping for the subject land and the neighboring properties of the lot, and the proposed elimination of planting/buffer strips along the front and side lot lines will maintain compatibility with the surrounding area.

As such, the variance requested to reduce the minimum required planting/buffer strip abutting any front or side lot line from 5.0 metres to 0.0 metres maintains the general intent and purpose of the zoning bylaw.

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

The subject is designated Rural Highway Commercial within the City's Official Plan. The purpose of the Rural Highway Commercial designation is to recognize existing

commercial lands primarily located along Regional Road 20 and provide policies to ensure future expansion and redevelopment of this area is orderly and safe.

The variances requested will facilitate the development of a permitted use that is contemplated in the Official Plan – Rural Highway Commercial designation, namely Section B2.7.2 (f) Warehousing and cold storage.

The existing established neighbourhood contains a variety of rural uses, including agricultural related and rural commercial uses. The introduction of the proposed rural use is in keeping with the City's vision for the Rural Highway Commercial designation as set out by the City's Official Plan. No negative impacts to the surrounding area is anticipated as the scale and character has been maintained.

Therefore, staff is of the opinion the requested variances would maintain the general intent and purpose of the Official Plan.

Are the variances 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 applicant has noted that the proposed variances are required due to site constraints, resulting from the existing location of the grain silos and use of the property. The proposed minor variances will enable the development of a permitted use while maintaining the operation and functionality of the subject lands for both the existing and proposed uses. The proposed use will also allow Feed Niagara to more appropriately store and distribute food to those in need throughout the community.

In staff's opinion, no impacts to the function of the site or surrounding properties are anticipated as a result of the proposed variances, and would permit appropriate development as a public interest.

As such, staff is of the opinion the requested variances are appropriate for the development of the land.

Are the variances 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.

Variance 1 – In staff's opinion, based on the adjacent land uses, the proposed reduction in the interior side yard setback will not negatively impact the adjacent lots.

As such, the variance requested to reduce the minimum required interior side yard setback from 7.5 metres to 1.2 metres is minor.

Variance 2 – It is staff's opinion that the lot coverage proposed for the site offers suitable lands for parking, fire access and turnaround, landscape open space, and stormwater management. The ability of the site to accommodate the required private septic services will be confirmed through Regional approval, prior to the issuance of a building permit. No impacts to the function of the site or surrounding properties are anticipated as a result of the proposed increase in permitted lot coverage.

As such, the variance requested to increase the permitted maximum lot from 15% to 18.5% is minor.

Variance 3 – In staff's opinion, based on the adjacent land uses, the proposed elimination of planting/buffer strips along the front and side lot lines will not negatively impact the adjacent lots, and will maintain compatibility with the surrounding area. It is staff's opinion that the proposed tree plantings along Kottmeier Road will offer suitable landscaping for the subject land and the neighboring properties of the lot. No impacts to the function of the site or surrounding properties are anticipated as a result of the proposed decrease in required planting/buffer strips

As such, the variance requested to reduce the minimum required planting/buffer strip abutting any front or side lot line from 5.0 metres to 0.0 metres 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**.

Per the City's Official Plan, prior to the issuance of any building permit, the proposed new development will also be subject to Site Plan Control through a Signed Site Plan. This process will further examine the design and technical components of the proposed development to ensure that it will be safe, functional, and compatible with its surroundings, and meets all relevant agency requirements. The applicant has indicated that the Signed Site Plan process will be initiated in the near future. It is noted that the proposed minor variances, as well as any other relevant agency approvals, would be required prior to completion of the Signed Site Plan and issuance of the building permit.

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

The following Departments/Agencies did not provide comments on the proposal: Bell Canada, City Engineering Division, City Building Department, Niagara Escarpment Commission, Ontario Power Generation, Trillium Railway, Canada Post, Canadian National Railway, District School Board of Niagara, and Niagara Catholic District School Board.

Niagara Region

At this time of writing this report, formal comments have not been provided by Region staff. It is recognized that prior to the issuance of a building permit, a Private Sewage System permit from the Region will be required.

Niagara Peninsula Conservation Authority (NPCA)

- NPCA staff noted that the NPCA offers no objections to the approval of this minor variance or the future development of this site.
- NPCA staff noted that the watercourses noted on our mapping are no longer present and as such, the NPCA has no regulated features on this property.
- NPCA staff recommend that the City staff ensure the existing drainage patterns across the site are maintained post development.

Ministry of Transportation Ontario (MTO)

- MTO staff noted the MTO's required 14 metre setback is not compromised and the variance of the site is minor in nature.
- MTO staff noted that the MTO is supportive of the minor variance.
- MTO staff noted that MTO is to be circulated following completion of the Signed Site Plan, to ensure MTO's requirements are met, prior to application for the required MTO Commercial Building & Land Use 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 minor variance application D13-10-2024 requesting minor variances to the City of Thorold Comprehensive Zoning Bylaw 60-2019 to reduce the minimum required interior side yard setback from 7.5 metres to 1.2 metres, to increase the maximum permitted lot coverage from 15% to 18.5%, and to reduce the minimum required planting/buffer strip abutting any front or side lot line from

5.0 metres to 0.0 metres for the purpose of a warehouse/storage facility to store food donations, be approved without conditions for the reasons as described within this report.

Prepared by:

ORIGINAL SIGNED

Connor MacIsaac
Planner, Development Services

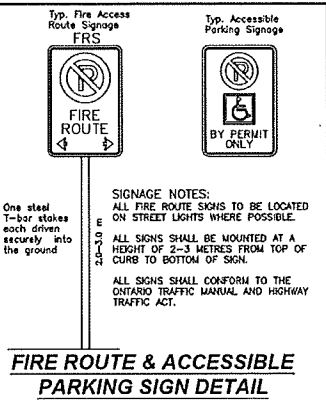
Respectfully Submitted By:

ORIGINAL SIGNED

Marc Davidson
Senior Development Planner,
Development Services

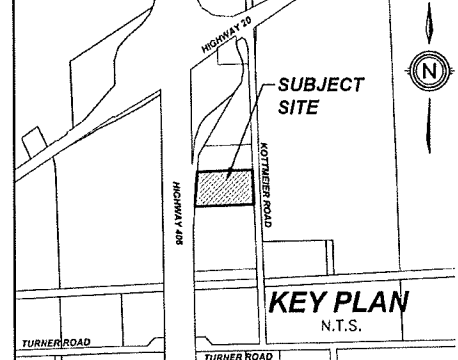


Appendix 1: Site Plan



PLANTING SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE	CONDITION
TREES:					
AR	ACER RUBRUM	RED MAPLE	8	60MM CAL	W.R.



LEGAL DESCRIPTION

PART 1 - PLAN 59R-6855
 & PART 2 - PLAN 59R-13856
 PART OF LOT 147
 GEOGRAPHIC TOWNSHIP OF THOROLD
 IN THE CITY OF THOROLD
 REGIONAL MUNICIPALITY OF NIAGARA

LAND USE SCHEDULE

LAND USE	AREA(ha)	AREA(%)
EXISTING BUILDINGS	0.146	
PROPOSED BUILDING	0.188	
TOTAL BUILDINGS	0.334	18.27
EXISTING GRANULAR	0.960	52.52
PROPOSED CONCRETE	0.030	1.64
LANDSCAPING	0.504	27.57
TOTAL	1.828	100.00

LEGEND

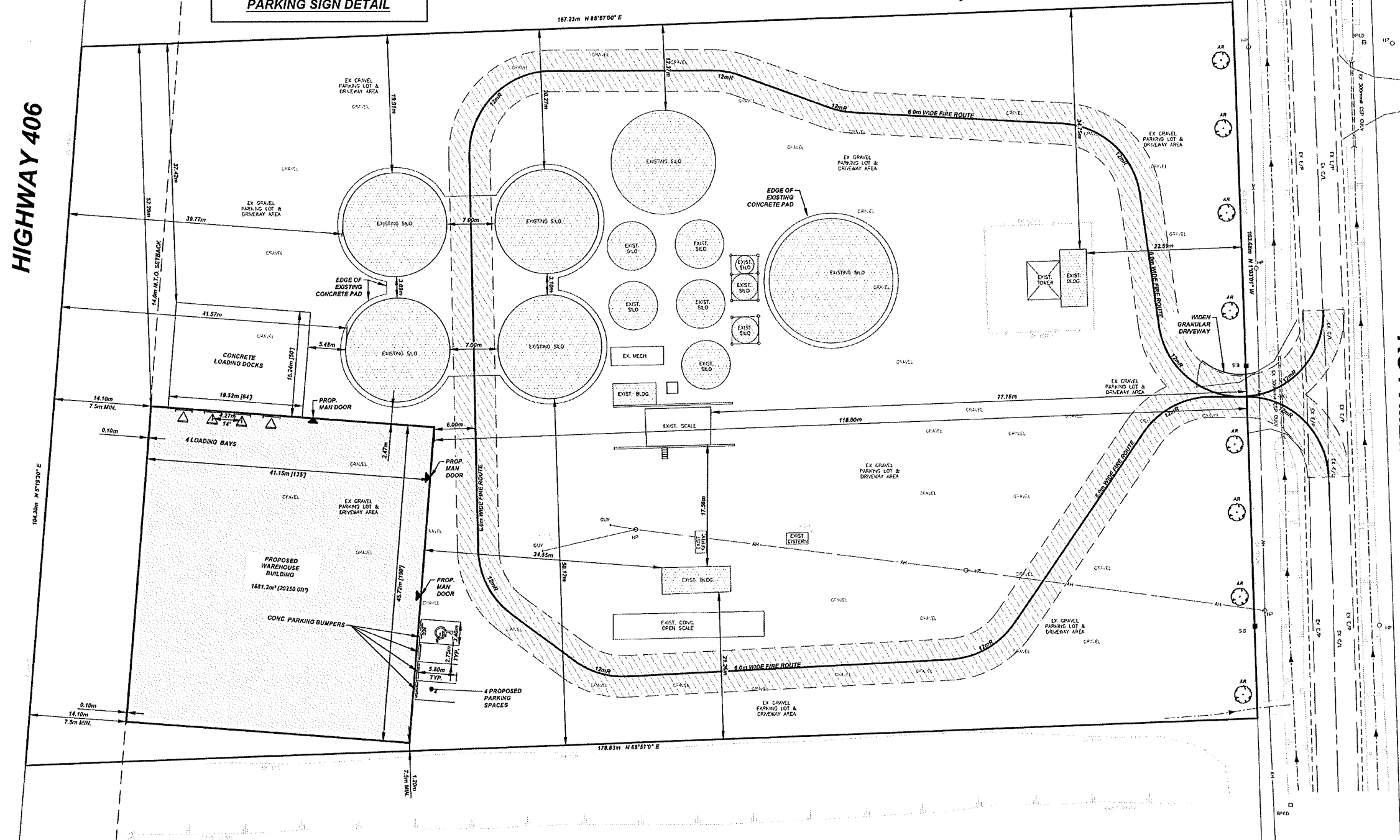
- EX WATER VALVE
- PROP WATER VALVE
- EX WATER VALVE CHAMBER
- PROP WATER METER CHAMBER
- EX HYDRANT
- PROP HYDRANT
- EX CATCHBASIN
- PROP CATCHBASIN
- EX STORM MANHOLE
- PROP STORM MANHOLE
- EX SANITARY MANHOLE
- PROP SANITARY MANHOLE
- EX HYDRO POLE
- PROP HYDRO TRANSFORMER
- PROP STREET LIGHT PEDESTAL
- EX LIGHT STANDARD
- PROP LIGHT POLE
- DOOR
- OVERHEAD DOOR
- PROP CHAINLINK FENCE
- FIRE ROUTE SIGN
- ACCESSIBLE PARKING
- 6.0m WIDE FIRE ROUTE

ZONING MATRIX - ZBL 60-2019

PROVISION	EXISTING HIGHWAY COMMERCIAL (C5)	PROVIDED
PERMITTED USES	Transportation Terminal; Warehouse; Wholesale Retail/Export; Specified Accessory Uses such as: Open Outside Storage	Warehouse
MINIMUM LOT AREA	10,000m ² (1 ha)	1.79 ha
MINIMUM LOT FRONTAGE	76m	103.62m
MINIMUM FRONT YARD SETBACK	14m	22.58m
MINIMUM REAR YARD SETBACK	7.5m	14.10m
MINIMUM INTERIOR SIDE YARD	7.5m	(1.20)
MINIMUM EXTERIOR SIDE YARD	7.5m	N/A
MAXIMUM LOT COVERAGE	15%	(18.37%)
MINIMUM LANDSCAPE OPEN SPACE	26%	28.14%
MAXIMUM HEIGHT	-	16m
MINIMUM PLANTING/BUFFER STRIP	6m abutting any front or side lot line; 3m for every other lot line	(0.07m)
PARKING SPACE REQUIREMENTS	Warehouses: 1 space for every 1000m ² of gross floor area (2 spaces required)	4 provided

HIGHWAY 406

KOTTMEIER ROAD



- NOTES:**
- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
 - PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD TO VERIFY THE ACCURACY OF THESE PROPERTY LINES. A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
 - ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING
C.A
DESIGN
WH
CHECKED BY
WH
APPROVED BY
WH

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS
30 Huron St. Unit 3
St. Catharines, Ontario
L2W 1A3
Phone: (905) 688-8400
Fax: (905) 688-5274

OWNER
ROLLING MEADOWS FARMS
1961 KOTTMEIER ROAD
CITY OF THOROLD

1961 KOTTMEIER ROAD
AGRICULTURAL BUILDING
CITY OF THOROLD

SITE PLAN

CONSULTANT FILE No. 1885
 DATE 2024-03-25
 PRINTED 2024-03-25
 SCALE 1:300 m
 REF No.
 DWG No. 1885-SP
 REV 0

REVISION	DATE	INIT
0 ISSUED FOR SITE PLAN APPROVAL	2024-03-25	W.H
1		



Appendix 2: Applicant Supplemental Information



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

Upper Canada Planning
& Engineering Ltd.
3-30 Hannover Drive
St. Catharines, ON L2W 1A3
T: 905-688-9400
F: 905-688-5274

March 25, 2024

City of Thorold
3540 Schmon Parkway
P.O. Box 1044
Thorold ON L2V 4A7

RECEIVED
CITY OF THOROLD
MAR 25 2024
D13-10-2024
**PLANNING
& DEVELOPMENT**

Attn: Tara O'Toole – Manager of Planning Development Services

**Re: Minor Variance Application
1961 Kottmeier Road, Thorold**

On behalf of our client, Rolling Meadows Farms Limited, Upper Canada Consultants is pleased to submit a Minor Variance application and supporting documents enclosed herein. Further to the pre-consultation meeting held on Feb. 21st, 2024, the owner in partnership with Feed Niagara, and several other non-profit community-based organizations participating in the food sponsorship program within the City of Thorold and surrounding communities, are proposing to construct a warehouse/storage facility on the above noted lands to store food donations from the community.

Given the continued increases in use of food banks over the last several years, as illustrated in the enclosed metric from Community Care, there has been a significant surge in the use of food banks and an urgent need for the proposed facility to continue to receive, and store, perishable and non-perishable food on a long-term basis. The proposed facility will aid in distributing donations to the appropriate food banks, and ultimately to those in need.

Included in the submission are the following items:

- One (1) Minor Variance application signed by the Owner;
- One (1) cheque in the amount of **\$1,360.00** payable to the City of Thorold;
- One (1) revised Site Plan drawing prepared by Upper Canada Consultants; and,
- One (1) Planning Brief prepared by Upper Canada Consultants;

Please find our Planning Brief in the subsequent pages below, applying the four tests for minor variance under the Planning Act to the requested variances. If any further information pertaining to this submission is required, please do not hesitate to contact the undersigned.

Sincerely,

William Heikoop, B.U.R.Pl., MCIP, RPP
Planning Manager
Upper Canada Consultants

cc: Glen Gordon, Rolling Meadows Farms
Betty-Lou Souter, Community Care



PLANNING BRIEF

Introduction

The purpose and effect of the application is to provide reductions to three provisions of Zoning By-law (60) 2019 to accommodate a desired building envelope to facilitate the proposed warehouse building for food storage use. The purpose of this Planning Brief is to demonstrate how the application conforms to good planning principles and satisfy the criteria of Section 45 of the Planning Act.

The application proposes to construct 1881.3 m² (20,250sq.ft.) warehouse building including four associated loading docks and four parking spaces. The proposed warehouse will service existing non-profit organizations through Feed Niagara who facilitates the acceptance of surplus food from local sources. Feed Niagara in turn distributes the food to food banks in the City of Thorold and throughout Niagara Region who can appropriately distribute to those in need throughout the community.

The warehouse building will be used to store donated food on a non-regular basis, depending on the availability, and store it until a time where of food can be distributed. The building will be a dry building that uses a small existing building and septic system.

Included in this request for minor variance are the adjustment of three (3) provisions of the Highway Commercial (C5) Zone of Table 7.3b of Zoning By-law (60) 2019, as listed below:

- To reduce the Minimum Interior Side Yard setback from 7.5m to 1.2m
- To increase the Maximum Lot Coverage from 15% to 18.5%
- To reduce the Minimum Planting/ Buffer Strip from 5.0m abutting any front or side lot line to 0.0m abutting any front or side lot line.

Planning Opinion

Minor Variances

Pursuant to the requirements of Section 45 (1) of the *Planning Act*, there are four (4) tests that must be met when considering a minor variance. These tests include:

1. Does the variance meet the general intent and purpose of the official plan;
2. Does the variance meet the general intent and purpose of the zoning by-law;
3. Is the variance desirable for the appropriate development or use of the land, building or structure;
and,
4. Is the variance minor in nature?

The following section will apply the four tests above to the requested variances.



1. Does the Variance Meet the General Intent and Purpose of the Official Plan?

The property is designated Rural Highway Commercial on Schedule A of the Official Plan, with special reference to policies B2.7.3 of the Official Plan referenced as the “North-East Gateway Policies”. The proposed development conforms with the permitted uses under Section B2.7.3.2 that specifically references a farm produce outlet. The proposed development meets the use as described in the official plan and warehouse uses permitted under the Zoning By-law.

Furthermore, Section B2.7.4 further describes development and design policies. Notwithstanding the proposed minor variances, the proposed development provides appropriate private water and septic systems. The proposed development incorporates landscaping along the frontage of the site on Kottmeier Road as shown on the site plan drawing. The orientation of the proposed building, parking area, and loading docks are away from the main street at the rear of the property.

Therefore, the proposed variances meet the general intent and purpose of the Official Plan.

2. Does the Variance Maintain the General Intent and Purpose of the Zoning By-law?

The Applicant is proposing to reduce of the minimum side yard setback from the required 7.5 metres to 1.2 metres adjacent to the south property line. The intent of the interior side yard setback provision is to provide adequate separation from the property line to the building to accommodate access around the building and appropriate drainage to ensure no negative impacts to the adjacent property. In this instance, the proposed site design does not require vehicles to travel around the proposed building, and the proposed 1.2m setback is for a pinch point to accommodate the rectangular nature of the building. The proposed 1.2m setback provides sufficient space to accommodate a drainage swale, which will be subject to the Site Plan Approval process.

In regards to the proposed increase in lot coverage from 15% to 18.5%, the existing site operates with several grain silos on site. The proposed building, in addition to the existing buildings, put the coverage over the 15% requirement. Notwithstanding this increase, the proposed development ensures that appropriate space is given to ensure that the functionality of the property is not compromised, specifically that the existing and proposed vehicle turning movements are accommodated, including a fire route. There is adequate space to accommodate private services.

In regard to the proposed reduction/removal of the required planting buffer strip from 5.0m to 0.0m, the existing site has been under the existing ownership since 1988. The site has been and is proposed to continue it's use as a grain and now food storage facility. The proposed minor variance will allow for the property to continue to operate as before without a significant investment to implement landscape buffers, the purpose of which is to buffer more sensitive surrounding uses from the commercial use. The subject lands only have one active neighbouring facility (Niagara Pre-hung Doors) whose use is more active and intensive due to the nature of the facility. The reduction of the proposed landscape buffer will be offset by the inclusion of tree plantings along the Kottmeier road frontage.

Therefore, the proposed variances meet the general intent and purpose of the Zoning By-law.



3. Is the Variance Desirable for the Appropriate Development or Use of the Land, Building, or Structure?

The proposed minor variances enable the size and location of the proposed building on the subject lands. The existing location of the grain silos and use of the property limit the opportunity for building positioning. The proposed minor variances allow the development of the building in the proposed location while maintaining the operation and functionality of the subject lands for the existing use and the proposed building. The proposed minor variances allow for less work to be completed on the subject lands keeping costs at minimum, while providing the community use.

Therefore, the proposed minor variances are desirable for the appropriate development of the land and building.

4. Is the Variance Minor in Nature?

The requested variances are minor in nature as they have no negative impacts on existing property or adjacent properties; they improve the functionality of the site by increasing allowing the building in it's proposed location; and, otherwise, the Site Plan approval process will incorporate the proposed landscaping along the Kottmeier Road frontage.

Therefore, the proposed variances are minor in nature.

Conclusion

The requested variances are not considered to have any negative impact on surrounding properties and are required in order to construct the proposed building to service FeedNiagara and surrounding Food Banks within the City of Thorold and larger Niagara community.

Based on the above, it is my opinion that the Minor Variance applications satisfy the four Planning Act Tests for minor variance, are appropriate for the Subject Lands, adheres to and conform with applicable planning legislation, plans and policies and represent good planning. For these reasons, the application should be supported by the municipality.

Prepared By:

William Heikoop, B.U.R.Pl., MCIP, RPP
Planning Manager
Upper Canada Consultants

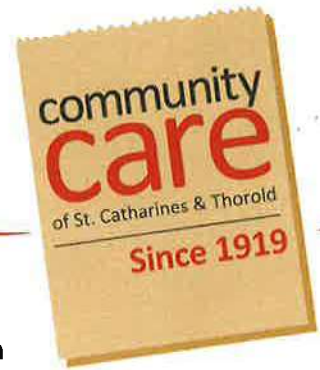
Community Care

12 North Street, P.O. Box 575
St. Catharines, Ontario
L2R 6W8

phone: 905.685.1349

fax: 905.685.3938

web: communitycaresca.ca



March 2024

Letter of Support Proposed Perishable Food Hub for Feed Niagara

To whom it may concern:

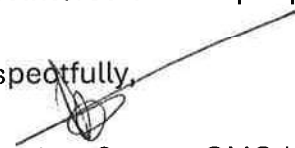
Feed Niagara, a consortium of 10 Niagara Food Banks all of which are members of Feed Ontario and in turn Food Banks Canada, have identified that we are stronger together and work collaboratively to leverage resources up to and including the acquisition of food locally, provincially, and nationally. We actively pursue bulk purchases and share tangible resources such as pick up and delivery as well as storage of product which at the moment is challenging. Although we maintain local autonomy, the benefits achieved regionally through this consortium are significant.

Each agency must adhere to a strict code of ethics including safe food handling, storage and distribution of product. Currently all are undergoing a strict accreditation process with Food Banks Canada which will give comfort to the donor that their contribution is being used appropriately as well as the recipient of services provided who has confidence that the product they are receiving is healthy and nutritious. The consortium has attracted local support from many people in the community, including CAA who has invested \$ 1,000,000 over 10 years ensuring that this consortium is on solid ground as it continues to build in the best interests of Niagara.

Unfortunately the number of people accessing our services has continued to accelerate at an alarming rate over the last 3 years as noted in the attached graph (although the illustration is based on St. Catharines' numbers, everyone is experiencing parallel growth and there is concern regarding the sustainability of service delivery). However, through our collective networking we are able to access more product but storage has become a significant issue.

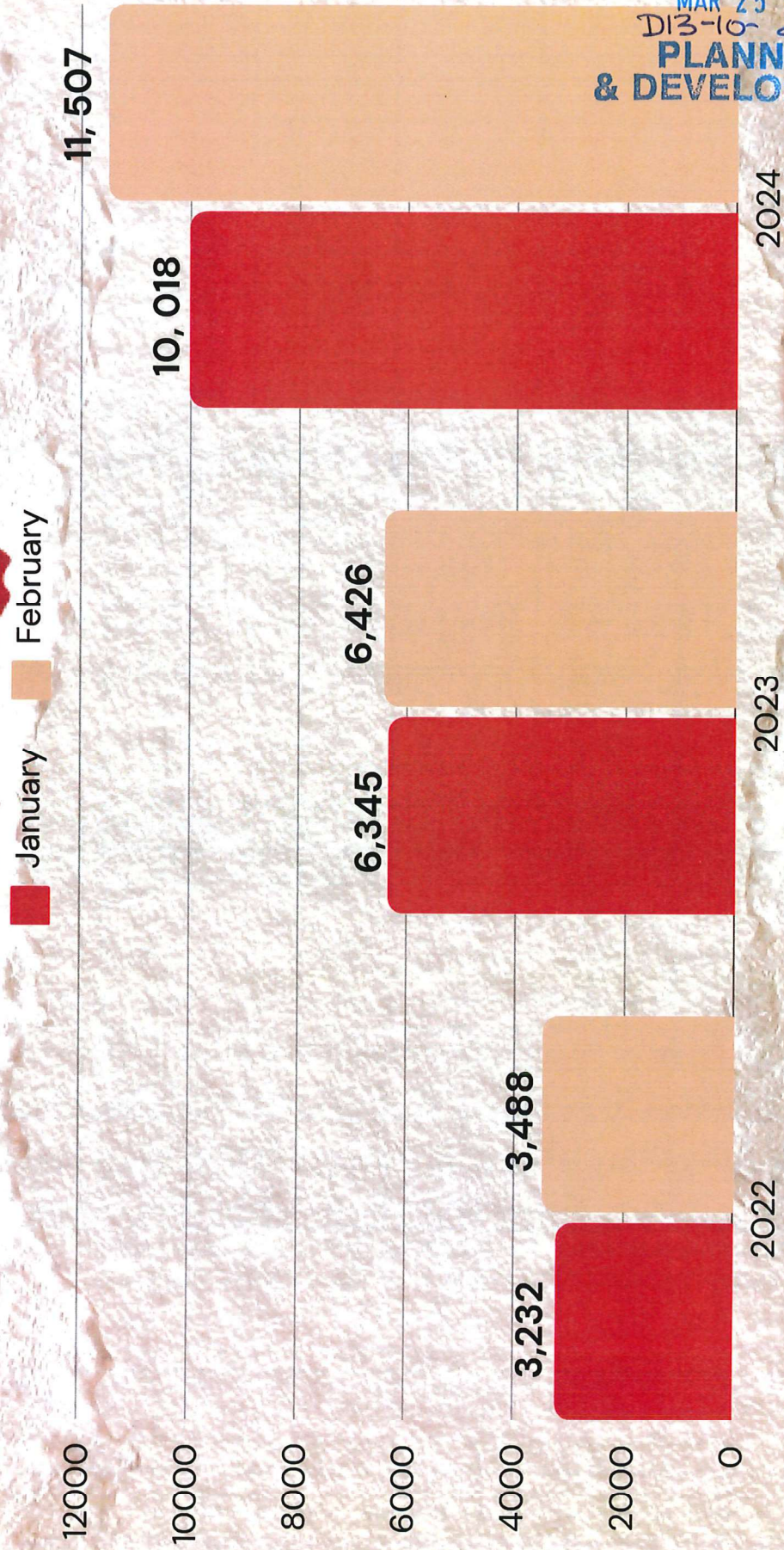
You can imagine how pleased we were to be approached by Glen Gordon, who believes strongly in the work we do, has strong connections in the food industry and has been able to access significant product for distribution. Glen expressed an interest in creating a perishable food hub for Feed Niagara thereby affording us an opportunity for future growth in the best interests of all Niagarans. As we know the growing season will soon be upon us and we need to act swiftly if we are to avail ourselves of the potential bounty of product in 2024. The project is ready to move forward and we are hopeful that the appropriate processes needed to ensure the successful completion of this storage facility, can be expedited in the best interests of the people we serve, ensuring they have the ability to live with dignity and purpose.

Respectfully,


Betty-Lou Souter, OMC,LLD,BAS
CEO



The need for vital services continues to grow



RECEIVED
CITY OF THOROLD

MAR 25 2024
DI3-10-2024

PLANNING
& DEVELOPMENT



Appendix 3: Agency Comments



NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS

Angela Nesbitt

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Wednesday, April 3, 2024 2:31 PM
To: Angela Nesbitt
Subject: RE: Request for comments - City of Thorold Committee of Adjustment - April 2024 - additional application - Due April 5th

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon, Angi.

Please note that the NPCA offers no objections to the approval of this minor variance or the future development of this site. The watercourses noted on our mapping are no longer present and as such, the NPCA has no regulated features on this property. NPCA staff would simply recommend that the City staff ensure the existing drainage patterns across the site are maintained post development.

Thank you.



Sarah Mastroianni
Manager, Planning and Permits

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext. 249
www.npca.ca
smastroianni@npca.ca

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.



MINISTRY OF TRANSPORTATION ONTARIO COMMENTS

Angela Nesbitt

From: Ali, Usama (MTO) <Usama.Ali@ontario.ca>
Sent: Tuesday, April 9, 2024 12:48 PM
To: Connor Maclsaac
Cc: Angela Nesbitt; Marc Davidson; Tara O'Toole
Subject: RE: Request for comments - City of Thorold Committee of Adjustment - April 2024 - additional application - Due April 5th

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Good Afternoon Connor;

Re: Updated Minor Variance Comments

Application Reference: **Minor Variance (File: D13-10-2024)**
Application Address: **1961 Kottmeier Road, Thorold, ON (Hwy 406)**
Purpose: **Construction of new Warehouse**

Upon further review, MTO's 14-setback is not compromised and the variance of the site is minor in nature. MTO is supportive of the minor variance.

Following the COA's approval on the Minor Variance, ensure that MTO is circulated in the SPA and that the site meets MTO's requirements as set out in Pre-Consultation comments. Once the SPA is approved or reached the NOAC stage, ensure that the applicant applies for an MTO Commercial Building & Land Use permit.

MTO looks forward to working together with the stakeholders to reach amenable solutions that satisfy all parties.

Kind Regards,

Usama Ali

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division
Ministry of Transportation (Central Operations) | Ontario Public Service
416-457-8973 | usama.ali@ontario.ca



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[Upcoming Absence: April 10](#)

From: Connor Maclsaac <Connor.Maclsaac@thorold.ca>
Sent: April 8, 2024 11:26 AM
To: Ali, Usama (MTO) <Usama.Ali@ontario.ca>
Cc: Angela Nesbitt <Angela.Nesbitt@thorold.ca>; Marc Davidson <Marc.Davidson@thorold.ca>; Tara O'Toole <Tara.O'Toole@thorold.ca>

Subject: RE: Request for comments - City of Thorold Committee of Adjustment - April 2024 - additional application - Due April 5th

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Hi Usama,

I wanted to advise you that in terms of City planning approvals, the applicant will be moving forward with a Signed Site Plan (no agreement) given the existing signed site plans on the site and continued proposed agricultural use. The applicant's intention would be to clear any requirements from the MTO and other applicable agencies (Region, NPCA) prior to building permit application.

Best,



Connor Maclsaac

Planner
Development Services

City of Thorold

905-227-6613 x251

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

www.thorold.ca

From: Ashley D'Amico <Ashley.DAmico@thorold.ca> **On Behalf Of** Angela Nesbitt

Sent: Friday, April 5, 2024 4:27 PM

To: Connor Maclsaac <Connor.Maclsaac@thorold.ca>

Subject: FW: Request for comments - City of Thorold Committee of Adjustment - April 2024 - additional application - Due April 5th

Hi Connor,

Please see MTO comments for 1961 Kottmeier below. They are saying they cannot comment on the minor variance until the site plan is reviewed and approved. Not sure if this is typical for them as we usually tackle the variance prior to the site plan. We can all discuss further next week

Thanks,
Ashley



Ashley D'Amico

Development Coordinator
Development Services

City of Thorold

905-227-6613 x316

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

www.thorold.ca

From: Ali, Usama (MTO) <Usama.Ali@ontario.ca>

Sent: April 5, 2024 3:55 PM

To: Angela Nesbitt <Angela.Nesbitt@thorold.ca>

Subject: RE: Request for comments - City of Thorold Committee of Adjustment - April 2024 - additional application - Due April 5th

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Good Day Angela;

Re: **Minor Variance Comments**

Application Reference: **Minor Variance (File: D13-10-2024)**
Application Address: **1961 Kottmeier Road, Thorold, ON (Hwy 406)**
Purpose: **Construction of new Warehouse**

MTO provided Pre-Consultation comments on the proposed warehouse on February 21, 2024. However MTO did not receive the Site Plan Application (SPA) for the proposed warehouse construction. The ministry needs the SPA to be circulated for review and to approval of the site. MTO can not provide comments on the proposed Minor Variance unless the SPA is conducted first. Typically, after the SPA is reviewed and approved, the proponent must submit a Building and Land Use (BLU) permit application before starting any construction work.

Kind Regards,

Usama Ali

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division
Ministry of Transportation (Central Operations) | Ontario Public Service
416-457-8973 | usama.ali@ontario.ca



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