

COMMITTEE OF ADJUSTMENT

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

September 21, 2023

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-24-2023
40 Front Street North, Thorold, Ontario
2731 000 003 04100 0000

PROPOSAL:

An application has been submitted for a minor variance to legalize existing residential uses on the ground floor of an existing building in the Downtown Main Street (C1) Zone. All other requirements of the zoning bylaw are being maintained.

RECOMMENDATION:

That Minor Variance Application D13-24-2023 to permit residential dwelling units located on the ground floor of an existing building **BE APPROVED**.

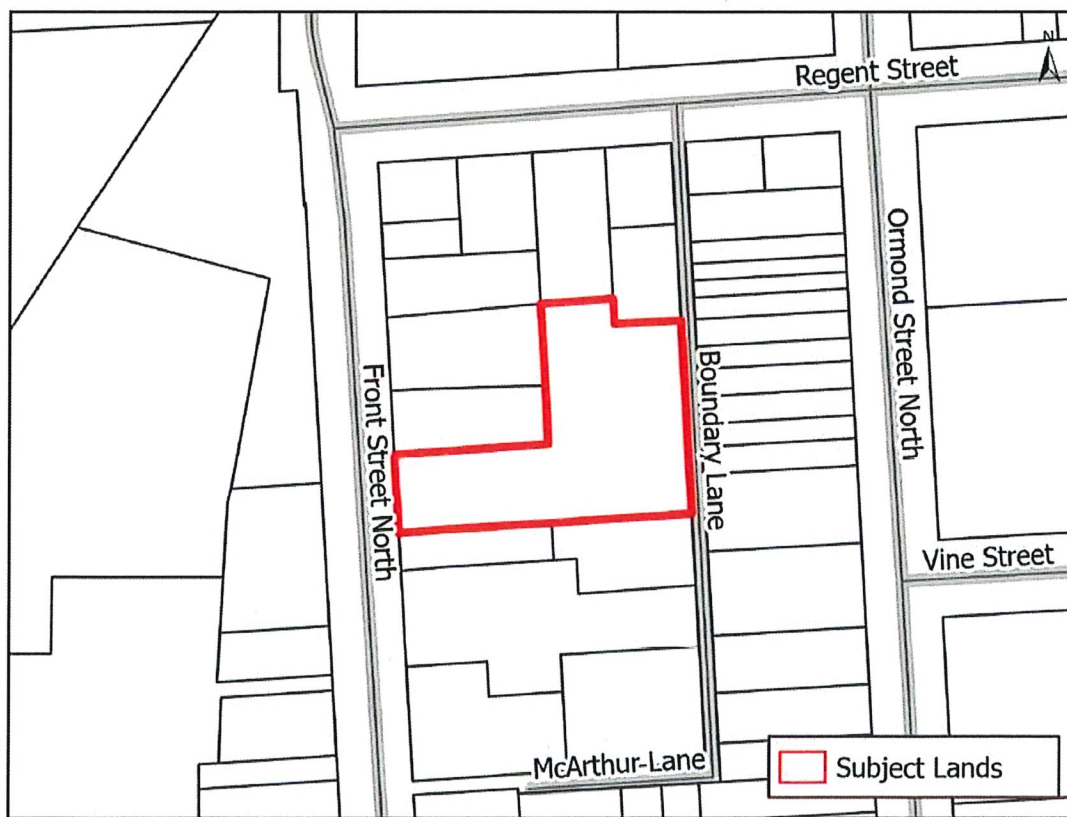


Figure 1: Location Map

Site Description

The subject lands are located on the east side of Front Street North in the block bounded by Regent Street to the north and Albert Street East to the south within the Downtown Thorold Community Improvement Area. The lands comprise approximately 2,790 m² of lot area with approximately 25 metres of frontage on Front Street North, as illustrated on the site plan concept sketch below. The lands are currently developed with a 3 storey apartment building originally constructed with ground floor commercial units. Unlike adjacent buildings along Front Street, where the buildings are located in close proximity to the street line, the subject building is located approximately 24 metres from the front property line with approximately 30 surface parking spaces located between the building and the front lot line. This limits the commercial interface with Front Street and makes it challenging for commercial uses to thrive without street presence.

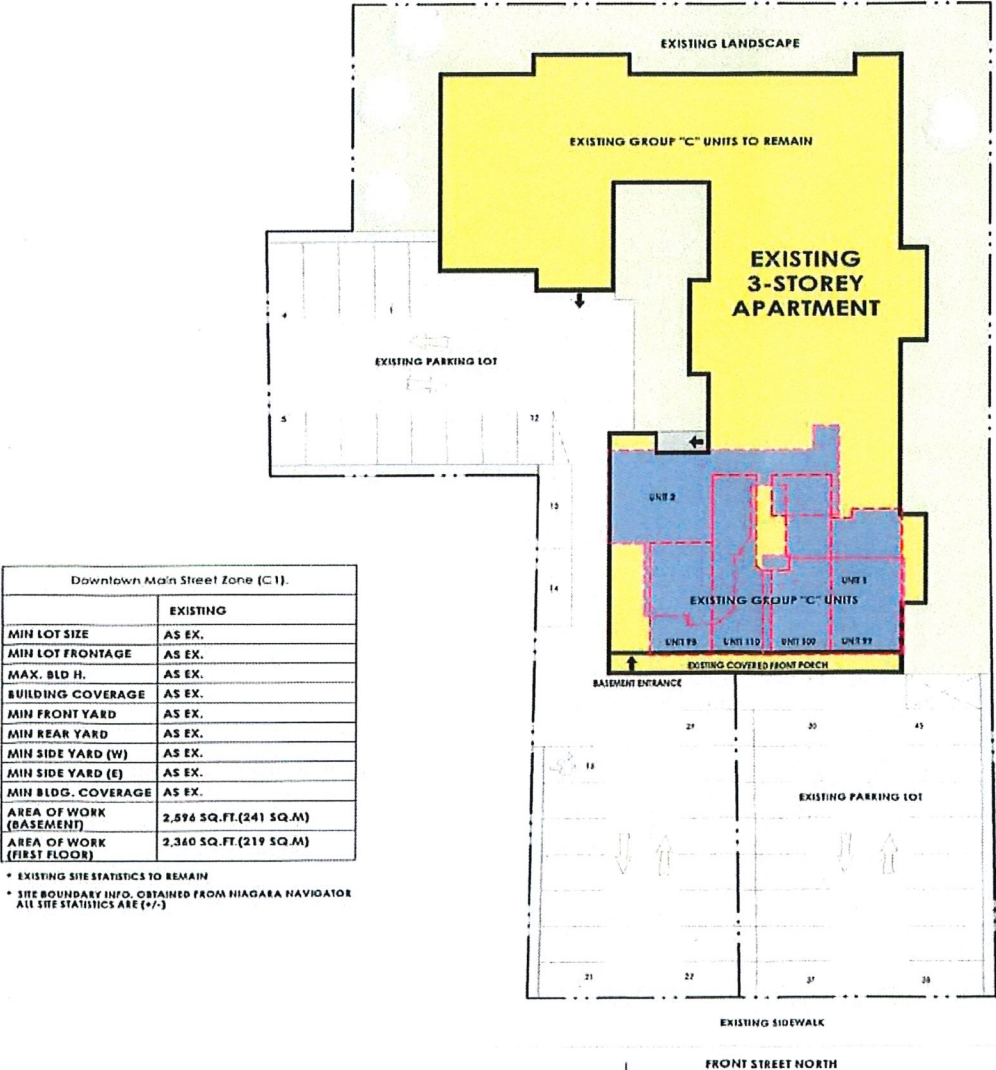


Figure 2: Site Plan Sketch



Figure 3: Street View looking east at Front Street elevation

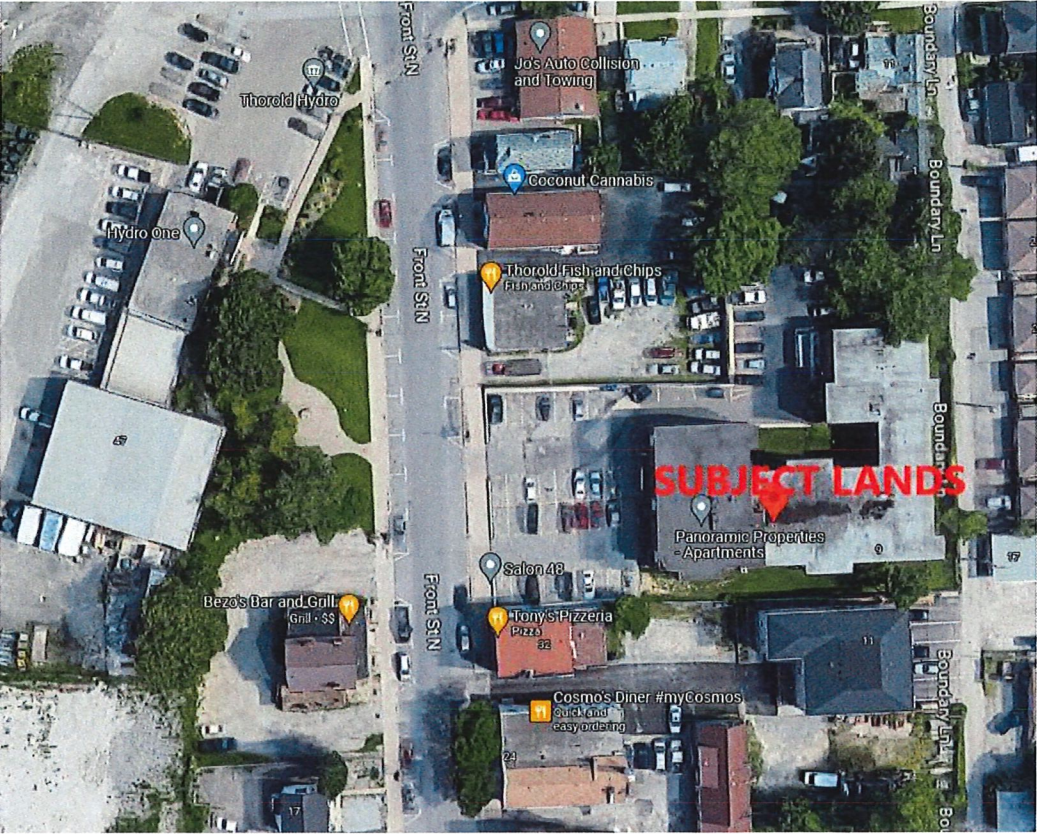


Figure 4: Air Photo illustrating location of building on property

MINOR VARIANCE PLANNING ANALYSIS:

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

The property is designated as Downtown along Front Street where the residential units are proposed and Downtown Transitional to the rear of the property where the existing 3 storey building is located. Front Street North is also identified in Policy A5.5 of the City of Thorold Official Plan as being an intensification corridor. In addition, residential intensification policies under B1.1.3 “provide that consideration of development proposals for residential intensification be focused on lands located in the **Downtown**, **Downtown Transitional** or **Regeneration Overlay** designations”.

In addition, Section B1.2.1 of the City’s Official Plan states that “*the purpose of the Downtown designations is to maintain and promote downtown Thorold as a focal point for commerce and hospitality in the City and to continue with the restoration of culturally and historically significant buildings.*” The City’s vision for the downtown as stipulated in Section B1.2.3 is that “*Downtown be reinforced as a focal point for commerce and hospitality in the City, accommodating a diverse mix of commercial, residential, cultural and social uses. In Downtown Thorold specifically, this Plan envisions more housing opportunities. This plan therefore envisions that some lands within the Downtown designation may be utilized for high-density residential uses, particularly in locations or in buildings that have remained vacant of commercial activity for extended periods*”

In accordance with the policy noted above, the proposed conversion of the commercial space to residential units could be supported as the commercial spaces have remained vacant for extended periods. The policy recognizes residential use and encourages intensification for residential uses in the downtown. Therefore the conversion of the ground floor commercial space to residential units meets the general intent of the Official Plan.

Therefore, staff is of the opinion that requested variance maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned Downtown Main Street (C1) in the City of Thorold’s Zoning Bylaw 60-2019. The C1 zone permits residential uses to be located above or behind commercial uses. The additional four units located on the ground floor do not comply with this requirement therefore a variance is being requested to permit these units on the ground floor.

In addition, the building where the units are located is setback 24 metres from the street line where the zoning currently restricts the front yard setback to a maximum of 3.0 metres. The purpose of this requirement is to support commercial activity and engage pedestrians at the street front thereby activating the street. Adjacent properties with ground floor commercial uses are located in close proximity to the street line as is typical

in the Downtown commercial area and as illustrated in the aerial photograph provided as Figure 3.

Further, the potential for future commercial use of the ground floor will remain, should the need arise.

As such, staff is of the opinion that requested variance maintains the general intent and purpose of the zoning bylaw, as the use is permitted and the increased setback of the building from the street lends itself more to the residential uses rather than the originally intended commercial uses which would have benefitted from proximity to street frontage. In addition, no adverse impacts to the subject lands or adjacent lands will be generated.

Is the variance appropriate for the development of the land?

In Planning Staff's opinion, the variance is appropriate for the development of the lot, as there are no adverse impacts anticipated and all other requirements of the bylaw are being met. The lands are currently developed with a 3 storey apartment building and the proposal will legalize 4 additional occupied residential dwelling units that have been converted from the prior commercial use. The existing building setback is further removed from the street frontage than is typical in a downtown situation and provides limited opportunity for engagement and pedestrian connectivity required for viable main street commercial activity.

As such, staff is of the opinion that the requested variance is appropriate for the development of the land.

Is the variance minor?

The proposed variance will permit the continued use of the converted units for residential purposes thereby providing needed housing within the downtown core. Legalizing the existing uses would have little impact as the residential uses have existed for more than a decade with no known conflict or negative impacts.

As such, staff is of the opinion that the requested variance is minor.

COMMENTS:

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

Building Division

- No comments or concerns.

Bell Canada

- No comments or concerns.

Engineering Division

- No comments

Hydro One

- No comments or concerns.

Tax Division

- No comments

Niagara Region

- No comments

Public comments

- Comments provided by Heritage Thorold have been attached to this report. In response to these comments and further discussed under discussion of the Four Tests of the minor variance above, the following considerations are re-iterated:
 1. The property has unique characteristics with setbacks from Front Street and location of a parking lot between the building and the street line that inhibit pedestrian interface and typical street front presence required for viable commercial development. This is in contrast to adjacent and surrounding development as illustrated in Figure 4 above;
 2. Additional housing units within the Downtown designation are encouraged and residential unit counts for intensification are determined to be minimum targets as assessed by Regional land needs assessment analyses;
 3. Downtown Thorold is intended to be an area for residential intensification as stipulated in the City of Thorold Official Plan, the Provincial Policy Statement and A Place to Grow.

CONCLUSION:

It is the recommendation of Planning staff that minor variance application D13-24-2023 requesting a minor variance to permit residential uses on the ground floor of an existing multiple residential dwelling be **approved**.

Prepared by:



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Respectfully Submitted By:



Juliane von Westerholt, BES, MCIP, RPP
Associate, MHBC Planning

To: Committee of Adjustment, City of Thorold, September 21st meeting.

From: Thorold Heritage Advisory Committee – Comments regarding 40 Front Street North.

Bylaws exist for a reason. Considerable resources are poured into a city's Official Plan in order to determine which zoning regulations are most suitable and most beneficial for an area. Part 7 of the City of Thorold's Zoning Bylaw 60-2019 stipulates that residential units only be permitted above, to the rear and/or below a street level non-residential unit on a main downtown street, for the obvious reason that street-facing ground floor apartments are out of place in such a location. When commercial ground-floor space in the city center is allowed to be replaced with residential, the downtown core as a commercial center will decline. This is true for any city, but especially so for one with a historic downtown strip whose regeneration over the past decade or two holds considerable commercial value as a visitor destination and as a retail and services hub. 40 Front Street North is zoned C1, Downtown Main Street, and should be bound by Part 7 of the Zoning Bylaw.

40 Front Street North is not a heritage property. Some might also argue that the building is set back from Front Street, with its parking lot separating it visually from other Front Street properties, and therefore an exception should be made. However, two bad decisions do not add up to one good one. The parking lot should not be facing Front Street, obviously, but eliminating the ground floor commercial space would make an already problematic building even worse.

This project is brought to the Committee of Adjustment as a minor variance, but what the appellant is proposing seems to require a zoning by-law amendment, an amendment which could set a dangerous precedent. If street level residential units on Front Street were permitted once – even for a building which is an incongruous oddity on the downtown strip – others will follow to demand the same. For the sake of our downtown and its local businesses who depend on commercial activity in this area, this cannot be allowed. The by-law, as it stands, must be followed.

Though Ontario is facing a housing crisis, the City of Thorold is well on track and even ahead of its target numbers regarding the building of additional housing units. That said, Heritage Thorold is in full support of downtown intensification and welcomes the creation of living space in the

city's core. Additional units at 40 Front Street North would be acceptable as an additional storey on top of the existing building, providing that structural integrity is not compromised, and by-law requirements are followed. An increase in height would not damage our downtown's sustainability and identity, especially since this building is set back. However, allowing street level apartments to encroach on our commercial zone could have potentially devastating consequences. Our local businesses, and our historic downtown's sustainability as a commercial center must be protected.

Respectfully,

Anna O'Hare

Heritage Thorold