



Staff Report

Planning & Development Services – Planning Division

Report To:	Committee of Adjustment
Meeting Date:	March 20, 2024
Report Number:	PDS.24.048
Title:	Recommendation Report – Minor Variance A11-2024 – 55 King Street (Gerard)
Prepared by:	David Riley, Principal, SGL Planning & Design Inc. Sierra Horton, Planner, SGL Planning & Design Inc.

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.048, entitled “Recommendation Report – Minor Variance A11-2024 – 55 King Street (Gerard)”;

AND THAT the Committee of Adjustment GRANT minor variance application A11-2024 subject to the following conditions:

1. That the development be constructed in a manner substantially in accordance with the submitted site plan and elevations; and
2. This variance to the Zoning By-law is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. This variance shall expire on March 20, 2026.

B. Background

The subject lands are located at 55 King Street East in Thornbury. The existing commercial property occupies approximately 544 square metres (0.13 acres) and is surrounded by residential townhouses to the east, south and west. A combined garage and office building currently exists on the lands. The lot has a frontage of 36 metres along King Street East.

The applicant wishes to renovate the existing building within the confines of the existing building footprint. A second storey addition is proposed which will be used for office space. The subject lands are also subject to a Site Plan Control application (Town File P3254). **Figure 1** illustrates the proposed site plan. **Figure 2** and **Figure 3** show the proposed building elevations.

As noted by the applicant, the building and commercial use of the property has existed for 30+ years. The building existed before the approval of Zoning By-law 2018-65 and therefore in accordance Section 45(2) of the Planning Act, a request is being made to permit the enlargement of the legal non-complying building. The proposed addition will not result in changes to the existing lot frontage or building setbacks. The proposed height of 9.75 metres is

[illegible]

Architectural elevation drawing of the 'Kühlhaus' (Cooling House) showing the second floor level. The drawing includes a section cut on the left with vertical dimensions: 14'-0" (4.26 m) for the first floor level, 14'-11" (4.55 m) for the second floor level, and 14'-11" (4.55 m) for the roof level. The main elevation shows a building with a stone base, a wooden upper section, and a metal roof. The building is labeled 'Kühlhaus' and '55'. A tree is shown on the right side of the building.

Figure 2. Front Elevation

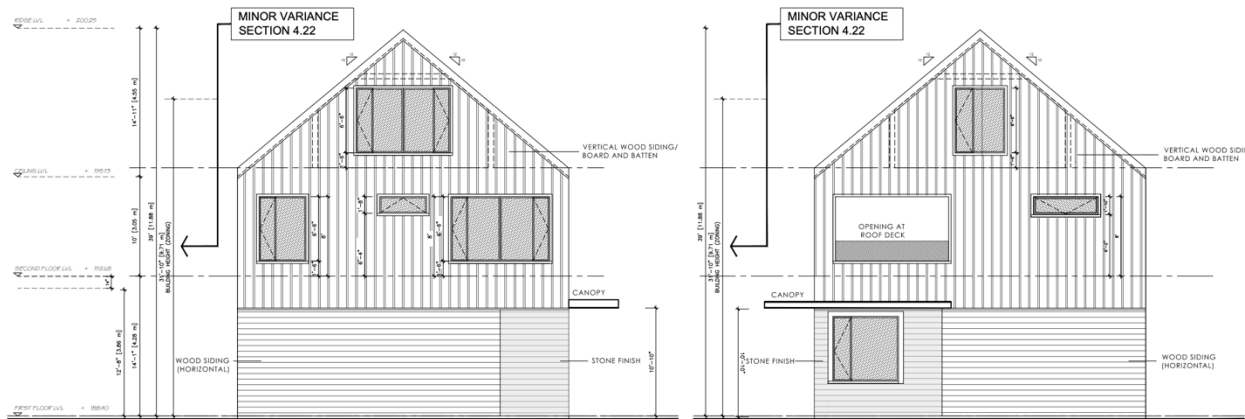


Figure 3. East and West Elevations

C. Analysis

Section 45(2) of the Planning Act outlines powers of the Committee of Adjustment distinct from those for granting minor variances. Under this section, and clarified through existing case law, the Committee of Adjustment may grant expansions to legal non-conforming buildings, structures, and uses provided the change does not result in undue adverse impacts to the surrounding neighbourhood and is desirable for the development and use of the lands. This type of request is not beholden to the four tests of minor variance.

Will the proposal result in undue adverse impacts to the surrounding neighbourhood?

Expansion of the legal non-conforming building will not result in any changes to the building's existing setbacks from the front, rear or side property lines. The building's height is proposed to be increased to 9.75 metres, whereas 11 metres is permitted within the C1 Zone as set out in Zoning By-law 2018-65. The proposed renovation will reflect a similar height to that of the adjacent two-storey townhouses on either side, and will continue the established built form condition that exists on adjacent lands.

Therefore, we are satisfied the proposal will not result in undue adverse impacts to the surrounding neighbourhood.

Is the proposal desirable for the development and use of the lands?

The proposal represents enhancement of an existing commercial building along the main Highway 26 Corridor in Thornbury and an expansion of office space on the site.

Therefore, we are satisfied that the proposal is desirable for the development and use of the lands.

Based on the above commentary, we recommend that the application for expansion to the legal-conforming building be granted.

Pursuant to Section 45(1) of the Planning Act, the Committee of Adjustment is authorized to grant minor variances to by-laws enacted by the Town which are established to implement the Official Plan. Staff have reviewed the proposal against the relevant planning documents, including the four tests of a minor variance, as outlined in the following section.

The analysis below relates to the minor variance request to reduce the required number of parking spaces for the non-residential use from 11 to 7.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Downtown Area in the 2016 Town of the Blue Mountains Official Plan. This land use designation is established to maintain and enhance Downtown Thornbury as the focal point for commerce in the Town and encourage the development of a mix of uses to enhance the character of the Downtown. Service uses and business offices are permitted in the Downtown Area designation.

Policy B3.3.4.1 a) for New Development in the Downtown Area notes Council shall be satisfied that adequate on-site parking facilities are provided for the use with such parking being provided in locations that are compatible with surrounding land uses.

While the proposed number of parking spaces do not meet the required amount for non-residential uses in the Zoning By-law, the number of proposed parking spaces is adequate for the use and the parking spaces are arranged in a suitable configuration for the subject lands that is compatible with the surrounding land uses.

We are therefore satisfied that the proposal maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The subject lands are zoned C1 in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Business offices, repair shops, parking garages, parking areas and parking lots are permitted uses in the C1 Zone. The proposed addition to the existing building will not result in changes to the existing frontage or building setbacks. The proposed height of 9.75 metres is also below the maximum height of 11 metres for the C1 Zone.

A minor variance is required to Subsection 5.4.3 of the Zoning By-law which requires 11 parking spaces for non-residential uses (other uses) at a rate of 1/30 square metres. This is the same rate required for a Business Office use. 7 parking spaces are proposed by the applicant, which is 4 less spaces than required. The intent of the non-residential parking requirement is to capture a range of potential uses to ensure sufficient parking will be provided for the employees and

visitors of a business. Where parking spaces are not required for the function and operation of the business, a reduction in spaces is reasonable and can assist in reducing the amount of surface pavement on a prominent site. It is our understanding that the provision of seven parking spaces is sufficient for the existing business.

We are therefore satisfied that the proposal maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.

We are satisfied the proposal to reduce the number of parking spaces from 11 to 7 is minor in nature, due to the existing use of the building and its specified use.

Is the proposal desirable for the development and use of the lands?

The proposal represents enhancement of an existing commercial building along the main Highway 26 Corridor in Thornbury and an expansion of office space on the site.

We are therefore satisfied that the proposal is desirable for the development and use of the lands.

Based on the above comments, we are satisfied that the proposal can meet all four tests for minor variance.

D. Attached

1. Draft Decision

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Report Approval Details

Document Title:	PDS.24.048 Recommendation Report - Minor Variance A11-2024 - 55 King Street (Gerard).docx
Attachments:	- 55 King Street Draft Decision.docx
Final Approval Date:	Mar 15, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Shawn Postma was completed by delegate Adam Smith

Shawn Postma - Mar 15, 2024 - 9:48 AM