

DATE: April 24, 2024

REPORT NO: COA-12-2024

SUBJECT: **Application for Minor Variance – 113 Griffin Street**

CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A minor variance application has been submitted by Katelyn Gillis of Landwise (formerly T. Johns Consulting) on behalf of Schilstra Brothers Inc., owners of 113 Griffin Street.
- 113 Griffin Street has a total lot size of approximately 716 square metres and is zoned Core Commercial 'C1'.
- The subject property contains a 2 storey brick building (formerly a Masonic Lodge and day nursery).
- The applicants have applied for a minor variance to facilitate the conversion of the existing 2-storey brick building to a mixed use building with two ground floor commercial units and four accessory dwellings above. The four variances being requested are through this application:
 - A minimum amenity space of 10m² per dwelling unit whereas 20m² is required.
 - A minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required.
 - A double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m required.
 - An exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line.
- The Minor Variance Application was originally applied for in 2022 but was deferred by the applicants in September 2022. The Minor Variance application and development concept for the property has since been revised with a reduction of four units and the addition of two commercial units.
- The applicants have also applied for a Site Plan Agreement which staff are currently processing.
- After reviewing the four tests of a minor variance, planning staff can recommend approval of the requested variances.

That, the application for Minor Variance, submitted by Katelyn Gillis of Landwise on behalf of Schilstra Brothers Inc., as outlined in Report COA-12-2024, to permit; A minimum amenity space of 10m² per dwelling unit, A minimum parking space

dimension of 2.6m x 6.0m, A double traffic lane with a minimum width of 3.13m, and an exception from the requirement of planting strips along the rear lot line; BE APPROVED;

Subject to the following condition:

- 1. That, the applicant applies for a Site Plan Application and enters into an agreement with the Township.**

BACKGROUND:

The subject property municipally known as 113 Griffin Street is located on the west side of Griffin Street/ Regional Road 14, between Smits Cove and St. Catharine's Street. The legal description is Lot 35, Plan M-92, in the Township of West Lincoln. The subject property is rectangular in shape with 10.6 metres of frontage on Griffin Street, a lot depth of 53.43 metres and an approximate total lot size of 716 square metres. The property contains a vacant two-storey brick building, formerly a Masonic Lodge and day nursery, with a single-storey stucco addition on the rear, which staff believe have since been removed. The proposed rear parking area is proposed to be accessed via a shared access easement (R0127862) on 107 Griffin Street in favour of 113 Griffin Street and other abutting land owners.

The applicants are proposing to convert the existing two-storey building into a mixed-use building with two ground floor commercial units and four accessory dwelling units above. The applicants are proposing modifications from the Township's Zoning By-law 2017-70, from the C1 zone to accommodate the parking and amenity area and access in relation to the conversion. These include a minimum amenity space of 10m² per dwelling unit whereas 20m² is required, a minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required, a double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required, and an exception from the requirement of planting strips along the rear lot line where a planting strip is required. The overall development is proposed to be supported by eight parking spaces including one barrier free space. The applicants will provide outdoor amenity space and a secure structure suitable for bicycle parking within a dedicated space in the rear yard.

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

Does the Proposal Maintain the General Intent of the Official Plan? Yes

In the Township's Official Plan, the subject property is designated as Core Commercial within the Urban Settlement Area. The Urban Settlement Area policies are found in Section 6 of the Official Plan. The intent of the Urban Settlement Area is to protect and enhance the existing character of Smithville, and ensure new developments and redevelopments maintain compatibility with existing development. The objective is also to promote mixed use development and redevelopment in appropriate locations in Smithville.

Additionally, the intent of the Core Commercial land use designation promotes economic revitalization of the downtown, specifically, through adaptive reuse, moderate levels of redevelopment, while ensuring no adverse impacts on adjacent areas within the Downtown area. Intensification can also be accommodated as long as it keeps with the character of the Downtown area.

Section 6.7.1 of the Township’s Official Plan also further outlines the objectives and policies of the Core Commercial Area. Specifically, with regards to this variance application, the policy states that density will not be specifically regulated in the Core Commercial Area and that it is encouraged that sufficient parking be provided. Sufficient parking is important as Smithville is still, and will remain for some time, an auto dependant community where most dwellings depend on the automobile for life’s necessities. There is very limited parking availability in the downtown core. Municipal parking spaces in the Downtown core are primarily intended to serve downtown commercial uses and are not to be relied upon for residential uses.

The applicant has also submitted a Parking Analysis completed by Paradigm Transportation Solutions Limited, however, since that report was submitted, the application has been revised and the number of residential units has been reduced to four. As a result, the zoning bylaw only requires 1 space per accessory dwelling unit and no additional spaces for the commercial units. As such, this development meets the requirement for minimum number of parking spaces in the Zoning Bylaw.

Furthermore, the subject property is located within the Community Improvement Area. The intent of these areas as outlined in Section 18 of the Official Plan are to preserve, rehabilitate and redevelop the existing built environment, and to maximize the use of existing public infrastructure, facilities, lands and amenities.

It is finally important to note that the applicants are proposing to preserve a historical building in the downtown core, which is in support of Township Official Plan policies that require that the downtown historical character be maintained and enhanced. As such, this application meets the overall intent Township’s Official Plan.

**Does the proposal maintain the general intent and purpose of the Zoning Bylaw?
Yes**

The subject property is zoned Core Commercial ‘C1’. The Core Commercial ‘C1’ zone requirements are outlined in the table below, along with the applicants proposed provisions, and the deficiency between them.

Zoning Requirement	Proposed Variance	Deficiency
--------------------	-------------------	------------

Minimum Parking Space Dimension: 2.7 metres by 6 metres	Parking Space Dimension: 2.6 metres by 6 metres.	0.1m- deficient 7 spaces
Minimum Amenity Space: 20m ² per dwelling unit	Minimum Amenity Space: of 10m ² per dwelling unit	10m ² per dwelling unit
Minimum Width for a double traffic lane: 6 metres	Minimum width for a double traffic lane 3.13 metres	2.87 metres
Planting strips along the rear lot line	An exception from planting strips along the rear lot line	No Planting Strips

The subject property faces a number of zoning related constraints due to the existing site. As such the proposed site works, including the parking area, access and amenity area relating to the conversion of the building to residential does not meet the above zoning regulations, as noted by the applicants planning consultants.

Parking

When the original minor variance application was made in 2022, eight residential units were proposed resulting in a deficient number of parking spaces. Since that time, the application and development proposal has been revised to only four units, and the development now provides the adequate number of parking spaces.

The Township's zoning bylaw, Section 3.12 recognizes that parking shall be provided and maintained for the identified uses of lots, buildings and structures. However, subsection 3.12.1 b) recognizes that this Clause shall not apply to existing uses of existing lots, buildings and structures provided it meets the three clauses outlined below.

- i. The existing use, lot, building or structure was lawfully in existence prior to the effective date of this By-law; and,*
- ii. Where there is a change in use of a lot, building or structure, parking and loading facilities shall be provided and maintained for such new use in accordance with the requirements of this Section, except that no additional parking or loading facilities shall be required for a change in use of an existing lot, building or structure located in the Core Commercial (C1) Zone; and,*
- iii. If the number of dwelling units, the floor area or the seating capacity within a building or structure is increased, parking and loading facilities shall be provided for such increased dwelling units, floor areas and seating capacity in accordance with the requirements of this Section.*

As the second clause indicates, where there is a change to use of an existing building located in the Core Commercial Zone, no additional parking shall be required. However, as the third clause reiterates if the number of dwelling units within a building increases, parking shall be provided for increased dwelling units. It is important to note, there are

currently no parking spaces on the subject property.

Eight spaces are being provided, including one barrier free, and only 5 spaces are required. All seven of the regular spaces are slightly deficient in size by 0.1 metre, as shown in the table above.

Amenity Area

In terms of the reduced amenity space, the applicant is still meeting the intent of the Townships Zoning By-Law; Section 6, Table 15 by providing an outdoor space for recreational use and social opportunities for this development. As well, given the downtown core location of the proposed mixed-use building at 113 Griffin Street, there are multiple parks within a reasonable walking distance, such as the West Lincoln Community Centre which is about a 10 minute walk, as well as the grocery store and restaurants on St. Catharine Street which is about a 15 minute walk. There is also the new Smithville Square Parkette which is located at the corner of St. Catharine Street and Brock Street, approximately 65 metres from the subject property.

Access lane

There is a 3.13 metre main access aisle into the parking area for the proposed site. This access aisle is based on an existing right of way, and the location of the existing building. Although not typically adequate for two way traffic, based on dimensions of typical vehicles, the access aisle should be adequate width for most vehicles.

Planning staff note that an approximate width for a F150 vehicle is approximately 2 metres wide, the applicants are proposing the access aisle to be 2.75 metres in width, therefore at one time the truck would be able to drive through the access lane. Staff have also provided the dimensions for a smaller SUV and a sedan in the image below.

		
Toyota Camry 2017-present	Toyota RAV4 2018-present	Ford F Series 2021
192.1L × 72.4W × 56.9H 111.2WB	179.9L × 73W × 65.4H 105.9WB	227.7L × 79.9W × 75.2H 141.5WB
21% larger	34% larger	25% larger

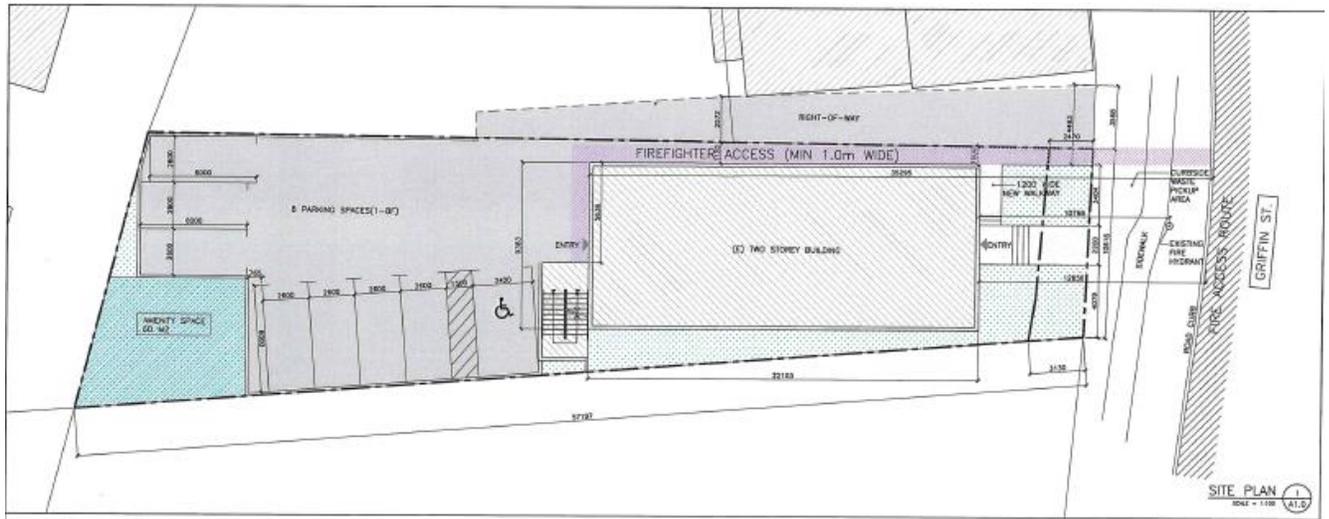
Township staff has also been in communication with the Township Fire Department and

they have indicated that in the event of an emergency, they would not drive their trucks on site. Based on the typical size of vehicles and that this access would not be utilized by Township Emergency Services, the proposed and existing access width appears sufficient.

Due to how small this development is in terms of number of units and the parking area, traffic volumes utilizing the access lane will be low. Based on the above information, the access lane maintains the intent of the Township's Zoning Bylaw.

Planting Strip

Additionally, the applicants are requesting an exception from a planting strip along the rear lot line that abuts an RM2 zoned lot. Section 3.9.2 of the Townships bylaw states that planting strips shall be provided along the rear lot line of a lot that is used for a non-residential zone that abuts a residential zone. The applicants are proposing a 60m² amenity space on the rear lot line, this amenity space will occupy about 50% of the rear lot line and in turn reduced the deficient rear planting strip from approximately 15 metres to 6 metres. Only a small portion of the planting strip, approximately 4 metres along the rear property line will not meet the planting strip requirement in order to maintain property access to all parking spaces. Any grading or drainage concerns will be dealt with through the ongoing site plan process.



Planning Staff would also like to note that this minor variance application is subject to the condition of site plan, which will include a requirement that only compact vehicles will be permitted to use the parking area, as there are deficiencies which would make it difficult to navigate a larger vehicle.

Is the Proposal desirable for the appropriate development or use of the land? Yes

The subject property is a small commercial property that currently occupies a vacant two-

storey building, formerly used as a Masonic Lodge and nursery. The development proposes to re-adapt the existing building for a mixed-use commercial and residential building with two commercial units at grade and four dwelling units above with rental tenure. The proposed mixed-use building will enhance the existing character of the surrounding community and is an example of adaptive reuse and maximizes the existing infrastructure and amenities. Staff have analysed each of the variances to determine if they are appropriate development for the property:

To permit a minimum amenity space of 10m² per dwelling unit whereas 20m² is required. Staff can consider this variance an appropriate use of the land as the applicants are proposing to utilize the existing urban lands to be used as outdoor space to support the retention of an existing heritage resource to be readapted for residential uses while promoting the use of public infrastructure and investment, which also includes the Townships “Smithville Square Parkette which is within 65 metres of the subject property. Less land is available for amenity area in an effort to maximize off-street parking on the property.

To permit a minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required.

Staff can consider this variance appropriate for the use of the lands as the slightly reduced dimension will allow for the proposed development to maximize on-site parking to support the end users. As part of the site plan approval, there will be requirements to only permit compact vehicle access to the parking lot to recognize that the zoning deficiencies to access aisle and reduced parking stall dimensions will create challenges for larger vehicles.

To permit a double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required.

Planning staff can consider this variance appropriate the traffic lane going into and out of the parking lot will maintain the existing lot boundaries, easements and takes into consideration existing buildings. The site plan agreement will contain a requirement that the access be improved to meet the Township’s standards.

To permit an exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line.

Planning staff can consider this variance appropriate development as eliminating the rear planting strip has allowed the applicants to provide more on-site parking and through the Site Plan Agreement stage the applicants will maximize on-site landscaping where feasible to further enhance the condition of the site. The planting strip has only been eliminated from a small portion of the property line.

Is the proposal minor in nature? Yes

Although the proposed mixed-use building is appropriate redevelopment for the downtown core, the proposal has triggered a number of minor zoning modifications.

As previously mentioned, the applicants submitted a previous application in September 2022 which was deferred due to needing more clarify and information from the applicants, However, since the original submission and deferral, the applicants and their agent have revised their application and development reducing the number and extent of their variances. Based on the fact that this is an infill development and it is constrained by existing easements and buildings, the proposed variances are minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Notice was mailed to applicable agencies and departments on April 4th 2024. The Niagara Region submitted comments which stated that this application is exempt from review as the Region has been following along with the Site Plan application.

Township Public Works Department stated they had no concerns with this application.

The Townships Fire Department had reviewed the application through the previous submission in September 2022, and indicates that if the event of an emergency, they would not drive their trucks on site anyway. As such the Fire Department had no concerns with the application.

PUBLIC COMMENTS:

Notification was mailed to members of the public within 60 metres of the subject property on April 4th 2024. Staff have received the following public comments on the most recent circulation of this application.

Staff had previously circulated the deferred application on September 1st 2022 and had received three comments from members of the public. As the application and proposed development has changed significantly, resulting in compliance with the number of parking spaces, which was a main issue in the previous application staff feel that most of these comments have been addressed.

Staff received a new public submission on April 13th 2024 from a neighbouring property owner, which addressed concerns about the risk of an increase in traffic on the existing busy intersection at St Catharines Street and Griffin Street, as well as the lack of visitor spaces for the residential units as well as the commercial units, and lack of on street parking. Staff also received a second comment on April 15th which spoke to all four proposed variances.

Township staff have thoroughly reviewed the material provided by Ms. Marie Horne, the owner of 111 Griffin Street. Town staff have had multiple meetings with Ms. Horne as well as have received a number of legal opinions both from the applicants and from the Township's own lawyer regarding the right of way between 113 Griffin Street and 111 Griffin Street, and owned by 107 Griffin Street. Township's staff's understanding is the following:

- 113 Griffin Street (the subject property) is entitled to a right-of-way over a portion of the lands to the north (109A/107 Griffin Street) which gives 113 Griffin Street Access to their rear yard.
- 111 Griffin Street (Marie Horne) appears to also have some rights for access over the same strip of land.
- Marie Horne and previous property owners of 111 Griffin Street have historically parked on the lands noted as a right of way.
- The necessary improvements of this right of way will need to be resolved between 113 Griffin Street and 109A/107 Griffin Street, if the variance is granted.
- The variance application is only requesting a reduced double lane access of just over 3 metres. It will be between the parties involved to confirm that access is possible in this location, although in the opinion of the Township and its Legal Counsel, there is legal access.
- The applicants indicated that they had reached out to Ms. Horne to offer a parking spot, but it is staffs understanding that this has not been pursued that this time.

Based on the above, and the meetings that Township staff have had with the applicants, Ms. Horne and lawyers, we believe that the approval of the minor variances requested can be recommended for approval.

CONCLUSION:

Planning staff have reviewed this application against the four tests of a Minor Variance and against the applicable planning policies and recommend support for staff report COA-12-2024, a mixed-use building with two ground floor commercial units and four apartment dwellings above with a minimum amenity space of 10m² per dwelling unit whereas 20m² is required, A minimum parking space dimension of 2.6m x 6.0m, from the required minimum of 2.7m x 6.0m is required, A double traffic lane with a minimum width of 3.13m and a maximum width of 4.4m for travel in two directions, whereas a minimum width of 6m and a maximum width of 9.0m is required, An exception from the requirement of planting strips along the rear lot line whereas a planting strip is required along the rear lot line. Staff have reviewed these variances and can recommend approval of the proposed application as they meet the four tests of a minor variance.

ATTACHMENTS:

1. Location Map
2. Preliminary Site Plan Sketch
3. Planning Brief
3. Agency Comments
4. Public Comments

Prepared & Submitted by:

Approved by:

Madyson Ettl
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning