



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-061 **COMMITTEE DATE:** 2024-04-18
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Minor Variance Application A-05/24 – 128 Line 4 Road

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Minor Variance Application A-05/24 for 128 Line 4 Road be approved, subject to the following condition:
 - 1.1.1 That the applicant/owner provides a written undertaking, to the satisfaction of the Niagara Region and the Town, confirming that the accessory structure does not contain any plumbing, bedroom and/or living spaces, and is built in accordance with the submitted plans.

2. PURPOSE

The applicant is proposing the construction of an addition to an existing detached garage. To accommodate the proposal, the following variance has been requested:

1. Maximum height of an accessory structure from 4.5 metres, as required in the Zoning By-law, to 4.8 metres for the proposed garage addition.

The application drawings are attached as **Appendix I**.

3. BACKGROUND

3.1 Site Description and Surrounding Land Uses

The subject lands are known municipally as 128 Line 4 Road, lying on the north side of Line 4 Road, west of Niagara Stone Road, in the agricultural area of the Town. The location of the subject lands is shown on **Appendix II**.

The subject lands have an area of approximately 3,716 square metres with 60.96 metres of frontage on Line 4 Road. The subject lands contain an existing one-storey, single-detached dwelling and a detached garage. The existing dwelling is serviced by a private septic system and a well. The surrounding lands are characterized by rural residential and agricultural uses.

Town Zoning By-law 500A-74 (as amended) defines “height” as the vertical distance between grade and, in the case of a gable, hip or gambrel roof, the mean height between the eaves and the ridge. The ridge of the garage has a height of 6.25 metres, and the eaves are at a height of 3.35 metres; accordingly, the mean height between the ridge and the eaves is 4.8 metres.

4. DISCUSSION / ANALYSIS

4.1 Minor Variance Tests – Subsection 45(1), *Planning Act*, R.S.O. 1990, c. P.13

Subsection 45(1) of the *Planning Act* establishes four tests for considering minor variances:

1. Is the requested variance minor in nature?

The proposed addition is located at the rear of the existing detached garage, and therefore would not be prominent from the street. The roof style can also assist in mitigating the massing and scale of the requested height increase, as it slopes down towards the sides and only peaks in the middle. The requested variance is not anticipated to negatively impact the streetscape and surrounding area.

Staff consider the requested variance to be minor in nature.

2. Is the requested variance desirable for the appropriate development or use of the land, building or structure?

The owner has advised that the requested increased height of the garage is necessary to provide adequate vertical clearance to store leisure/hobby vehicles (boats, jet skis, vintage cars and motorcycles). Based on the floorplans and information submitted with the proposal, a portion of the addition would also be used for garden tool storage. The proposal is desirable and appropriate for the continued rural residential use of the lands, as it allows the owner to provide sufficient storage area for ongoing maintenance of the property and for their leisure and hobby vehicles. This height is not incompatible with the agricultural nature of the area and is not anticipated to result in adverse impacts to surrounding operations and the streetscape.

Staff consider the requested variance to be desirable for the development and use of the lands.

3. Does the requested variance maintain the general intent and purpose of the By-law?

The subject lands are zoned "Rural (A) Zone" in Zoning By-law 500A-74, as amended. A single-detached dwelling and accessory structures are permitted uses.

The Zoning By-law contains height restrictions based on the style of roofing on the structure. In the case of the current proposal, the roof can be considered a gable style and the height would be measured between grade and the average height between the eaves and ridge. Maximum height provisions ensure that there is adequate privacy for neighbouring properties and does not result in incompatible heights with the agricultural character of the surrounding area.

The midpoint of the roof on the proposed addition results in a minor height increase of 0.3 metres than what is currently permitted. The proposal remains sufficiently setback from all lot lines and the garage remains under the maximum lot coverage provision of 8% for accessory structures. Staff do not anticipate that the increase in maximum height will result in incompatibility with the surrounding area, and are of the opinion that the requested variance maintains the character of the Rural (A) Zone.

As a result, the requested variance maintains the general intent and purpose of the Zoning By-law.

4. Does the requested variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated “Agricultural” in the Town Official Plan (2017 consolidation, as amended). A single-detached dwelling and accessory structures are permitted uses.

The proposed addition to the existing detached garage does not conflict with the objectives of the Agricultural designation identified in the Town Official Plan. The requested variance is not anticipated to pose adverse impacts with adjacent agricultural operations and general land use compatibility.

The requested variance maintains the general intent and purpose of the Official Plan.

4.2 Town, Agency and Public Comments

This application was circulated to all appropriate Town Departments and external agencies, and public notice of the application was provided as required by the *Planning Act*. The following responses were received:

Town Departments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections.

Operations – No objections.

Agencies

Niagara Region – No objections. Condition requested regarding confirmation that the structure will not contain plumbing or living spaces.

Public

No public comments were received at the time this report was prepared.

5. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

6. OPTIONS

The Committee may approve, refuse or modify the requested application.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ENVIRONMENTAL IMPLICATIONS

There are no environmental implications relating to the proposed variance. No removal of trees or vegetation is anticipated to accommodate the proposal.

9. COMMUNICATIONS

Once the Committee of Adjustment makes a decision on the application, notice of the decision will be given as set out in the *Planning Act*. The decision of the Committee of Adjustment is subject to a 20-day appeal period from the date of the decision. If no appeals are received during the appeal period, the decision is final.

Changes to provincial legislation have been made by way of Bill 23 and third-party appeals from private property owners are no longer permitted.

10. CONCLUSION

Planning Staff recommend approval of Minor Variance Application A-05/24, subject to the recommended condition, as the requested variance is considered to be minor in nature, appropriate for the development or use of the land, building or structure, and is considered to maintain the general intent and purpose of the By-law and the Official Plan, pursuant to Subsection 45(1) of the *Planning Act*.

11. PREVIOUS REPORTS

Not applicable.

12. APPENDICES

- Appendix I – Application Drawings
- Appendix II – Location Map

Respectfully submitted:

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Reviewed by:



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