



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-112 **COMMITTEE DATE:** 2024-07-18
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Minor Variance Application A-13/24 – 14695 Niagara River Parkway

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Minor Variance Application A-13/24 for 14695 Niagara River Parkway 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 accessory structure (shed) and decorative privacy wall. To accommodate the proposal, the following variances have been requested:

1. Minimum side yard setback from 3.05 metres, as required in the Zoning By-law, to 0.77 metres for the proposed utility shed and decorative privacy wall; and
2. To permit an accessory structure (decorative privacy wall) in front of the existing dwelling, whereas an accessory structure is only permitted to the rear of the front line of the main building under Section 3.4 of the Zoning By-law.

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 14695 Niagara River Parkway, lying on the east side of the Niagara River Parkway, north of Line 8 Road, and west of the Niagara River, 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 4,842 square metres and a frontage of 51.7 metres along Niagara River Parkway. The lands currently contain an existing single-detached dwelling that is serviced by municipal water and a private septic system. Surrounding lands contain agricultural and rural residential uses.

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 requested variances facilitate the construction of an accessory structures that remain sufficiently setback from the interior lot line and abutting property. The proposed decorative wall would act as a screening barrier to mitigate any streetscape impacts that could arise from the proposed shed. Although the wall protrudes past the front line of the main dwelling, Staff do not anticipate that the location of the wall would result in adverse impacts to the overall streetscape and abutting lands. Further, the structures will not be visible from the street, as a hedge and pillars are located along the front of the subject lands.

Staff consider the requested variances to be minor in nature.

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

As per the applicant's submission, the shed would serve as storage for the residential use of the lands, such as sheltering bicycles and outdoor furniture. Despite being within the required interior side yard setback, sufficient separation is provided between the interior lot line and the structures, which would allow for ongoing maintenance of the structures and is not anticipated to result in adverse drainage or privacy concerns to the neighbouring property. The decorative privacy wall offers screening to the proposed shed, to further enhance the design and integration of the shed with the existing dwelling and lands.

Staff consider the proposal 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 Residential (RR)" in Zoning By-law 500A-74, as amended. Single-detached dwellings and accessory structures are permitted uses.

The majority of the building envelope on the subject lands is currently occupied by existing structures and driveway areas, leaving little space for additional structures without the need for a variance. The accessory structures are proposed to be lesser than the maximum height permissions in the Zoning By-law, the decreased interior side yard setback is not anticipated to pose impacts to the abutting lands.

While the proposed shed aligns with the front face of the main dwelling, the proposed decorative wall protrudes past the dwelling face and is considered to be an accessory structure in front of the front line of the main dwelling. A previous minor variance was approved to permit accessory structures (pillars and gates) in front of the existing dwelling. The requested variances facilitate a similar proposal, for an accessory structure in front of the front line of the dwelling, and no known impacts have resulted since the approval of the previous variance for accessory structures in front of the existing dwelling. The accessory structures will also not be visible from the street due to the existing pillars and hedge along the front lot line.

The requested variances maintain the general intent and purpose of the By-law.

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

The subject lands are designated “Non-Farm Rural” in the Town Official Plan (2017 consolidation, as amended). Rural residential development on private sanitary sewer systems and accessory structures are permitted uses.

The goals and objectives of this designation aim to recognize the non-farm nature of the area, and to permit a limited amount of additional development compatible with existing uses. The proposed storage shed and decorative privacy wall are secondary to the main residential use of the subject lands, and Staff consider them to be compatible with existing uses.

The requested variances maintain 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. Standard discovery protocol has been provided to the applicant.

Operations – No objections.

Agencies

Niagara Region – No objections. Condition requested regarding confirmation of no plumbing, bedroom or living spaces in the structure.

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 variances. No removal of trees or mature 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-13/24, subject to the recommended condition, as the requested variances are considered to be minor in nature, appropriate for the development or use of the land, building or structure, and are 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

- CDS-23-151 – 14695 Niagara River Parkway – Minor Variance Application A-21/23

12. APPENDICES

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

Respectfully submitted:

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Reviewed by:



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