



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-25-041

**COMMITTEE DATE:** 2025-03-20

**DUE IN COUNCIL:** N/A

**REPORT TO:** Committee of Adjustment

**SUBJECT:** Minor Variance Application A-02/25 – 1451 Line 6 Road

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Minor Variance Application A-02/25 for 1451 Line 6 Road be approved, subject to the following condition:

- 1.1.1 That the applicant/owner provides a written undertaking, to the satisfaction of the Town, confirming that the accessory structure does not contain any plumbing, bedroom, or living space and is built in accordance with the plans submitted with the application.

### 2. PURPOSE

The applicant is proposing the construction of an accessory structure (detached garage and storage area). In order to facilitate the development as proposed, the following variance from the provisions of Town Zoning By-law 500A-74, as amended, is requested:

1. Maximum height of an accessory structure from 4.5 metres, as required in the Zoning By-law, to 5.3 metres for the proposed detached accessory structure.

The application drawings are attached as **Appendix I** to this report.

### 3. BACKGROUND

#### 3.1 Site Description and Proposal

The subject lands are known municipally as 1451 Line 6 Road, situated on the southern side of Line 6, between Concession 1 Road and the Niagara River Parkway. The location of the subject lands is shown on **Appendix II** to this report.

The subject lands have an approximate area of 8,113.32 square metres (2.0 acres) with 76.17 metres of frontage along Line 6. The subject lands contain an existing single-detached dwelling serviced by a private septic system and municipal water services. 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 7.41 metres, and the eaves are at a height of 3.05 metres; accordingly, the mean height between the ridge and the eaves is 5.3 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 accessory structure will exceed the permitted maximum height of an accessory structure of 4.5 metres by 0.8 metres, with a proposed height of 5.3 metres. Staff is of the opinion that the requested variance will not significantly impact the streetscape or surrounding uses, nor is it anticipated to create adverse impacts on the adjacent agricultural and rural residential uses.

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 increase in height is necessary to provide adequate vertical clearance to accommodate the storage of items related to the dwelling on the subject lands, including but not limited to tractors, trailers and vehicles, as the existing garage cannot accommodate adequate storage of all equipment. Additionally, the owner has indicated that the requested height is necessary to maintain 2.43 metres (8 ft) ceiling on the second floor to maximize usable space for personal storage.

No lands are being removed from agricultural production, as the area of the proposed accessory structure is comprised of manicured lawn. The proposed setbacks and orientation of the accessory structure are expected to provide sufficient space for farming operations of the neighbouring lands, and exceed the minimum interior side yard setback requirements of the Zoning By-law. Staff are of the opinion that the proposed height of the accessory structure is compatible with the agricultural nature of the area.

Staff do not anticipate adverse impacts to the adjacent rural residential properties and consider the requested variance to be appropriate for the development and continued rural residential use of the land.

##### **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 intent of the accessory structure maximum height provision for rural residential lots is to ensure that accessory buildings:

- do not impact neighbouring properties,
- are ancillary to the primary dwelling,
- do not dominate the streetscape, and

- are utilized for purposes ancillary to the primary residential use.

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 gambrel style and the height would be measured between grade and the average height between the eaves and ridge. The midpoint of the roof on the proposed addition results in a minor height increase of 0.8 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 with a proposed lot coverage of 2.75%. Further, the proposed accessory structure exceeds the side yard setback of 3.05 metres by approximately 1.5 metres, and otherwise meets all applicable provisions of the Rural (A) Zone. 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, Staff are of the opinion that 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 goals and objectives of the Agricultural designation as set out in the Official Plan include the preservation of prime agricultural lands for farming with particular emphasis on the preservation of specialty crop lands, and to ensure that agricultural areas are protected from harassment and conflict from non-farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation.

The proposed accessory structure does not conflict with the objectives of the Agricultural designation identified in the Town Official Plan. The subject lands are used for rural residential purposes, and do not contain any active agricultural operations or uses. The requested variance is not anticipated to pose adverse impacts with adjacent agricultural operations and general land use compatibility.

Staff consider the requested variance to 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.

Operations – No objections. As shown in **Appendix I**, the applicant is proposing to shift and widen the existing driveway entrance, slightly to the west, to the proposed accessory structure. While the revised driveway entrance is not subject to the Minor Variance Application, Town Staff advise that the applicant will be required to obtain approval in the form of a municipal Entrance Permit from the Town's Operations Department for the construction of the driveway widening/relocation.

#### Agencies

Niagara Region – No objections. A Condition was 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 key natural heritage or key hydrologic features as identified in the Region's Niagara Official Plan, the property is not within the Conservation Lands overlay within the Town Official Plan, nor are there any watercourse or wetland features regulated by the Niagara Peninsula Conservation Authority (NPCA) within the subject lands. No tree removal is anticipated to accommodate the proposal and the Town's Tree Protection By-law does not apply to lands outside of an urban area.

### **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-02/25, 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:

**Prepared by:**



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Planner II

**Recommended by:**



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