

DATE: February 28, 2024

REPORT NO: COA-02-2024

SUBJECT: **A03/2024WL – Recommendation Report – Application for Minor Variance 2755764 Ontario Inc. (JC Holdings) (Riesecorp Services Inc-Agent)**

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

OVERVIEW:

- A Minor Variance application has been submitted by Craig Riesebosch (Riesecorp Services Inc.) on behalf of 2755764 Ontario Inc. (JC Holdings), property owner of 2258 Caistor Center Road.
- This Minor Variance application has been applied for to allow a maximum lot coverage of approximately 13.32% whereas Table 1-1 found in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 8% is the required maximum lot coverage in a C3 'Service Commercial Zone' for accessory buildings.
- In addition, a second Minor Variance has been requested to for an accessory building height of 7.12 metres whereas 6 metres is the required maximum.

RECOMMENDATION:

That, the application for Minor Variance, submitted by 2755764 Ontario Inc. (JC Holdings) Riesecorp Services Inc. (Agent), as outlined in Report COA-02-2024, to permit a commercial accessory building with a gross floor area of 669 square metres, and a lot coverage of 13.32% whereas 8% is the required maximum as well as a 7.12 metre height whereas 6 metres is the required maximum, subject to the requirement for site plan approval.

BACKGROUND:

The subject property is located to the south of Sixteen Road, and to the west of Caistor Center Road. Municipally known as 2258 Caistor Center Road. The property is approximately 1.24 acres (0.50 hectares) in size. The subject property is designated as good general agriculture; the surrounding land uses are designated Good General Agriculture as well as Natural Heritage System in the Township's Official Plan. The surrounding lands are

actively farmed with a number of surrounding smaller Agricultural holdings as well as, a few rural residential properties to the south and north. The subject property is zoned Commercial 'C3-11' and has a commercial building located on it used for vehicle repair work.

The applicants are proposing a 16" X 120", 1'920 square foot accessory building. This building is proposed for proper protected storage of vehicles and materials related to the existing commercial business on the property. Staff have reviewed the proposed accessory building against the zoning of an accessory building in a Commercial Zone. (See below)

	Required	Proposed
Max GFA	NA	-
Max No. of Accessory Buildings	NA	-
Permitted Yards	All Yards	Rear Yard
Min. Front Yard	4.5m	43.85m
Min. Interior Side Yard	1.2m	3m
Min. Rear Yard	1.2m	6m
Max Height	6m	7.12m
Max Lot Coverage	8%	13.32%
Min. Setback from Main Building	3m	6.37m

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

The subject property is designated as Good General Agriculture in the Township's Official Plan. The main objective of this designation is to protect agricultural areas and preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural area. The Official Plan in Policy 3.1 c), recognizes that there are a number of existing, legally established non-agricultural uses in the Agricultural Area. These uses are permitted to continue under the Township's Official Plan.

This proposal will not be hindering the surrounding Agricultural lands with the requested variances. The proposed commercial building is a permitted main use to the existing commercial building on the property. For these reasons, Planning Staff consider the proposal consistent with the intent and general purpose of the Townships OP.

The subject lands are not currently being farmed and are being used for a service commercial use. The proposed accessory structure is permitted to support the existing commercial uses as the proposed accessory buildings will be a direct accessory use the existing building and will store farm equipment, and extra products such as tires.

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

The subject property is designated "C3-11", Service Commercial with a site specific exception which recognizes a minimum lot frontage of 55.9 metres, a minimum front yard

of 19.2 metres and a minimum interior side yard of 3 metres. This zoning designation permits the existing commercial building and its accessory buildings and structures. Aside from the two requested variances, the proposed accessory building complies with the remainder of the zoning regulations outlined in Table 1-1 in Part 3 of the Township's Zoning By-law 2017-70, as amended.

The detached accessory building is proposed to have a ground floor area (GFA) of 669 square metres, whereas Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies that the maximum area lot coverage for accessory buildings shall be no more than 8% of the lot area provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone, being 50%. The proposed accessory building will increase the lot coverage on the property by 5.32% bringing the total lot 13.32% with the 50% maximum lot coverage for all the buildings on the lot still being well maintained.

The second variance is to allow for an increased accessory building height of 7.12 metres whereas Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies that the maximum building height for accessory buildings in a Commercial zone shall be no more than 6 metres. The request for a 1.12 metre increase will allow the applicants for the proper protected storage of vehicles and materials related to the existing commercial business on the property which operates as a vehicle body shop.

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

The proposed commercial accessory building is designed to be compatible with the neighbouring properties and surrounding area and appears to fit within a more traditional agricultural character. The design of the accessory building appears to be enhanced with vinyl siding and masonry.

Staff note that surrounding properties include a dairy barn to the east, (directly across the road from the applicants) as well as a larger agricultural property to the north which includes larger accessory buildings.

For these reasons, Planning Staff support the requested variances and can consider the proposal appropriate development and desirable for the use of land.

Is the proposal minor in nature? Yes

Planning Staff consider the proposal to be minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed commercial accessory building is compatible with the existing land uses and intended as such, to be directly related to the commercial business that is existing and operating on the subject property. Planning staff do not anticipate any adverse impacts on the surrounding agricultural area or residential properties due to the requested variances as the building is proposed mainly for storage purposes. For these reasons, Planning staff can recommend the approval of this application as the proposal can be considered minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Niagara Peninsula Conservation Authority acknowledges the NPCA Permit (202300093) that was issued in June 2023 for the proposed building. They have no objections to the proposed building.

The Niagara Region, and Township Public works department have no objections to this application.

The Townships Building department would like to confirm the location of the septic system on site and confirm is additional washrooms are required for the storage building. Development charges will also apply to the new accessory building.

PUBLIC COMMENTS:

At the time of writing this report, planning staff have received no public comments.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance application A03/2024 as outlined in report COA-02-24, to permit a commercial accessory building with a gross floor area of 669 square metre, and a lot coverage of 13.32% whereas 8% is the required maximum as well as a 7.12 metre height whereas 6 metres is the required maximum, subject to the requirement for site plan approval.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Building Drawings
4. Agency Comments

Prepared & Submitted by:



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Approved by:



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