

DATE: August 28, 2024

REPORT NO: COA-30-2024

FILE NO: A17/2024WL

SUBJECT: **Recommendation Report Application for Minor Variance, Henley Heights Construction Inc. (Lecki Developments Inc. / Thomas Chmielecki., –Agent)**

LOCATION: Canborough Road, GAINSBOROUGH CON 1 BF PT LOT;14 RP 30R16006 PART 2 (2602020007129020000)

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

OVERVIEW:

A Minor Variance application has been submitted by Thomas Chmielecki (Lecki Developments Inc.), on behalf of the property owners, Henley Heights Construction Inc. of Canborough Road/Regional Road 63, being roll number 260202000712902 0000 (GAINSBOROUGH CON 1 BF PT LOT;14 RP 30R16006 PART 2)

A Minor Variance application has been applied for to permit the construction of a new single detached dwelling with a proposed attached private garage projecting 5.79 metres closer to the front lot line than the main wall, whereas, Part 3.12.7 *Private Garages* of the Township’s Zoning By-Law identifies the maximum projection for an attached private garage as 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot. The private garage would have a front yard setback of 10.7 metres, whereas the main front wall of the dwelling would have a front yard setback of 15.5 metres.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Lecki Developments Inc.), on behalf of the property owners, Henley Heights Construction Inc., as outlined in Report COA-30-24, to permit the attached private garage with a garage width no greater than 16 metres which will be projecting 5.79 metres closer to the front lot line than the main wall of the proposed new dwelling on the subject property, BE APPROVED, subject to the following conditions:

1. That the Applicant submit a report from a licensed sewage system installer and/or engineer indicating compliance with minimal separation distance requirement as per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code

as part of the required septic permit.

2. That the applicant applies for and obtains a 911 house number (sign, post and installation) to the Township of West Lincoln.

BACKGROUND & SURROUNDING LAND USES:

The subject property is approximately 0.40 hectares (One Acre) in size and is located on the south side of Canborough (Regional Road 63), east of Baldwin Road, and west of Highway 20 (Regional Road 20).

The subject property is also located within the Hamlet of Wellandport. The property was severed off of 5274 Canborough Road in 2022 through consent B05/2022WL. The existing accessory building on the property will be demolished prior to the construction of the new single detached dwelling and attached private garage.

A Minor Variance application has been applied for to permit the construction of a new single detached dwelling with a proposed attached private garage which would project 5.79 metres closer to the front lot line than the main wall of the dwelling, whereas, Part 3.12.7 *Private Garages* of the Township's Zoning By-Law, identifies the maximum projection for an attached private garage as 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot. The main front wall of the dwelling would have a front yard setback of 15.5 metres whereas, the private garage would have a front yard setback of 10.7 metres.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Hamlet Settlement Area*, *Good General Agricultural Lands* and *Natural Heritage System*. The subject property is located within the Hamlet Settle Area of Wellandport and there are no present natural heritage system features on the property.

The surrounding lands to the south west of the property is actively farmed while the majority of the surrounding area consists of a small rural residential properties within the Hamlet of Wellandport. The proposed single detached dwelling and attached private garage are compatible with the existing residential land uses in the area.

CURRENT SITUATION:

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

The subject property is designated as *Hamlet Settlement Area* in the Township's Official Plan, specifically located in the Hamlet of Wellandport. Lands within the *Hamlet Settlement Area Designation* (Section 7 of the OP) are intended for residential and associated commercial, institutional, and recreational uses.

The predominant use of land within Hamlets are single-detached dwellings, with other uses necessary to serve the Hamlet as well as the surrounding agricultural area and rural community. One of the main objectives of this designation is to provide an

alternate place for residential uses to be accommodated outside the *Urban Area of Smithville* and the *Agricultural Area*. The proposed single detached dwelling is permitted and encouraged within *Hamlet Settlement Areas*. The proposed attached private garage is also a permitted accessory use in conjunction with the new residence.

Given the proposed dwelling and attached private garage are permitted on the property and will be designed to be compatible with the surrounding residential uses and abutting farmland. As this proposal will be supporting residential growth which is encouraged within a *hamlet settlement area*, Staff can consider the proposal in alignment with the Township's Official Plan (OP).

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

The subject property is zoned Residential Low Density 'R1A' in the Township's Zoning By-Law. One single detached dwelling is permitted on the property with accessory buildings and structures also permitted in conjunction with the principal use.

Aside from the below noted variance, the proposed single detached dwelling with the attached garage is a permitted use and complies with the remainder of the zoning regulations outlined in Table 14 in Part 6 of the Township's Zoning Bylaw, 2017-70, as amended.

In addition, as there is a proposed attached private garage, Part 3.12.7 *Private Garages* of the Township's Zoning By-Law is applicable which identifies the maximum projection for an attached private garage as 1.5 metres closer to the front lot line than the main front wall of the dwelling on the same lot. The intent of the zoning bylaw is to discourage building design where the attached private garage is the prominent feature of the dwelling. The variance being requested is to allow the attached private garage to project 5.79 metres from the main front wall of the dwelling to the front lot line. The main front wall of the dwelling would have a front yard setback of 15.5 metres whereas, the private garage would have a front yard setback of 10.7 metres.

The applicant has indicated that the variance is required for the preferred architectural roof design and covered front porch for the new dwelling. It appears the garage width is 16 metres measured between the inside faces of the interior walls (at the narrowest point). Staff are not opposed to the dwelling design, given the garage doors will be facing the east interior side lot line rather than the front lot line. Given the positioning of the garage doors facing east, the proposed design is more aligned with the intent of the provisions outlined in Part 3.12.7 of the Township's Zoning By-Law.

For these reasons, Staff can consider the proposed application consistent with the general purpose of the Township's Zoning By-law.

Additionally, as shown on the site sketch (see Attachment 2) a future accessory building is shown (9.14 metres by 10.67 metres). Table 1-2 (Part 3) is applicable and the future accessory building complies with the current interior and rear yard setbacks, is located in the rear yard, and would comply with the applicable lot coverage requirements, the

future accessory building would total 2.4% in accessory coverage. In terms of total lot coverage as identified by Table 14 (Part 6), the new dwelling and future accessory building would total 13.1% complying with the maximum of 20% which is permitted on the lot. As elevations for the accessory building have not be provided, it's important to note, the maximum height permitted by Table 1-2 is 5 metres.

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

Staff consider the proposal to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area, including the abutting agricultural land uses and existing residences in proximity to the property. The proposed dwelling and attached private garage are permitted uses which are encouraged within the hamlets of West Lincoln. There is also an existing driveway that accesses the existing accessory building (to be demolished) which will be utilized for the new residence and attached private garage.

The requested variance will not increase concerns or have a negative impact on the surrounding area, especially as the proposed garage doors are facing the east interior side property line rather than the front lot line. Given both the front yard setbacks are complying with the required minimum of 7.5 metres (as outlined in Table 14) from the front lot line and the proposed of 15.5 metres measured from the main front wall of the dwelling and 10.7 metres for the attached private garage would still provide an adequate and appropriate front yard setback for the new residence.

For these reasons, Staff consider the proposed residence appropriate development and a desirable use of the lands.

Is the proposal minor in nature? Yes

Staff consider this 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 requested variance is required to support the proposed residential development on the subject property which is appropriate as the lands are located within the Hamlet of Wellandport.

Hamlets support and encourage residential growth outside of the *Settlement Area of Smithville*. Due to the preferred architectural design to facilitate the new residential build, the proposed projection of 5.79 metres to the front lot line than the main front wall of the dwelling can be considered minor in this case.

As such, Staff can recommend approval of this Minor Variance Application to permit the attached private garage with a width no greater than 16 metres which will project 5.79 metres closer to the front lot line than the main wall of the proposed new residence on the subject property.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: At the time of writing this report, no comments have been received from the building department. It appears the subject property does not have an assigned

911 house number. This has been added as a condition of approval to satisfy the noted concern.

Public Works: Has reviewed the application and have no objections or comments to provide.

Septic System Inspection Manager: Has reviewed the application as submitted and as there were no documentation provided regarding the proposed sewage system. A condition has been included to satisfy the septic concern regarding compliance with the minimal distance requirements per Tables 8.2.1.6 A and 8.2.1.6 B of the Ontario Building Code. Please see above for the applicable condition of approval and Attachment 3 for the comments received.

Niagara Peninsula Conservation Authority (NPCA): The NPCA has reviewed the subject property and the proposed development and offer no objections to the proposal as the development and subject property are outside of the NPCA regulated features.

Niagara Region: Have no objections to the request to allow the attached private garage to project closer than the main front wall of the new single detached dwelling. The property is located within an area designated for Archaeological Potential. It appears as a condition of approval of the related consent B05/2022WL, a Stage 1-2 Archaeological Assessment was completed and prepared by Seguin Archaeological Services. The assessment was also registered with the Ministry of Tourism, Culture and Sport dated August 19th, 2022. As such, Regional staff offer no further requirements.

Regional staff wish to provide the Archaeological Potential warning clause for the applicants' information should any deeply buried artefacts or remains be found. Staff have also noted that if there is a change in the entrance, a Regional Road Permit will be required as Canborough Road is a Regional Road. Please see Attachment 3 for more information.

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

PUBLIC COMMENTS:

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

CONCLUSION:

Based on the above analysis, Staff recommend APPROVAL of the proposed Minor Variance Application (A17/2024WL) as outlined in Report COA-30-24, to permit the construction of a new dwelling with an attached private garage with a garage width no greater than 16 metres which will project 5.79 metres closer to the front lot line than the

main wall of the proposed single detached dwelling on the subject property.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Agency Comments

Prepared & Submitted by:



**Stephanie Pouliot,
Planner**

Approved by:



**Gerrit Boerema, RPP, MCIP
Manager of Planning**