

DATE: September 25, 2024

REPORT NO: COA-34-2024

SUBJECT: **Recommendation Report – Application for Minor Variance (A21/2024WL) – 4040 Concession 4 Road – Alvin Krol**

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

OVERVIEW:

A Minor Variance application has been submitted to permit the construction of an accessory building, being a detached garage, to be constructed approximately 132 metres from the main building, being the existing dwelling.

The Township’s Zoning Bylaw, Table 1-1, requires that accessory buildings be constructed within 50 metres of a main building in an effort to cluster buildings in part to preserve agricultural land.

The applicants intend to construct a new dwelling to replace the existing dwelling in the near future within 50 metres of the proposed detached garage, but slightly further from the front property line.

The Township’s Zoning Bylaw requires that accessory buildings be located no closer to the front property than the main building.

Staff have reviewed this application against the four tests of a minor variance and can recommend approval of the variance.

RECOMMENDATION:

That, the application for Minor Variance, submitted by Alvin and Lisa Krol, as outlined in Report COA-34-2024, to permit a 140 square metre detached garage at a distance of no greater than 132 metres from the existing dwelling, and no greater than 10 metres in front of the future dwelling location, BE APPROVED.

BACKGROUND:

A Minor Variance application has been submitted by Alvin and Lisa Krol for their property municipally addressed as 4040 Concession 4 Road. The subject property is on the south

side of Concession 4 Road and is located between Crown Road and Rosedene Road. The property currently contains a single detached dwelling near Concession 4 Road, a number of smaller accessory buildings near the dwelling and a larger accessory building south of the house used for storage.

The owners wish to construct a new detached garage on the property as they intend to demolish the existing accessory building and need somewhere to store its contents. They also have future plans to construct a new dwelling on the property where the existing accessory building is located.

The proposed location for the detached private garage is located approximately 132 metres south of the existing dwelling. The Township's Zoning Bylaw only permits accessory buildings within 50 metres of the main building. Additionally, the owners have requested a second variance in anticipation of constructing a new dwelling, to allow the new dwelling to be located approximately 10 metres farther from the front property line than the accessory building.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System*. The subject property contains natural heritage system features including a Core Natural Heritage Corridor, Provincially Significant Wetlands, Significant Woodlands, an Environmental Conservation area and an Environmental Protection area.

However, there will be no impact to the present natural heritage features on the property as the proposed development is located a large distance from the forested portion of the subject lands. As such, the natural heritage features is not a factor of this application and the Township's environmental policies are being maintained.

The surrounding lands are actively farmed with a number of small rural residential properties. The proposed detached garage and future dwelling would be compatible with the existing land uses in proximity to the subject lands.

FOR MINOR VARIANCE

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 *Good General Agricultural Lands* in the Township's Official Plan. The goal of the agricultural designation is to protect agricultural lands for long term agricultural use and to provide for a flexible range of different agricultural uses. A key component of protecting agricultural land is to minimize the amount of land taken out of active productive agricultural operation.

The Township's Zoning Bylaw further ensures the protection of agricultural area by requiring accessory buildings to be located within 50 metres of a main building. For this

application the main building is the dwelling, however, due to the shape of the lot, the location of an existing pond, and the proposed location for a future house, the detached garage has been proposed approximately 132 metres south of the house. In the near future, the owners wish to construct a new dwelling in this location as well, thereby moving the cluster of buildings from near Concession 4 Road further back in the property. The area where the proposed garage and dwelling are going is mostly cut grass and has a minimal impact on productive agricultural lands.

Therefore, this application meets the general intent of the Township's Official Plan.

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

The subject property is zoned Agricultural 'A', Environmental Conservation 'EC' and Environmental Protection 'EP'. The Agricultural 'A' zone allows agricultural uses, a single detached dwelling, and accessory buildings and structures in conjunction with a permitted principal use.

As previously discussed in this report, the Township's Zoning Bylaw requires that accessory buildings or structures be constructed within 50 metres of a main building for the purposes of clustering buildings to protect agricultural land. The proposed garage meets all other zoning requirements of the Township's bylaw.

The Owners have indicated that it is their intention to demolish the existing large accessory building and construct a new dwelling in its location. This would result in the proposed garage to be compliant with the 50 metre provision of the bylaw. The proposed garage is needed now in order to provide room for storage of items currently stored in the existing building which is to be demolished.

The second variance to allow the accessory building to be no more than 10 metres closer to the front property line than the main dwelling, also meets the intent of the zoning bylaw, as both buildings will be located a significant distance off of the road and will not impact the rural character of the property or area. As such, the proposed minor variance meets the intent of the zoning bylaw.

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.

The subject property is in a predominantly agricultural area surrounded mostly by cash cropping operations. Many of the farms in the area, in addition to the arable fields, contain dwellings and accessory buildings, both of which are permitted in the agricultural zone.

For these reasons, the proposed variance is desirable for the development and use of the property.

Is the proposal minor in nature? Yes

The application for minor variance is requesting over a doubling of the required 50 metre regulation of the Township's zoning bylaw. While this appears to be a large variance, it is still minor in nature for a number of reasons. This includes that there is already a number of buildings in the general location of where the proposed garage is being located and secondly that the owners intend on building a new house in the same cluster. The need to construct the garage prior to the new dwelling is to create room for storage to allow the demolition of the existing accessory building. As such, this proposal is minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: At the time of writing this report, there has been no comments received from the Building Department.

Public Works: Has no comments or objections to provide on this application.

Septic System Inspection Manager: Has no comments or objections to provide on the application as proposed.

Niagara Peninsula Conservation Authority (NPCA): The NPCA has provided written comments that they have no objections to the proposed minor variance application.

Region of Niagara: The Region of Niagara does not object to the proposal in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies. Regional Staff note that a Stage 1 Archaeological Assessment prepared by Stantec (dated October 31, 2012) was completed for the purposes of a Renewable Energy Approval Application for the Niagara Region Wind Farm. 4040 Concession 4 Road was included within the project study area and determined to have high potential for the presence of significant archaeological resources. As such, it was recommended that a Stage 2 Archaeological Assessment be completed. Regional Staff have requested the below condition.

1. That the Applicant/Owner submit a Stage 2 Archaeological Assessment completed by a licensed archaeologist and receive acceptance from the Ministry of Citizenship and Multiculturalism ("MCM") for the archaeological assessment. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

The standard warning clause has also been included for the owner's information, as

provided below.

"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 (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."

PUBLIC COMMENTS:

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

CONCLUSION:

Based on Staff's review of the two proposed minor variances, Administrative Staff recommend APPROVAL of the proposed Minor Variance Application (A21/2024WL) as outlined in Report COA-34-2024, to permit a 140 square metre detached garage at a distance of no greater than 132 metres from the existing dwelling, and no greater than 10 metres in front of the future dwelling location as the four tests for a minor variance are met.

ATTACHMENTS:

1. Location Map
2. Site Plan Drawing for Proposed Garage
3. Survey Sketch for Future Dwelling
4. Agency Comments

Prepared & Submitted by:

Approved by:



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