

**DATE:** November 27, 2024

**REPORT NO:** COA-38-2024

**FILE NO:** A23/2024WL

**SUBJECT:** **Recommendation Report Application for Minor Variance, 7948 Concession 7 Road – Neil, Mark and Effie Dochstader**

**LOCATION:** 7948 Concession 7 Road, West Lincoln

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

**OVERVIEW:**

A Minor Variance application has been submitted by Neil, Mark and Effie Dochstader, property owners of the subject property located at 7948 Concession 7 Road to permit a garage addition (130.16 square metres) to the existing single detached dwelling on the subject property.

Relief is being requested to allow a proposed *garage width* of 16.2 metres whereas, Part 3.12.7(h) *Private Garages* of the Township's Zoning By-Law identifies the maximum *garage width* permitted for an attached *private garage* as 50% of the total width of the dwelling or 9.2 metres, whichever is less. The proposed *garage width* is 16.2 metres between the inside faces of the interior walls at the narrowest point of the *private garage*.

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 Neil, Mark and Effie Dochstader, property owners of the subject property, as outlined in Report COA-38-24, to permit a *private garage* addition (130.16 square metres) to the existing dwelling with a *garage width* of 16.2 metres, BE APPROVED.

**BACKGROUND & SURROUNDING LAND USES:**

7948 Concession 7 Road is 33.11 hectares (81.82 acres) in size and is located on the south side of Concession 7 Road and north side of Young Street. The subject lands are situated east of Grassie Road, west of Grimsby Road (Regional Road 12) and north of Highway 20

(Regional Road 20).

The subject property is also located south of the Hamlet of Grassie, south west of the Hamlet of Grimsby Centre, and north west of the Hamlet of Regional Road 12 and the Hamlet of Kimbo. The lands are also north west of the Settlement Area of Smithville.

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 does not have any present natural heritage features. The property is zoned Agricultural 'A'.

The surrounding lands are actively farmed with a number of small and large agricultural holdings. There are small rural residential holdings to the north within the Hamlet of Grassie, as well as to the north east within the Hamlet of Grimsby Centre. There are small agricultural holdings to the south and west, with farmland abutting to the west and east.

The owners are looking to construct a garage addition (130.16 square metres) to the existing single detached dwelling on the property. This minor variance application is being applied for as the attached *private garage* requires one variance from Part 3.12.7 *Private Garages* of the Township's Zoning By-law, 2017-70, as amended. The proposed *garage width* is 16.2 metres between the inside faces of the interior walls at the narrowest point of the private garage

Relief is required to permit the proposed *garage width* of 16.2 metres whereas, Part 3.12.7(h) *Private Garages* of the Township's Zoning By-Law identifies the maximum *garage width* permitted for an attached *private garage* as 50% of the total width of the dwelling or 9.2 metres, whichever is less.

#### **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 *Good General Agriculture* in the Township's Official Plan (OP). The Official Plan policy of the *Good General Agricultural* designation promotes small scale secondary uses and agricultural-related uses that are compatible and do not hinder the surrounding agricultural operations.

The main objectives for the *Good General Agricultural Area* is protecting Agricultural areas, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural area. *Good General Agricultural* lands are accorded the second highest level of protection and preservation. This proposal will not be hindering the surrounding Agricultural lands nor operations with the requested variance pertaining to the attached *private garage*. There will also be no impact on the lands currently farmed on the property.

The farmland and existing dwelling are considered permitted principal uses on the

property. The proposed addition (130.16 square metres) is permitted on the property, subject to the request relief.

For these reasons, Staff consider this proposal consistent and in alignment with the intent and general purpose of Section 4 of the Township's Official Plan, which is protecting and preserving the long-term agricultural use within West Lincoln.

Furthermore, it's important to note, the lands are also located within an area of potential for mineral aggregate resources. The purpose of these areas are to protect mineral aggregate resources for long-term use and existing extractive resources from incompatible land uses.

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

The subject property is zoned Agricultural 'A'. The property has a total lot size of 33.11 hectares (81.82 acres). As outlined in Table 11 (Part 5) of the Township's Zoning By-law 2017-70, as amended, one single detached dwelling is permitted within an Agricultural 'A' zone as well as, accessory uses in conjunction with a principal use.

Aside from the variance required for the *garage width*, the proposed (130.16 square metres) *private garage* addition to the existing single detached dwelling complies with the remainder of the required setbacks identified by Table 12 in Part 5 and Part 3.12.7 *Private Garages* of the Township's Zoning By-law 2017-70, as amended.

For these reasons, this proposal is consistent with the general purpose of the Township's Zoning By-law 2017-70, as amended, and Staff can recommend approval.

**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 existing agricultural land uses. The design of the proposed addition is compatible with the existing residence on the property. The land where the addition is proposed is currently maintained grass, thus there will be no loss of farmland which is aligned with the Township's agricultural policies.

For these reasons, this proposal can be considered desirable for the appropriate development and use of the land.

**Is the proposal minor in nature? Yes**

This proposal can be considered minor in nature as the general intent of the Township's Official Plan and Zoning By-law provisions are being maintained. The proposed addition (130.16 square metres) is compatible with the existing land uses and should have no adverse impacts on the surrounding area.

The applicants have indicated that they require additional space for parking. There is

currently an attached two car garage and they now require two additional spaces.

For these reasons, Staff recommend approval of this Minor Variance Application to permit an attached *private garage* with a *garage width* of 16.2 metres.

#### **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 reviewed the application and noted that this property is located within the area of the Van Buren municipal drain. However, the proposed garage addition does not impact the drainage areas. As such, Public Works has no concerns with the proposal. Please see Attachment 3 for the comments received.

**Septic System Inspection Manager:** Has reviewed the application as submitted and offers no objections as the proposed addition would not negatively impact the requirements of Part 8 (Septic Systems) of the Ontario Building Code. Please see Attachment 3 for the comments received.

**Niagara Peninsula Conservation Authority (NPCA):** Has reviewed the application and noted that the subject property contains regulated watercourses and associated 15-metre buffers. However, as the proposed development does not encroach into these features, the NPCA has no objections to the proposed works within the application. Please see Attachment 3 for the comments received.

**Niagara Region:** Have reviewed the application and have no objections as the proposal does not conflict with Provincial and Regional policies. Regional Staff have noted that the property is located within an area designated for Archaeological Potential. Typically, a Stage 1 Archaeological Assessment (at minimum) would be required, however Regional Staff note that for this instance, the following standard archaeological advisory clause been included for the owner's information, as provided below. Regional Staff also wish to advise the applicant that finding any archaeological resources during any construction / works would have to cease as noted in the advisory clause until an archaeological study is completed. 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 (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 the above analysis, Administrative Staff recommend APPROVAL of the proposed Minor Variance Application (A23/2024WL) as outlined in Report COA-38-24, to permit the proposed *private garage* addition (130.16 square metres) to the existing dwelling with a *garage width* of 16.2 metres.

**ATTACHMENTS:**

1. Location Map
2. Building Drawings
3. Agency Comments

**Prepared & Submitted by:**



---

**Stephanie Pouliot,  
Planner**

**Approved by:**



---

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