

DATE: December 11, 2024

REPORT NO: COA-39-2024

FILE NO: A24/2024WL

SUBJECT: **Recommendation Report Application for Minor Variance, 2286 Caistor Centre Road – John and Cheryl Sollazzo (Agent, Craig Riesebosch – RieseCorp Services Inc.)**

LOCATION: 2286 Caistor Centre Road, West Lincoln

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

OVERVIEW:

A Minor Variance application has been submitted by Craig Riesebosch on behalf of the property owners, John and Cheryl Sollazzo, of the subject property located at 2286 Caistor Centre Road.

A Minor Variance application has been applied for to permit the construction of a *private garage* (171.2 square metres) to replace the existing detached garage damaged by fire, which will be demolished.

Relief is being requested from Table 1-1 (found in Part 3) of the Township's Zoning By-Law 2017-70, as amended. The new garage is proposed in a different location on the existing driveway with a proposed interior side yard setback of 2 metres whereas, 7.5 metres is the minimum interior side yard setback required for a Type III accessory building within an Agricultural 'A' zone.

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 Craig Riesebosch on behalf of the property owners, John and Cheryl Sollazzo of the subject property, as outlined in Report COA-39-24, to permit the construction of a replacement detached private garage (171.2 square metres) on the property with a reduced interior side setback of no less than 2 metres, **BE APPROVED.**

BACKGROUND & SURROUNDING LAND USES:

2286 Caistor Centre Road is 15.54 hectares (38.40 acres) in size and is located on the west side of Caistor Centre Road. The subject lands are situated south of Sixteen Road, north of Concession 5 Road, and east of Abingdon Road.

The subject property is also located north east of the Hamlet of Abingdon and situated north of the Hamlet of Caistor Centre.

The majority of the surrounding land uses are designated in the Township's Official Plan as *Good General Agricultural Lands* and *Natural Heritage System* including the subject property. The present *Natural Heritage* features are located within a portion of the rear yard and south interior side yard. Given the large proximity between the proposed development and these features, there is no concern regarding the ecological health or integrity of the environmental features, as the proposed site is while outside the Natural Heritage System boundary.

The surrounding lands are actively farmed to the north, west and east of the property with a number of small agricultural holdings to the north and south. There are small residential holdings to the west and south, with farmland abutting to the west. The subject property is zoned Agricultural 'A' and Environmental Protection 'EP'.

The owner is looking to construct a new detached private garage on the property to replace the existing private garage which was damaged by fire and will be demolished.

This minor variance application is being applied for to permit the construction of a replacement private garage (171.2 square metres) in a different location on the existing driveway with a proposed interior side setback of 2 metres whereas, 7.5 metres is the minimum interior side setback required for a Type III accessory building within an Agricultural 'A' zone as identified by Table 1-1 (found in Part 3) of the Township's Zoning By-Law 2017-70, as amended.

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* and *Natural Heritage System* 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 or operations with the requested

variance pertaining to the deficient interior side yard setback.

The existing dwelling and lands farmed on the property are considered principal uses and these are permitted to have accessory buildings and structures in conjunction with the established principal uses on the property. As such, the proposed private garage is a permitted secondary use to the existing dwelling on the property. Therefore, this proposal is aligned with the general intent and purpose of the Township's OP policies.

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

The majority of the subject property is zoned Agricultural 'A' with approximately 3.7 acres of the rear yard zoned as Environmental Protection 'EP'. The property has a total lot size of 15.54 hectares (38.40 acres).

Agricultural uses and one single detached dwelling are permitted principal uses as outlined in Table 11 (found in Part 5 *Agricultural Zones*) of the Township's Zoning Bylaw 2017-70, as amended. Accessory uses are also permitted in conjunction with a principal use. The proposed detached private garage is accessory to the residential use on the property. The applicant has advised that the new garage is required to replace the existing detached garage that was damaged by a fire.

Aside from the requested variance for the deficient interior side yard setback of 2 metres, the proposed detached garage complies with the remainder of the required setbacks identified in Table 1-1 in Part 3 and Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended. The proposed garage also complies with the applicable provisions outlined in Part 3.12.7 *Private Garages* of the Township's Zoning By-law 2017-70, as amended.

For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning Bylaw.

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

This proposal is considered to be appropriate development and use of land since there are no adverse impacts anticipated on the surrounding area with the requested variance for a reduced interior side setback.

The proposed location for the replacement garage is appropriate as it will be utilizing the existing driveway which provides access to the dwelling. The applicant has advised that due to the shape of this part of the property, placing the proposed garage 7.5 metres from the two closest property lines would block the existing driveway. Therefore, the proposed 2-metre setback can be considered appropriate and desirable to maintain the most useable space on the existing driveway.

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 private garage in conjunction with the existing residence is permitted and an appropriate

development given the existing use of the subject lands. As the proposed private garage will be replacing the existing detached garage on the property, there are no adverse impacts anticipated. The proposed garage is also designed to be compatible with the existing land uses. For these reasons, the proposal can be considered minor in nature and Staff can recommend approval to allow the reduced interior side setback of no less than 2 metres for the proposed detached garage.

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 offers no comments or objections.

Septic System Inspection Manager: Has reviewed the application and has no objections to the application as proposed.

Niagara Peninsula Conservation Authority (NPCA): Has reviewed the application and noted that the subject property contains NPCA regulated areas. The proposed area for the replacement garage is outside of the NPCA regulated areas, including outside of the floodplain hazard elevations. As such, the NPCA has no objections to the proposal. Please be advised, that all future proposed works within NPCA regulated areas will require review, approval and NPCA permit prior to the start of development. The NPCA has provided two maps for reference of the NPCA regulated areas for the owner's information. Please see Attachment 4 for more information.

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, based on the scope of the proposed development, 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 until an archaeological study is completed as noted in the advisory clause. Please see Attachment 4 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, Staff recommend APPROVAL of the proposed Minor Variance Application (A24/2024WL) as outlined in Report COA-39-24, to permit the construction of a replacement detached private garage (171.2 square metres) on the property with a reduced interior side setback of no less than 2 metres.

ATTACHMENTS:

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

Prepared & Submitted by:



**Stephanie Pouliot,
Planner**

Approved by:



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