

**DATE:** May 28, 2025

**FILE NO:** A04/2025WL

**REPORT NO:** COA-07-2025

**SUBJECT:** **Recommendation Report Application for Minor Variance, Gumbert (Agent, Jeremy Brown – Niagara Planning Consultants)**

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

**OVERVIEW:**

A Minor Variance application has been submitted by Jeremy Brown on behalf of the property owners, William and Carol Gumbert, of the subject property located at 8501 Young Road.

This application is seeking relief from Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, as there are existing zoning deficiencies on the property for existing accessory buildings.

A variance is requested for a reduced interior side yard and rear yard setback of 1.05 metres for the existing detached garage on the property whereas, 2 metres is the minimum interior side yard and rear yard setback required for Type 2 accessory buildings in the Agricultural 'A' zone.

A variance is requested to permit three Type 2 (10.1-120 m<sup>2</sup>) accessory buildings whereas, the Zoning By-law only permits a maximum of two Type 2 accessory buildings on agricultural zoned lots.

A variance is requested to permit the existing detached garage 79.8 metres from the dwelling and the existing barn at a distance of 70 metres from the dwelling whereas, 50 metres is the maximum distance accessory buildings or structures are permitted from a main building in an Agricultural zone. Therefore, the requested relief is 29.8 metres for the detached garage and 20 metres for the barn.

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

**RECOMMENDATION:**

That, the application for Minor Variance submitted by Jeremy Brown, on behalf of the property owners of the subject property, as outlined in Report COA-07-25, to permit a reduced interior side and rear yard of 1.05 metres for the existing detached garage, to recognize the three existing accessory buildings on an agricultural lot, and to allow the existing detached garage 79.8 metres from the dwelling and the existing barn at a distance of 70 metres from the dwelling, BE APPROVED, subject to the following condition:

1. That the Applicant submit a building permit application for the existing detached garage to the satisfaction of the Township's Building and Planning Departments.

**BACKGROUND & SURROUNDING LAND USES:**

8501 Young Street has a total lot size of 0.81 hectares (2 acres) located on the north side of Young Street. The subject lands are situated east of South Grimsby Road 15, north of Highway 20, South of Mud Street West, and east of Grassie Road.

The subject property is also located north west of the Settlement Area of Smithville and the Hamlet of Grimsby Centre, and the Hamlet of Kimbo and situated north east of the Hamlet of Fulton and south west of the Hamlet of Grassie.

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 is located within the *Good General Agriculture Area*.

The surrounding lands are actively farmed with large agricultural properties to the north, west and east of the property. There are also a number of small agricultural holdings on the south of Young Street and the abutting property to the west is also a small agricultural holding. The subject property is a smaller agricultural holding and is zoned Agricultural 'A' in the Township's Zoning By-law, however the existing land use has functioned historically as a rural residential lot.

The Applicant has indicated that this application has been applied for to bring the property into compliance with the Township's Zoning By-law prior to making alterations to the existing dwelling on the property. There are three existing accessory buildings on the property which the uses will continue including a detached garage, barn and shed. These buildings provide storage space and serve a useful function to the needs of the rural residential property.

**CURRENT SITUATION:**

Planning 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 OP policy of the *Good General Agricultural Area* (Section 4.2) designation promotes small scale secondary uses and agriculture-related uses that are compatible with the surrounding agricultural land uses. This designation also minimizes the impact of non-farm uses on the agricultural area.

Additionally, this designation recognizes that there are a number of legally established non-agricultural land uses, and that these uses, including the residential use of the subject lands, may continue (Policy 4.4.2g). These uses have existed and the variance requests are bringing the uses into compliance and not expected to hinder the surrounding agricultural lands.

The OP also recognizes that there are rural residential uses scattered throughout the agricultural area consisting primarily of single detached dwellings which are permitted to have associated accessory buildings and uses. The existing storage buildings are accessory to the residential use on the property and permitted as secondary uses to the existing dwelling. The existing accessory buildings have served a necessary function including providing useful storage space relating to the property's rural residential purposes.

The main objectives for the *Good General Agricultural Area* (Section 4.2) is protecting agricultural operations, preserving viable agricultural lands as well as, promoting small scale secondary uses which do not hinder the surrounding agricultural community. Since these buildings have existed for some time, they have not created any known negative impact to the abutting farmland.

As the accessory buildings support the primary use of the property without negatively impacting the abutting properties including the surrounding agricultural land, the requested relief for the continued use of these buildings 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 By-law? Yes**

The subject property is zoned Agricultural 'A' with a total lot size of 0.81 hectares (2 acres). The principal use of the property is the existing single detached dwelling which is permitted to have secondary uses including accessory buildings and structures. The existing detached garage, barn and shed are permitted in conjunction with the residential use on the property as outlined in Table 11 (found in Part 5 *Agricultural Zones*) of the Township's Zoning By-law 2017-70, as amended.

The existing detached garage has a rear yard setback of 1.05 metres to the north property line and 1.05 metres to the east property line, whereas Table 1-1 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, identifies 2 metres as the minimum interior side and rear yard setbacks for a Type 2 accessory building within an Agricultural 'A' zone.

This application is also requesting relief to allow the existing shed to remain on the property for a total of three Type 2 accessory buildings whereas, the Zoning By-law only permits a maximum of two Type 2 accessory buildings on agricultural lots.

Additionally, as the existing detached garage is located 79.8 metres away from the dwelling and the existing barn located 70 metres from the dwelling. This application has also requested relief to allow these existing accessory buildings to be further from the principal building (dwelling) than permitted by the Township's Zoning By-law. The maximum accessory buildings or structures are permitted from a main building is 50 metres, therefore, the requested relief would be 29.8 metres for the detached garage and 20 metres for the barn. The shed is located within the 50 metres and does not require relief.

Staff have thoroughly reviewed the information provided and reviewed aerials of the property, and aside from the requested variances, the existing buildings comply 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. Staff would like to note the existing height was not communicated and the required height for a Type 2 accessory building on an agricultural property is limited to 5.5 metres. As a condition of approval, the Applicant is required to submit a building permit for the existing detached garage and Staff will confirm compliance with Table 1-1 at that time.

The existing interior side yard and rear yard setback for the existing detached garage of 1.05 metres still provides sufficient separation from the neighbouring property and space to maneuver around the building for maintenance purposes.

The 50 metre setback from the main building is to maintain existing clusters and ensure accessory buildings and uses are in close proximity to the principal use on the property. As the property is not actively farmed and has historically functioned as a rural residential lot, the existing buildings serve the existing dwelling and the storage needs of the property. For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning By-law, subject to the condition of approval.

**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 (including the abutting farmland) with the requested variances. These buildings have existed for some time without causing any known adverse impacts on the abutting farm parcel such as drainage issues.

These buildings are all accessed by an existing driveway which is situated to the east property line and connects to the primary driveway and access to the dwelling. Given the layout of the site and the existing driveway which accesses the existing buildings on the lot, it is clear these accessory buildings support the primary residential use of

the property. The Applicant has also indicated that the use of these buildings is still required for continued storage space and functionality of the property.

The property is also surrounded by mature trees within the front yard and directly abutting the east property line is a portion of woodlands from the farm parcel which provides screening from the public street (Young Street). There is also a row of shrubs planted to the west of the existing detached garage and barn which provides slight screening from South Grimsby Road 15. Given the vegetation buffer being provided, the existing residential use of the subject lands, and that the existing buildings are permitted in conjunction with the residence, this proposal can be considered an appropriate use of the lands.

### **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. These accessory buildings are permitted in conjunction with the existing residence and provides useful storage space for the property. The existing accessory buildings are compatible with the existing land uses and there have been no known adverse impacts on the surrounding area including the abutting farmland, to the Township's knowledge.

### **INTER-DEPARTMENTAL & AGENCY COMMENTS:**

**Building Department:** Have reviewed the application and it appears there is no record of a permit for the existing detached garage on the property. As such, a condition has been included to satisfy the noted concern and ensure the building obtains the proper permit. Please see below for additional comments received by the Chief Building Official.

1. The existing building set back is less than 1.20 meters and would require a 45 minute Fire Resistance Rating on the wall.
2. A building permit is required for the 45 minute Fire Resistance Rating of the wall that is less than 1.20 meters setback from property line.
3. Building permit application and fees to be submitted to the building department.

**Public Works and Engineering Department:** Have reviewed the application and offers no comments or objections.

**Septic System Inspection Manager:** Has reviewed the application as submitted and offers no objections.

**Niagara Peninsula Conservation Authority (NPCA):** Have reviewed the application and notes that the property contains potential unevaluated wetlands, a watercourse, a 15 metre regulated buffer area from the watercourse top of bank, and an associated unmapped floodplain area. This minor variance is seeking relief for existing structures on the subject property. As there are no proposed structures at this time and the minor variance pertains to

existing structures only, the NPCA has no objections to the application.

Additionally, the NPCA have noted any future proposed works will require NPCA review and approval prior to the start of development. The applicant maybe subject to the completion of requirements (i.e., site visit, floodplain mapping, or other) to ensure the proposed works meet the satisfaction of the NPCA staff and Policy requirements. Depending on the scope, nature, and location of future proposed works on the subject property, an NPCA works Permit may be of a requirement prior to the start of works. Please see Attachment 3 for more information.

**Niagara Region:** Have reviewed the application and notes the property is impacted by the Region's Natural Environment System (NES), consisting of the Significant Woodland, a Permanent and Intermittent Watercourse, and Other Wetlands. Watercourses and Other Wetlands are considered Key Hydrologic Features (KHF) outside of Settlement Areas. Policies in the *Niagara Official Plan, 2022 (NOP)* require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of KHFs/Significant Woodland. However, Regional Environmental Planning staff acknowledge that the buildings requiring the minor variances have been in place for over 15 years and as such, Regional staff offer no objections.

**PUBLIC COMMENTS:**

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

**CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A04/2025WL) as outlined in Report COA-07-25, to permit a reduced interior side and rear yard of 1.05 metres for the existing detached garage, to recognize the three existing accessory buildings on an agricultural lot, and to allow the existing detached garage 79.8 metres from the dwelling and the existing barn at a distance of 70 metres from the dwelling, subject to the condition of approval.

**ATTACHMENTS:**

1. Location Map
2. Survey Sketch
3. Agency Comments

**Prepared & Submitted by:**

**Stephanie Pouliot,  
Planner**

**Approved by:**

**Susan Smyth, CPT  
Manager, Community Planning and Design**