

DATE: May 28, 2025

FILE NO: A06/2025WL

REPORT NO: COA-08-2025

SUBJECT: **Recommendation Report Application for Minor Variance,
Lowden (Agent, Cody Van Soelen–Cav Construction Inc.)**

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

OVERVIEW:

A Minor Variance application has been submitted by Cody Van Soelen on behalf of the property owners, Henrietta and Marten Lowden and Cyrus Willem, of the subject property located at 8457 Silver Street/Bismark/Regional Road 65.

This application is seeking relief from Table 1-2 (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, to construct a detached accessory building (shop) with a total area of 162.58m² (163m²) on the property.

A variance is requested for an increased ground floor area no greater than 163 square metres, whereas, 120 square metres is the maximum ground floor area permitted for accessory buildings or structures in a Residential Low Density 'R1A' zone. Therefore, the requested relief is approximately 43 square metres.

A variance is requested for an increase in building height no greater than 5.4 metres, whereas 5 metres is the maximum height for accessory buildings or structures within a residential zone. The proposed height is measured to the midway point between the eaves and the roof and ridge and requesting relief of 0.4 metres.

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 Cody Van Soelen, on behalf of the property owners of the subject property, as outlined in Report COA-08-25, to permit the construction of a detached accessory building (shop) with a total ground floor area no greater than 163m² and with a proposed building height measured to the midway point

between the eaves and the roof and ridge being 5.4 metres, BE APPROVED, subject to the following condition:

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

BACKGROUND & SURROUNDING LAND USES:

8457 Silver Street/Bismark/Regional Road 65 has a total lot size of 0.53 hectares (1.31 acres) located on the north side of Silver Street. The subject lands are located within the Hamlet of Caistor Centre.

The subject lands are situated on the north side of Silver Street/Bismark/Regional Road 65 and east of Caistor Centre Road, west of Allen Road, north of Concession 3 Road, and south of Concession 5 Road. The subject lands are also located south east of the Hamlet of Abingdon, north east of the Hamlet of Caistorville, and south west of the Settlement Area of Smithville.

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 Settlement Area* of Caistor Centre and does not contain any Natural Heritage features.

The surrounding lands are within the Hamlet of Caistor Centre, consisting of primary single detached dwellings. There are also a few commercial uses and an institutional use at the corner of Caistor Centre Road and Silver Street. The lands directly abutting to the north of the property have been added to the Hamlet boundary and intended for future residential growth. The majority of the lands surrounding the Hamlet are actively farmed with large farm parcels to the west, north and east with a number of smaller agricultural holdings (varying in lot sizes) on either side of Silver Street and south of the Hamlet.

This application is requesting two variances. The first variance is to allow the ground floor area no greater than 163 square metres whereas, 120 square metres is the maximum size permitted for accessory buildings within a Residential Low Density 'R1A' zone.

Additionally, the height of the shop is proposed at 6.4 metres which is measured to the roof ridge. However, the Zoning By-law identifies that in cases of a pitched roof, the height shall be measured to the midway point between the eaves of the majority of the roof and the ridge. As such, the proposed height is 5.4 metres measured to the mid-peak, therefore the requested relief is 0.4 metres.

The Applicant has indicated that the new accessory building (shop) is intended for personal equipment storage and to store the owners' recreational vehicle (RV). The Applicant has noted that due to the height and length of the RV, the proposed shop is

not able to comply with the Township's requirements.

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 *Hamlet Settlement Area* in the Township's Official Plan, specifically located in the Hamlet of Caistor Centre. 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 accessory building is permitted in conjunction with the existing residence and is required to store items associated with the residential use on the property.

Another objective of this designation is ensuring compatibility between competing uses within each Hamlet community. The subject lands are clustered by similar sized residential lots with a commercial property to the west which contains a storage building and a large shop which is situated closest to the subject property. Given the neighbouring land uses, the proposed shop will be compatible with the area and there are no adverse impacts anticipated between the land uses.

As the proposed shop is accessory to the residential use on the property and permitted as a secondary use to the existing dwelling, this proposal can be considered in alignment 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 Residential Low Density 'R1A' with a total lot size of 0.53 hectares (1.31 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 property already has an existing accessory building (15m² shed). The owners are now looking to construct a new accessory building to store their RV, personal equipment, and other items associated with the residence.

As outlined in Table 13 (found in Part 6 *Residential Zones*) of the Township's Zoning By-law 2017-70, as amended, accessory buildings and structures are permitted in conjunction with a permitted principal use. The proposed shop is permitted as a secondary use to the existing residence on the property.

The first requested variance is to allow for an increase in the ground floor area of an accessory building within the 'R1A' zone. The ground floor area proposed for the shop is 163 square metres whereas, 120 square metres is the maximum size permitted.

Additionally, the proposed height of the shop is 6.4 metres measured to the roof ridge. However, the Zoning By-law identifies in case of a pitched roof, the height shall be measured to the midway point between the eaves of the majority of the roof and the ridge. As such, the proposed height is 5.4 metres measured to the mid-peak, therefore the requested relief is 0.4 metres.

The Applicant has communicated the need for the additional size and height is to accommodate the owners' RV which requires additional height and length space compared to an average vehicle.

In addition, there are provisions in Part 3.12.7 *Private Garages* of the Township's Zoning By-law which apply to this proposal. Policy 3.12.7c) outlines that detached garages shall comply with Part 3.1 of the Zoning By-law and the requested relief is satisfying that provision.

Staff have completed a thorough review of the proposed construction and aside from the requested variances, the proposed shop complies with the remainder of the required setbacks identified in Table 1-2 in Part 3 and Table 14 in Part 6 of the Township's Zoning By-law.

For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning By-law regulations.

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. The abutting farmland is intended for future residential development and would permit accessory buildings and structures in conjunction with a principal residential use.

The shop is proposed in the rear yard at the end of the existing driveway. This driveway already provides access to the existing dwelling and shed. Given the layout of the site, the proposed location in the rear yard and off the existing driveway is appropriate for the accessory use.

Additionally, the neighbouring property to the west is a commercial lot with two buildings, one being a large shop which is located closest to the subject property and in line with the existing dwelling. There are some mature trees on the shared lot line which provides a slight vegetation buffer between the two land uses. In addition, the shop is proposed in the rear yard behind the neighbouring commercial shop and across from their rear parking area.

Given the surrounding land uses, the existing residential use of the property, and that the proposed shop is a permitted secondary use in conjunction with the existing dwelling, this proposal can be considered appropriate development and 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. The proposed accessory building is permitted in conjunction with the dwelling on the property. Upon reviewing the surrounding land uses, the proposed shop is compatible with the existing uses in the Hamlet and as previously noted, there are no adverse impacts anticipated from the proposed construction.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: Have reviewed the application and provided the following comments.

1. A building permit is required for the proposed storage building.
2. All required architectural plans including site plan.
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 offers no concerns or objections as the property does not contain any NPCA regulated features.

Niagara Region: Have reviewed the application and offers no comments as they have no interest in this matter.

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 (A06/2025WL) as outlined in Report COA-08-25, to permit the construction of a detached accessory building (shop) with a total ground floor area no greater than 163m² and with a proposed building height measured to the midway point between the eaves and the roof and ridge being 5.4 metres, subject to the

condition of approval.

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

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Building Drawings

Prepared & Submitted by:

**Stephanie Pouliot
Planner**

Approved by:

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