

DATE: June 25, 2025

FILE NO: A07/2025WL

REPORT NO: COA-09-2025

SUBJECT: **Recommendation Report Application for Minor Variance, Peter and Lisa Vogel**

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

OVERVIEW:

A Minor Variance application has been submitted by the property owners, Peter and Lisa Vogel of the subject property located at 953 Boyle Road.

This application is seeking relief from Table 1-2 *Regulations for Accessory Buildings and Structures in Non-Agricultural Zones* (found in Part 3) of the Township's Zoning By-law 2017-70, as amended, to construct a detached accessory building with a total area of 185 square metres and located in the rear yard of the property.

A variance is requested for an increased ground floor area of a building no greater than 185 square metres, whereas, 120 square metres is the maximum ground floor area permitted for an accessory building in a Residential Low Density 'R1A' zone. Therefore, the requested relief is for 65 square metres.

A variance is requested for an increased accessory lot coverage. The subject property currently has a detached private garage (82 square metres) and a chicken coop (8.5 square metres), and with the proposed accessory building, the total accessory lot coverage would be 275.5 square metres. Table 1-2 identifies 200 square metres as the maximum lot coverage for accessory buildings or structures within a residential zone. Therefore, the requested relief is for 75.5 square metres.

In addition, upon further review of the elevation drawings provided after the release of the notice, Staff identified a variance to allow a maximum accessory building height of 6 metres, measured from grade to the midway point between the eaves and the roof and ridge, whereas 5 metres is the maximum permitted.

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

RECOMMENDATION:

That, the application for Minor Variance submitted by the property owners of the subject property, as outlined in Report COA-09-25, to permit the construction of a detached

accessory building with a total ground floor area no greater than 185 square metres, with a height of 6 metres measured from grade to the midway point between the eaves and the roof and ridge, and a maximum accessory lot coverage no greater than 275.5 square metres, BE APPROVED, subject to the following conditions:

1. That the accessory building be shifted off the interior side and rear lot lines to no less than 4 metres.
2. That the Applicant submit a survey sketch and grading plan to the satisfaction of the Township's Building and Growth and Sustainability Departments.

BACKGROUND & SURROUNDING LAND USES:

953 Boyle Road has a total lot size of 0.52 hectares (1.28 acres) located on the east side of Boyle Road. The subject lands are located within the Hamlet of Boyle.

The subject lands are situated on the south side of Canborough Road/Regional Road 63 and south of Concession 1 Road, west of Victoria Avenue (Regional Road 24), north of Wiley Road, and east of East Chippawa Road. The subject lands are also located north east of the Hamlet of Wellandport, south east of the Hamlet of Bismark, and west of the Hamlet of East Boyle.

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 Boyle and does not contain any Natural Heritage features.

The surrounding lands are within the Hamlet of Boyle, consisting of primarily single detached dwellings. The majority of the lands surrounding the Hamlet are actively farmed with large farm parcels to the west, south and east with a number of smaller agricultural holdings (varying in lot sizes) on either side of Canborough Road and Boyle Road.

This application is requesting two variances. The first variance is to allow the ground floor area of an accessory building to a maximum of 185 square metres whereas, 120 square metres is the maximum size permitted for accessory buildings within a Residential Low Density 'R1A' zone. Therefore, the requested relief is for 65 square metres.

Additionally, the second variance is for an increase in the maximum lot coverage for accessory buildings and structures on a residential low density 'R1A' lot is identified as 200 square metres. With the existing accessory buildings and structures combined with the proposed new detached accessory building, the accessory lot coverage totals 275.5 square metres. Therefore, the requested relief is 75.5 square metres.

The third variance identified by Staff is for an increase in the building height of an

accessory building within a residential low density 'R1A' zone. Upon reviewing the elevations drawings, the proposed height of the building measured to the roof ridge from grade is 7.1 metres. 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 5.5 metres measured to the mid-peak although rounded to 6 metres, whereas the maximum is 5 metres.

Therefore, this application requires three variances from Table 1-2 of the Zoning Bylaw. Due to the interpretation of height in the Township's Zoning By-law, the Applicant was unaware of the third variance required from Table 1-2. The elevation drawings showed the wall height and ceiling height measured from the floor rather than from grade. As such, the height appeared to comply with the required 5 metres as follows:

3.66 metres identified as the wall height minus the total height to the ridge being 7.1 metres equals 3.44 metres divided by 2 would be 1.72 metres. By adding 1.72 metres with the 3.66 metres equals 5.4 metres.

According to Part 1.3.5 *Measurements* policy a) *for regulations expressed as a whole number, measurements less than 0.5 shall be rounded downward to the nearest whole number, and measurements greater than 0.5 shall be rounded upward to the nearest whole number.* As such, the 5.4 metres would be rounded downward to comply with the 5 metres. However, as previously noted, the height shall be measured from grade to the midway point between the eaves of the majority of the roof and the ridge which is 5.5 metres. Given Policy 1.3.5a) and standard rounding rules, 5.5 metres rounds to 6 metres, therefore, the requested relief is 1-metre.

Additionally, the Applicant indicated that the new accessory building is intended to store their trailers and recreational vehicle (camper) within a secure space on their property, and requires the larger building and height to accommodate the items.

The Applicant has also noted that given the existing detached garage and chicken coop on the property, the proposed building is not able to comply with the maximum accessory lot coverage requirement.

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 (OP), specifically located in the Hamlet of Boyle. Lands located within the Hamlet Settlement Area Designation (Section 7) are intended for residential and associated commercial, institutional, and recreational uses. The predominant use of land within Hamlets are single-detached dwellings and associated accessory uses, buildings, and

structures as well as, other uses (commercial and institutional) necessary to serve the Hamlet and the surrounding agricultural area and rural community.

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.

For these reasons, this proposal is 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 0.52 hectares (1.28 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 a detached private garage (82 square metres) and a chicken coop (8.5 square metres). The Applicants are now looking to construct a new accessory building to store their trailers, a camper, and other items associated with the residence.

It is important to note, the existing chicken coop is considered an accessory structure in the Township's Zoning By-Law and as such, this property will comply with the maximum accessory building regulation for a 'R1A' zoned lot, being no more than 2 accessory buildings.

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 and therefore the proposed accessory building is permitted.

The first requested variance is to allow for an increase in the ground floor area of an accessory building to 185 square metres whereas, 120 square metres is the maximum size permitted.

Table 1-2 also identifies 200 square metres as the maximum accessory lot coverage for a residential low density 'R1A' lot. With the existing accessory buildings and structures noted above, the total accessory lot coverage totals 275.5 square metres. Therefore, the requested relief is 75.5 square metres.

Additionally, as previously mentioned, Staff identified a third variance required from Table 1-2 for the proposed height of the new accessory building. The proposed height measured from grade to the midway point between the eaves of the majority of the roof and the ridge is 5.5 metres, rounded to 6 metres in accordance with Policy 1.3.5a) of the Township's Zoning Bylaw and standard rounding rules.

The applicable provisions in Part 3.12.7 *Private Garages* of the Township's Zoning By-

law are being satisfied by this proposal. Staff have completed a thorough review of the proposed construction and aside from the identified variances, the proposed accessory building 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.

However, Staff have included a condition of approval with an amended minimum interior side and rear yard setback no less than 4 metres from the closest property lines. The Applicant has proposed an interior side yard and rear yard setbacks of 2 metres which does comply with the 1.2-metre requirement identified by Table 1-2. Although, as a variance is being requested to allow an increased building size, it is of Staff's opinion that a larger setback would be appropriate to improve any potential visual impacts and help alleviate drainage concerns with the existing topography (slope) between the two properties.

For these reasons, this proposal maintains the general intent and purpose of the Township's Zoning By-law regulations, subject to the conditions 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 the property is permitted to have accessory buildings and structures in conjunction with a principal residential use.

The new accessory building is proposed in the rear yard. There are mature trees along the south and west property lines which provides a vegetative buffer/screening from the public street (Boyle Road). There is also a row of young shrubs along the north shared property line which provides a slight vegetation buffer between the proposed construction site and the neighbour's residence and rear yard. As these shrubs grow, there will be more screening between the new accessory building and neighbouring property.

Additionally, the rear yard is also large enough to accommodate the amended interior side and rear yard setbacks of 4 metres. Given the drainage concerns received and the request for a larger accessory building size, it is of Staff's opinion that a setback of 4 metres is more appropriate for the proposed construction than the proposed 2 metres. The property is large enough to accommodate the amended 4-metre interior and rear yard setbacks to help alleviate any potential impacts to the neighbours

Staff note that the public comments received indicated there is an existing drainage concern and have informed the Township's Building Department Staff. Once Staff receive the grading information (at the time of the building permit), Building Staff will review the existing drainage pattern and proposed new grades and recommend improvements to avoid adverse effects to the abutting properties.

Furthermore, upon a visual view of the surrounding area, Staff have identified several properties that have similar sized accessory buildings located within the exterior or rear

yard, with varying heights. For example, the north neighbouring property has a detached accessory building of approximately 178 square metres. Two properties north of 953 Boyle Road has a large detached accessory building of approximately 225 square metres and the property at the corner of Canborough Road and Boyle Road / Concession 1 Road has a detached accessory building of approximately 186 square metres.

Given the surrounding accessory buildings within the Hamlet of relatively similar sizes and locations, the proposed accessory building being a permitted secondary use in conjunction with the existing dwelling, and that an amended interior and rear yard setback of 4 metres has been included as a condition of approval, 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 of 185 square metres is compatible with the existing detached accessory buildings within the Hamlet. The proposed height is a minor alteration of 1-metre to accommodate the height of the Applicant's trailers and camper that will be stored in the building. The proposed height is relatively consistent with the existing accessory buildings within the Hamlet.

Additionally, the requested relief for an increase in the maximum accessory lot coverage from the required 200 square metres to 275.5 square metres (difference of 75.5 square metres) is considered to be minor. The combined accessory buildings and structures with the existing dwelling on the property has a total combined lot coverage of 7.3% which is well below the maximum 20% permitted for a 'R1A' lot within a Hamlet. As such, this proposal will not create an unfavourable condition; the property has plenty of usable private amenity space and room to accommodate the amended setback which will ensure adequate distance separations between the two properties and the existing buildings.

The subject property is also surrounded by mature trees and has a natural existing vegetative screening between the abutting properties and from the public street which minimizes the impact on the surrounding area. From a visual perspective, it would be difficult to distinguish the varied height, increased building size and exceeding accessory lot coverage included in this proposal.

Furthermore, the overall impact from this proposal towards the surrounding area is minor given the existing vegetation buffer, the accessory building proposed in the rear yard, and Staff's recommendation for the amended interior side and rear yard setbacks of 4 metres. For these reasons, this proposal is minor in nature and Staff are satisfied that the 4 tests a minor variance have been met.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: Have reviewed the application and offers no objections to the proposals. Given the size of the building, a survey sketch/grading plan will be required at the time of the building permit application.

Operations Department (formerly Public Works and Engineering): 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 based on the NPCA's current mapping, offer 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 has been one public comment received by the neighbouring property to the north (most affected by the new accessory building). The abutting neighbour mentioned concerns with drainage, as there is a slope between the two properties and drainage issues occur in the spring and fall from the abutting farm parcel to the east of these properties.

Given the noted concern, Staff recommended the amended interior and rear yard setbacks to no less than 4 metres to allow more of a buffer between the two properties.

These concerns have been shared with the Township's Building Department Staff. At the time of the building department, as standard practice, Staff require grading information and will review how drainage will be handled and directed. At that time, the Applicant will have the required survey sketch/grading plan available for Staff to review the grading between the two lots and offer recommendations for improvements.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed Minor Variance Application (A07/2025WL) as outlined in Report COA-09-25, to permit the construction of a detached accessory building with a maximum ground floor area no greater than 185 square metres, a maximum accessory lot coverage no greater than 275.5 square metres, and maximum accessory building height of 6 metres measured from grade to the midway point between the eaves and the roof and ridge, subject to the conditions of approval.

1. That the accessory building be shifted off the interior side and rear lot lines to no less than 4 metres.
2. That the Applicant submit a survey sketch and grading plan to the satisfaction of the Township's Building and Growth and Sustainability Departments.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Building Drawings
4. Public Comment

Prepared & Submitted by:

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Approved by:

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