

COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613

June 18, 2025

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Application for Minor Variance
D13-04-2026 – Luke & Carole Bailey
1892 Turner Road, Thorold, Ontario
PT TWP LOT 145 RP59R4438 PART 1
Roll Number: 2731 000 027 08305

KEY FACTS

- This application proposes to facilitate the construction of a 319.6 m² residential accessory structure building.
- A Minor Variance application has been submitted to grant relief for the height of a proposed residential accessory structure, increasing the maximum height to 5.6 m from 4.5 m.
- Planning staff recommend approval of the requested variance.

RECOMMENDATIONS

That the City of Thorold Committee of Adjustment **APPROVE** application D13-04-2026, submitted by Darren Draaistra, Oakline Design Inc. on behalf of Luke & Carole Bailey, for lands known municipally as 1892 Turner Road (PT TWP LOT 145 RP59R4438 PART 1), as it relates to:

1. Increase in maximum height of the proposed Accessory Structure in a Residential Zone from 4.5 m to 5.6 m, which represents an increase of 1.1 m (Table 9.4 – Accessory Building and Structure to Residential Uses Requirements for the Agricultural and Rural Zones)

Subject to the following condition:

1. That the requested relief for an increased maximum height shall only apply to permit the construction of an accessory structure of a general size and configuration as shown on **Figure 3** of this report.
2. That an Archaeological Assessment, prepared by a licenced archaeologist, be completed before the submission for a building permit to the satisfaction of the Region of Niagara.

PROPOSAL

The applicant is seeking relief from the provisions of Section 9 – Table 9.4 (Accessory Building and Structure to Residential Uses Requirements for the Agricultural and Rural Zones) to facilitate the construction of an accessory structure with two garage doors for the purpose of household storage.

The applicant initially proposed a 668.9 m² accessory structure located in the front yard of the subject lands. Through discussions with planning staff, the applicant revised the proposal to reduce the number of minor variances through a reduction in size and siting of the structure.



Figure 1: Location Map

Site Description

The subject lands are known municipally as 1892 Turner Road, and are located on the north side of Turner Road, east of Kottmeier Road, south of Barron Road and a hydro row and to the west of a CN rail line. The lot is approximately 3.8 hectares and contains an approximately 325 m² single detached residential dwelling with an attached garage.

The lands are presently zoned Agricultural (A), Environmental Protection One (EP1), and Environmental Protection 2 (EP2) and within the Natural Heritage Feature Buffer according to the City of Thorold Comprehensive Zoning By-law 60(2019). Under the Region of Niagara Official Plan (2022) the lands are designated as part of the Prime Agricultural Area and includes Significant Woodlands, Provincially Significant Wetlands and is an Area of Archaeological Potential. Under the City of Thorold Official Plan (2016) the lands are designated Agricultural, Environmental Protection One and Environmental Protection Two with a wooded area and wetland with significance. The subject lands also overlap with the NPCA Approximate Regulation Features area.

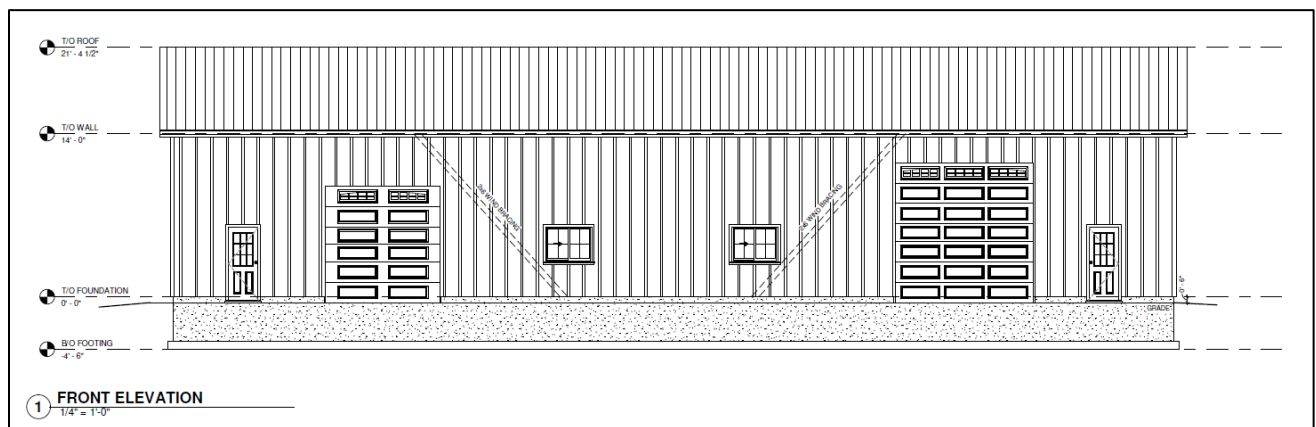


Figure 2: Elevation of the proposed accessory structure by Ontario OutBuilding.

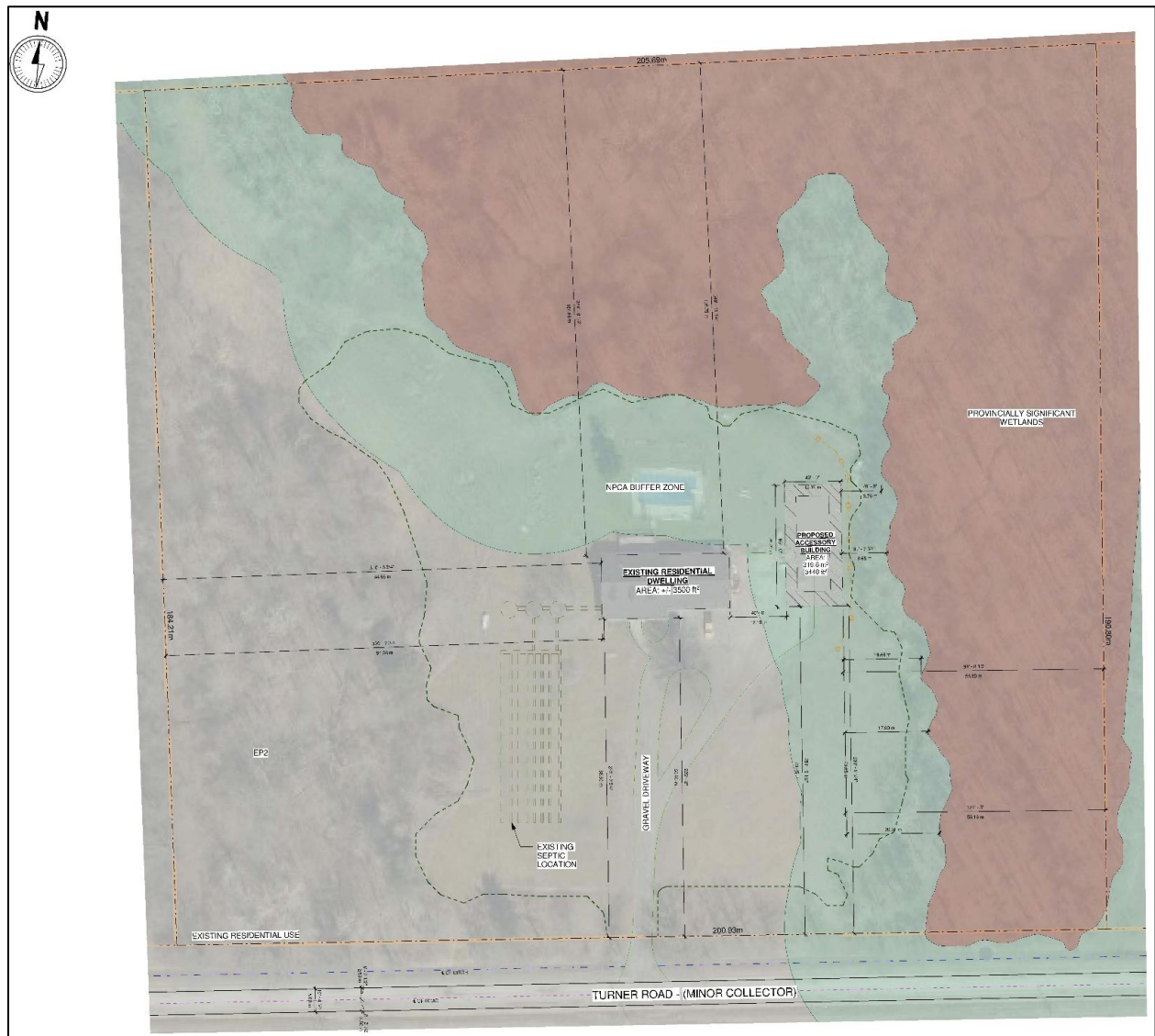


Figure 3: Site plan of the proposed accessory structure by Ontario OutBuilding.

In order to facilitate this proposal on the subject lands, Section 45(1) of The Planning Act applies:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person

authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

All other requirements of the zoning by-law are being maintained.

Background Review

Provincial Planning Statement (PPS)(2024)

The PPS, effective October 20, 2024, provides the planning policy framework for municipalities within the Province of Ontario. The PPS includes 6 chapters, including the introduction and implementation, which outlines the goals and objectives of planning authorities as it relates to building homes, infrastructure and facilities, the wise use and management of resources, protecting public safety.

The PPS contains the following policies which relate to the submitted application:

4.1.1 Natural features and areas shall be protected for the long term.

4.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

4.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and

4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

4.3.1 General Policies for Agriculture

4.3.1.1. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.

4.3.1.2. As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.

4.3.2 Permitted Uses

4.3.2.1. In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

Niagara Regional Official Plan (NOP) (2022)

As of March 31, 2025, the Region no longer holds planning authority under the Planning Act. The *Niagara Official Plan* now serves as an Official Plan for the City of Thorold, who in turn is responsible for ensuring conformity with its policies.

The subject lands are designated as part of the Prime Agricultural Area and includes Significant Woodlands, Provincially Significant Wetlands and is an Area of Archaeological Potential within the NOP. The following policies of the NOP relate to the submitted application:

3.1.5.3 Required within the Provincial natural heritage system is a 30 metre wide vegetation protection zone adjacent to significant woodlands, wetlands, as well as permanent and intermittent streams and inland lakes.

3.15.5.5 (excerpt) Development or site alteration shall not be permitted in key natural heritage features that are within the Provincial natural heritage system or in any key hydrologic features outside of settlement areas except for:

g. expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses that have less of an

environmental impact, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetation protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;

3.1.5.7 A proposal for new development or site alteration within 120 metres of any key natural heritage feature within a Provincial natural heritage system or any key hydrologic feature outside of settlement areas will require an environmental impact study and/ or hydrological evaluation that identifies a vegetation protection zone, which:

- a. protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;
- b. is established to achieve and be maintained as natural self sustaining vegetation; and
- c. for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands, is no less than 30 metres measured from the outside boundary of the feature.

3.1.5.7.2 Studies and evaluations undertaken in accordance with Policy 3.1.5.7.1 will also identify any additional restrictions to be applied before, during, and after development to protect the hydrologic functions and ecological functions of the feature.

3.1.5.7.3 Development or site alteration shall not be permitted in the vegetation protection zone, with the exception of that described in Policy 3.1.5.5, shoreline development as permitted in accordance with Policy 4.1.10.4, or infrastructure serving the agricultural sector.

4.1.1.1 The geographic continuity of the agricultural land base, as shown in Schedule F, and the functional and economic connections to the agri-food network will be maintained and enhanced in accordance with the policies of this section.

4.1.1.2 Prime agricultural areas and specialty crop areas, as shown on Schedule F, shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven lands within the prime agricultural area, in this order of priority.

4.1.10.1 This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.

4.1.10.2 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:

- a. new municipal services are not required;
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;
- d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;
- e. the proposal does not result in the intrusion of new incompatible uses;
- and
- f. the proposed use is in accordance with the minimum distance separation formulae.

City of Thorold Official Plan (CTOP) (2016)

The CTOP, approved April 18, 2016, provides the basis for managing growth within the City of Thorold. The intention of the plan is to provide direction and encouragement for public and private sector investment, while recognizing the existing, built and natural features which contribute to the quality of life in Thorold.

The subject lands are designated as part of the Agricultural, Environmental Protection One and Environmental Protection Two with a wooded area and wetland with

significance within the CTOP. The following policies of the CTOP relate to the submitted application:

Agricultural

B2.1.1 The purpose of the Agricultural designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture and support the economic viability of agricultural land and business. Lands within the Agricultural designation shall be protected in the following order of priority: Canada Land Inventory class 1, 2 and 3 lands, followed by any associated class 4 through 7 lands.

B2.1.2 The principal use of land in the Agricultural designation shall be agricultural uses. However, in the interest of supporting agri-business through farm diversification, this Plan identifies other uses that are considered to be agriculture-related and/or on-farm diversified uses on the basis that such uses assist in retaining or adding value to agricultural products and commodities or promote agri-tourism. These additional permitted uses include:

- a) Single detached dwellings accessory to a farm business or on a vacant lot of record;

Environmental Protection One

B3.2.4.4 Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- 120 metres (393.7 feet) from the boundary of a Provincially Significant Wetland (PSW);
- 50 metres (164 feet) from the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI); and,
- 50 metres (164 feet) from the habitat of endangered species and threatened species.

No development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that, there will be no negative impact on the feature or its ecological functions. The EIS shall be subject to the

review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. The requirements for an Environmental Impact Study are contained in Section C6 of this Plan. In conjunction with the pre-consultation and/or review of a proposal for development or site alteration within the Environmental Protection One designation the NPCA shall confirm if a permit under O. Reg. 155/06 is required.

Environmental Protection Two

B3.3.4.4 Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within 50 metres of land designated Environmental Protection Two.

Development and site alteration may be permitted without an Official Plan Amendment on adjacent lands, subject to the completion of an Environmental Impact Study (EIS). The EIS will be required to demonstrate that there will be no negative impact on the natural heritage feature or its ecological function. The EIS will be subject to the review and approval of the appropriate approval authority, in accordance with policy C6.3 of this Plan. The requirements for an Environmental Impact Study are contained in Section C6 of this Plan.

Requirements for an Environmental Impact Study

C6.2 (excerpt, see CTOP for full policy) The required scope and/or content of an EIS may be modified, through pre-consultation with the City, Region, Niagara Peninsula Conservation Authority, and/or Niagara Escarpment Commission, where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the City and Region.

Comprehensive Zoning By-Law 60(2019) (CZBL)

The City of Thorold Comprehensive Zoning By-law 60(2019), adopted May 23, 2024, is intended to implement the policies of the City's Official Plan. The Zoning By-law regulates the dimensions and built forms of permitted uses on lots, as well as identifies the relevant zone based on usage type as prescribed by the CTOP.

The subject lands are zoned Agricultural (A), Environmental Protection One (EP1), and Environmental Protection 2 (EP2) and within the Natural Heritage Feature Buffer under the CZBL. The following provisions of the CZBL relate to the submitted application:

Table 9.4 –Accessory Building and Structure to Residential Uses Requirements for the Agricultural and Rural Zones	
Requirement	A, AS, RU
<i>Minimum Front Yard</i>	12.0 m, but in no case closer to the <i>street</i> than the <i>front wall</i> of the <i>dwelling</i>
<i>Minimum Rear Yard</i>	3.0 m
<i>Minimum Interior Side Yard</i>	3.0 m
<i>Minimum Exterior Side Yard</i>	5.0 m
Maximum <i>Lot Coverage</i>	10% including <i>dwelling</i> in the A and AS zone; 15% including <i>dwelling</i> in the RU zone
Distance Between <i>Dwelling</i> and <i>Accessory Building</i> or <i>Structure</i>	1.2 m
Maximum <i>Height</i>	4.5 m

14.5 Natural Heritage Feature Buffer

a) The Natural Heritage Feature Buffer Area as shown on Schedule "A" of this By-law shall take precedence over the regulations of the underlying zone.

c) Notwithstanding Section 14.5b) development may be permitted within an area identified as Natural Heritage Feature Buffer Area on Schedule "A", where an Environmental Impact Study (EIS), supporting the development has been accepted by the City and the Region.

An Environmental Impact Study (EIS) is required in the following cases:

- i) Within 120.0 m of the boundary of a Provincially Significant Wetland (PSW);
- ii) Within 50.0 m of the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI);
- iii) Within 50.0 m from the habitat of endangered species and threatened species;
- iv) Within 50.0 m of significant woodlands, significant wildlife habitat, significant valleylands, and other wetlands (non-provincially significant);
- v) Within 30.0 m of Critical (Type 1) fish habitat; and
- vi) Within 15 m of Important and Marginal (Types 2 and 3) fish habitat.

MINOR VARIANCE PLANNING ANALYSIS

The Committee of Adjustment, in accordance with Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

- The variance maintains the general intent and purpose of the Zoning Bylaw.
- The variance maintains the general intent and purpose of the Official Plan.
- The variance is appropriate for the development or use of the land.
- The variance is minor in nature.

A summary of planning staff's review of the proposed variances with respect to each of these considerations are provided below.

Does the Variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated Agricultural, Environmental Protection One and Environmental Protection Two with over half the lands designated Environmental under the CTOP. The existing residence and proposed accessory structure are within the Agricultural designation. Single detached residential structures are a permitted use under both OPs. Accessory structures to residential uses are not explicitly mentioned but can be considered permitted as an accessory and subordinate use. As noted, NOP policies do not prohibit the continued operation of legally established uses. Currently the subject lands are only used for residential purposes. The lands do not meet the minimum lot size

requirements for an agricultural parcel and are not likely to support agricultural uses or development considering the overall lot size and the small area designated Agricultural.

The accessory structure, as proposed, is sited within the Agricultural designation and is directly adjacent to an Environmental Protection Two designation and within 120.0 m of the Environmental Protection One designation. Development with adjacent lands are subject to an Environmental Impact Study (EIS) and the CTOP outlines requirements for studies. The EIS in consultation can be scoped or limited in consultation with the NPCA and Region.

The accessory structure will be subject to a Building Permit which will require the submission of an NPCA permit as a supporting document before issuance. The NPCA permit will review the proposal and identify any mitigation measures or other requirements to ensure the proposed structure does not encroach or expand into key natural heritage features or any further into the vegetation protection zone.

Staff are satisfied that the Minor Variance application **maintains** the general intent and purpose of the CTOP and NOP.

Does the Variance maintain the general intent and purpose of the Zoning By-law?

The Minor Variance application is for a proposed 319.6 m² accessory structure for a residential use in an agricultural zone. An accessory structure is a permitted use in the Agricultural zone and proposed structure is to be contained within the Agricultural zone of the subject lands. The structure as shown on **Figure 3** meets all requirements for setbacks, distance between buildings and lot coverage. The requested relief is for the height of the building to increase the maximum height permitted from 4.5 m to 5.6 m, a 1.1 m increase. The lot is in an agricultural area, sited far back from the road and there is significant distance and tree coverage between properties. The increased height will have negligible impacts on surrounding lands.

The accessory structure is within the Natural Heritage Feature buffer as it is within 120 m of a Provincially Significant Wetland. Development within the Natural Heritage Feature buffer requires a completed EIS accepted by the City and the Region. As noted above, the structure will require an NPCA permit before a Building Permit can be issued. The NPCA permit process will assess the accessory structure, as proposed, and identify if

any mitigation measures or other studies are required before the issuance of an NPCA permit.

Given that the proposed structure meets all other provisions of the by-law and the proposed use is for personal or household storage, and will be subject to the NPCA permit process, staff are satisfied that the Minor Variance application **maintains** the general intent and purpose of the CZBL.

Table 2: Zoning Review		
Requirement	Required	Proposed
<i>Minimum Front Yard</i>	12.0 m, but in no case closer to the <i>street</i> than the <i>front wall</i> of the <i>dwelling</i>	70.65 m and is behind the front wall of the dwelling
<i>Minimum Rear Yard</i>	3.0 m	93.9 m
<i>Minimum Interior Side Yard (East)</i>	3.0 m	56.3 m
<i>Minimum Interior Side Yard (West)</i>	3.0 m	Greater than 94.66 m
<i>Maximum Lot Coverage</i>	10% including <i>dwelling</i> in the A and AS zone	1.69 %
<i>Distance Between Dwelling and Accessory Building or Structure</i>	1.2 m	12.19 m
<i>Maximum Height</i>	4.5 m	5.6 m

Is the Variance Appropriate for the Development of the Land?

The proposed increase in the maximum permitted height of an accessory structure from 4.5 m to 5.6 m will help to facilitate construction. The proposed structure will be used for household or personal uses and the applicant has shared that it will allow the property

owners to store larger vehicles such as an RV, boat and lawn maintenance equipment. The additional height of the structure will not negatively impact surrounding lands or adjacent properties. Additionally, the zoning provisions would permit agricultural buildings of a larger size and height. The proposed accessory structure while for a residential use given its surroundings in an agricultural area would not be unusual.

The accessory structure, as shown in **Figure 3**, is proposed to be built partially on an existing gravel driveway and maintained lawn area. The area is general has already been disturbed and the natural heritage feature or vegetation is not maintained where the accessory structure is proposed. The proposed structure is at least 8.76 m away from the Provincially Significant Wetlands. As noted in the NPCA comments, the structure is not proposed within the wetland boundary and does not interfere with the wetland. The structure is located within the 30m wetland allowance area which is permissible by the NPCA subject to the issuance of a permit.

As such, Planning Staff are of the opinion that the requested variances **are appropriate** for the development of the land.

Is the Variance minor in nature?

The proposed accessory structure, as shown in **Figure 3**, is within an agricultural area, on a lot used for residential purposes. The lot has significant tree coverage and privacy from surrounding lands and the structure is set well back from the front lot line (70.65 m). The proposed structure does not go beyond the front wall of the residential dwelling and is setback 12.9 m from the residence where 1.2 m is required. The relief for an increase in the maximum height of an accessory structure will not negatively impact the existing residential use or surrounding lands.

As such, planning staff are of the opinion that the requested variances **are minor** in nature.

COMMENTS

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below (see Appendix 1 for full comments).

NPCA:

- Please see Appendix 1 for full comments.
- Property contains Provincially Significant Wetland, however, no interference proposed. They are building within the 30-metre wetland buffer, which is permissible by the NPCA.
- Prior to the start of works, the NPCA will require the applicant to finalize their Permit Application to ensure an NPCA works Permit has been successfully issued prior to the start of development.

NIAGARA REGION:

- Please see Appendix 1 for full comments.
- For the owner to submit a Tree Preservation Plan that meets the Region’s Woodland Conservation By-law (20-79) that indicates mitigation measures to protect the wooded areas of the lot and if any trees are to be removed a plan to plant native species as replacement.
- For the owner to submit a Stage 1-2 Archaeological Assessment, prepared by a licenced archaeologist, to the Ministry of Citizenship and Multiculturalism (MCM) and that the MCM does not raise any flags regarding the proposed development.

Planning staff have reviewed the comments received by the Region. As part of development process the applicant is required to submit for permits with the NPCA. The NPCA will identify any requirements for the issuance of the permit including mitigation measures, studies or plans.

The following agencies and departments were circulated for comment and either indicated no objections or did not provide comment at this time.

Indicated no objections	Did not provide comment
Cogeco Hydro One Niagara Region NPCA	MNCFN City of Thorold Building City of Thorold Engineering City of Thorold Fire City of Thorold Community Services Canada Post Ministry of Transportation DSBN

	NCDSB Bell Canada Enbridge OPG
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CONCLUSION

It is the recommendation of planning staff that Minor Variance Application D13-04-2026, for the purpose of facilitating the construction of an accessory structure to a residential use at 1892 Turner Road **BE APPROVED**, subject to the conditions listed herein.

Prepared by:
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Development Planner
City of Thorold Planning

Submitted by:
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Manager of Planning
City of Thorold Planning

Appendices

Appendix 1 Comments