

## COMMITTEE OF ADJUSTMENT

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

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Minor Variance Application D13-23-2023  
1777 Turner Road, Thorold, Ontario

### PROPOSAL:

An application has been submitted for a minor variance to permit an increased building height from 4.5 metres to 7.0 metres for an accessory structure in the Agriculture (A) Zone under Bylaw 60-2019. A variance to permit an increase in height of an accessory structure from 4.5 metres to 7.0 metres is required to accommodate the construction of an accessory structure to the rear of the existing residential dwelling. Residential dwellings and accessory structures are permitted in the Agriculture (A) zone and all other requirements of the zoning bylaw are being maintained.

### RECOMMENDATION:

That Minor Variance Application D13-23-2023 to permit an increase in the height of an accessory structure from 4.5 metres to 7.0 metres **BE APPROVED.**

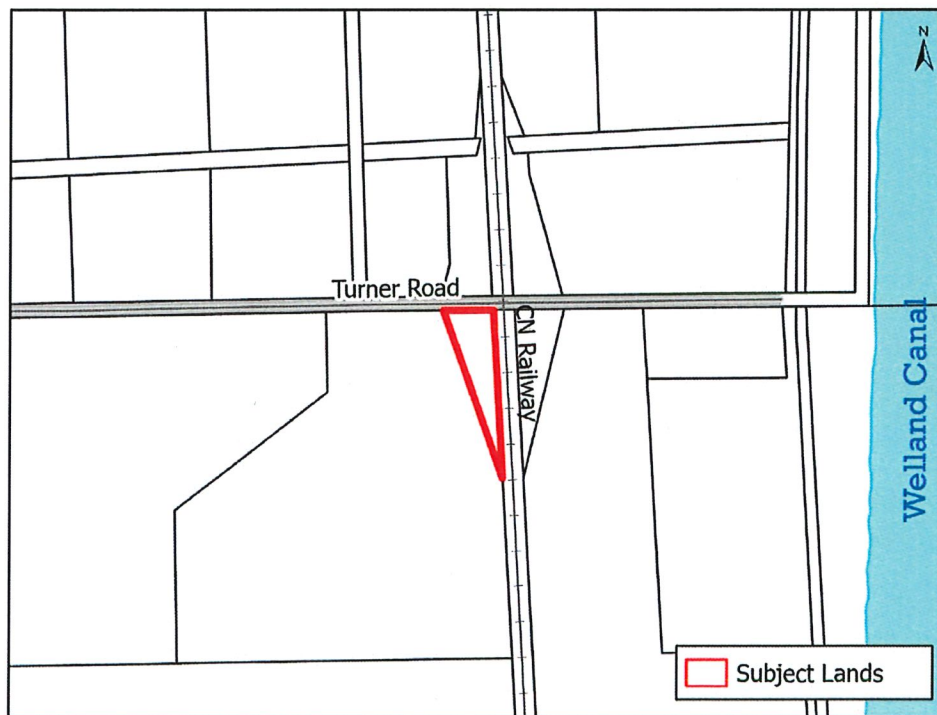


Figure 1: Location Map

### Site Description

The subject lands are located on the south side of Turner Road west of the Welland Canal. The lands comprise approximately 8880 m<sup>2</sup> of lot area with approximately 72 metres of frontage on Turner Road, as illustrated on the concept sketch below. The lands are currently developed with a single detached dwelling and an accessory structure is proposed with a height of 7.0 metres, rather than the maximum 4.5 metres. The proposed accessory structure is intended to be located to the rear yard. All other requirements of the zoning bylaw will be maintained.

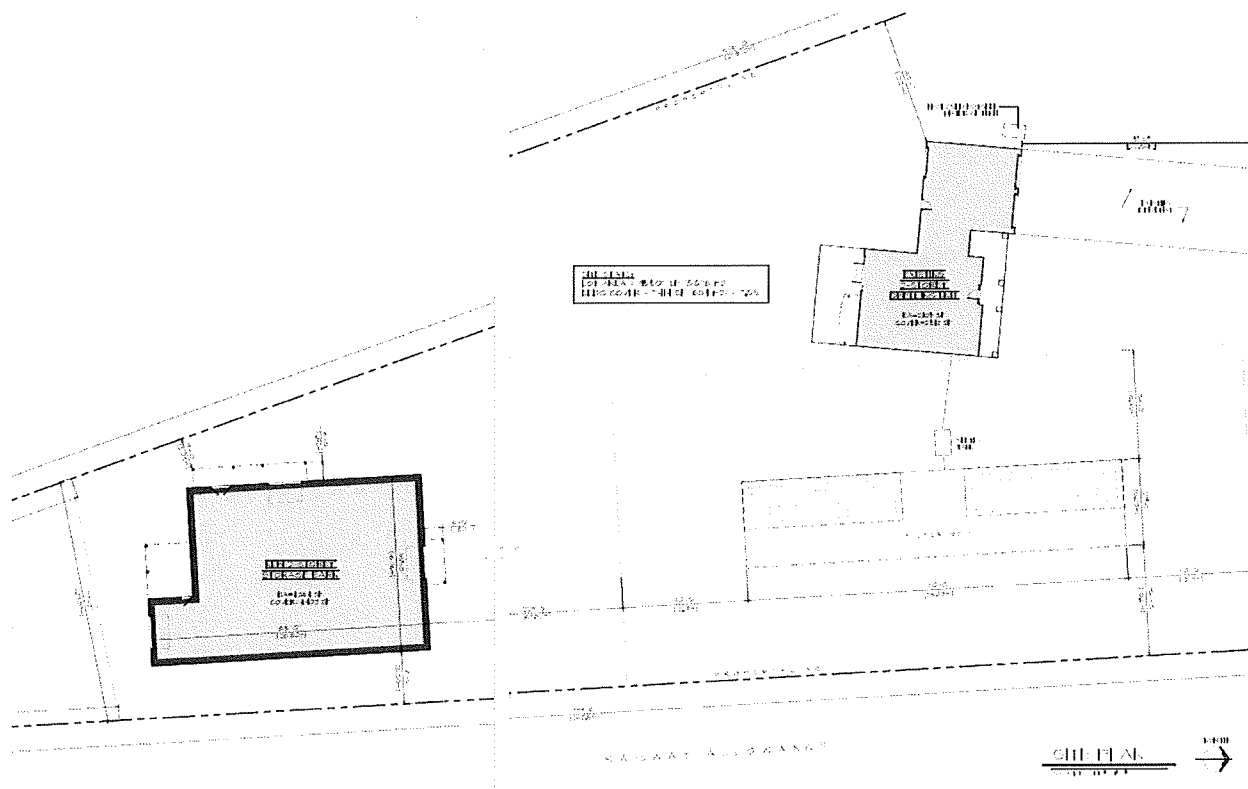


Figure 2: Site Plan Sketch

### **MINOR VARIANCE PLANNING ANALYSIS:**

#### **Is the general intent and purpose of the Official Plan maintained?**

The property is designated as Agricultural within the City's Official Plan. Accessory structures are permitted in the Agricultural designation.

Therefore, staff is of the opinion that requested variance maintains the general intent and purpose of the Official Plan.

**Is the general intent and purpose of the Zoning Bylaw maintained?**

The subject property is zoned Agriculture (A) in the City of Thorold's Zoning Bylaw 60-2019. The Agricultural zone permits accessory structures however, permits a maximum height of 4.5 metres for these structures. The proposed variance would allow the accessory structure to be constructed to a height of 7.0 metres.

As such, staff is of the opinion that requested variance maintains the general intent and purpose of the zoning bylaw, as the use is permitted and the slight increase in height would permit the structure to store larger items. The height increase would not compromise the agricultural uses and is well removed from other residences.

**Is the variance appropriate for the development of the land?**

In Planning Staff's opinion, the variance is appropriate for the development of the lot, as there are no adverse impacts anticipated and all other requirements of the bylaw are being met. There is currently a residential dwelling on the property and the accessory structure will be constructed approximately 100 metres to the rear of the existing dwelling. The additional height is in keeping with the design and scale of the main dwelling and the rural nature of the property.

As such, staff is of the opinion that the requested variance is appropriate for the development of the land.

**Is the variance minor?**

The proposed accessory structure will be in keeping with the size and scale of the rural property and existing main dwelling and does not compromise this or other agricultural properties in the area.

As such, staff is of the opinion that the requested variance is minor.

**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.

**Building Division**

- No comments or concerns.

**Bell Canada**

- No comments or concerns.

Engineering Division

- No comments

Hydro One

- No comments or concerns.

Tax Division

- No comments

Niagara Region

- See attached

GIORail

- GIORail has requested a minimum setback from the property limit adjacent to the railway of 5 metres.

Public comments

- None Received

**CONCLUSION:**

It is the recommendation of Planning staff that minor variance application D13-23-2023 requesting a minor variance to permit an accessory structure with a height of 7.0 metres rather than 4.5 metres be **approved** subject to:

- 1) The provision of a side yard setback of 5.0 metres for the accessory structure from the easterly property limit adjacent to the railway.

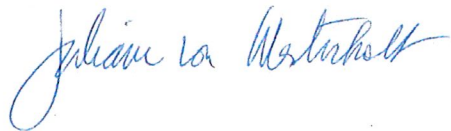
Prepared by:



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Nicolette van Oyen, BES, MCIP, RPP  
Senior Planner, MHBC Planning

Respectfully Submitted By:



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Juliane von Westerholt, BES, MCIP, RPP  
Associate, MHBC Planning

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free:1-800-263-7215

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**Via Email**

September 7, 2023

Region File: D.17.09.MV-23-0092

Angela Nesbitt  
Secretary/Treasurer  
City of Thorold  
3540 Schmon Parkway  
Thorold, ON L2V 4A7

Dear Ms. Nesbitt:

**Re: Provincial and Regional Comments  
Minor Variance Application  
Town File: D13-23-2023  
Applicant: James Mathewson  
1777 Turner Road  
City of Thorold**

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Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for 1777 Turner Road in the City of Thorold. The Applicant is seeking a Minor Variance to increase the height of a proposed 2 store accessory building. In order to facilitate the development, the following variance is being requested:

- Part 9, Section 9.4 Table 9.4 - Accessory Building and Structure to Residential Uses Requirements for the Agricultural and Rural Zones– Maximum Height – To increase the maximum permitted height from 4.5 metres to 7.0 metres.

The following comments are provided to assist the City with their review of the proposed Minor Variance Application.

**Provincial and Regional Policies**

The subject lands are designated “Prime Agricultural Area” in the *Provincial Policy Statement, 2020* (“PPS”) *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and the *Niagara Official Plan* (“NOP”). The PPS and NOP state that Prime Agricultural Areas shall be protected for long-term use for agricultural use.

The NOP indicates that within the Prime Agricultural Area, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.

NOP policy 4.1.10.1 indicates that this Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.

As such, Regional staff does not object to the proposed Minor Variance, in principle, as the proposed development is consistent with Provincial and Regional policies for the Prime Agricultural Area, subject to the following comments.

### **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, section 2.6.2 of the PPS and policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject property is located within the Niagara Region's mapped Area of Archaeological Potential, indicating there is high potential for the discovery of archaeological resources. Regional staff require that a Stage 1 Archaeological Assessment, and any subsequent recommended studies, be completed and provided to the Region for review prior to any development or site alteration occurring on the subject property.

NOP policy 6.4.2.6 indicates that outside of a settlement area boundary where site alternation or development will not affect the entire property, the archaeologist may consult with the Province to determine if these areas can be scoped to the area. Accordingly, Regional staff will accept an assessment that is scoped to the areas of the subject property that will be disturbed as a result of the proposed development.

Recommended conditions to address this requirement are included in the conclusion below. An advisory clause has also been included for information purposes.

### **Natural Heritage**

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Woodland. NOP policy 3.1.9.8.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 50 metres of an Other Woodland. The proposed development is outside of the above-noted setback. Accordingly, Regional staff have no environmental requirements associated with the proposed minor variance application.

## Private Septic System

A sewage system permit was issued by the Region in 2018 to service the residential dwelling on-site. No defects in this system were observed at the time of Regional Private Sewage System (PSS) staff's inspection. To date, a sewage system permit has been applied for to service the proposed two-storey garage. The garage is proposed to have two washrooms and a change room, which would require a sewage system to service the building. The submitted sewage system design meets minimum building code requirements, and the property contains enough usable land for the installation of the proposed sewage system in the southern corner of the property. The proposed garage will also not encroach on the existing sewage system on-site. Conditions requiring that a permit be obtained for the new sewage system, as well as that the garage to not include any additional bedrooms or living spaces, are included below.

## Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Minor Variance Application as the proposed development is consistent with the PPS, and conforms to Provincial and Regional policies, subject to the following conditions:

1. That the applicant submits a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, (and any required subsequent archaeological assessments) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. That the applicant be advised of the following advisory clause:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services (416-326-8800) must be contacted. In situations where human*

*remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

3. That the accessory building does not contain any plumbing or living spaces.
4. That a new sewage system be installed to service the accessory building, which meets all requirements of the Ontario Building Code.

Should you have any questions related to the above comments, please contact the undersigned at [Alex.Boekestyn@niagararegion.ca](mailto:Alex.Boekestyn@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Best regards,



Alex Boekestyn M.Sc.  
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Caitlin Goodale, Private Sewage System Inspector, Niagara Region  
Yves Schoultens, Planning Ecologist, Niagara Region