

COMMITTEE OF ADJUSTMENT
July 8th, 2020 COMMITTEE AGENDA

MEETING DATE: Wednesday, July 8th, 2020
ZOOM Meeting – Contact acooper@westlincoln.ca before 4pm on July 8th, 2020 for an invitation if you would like to participate.
7:00 p.m.

1) CHAIR:

The Chair will call to Order the evening's proceedings.

2) DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:

3) REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT:

There are none.

4) APPLICATIONS:

a) A07/2020WL – Bos (Agent – Al Alaimo)

A minor variance application has been submitted to request an increase in the maximum permitted lot coverage from 10% to 11.5% and to increase the maximum permitted projection into the required front yard for a covered, unenclosed porch from 1.5m to 3.8m.

5) MINUTES FOR APPROVAL

- a) May 13th, 2020 Regular Minutes of the Committee of Adjustment**
- b) June 3rd, 2020 Regular Minutes of the Committee of Adjustment**
- c) June 24th, 2020 Regular Minutes of the Committee of Adjustment**

6) NEW BUSINESS

7) ADJOURNMENT:

That, this Committee does now adjourn at the hour of _____ P.M.

DATE: July 8th, 2020

REPORT NO: PD-070-20

SUBJECT: **Recommendation Report**
Application for Minor Variance by David & Theresa Bos (Alfonso Alaimo - Agent)
File No. A07/2020WL

CONTACT: Madyson Etzl, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- A minor Variance application has been submitted by Alfonso Alaimo on behalf of David and Theresa Bos for the property municipally known as 2877 South Grimsby Road 7.
- This Minor Variance application is requesting an increase to the maximum permitted lot coverage from 10% to 11.5% and increase the maximum permitted encroachment into the required front yard for a covered unenclosed front porch from 1.5m to 3.8m.
- These requests will enable the applicants to construct a ± 71 sq.m. (± 760 sq.ft.) addition and a new ± 13.6 sq.m. (± 144 sq.ft.) covered unenclosed front porch to replace the existing front porch on the existing dwelling on the property.
- The average setback of the existing houses on S. G. Rd 7 is ± 11.4 m. Planning Staff have recommended a modified maximum permitted encroachment into a required front yard for the proposed covered, unenclosed front porch of 3.6m to align the proposal with the average 11.4m setback onto S. G. Rd 7.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval as modified.

RECOMMENDATION:

1. THAT, the application for a Minor Variance made by David and Theresa Bos as outlined in Report PD-070-20, to permit a maximum lot coverage of 11.5% and a modified maximum encroachment of 3.6m into the required front yard for a covered unenclosed front porch, BE APPROVED.

BACKGROUND:

A minor variance application has been submitted by Alfonso Alaimo on behalf of David & Theresa Bos. The subject property is municipally known as 2877 South Grimsby Road 7 and legally described as Concession 9, Part of Lot 13, Part 1 on 30R-11144 in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is ± 0.19 ha (± 0.46 acres) in size. The property is surrounded by a mix of agricultural and residential lands. There is currently a single detached dwelling on the subject property.

The applicants are proposing to construct an addition to the existing dwelling and to

demolish and replace the dwelling's existing covered front porch (± 13.5 sq.m.). They are requesting that the maximum permitted lot coverage be increased from 10% to 11.5% and to permit the proposed covered front porch to project into the required front yard setback by 3.8 metres whereas 1.5 metres is the maximum permitted projection into the required front yard. This will result in a front yard setback of 11.2 metre for the proposed covered unenclosed front porch (± 13.6 sq.m.).

The addition is to be located off the east (rear) of the house and is approximately ± 71 sq.m. in size.

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 and purpose of the Official Plan?

Yes

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. A single detached dwelling and its accessory uses are permitted in the Good General Agricultural designation.

The applicants are proposing to construct a ± 71 sq.m. (± 760 sq.ft.) addition and a ± 13 sq.m. (± 144 sq.ft.) covered unenclosed front porch to replace the existing front porch on the property. These uses are permitted under the Good General Agriculture designation of the Township's Official Plan. The proposed addition and front porch will not take any agricultural land out of production as the property is not currently farmed, nor is it large enough to be farmed.

For the reasons listed above, Planning Staff are of the opinion that the proposed minor variance application meets the general intent and purpose of the Township's Official Plan.

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

Yes

The subject land is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70 as amended. The Agricultural Zone permits single detached dwellings and their associated accessory buildings/uses. The proposed ± 71 sq.m. (± 760 sq.ft.) addition and ± 13.6 sq.m. (± 144 sq.ft.) covered unenclosed front porch are permitted uses in the Agricultural zone.

The application is requesting that the maximum permitted lot coverage be increased from 10% to 11.5% and that the proposed covered, unenclosed front porch be permitted

to project into the required front yard setback by 3.8 metres whereas 1.5 metres is the maximum permitted projection. This will result in a front yard setback of 11.2 metres for the proposed covered unenclosed front porch, which is to replace the existing front porch.

The minimum lot requirement for Agricultural properties is 40 hectares, or 100 acres. The lot coverage for the zone permits 10% of that to be covered by buildings. The zoning on this property assumes that the property has the required minimum lot size, which would allow for 0.4ha, or 1 acre, to be covered by buildings. The size of the subject property is ± 0.19 ha, or ± 0.46 acres.

The Township's old Zoning By-law 1979-14, as amended, had a clause that would default any property 0.4ha in size or less to be evaluated as if it were zoned Rural Residential. In both the old and current Zoning By-law, the Rural Residential zone permits for a 20% lot coverage, whereas the applicants are requesting a lot coverage of 11.5%. If this lot were created by way of surplus farm dwelling severance, it would be rezoned to a Rural Residential Zone.

The intent of a maximum lot coverage is to ensure that enough space remains on the property to accommodate required private services such as a septic system. A Septic permit was approved for the property on September 21st, 2019 by the Township's Septic Inspector. The approved permit took into account the addition contained within this minor variance application. The location of the septic bed meets the requirements of Part 8 of the O.B.C. for septic beds as indicated in the approved permit drawings (see attachment 3). Therefore, there is still enough room on the property for private services with the proposed addition and covered, unenclosed front porch.

The required minimum front yard setback is 15m on the subject property. The Allowable Projections Table (Table 2) in the Township's Zoning By-law 2017-70, as amended, permits a 1.5m projection of a covered, unenclosed front porch into the required front yard. This would effectively make the front yard setback of a covered, unenclosed front porch 13.5m. The minor variance application is requesting an allowable projection of ± 3.8 m into the required front yard for the proposed covered, unenclosed front porch that is to replace the existing front porch. This would effectively permit an ± 11.2 m required front yard setback for the proposed covered, unenclosed front porch.

The purpose of a permitted encroachment into a required yard and a front yard setback is to provide a consistent streetscape and to ensure the house and covered, unenclosed front porch is set far enough back from the road so as not to cause any issues for Public Works. The Township's Public Works Department provided comments and have no objection to the application as proposed.

Currently, the front yard setback of the existing front porch is 10.5 metres. The front

yard setback of the proposed covered, unenclosed front porch is 11.2 metres. The average setback to South Grimsby Road 7 for the five small holding residential properties is $\pm 11.4\text{m}$. The application is requesting an ± 3.8 metre projection for the proposed covered, unenclosed front porch into the required front yard. This will result in an ± 11.2 metre front yard setback for the proposed covered, unenclosed front porch.

The requested amount is above the average setback of the existing houses to S. G. Rd 7 by 0.2m (0.6ft). Staff are recommending a modified maximum permitted encroachment into the required front yard setback of 3.6 metres, which would provide a front yard setback of 11.4m for the proposed covered, unenclosed front porch. This would permit a front porch that is just over 5 feet wide and would align with the average setback of the existing houses on S. G. Rd 7. Although a small difference, Staff are of the opinion that aligning the proposed front porch with the average setback to S. G. Rd 7 is a more appropriate encroachment. This modification will better maintain the general intent and purpose of the Township's Zoning By-law.

For the reasons listed above, Planning Staff are of the opinion that the proposed variance as modified meets the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development or use of the land? Yes

The proposed minor variance application is requesting an increased lot coverage of 11.5% from 10% and a maximum permitted encroachment for a covered, unenclosed front porch into the required front yard of $\pm 3.8\text{m}$. This will enable to applicants to build an addition off of the rear of the house and to demolish and replace the existing covered, unenclosed front porch.

The proposed addition and covered, unenclosed front porch are permitted uses in the Agricultural zone. The proposed uses will continue to facilitate the permitted single detached dwelling use of the zone. The proposed addition meets the required setbacks in the Township's Zoning By-law and the existing septic system meets the required regulations of the Ontario Building Code that must be met with the proposed addition.

The proposed covered, unenclosed front porch is requesting a maximum permitted encroachment of 3.8m into the required front yard. This would provide a front yard setback of 11.2m for the proposed covered, unenclosed front porch. The average setback of the 5 small holding residential properties on S. G. Rd 7 is $\pm 11.4\text{m}$. Township Planning Staff are therefore recommending a modified maximum permitted encroachment for a covered, unenclosed front porch into a required front yard to 3.6m instead of 3.8m. This will align the proposed front porch with the average setback of the 5 small holding residential properties on S. G. Rd 7 and is considered a more desirable and appropriate development/use for the land.

The proposed addition and covered front porch will not have any adverse impacts on

the surrounding properties as the required side and rear yard setbacks will be met.

Therefore, Planning Staff are of the opinion that the minor variance as modified is an appropriate development/use of the land.

Is the proposal minor in nature? Yes

The subject application is requesting an increase to the maximum permitted lot coverage from 10% to 11.5% to accommodate a proposed ± 71 sq.m. (± 760 sq.ft.) addition and a ± 13.6 sq.m. (± 144 sq.ft.) covered, unenclosed front porch to replace the existing front porch of the existing dwelling on the property. The application is also requesting to enable a front yard encroachment of 3.8m for the proposed covered front porch.

The purpose of maximum lot coverage in the agricultural zone is to ensure that the agricultural properties are not excessively covered in buildings. As this lot functions as a small residential holding as opposed to an agricultural property, Planning Staff would consider the requested increase in lot coverage to 11.5% minor as properties zoned for small residential holdings (typically the Rural Residential zone) are permitted to have up to a maximum 20% lot coverage. In addition, the property was issued a new septic permit in the fall of 2019 that took into account the proposed addition. This new septic system has been constructed and meets the requirements of the Ontario Building Code. For these reasons, Township Planning Staff are of the opinion that the requested increase in lot coverage is considered minor in nature.

The purpose of a permitted encroachment into a required yard and a front yard setback is to provide a consistent streetscape and to ensure the house and covered, unenclosed front porch is set far enough back from the road so as not to cause any issues for Public Works.

The existing covered front porch currently projects 4.4m into the required front yard, resulting in a 10.6m front yard setback for the existing covered front porch. The minor variance application is requesting a maximum permitted projection for a covered, unenclosed front porch of 3.8m into the required front yard. This would provide an 11.2m front yard setback for the proposed covered, unenclosed front porch. To better align the proposal with the average setback of the 5 existing small holding residential properties to S. G. Rd 7, Township Planning Staff are recommending a modified maximum permitted encroachment for a covered, unenclosed front porch of 3.6m.

As the modified maximum permitted encroachment for a covered, unenclosed front porch is a 0.8m improvement from what is existing and aligns the proposal with the average setback of the 5 small holding residential properties on S. G. Rd 7, Township Planning Staff are of the opinion that the modified request is minor in nature.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on June 9th, 2020. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Septic Inspector and Public Works Department have no objections to this application. Planning Staff spoke with the Township's Septic Inspector who has indicated that there is no need for a contingency bed location on this property.

No other comments were received from agencies for this application, at the time of this report.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on June 9th. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of July 3rd 2020, during the preparation of this report.

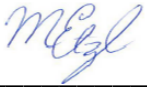
CONCLUSION:

A Minor Variance application has been submitted by Alfonso Alaimo on behalf of David and Theresa Bos for 2877 S. Grimsby Rd 7. The application is requesting to increase the maximum permitted lot coverage from 10% to 11.5% and increase the maximum permitted projection for a covered front porch from 1.5m to 3.8m. Planning Staff have reviewed the request against the four tests of a minor variance. Planning Staff has come to the conclusion that the proposed application meets the intent and purpose of the Township's Official Plan and Zoning By-law, is desirable and appropriate development of the land, and is minor in nature with a modified maximum permitted encroachment for a covered, unenclosed front porch of 3.6m to better align the proposal with the intent and purpose of the Township's Zoning By-law. For the reasons explained in this report, Planning Staff can recommend the modified approval of this minor variance application.

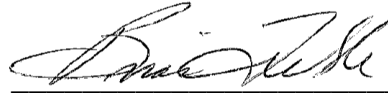
ATTACHMENTS:

1. Location Map
2. Site Sketch
3. Approved Septic Permit Drawing
4. Agency Comments

Prepared by:

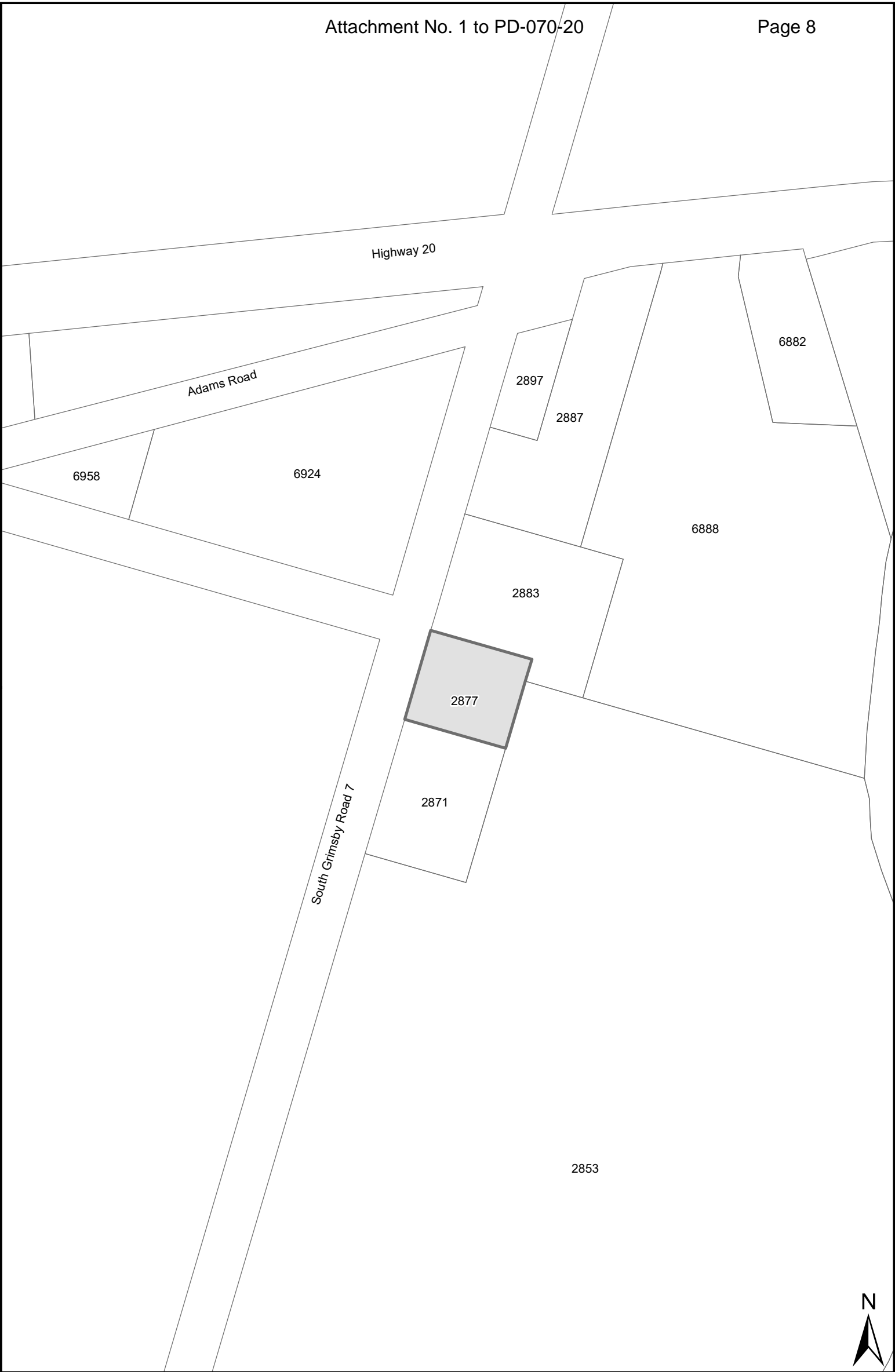


**Madyson Etzl
Planner II**



**Brian Treble, RPP, MCIP
Director of Planning and Building**

X:\pb-Planning Reports\Committee of Adjustment\2020\7. July 8\PD-070-20 - Bos.docx




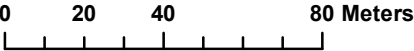
July 2020

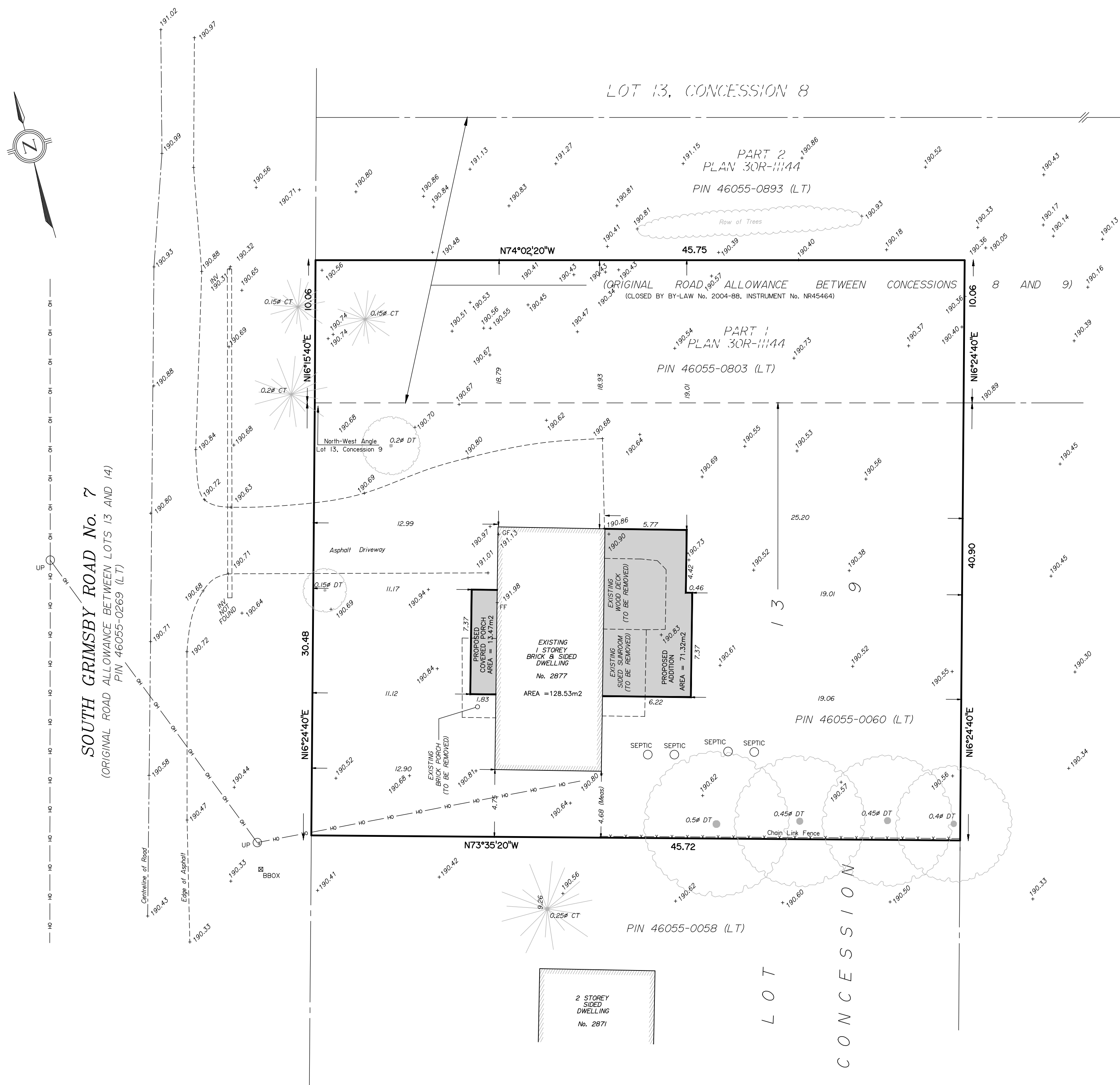
Location Map
2877 South Grimsby Rd 7



Legend

 Subject Lands





SKETCH SHOWING PROPOSED ADDITIONS
PART OF LOT 13
CONCESSION 9
& PART OF THE ROAD
ALLOWANCE BETWEEN
CONCESSIONS 8 AND 9
(GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY)
IN THE
TOWNSHIP OF WEST LINCOLN

SCALE & NOTES
Scale 1:200

BARICH GRENKIE SURVEYING LTD.

A DIVISION OF GEOMAPLE

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METRIC

DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE

NOTE
ELEVATIONS AND BOUNDARY ARE TAKEN FROM SURVEY BY BARICH GRENKIE
SURVEYING LTD. DATED APRIL 13, 2020

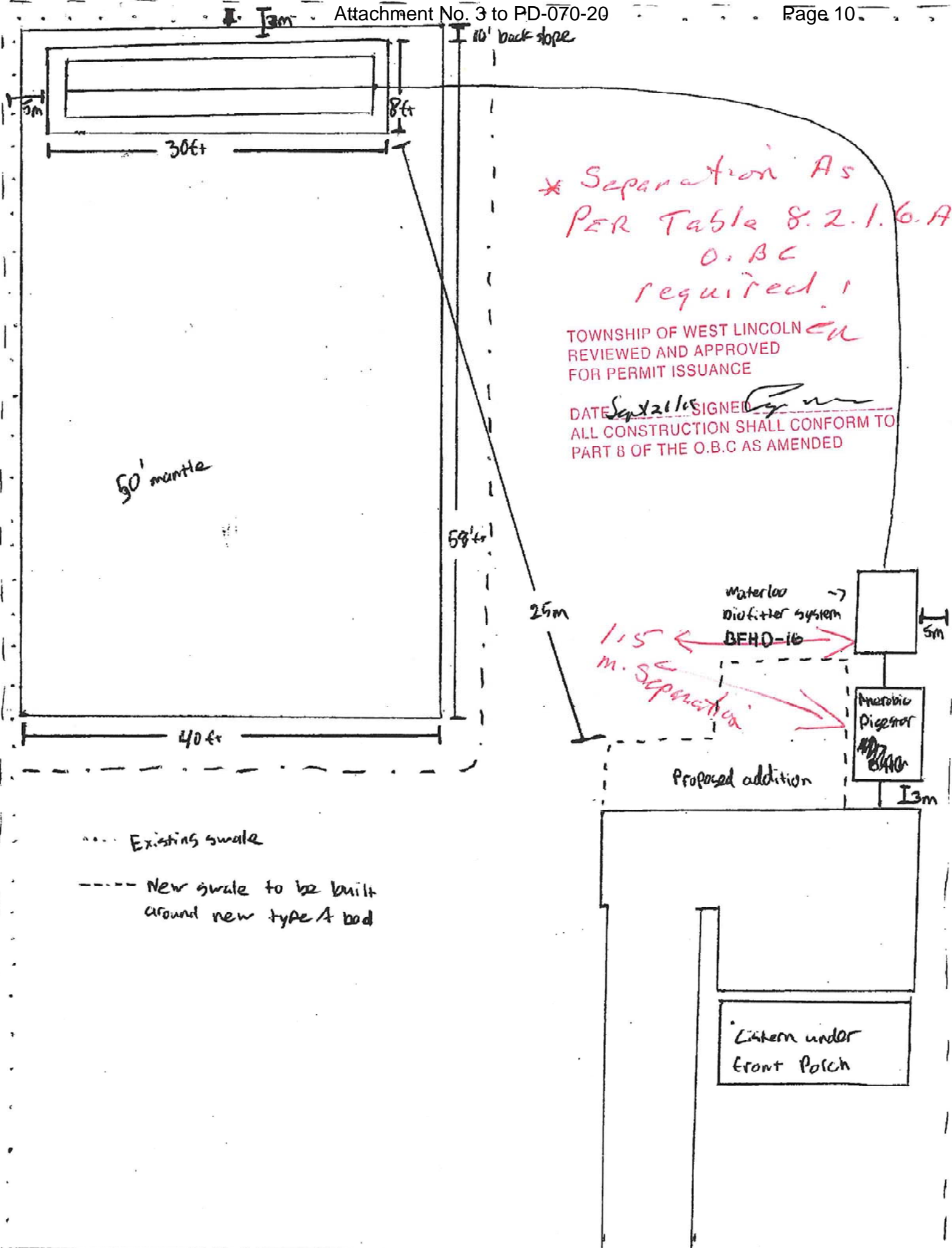
Barich Grenkie
Surveying Ltd.

297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON
L8G 1E5 (905) 662-6767

A DIVISION OF GEOMAPLE

DWN BY: EWA

JOB No. 20-2629



** Separation As
PER Table 8.2.1.6.A
O.B.C
required*

TOWNSHIP OF WEST LINCOLN
REVIEWED AND APPROVED
FOR PERMIT ISSUANCE

DATE Sept 21/16 SIGNED [Signature]
ALL CONSTRUCTION SHALL CONFORM TO
PART 8 OF THE O.B.C AS AMENDED

Proposed addition

Litter Box under
front porch

From: [Lyle Killins](#)
To: [Alexa Cooper](#)
Date: June 28, 2020 11:53:41 AM
Attachments: [image5724b7.PNG](#)
[image420bbb.PNG](#)
[image9375d1.PNG](#)

Hi Alexa,

Mr. Bos installed a new sewage system which complies with the requirements of Part 8 O.B.C. The application as proposed does not impact on the sewage system. Thus, no objection to the application as proposed.

Lyle Killins

Memo

To: Alexa Cooper, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: June 25, 2020
Re: File A07/2020WL – 2877 South Grimsby Rd 7

A review has been completed on this minor variance application to increase the maximum permitted lot coverage and maximum permitted projection of the proposed porch into the front yard setback.

Public Works has no comments to provide on this application.