

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COMMITTEE OF ADJUSTMENT AGENDA**

Wednesday, December 16, 2020, 7:00 p.m.

*****ZOOM MEETING -** Contact mbirbeck@westlincoln.ca before 4 pm on the day of the meeting for an invitation if you would like to participate.

	Pages
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	
4. APPLICATIONS	
a. B05/2020WL – Lof & Martin	3
An application for a lot addition to a small holding has been submitted for 6800 Elcho Road from the adjacent Agricultural Purpose Only (APO) property. The owner of the adjacent APO property is proposing to sever off ±0.178 hectares (±0.44 acres) and retain ±36.77 hectares (±90.86 acres). The land proposing to be severed is vacant and lies fallow as the area is too small to be accessed by modern farm equipment.	
b. A15/2020WL – Jordan	22
A minor variance application has been applied for to permit a reduction in the rear yard setback from 7.5 metres (24.61 feet) to 3.6 metres (11.81 feet) and to permit the increase in lot coverage from 45% to 47%. These requests have been made to permit the construction of an enclosed sunroom addition. The addition is an expansion of the main residential dwelling.	
c. A16/2020WL – Hlywka	38
A minor variance application has been applied for to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming. Generally, the existing setbacks are 0.5 metres front yard, 0.9 metres west side yard, 0.6 metres east side yard, and 1.1 metres rear yard. An additional variance is applied for to permit a decrease in parking spaces from 2 spaces to 1 space.	

5. MINUTES FOR APPROVAL

Minutes for approval are September 23rd, October 28th, and November 25th.

Minutes will be send out to Committee Members in a separate email from the agenda.

6. NEW BUSINESS

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of _____ pm

DATE: December 16th, 2020

REPORT NO: COA-007-20

SUBJECT: **Recommendation Report**
Application for Consent by Laura and John Lof
File No. B05/2020WL

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

OVERVIEW:

- An application for a minor boundary adjustment in the form of a lot addition to a small holding has been submitted on behalf of Laura and John Lof by their agent Ken Martin.
- The Lof's own a farm property zoned Agricultural Purpose Only 'APO' that is ± 36.93 hectares (± 91.24 acres) in size with the Roll Number 260202000813800 and are proposing to sever off ± 0.178 hectare (± 0.44 acre) and retain ± 36.77 hectares (± 90.86 acres) of land.
- The Lof's 'APO' property surrounds most of the lot at 6774 Elcho Road and abuts the south boundary of Ken Martin's property at 6800 Elcho Road.
- The Lof's are proposing to undergo the minor boundary adjustment with the Martin's.
- The Martin's property at 6800 Elcho Road is currently zoned Agricultural 'A' and is ± 0.40 hectare (± 1.0 acre) in size. Performing the proposed minor boundary adjustment would increase the Martin's property to ± 0.578 hectare (± 1.44 acre) in size.
- The portion of land proposed to be severed is too small to be accessed by modern farm equipment and therefore lies vacant and fallow.
- The Martin's who own the small holding property have been maintaining the grass on this fallow APO land for several years.
- If this application is approved, a Zoning By-law Amendment application will be required to rezone the land purposed to be severed from 'APO' to Rural Residential 'RuR'.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

RECOMMENDATION:

That, report COA-007-20, regarding an application for Consent made on behalf of Laura and John Lof by their agent Ken Martin, BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That the subject parcel being Part 2 of the survey sketch prepared by Rasch and Hyde Ltd. And dated October 8, 2020 be conveyed to Kenneth and Marilyn Martin, being the owner of the property to the north, known municipally as 6800 Elcho Road, being CON 1 PT LOT 3 RP30R 9752, Part 1, Roll No. 260202000813810 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PIN 5. Section 50(3) or 50(5) of the Planning Act shall apply.
4. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That the applicant applies for, and receives approval of, a Zoning by-law amendment application that recognizes the small residential holding and ensures continuous restrictions on any residential development on the retained agricultural property.
6. That any unused wells be decommissioned to the satisfaction of the Director of Planning & Building, or designate, if required.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
8. That all of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

ALIGNMENT TO STRATEGIC PLAN

- **Theme**
 - Strategic, responsible growth

BACKGROUND:

A consent application has been submitted on behalf of Laura and John Lof by their agent Ken Martin for their Agricultural Purpose Only 'APO' property that is ± 36.93 hectares (± 91.24 acres) in size. This application proposes to sever ± 0.178 hectare (± 0.44 acre) of 'APO' land from the subject property. The portion of land proposed to be severed is too small to be accessed by modern farm equipment and therefore has been left vacant and fallow for several years. The retained 'APO' land will be ± 36.77 hectares (± 90.86 acres) in size.

The subject lands to be severed are legally described as Concession 1, Part Lot 3 in the former Township of Gainsborough, now in the Township of West Lincoln. As the area proposed to be separated is a vacant 'APO' property it does not have municipally address, however, its Roll Number is 260202000813800. The subject lands are located to the south of Elcho Road and to the east of Caistor Gainsborough Townline Road and to the west of Port Davidson Road. (See attachment 1)

The Lofs through their agent are purposing to perform a minor boundary adjustment which will result in a lot addition to the Martin's adjacent property. The Martin's property is located at 6800 Elcho Road and is currently zoned Agricultural 'A' and is ± 0.40 hectares (± 1.00 acres) in size. With the lot addition the Martin's property will become ± 0.578 hectares (± 1.44 acres) in size.

CURRENT SITUATION:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.2 of the PPS, lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Evidence has been provided that Laura and John Lof are no longer able to farm this portion of the parcel of land in question with modern farm equipment, and thus, can be considered to qualify for a lot adjustment as the land lies vacant and fallow.

In order to conform to Provincial Policy, the retained agricultural lands will need to maintain their Agricultural Purpose Only 'APO' zoning. The severed 'APO' lands will be rezoned to Rural Residential 'RuR'. The portioned will be rezoned rural residential to coincide with the constant residential use of the small holding property.

A Place to Grow (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting

investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance does not affect the continued agricultural use of the remaining lands. It is a requirement for the retained agricultural lands to be preserve their current Agricultural Purpose Only 'APO' zoning. This will ensure the retained lands are not used for residential purposes in perpetuity.

Greenbelt Plan (2017)

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

Regional Official Plan

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The ROP allows for severances in the agricultural area where the severance occurs as a result of a farm consolidation.

The ROP is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the ROP and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.8.1 sets out the circumstances under which consents within Good General Agricultural Areas may be permitted. In accordance with Policy 5.B.8.1 d) lot adjustments for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot are permitted.

Township of West Lincoln Official Plan

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan identifies that where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

Laura and John Lof are unable to farm the ±0.178 hectare (±0.44 acre) parcel of land in question with modern farm equipment. Therefore, a lot addition to an adjacent small holding property is being proposed. Severing ±0.178 hectare (±0.44 acre) parcel of land from Laura and John Lof ±36.93 hectares (±91.24 acres) is a minor adjustment and

insures that all of their land can be farmed.

As the proposed consent application meets the policy requirements laid out in the Township's OP, Township Staff is of the opinion this application meets the intent of the OP.

Township Zoning By-law

The property is currently zoned Agricultural Purpose Only 'APO'. In order to meet zoning regulations, the retained agricultural land is required to retain its 'APO' zoning. While the parcel of land that is being severed and added to an Agricultural 'A' zoned property. A rezoning will have to occur for the parcel being merged from the 'APO' parcel. The severed parcel of land will be rezoned from 'APO' to Rural Residential 'RUR' in conjunction with the rezoning of the 0.40 hectare (1.0 acre) existing small holding.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Circulation was provided to interested agencies on November 26th 2020, by way of mail and e- mail.

Township Public Works Department, Septic Inspector, and Building Department have no objections to the application as proposed.

Regional Planning and Development Services staff does not object to the consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements and conditional on Parcels 1 and 2 merging in title, municipally known as 6800 Elcho Road. See attachment for the NPCA's full comments.

The NPCA's Policy states that lot creation (unless for legal or technical reasons) should not be permitted within 30 m (98 ft) of a wetland. The portion of land in question for this application is within this buffer, however the Niagara Peninsula Conservation Authority (NPCA) have articulated that they will not object to the proposed boundary adjustment. It is the view of the NPCA that the proposed boundary adjustment is for "legal and technical reasons".

Further, the NPCA will be waving an Environmental Impact Study for this application. See attachment for the NPCA's full comments.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on Thursday November 26th 2020. One comment has been received from the public as of the completion of this report on December 11th 2020.

A neighbouring property to 6800 Elcho Road have indicated that they are pleased to hear about this minor boundary adjustment and would like to give their support for the application. Further stating that they believe the minor boundary adjustment will

nicely provide congruency to the rear of both of their property lines. The neighbour further added that some of the land in question is quite low and wet and any changes to this could possibly affect the drainage at the back corner of their horse paddock. The full comment can be found in the attachments.


CONCLUSION

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application for Laura and John Lof to sever a ± 0.178 hectare (± 0.44 acre) portion of their Agricultural Purpose Only 'APO' land from Roll Number 260202000813800 as a minor boundary adjustment so that their property can be fully farmed. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

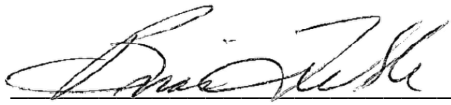
ATTACHMENTS

1. Severance Sketch
2. Severance Sketch authorization
3. Support Letters
4. Agency Letters

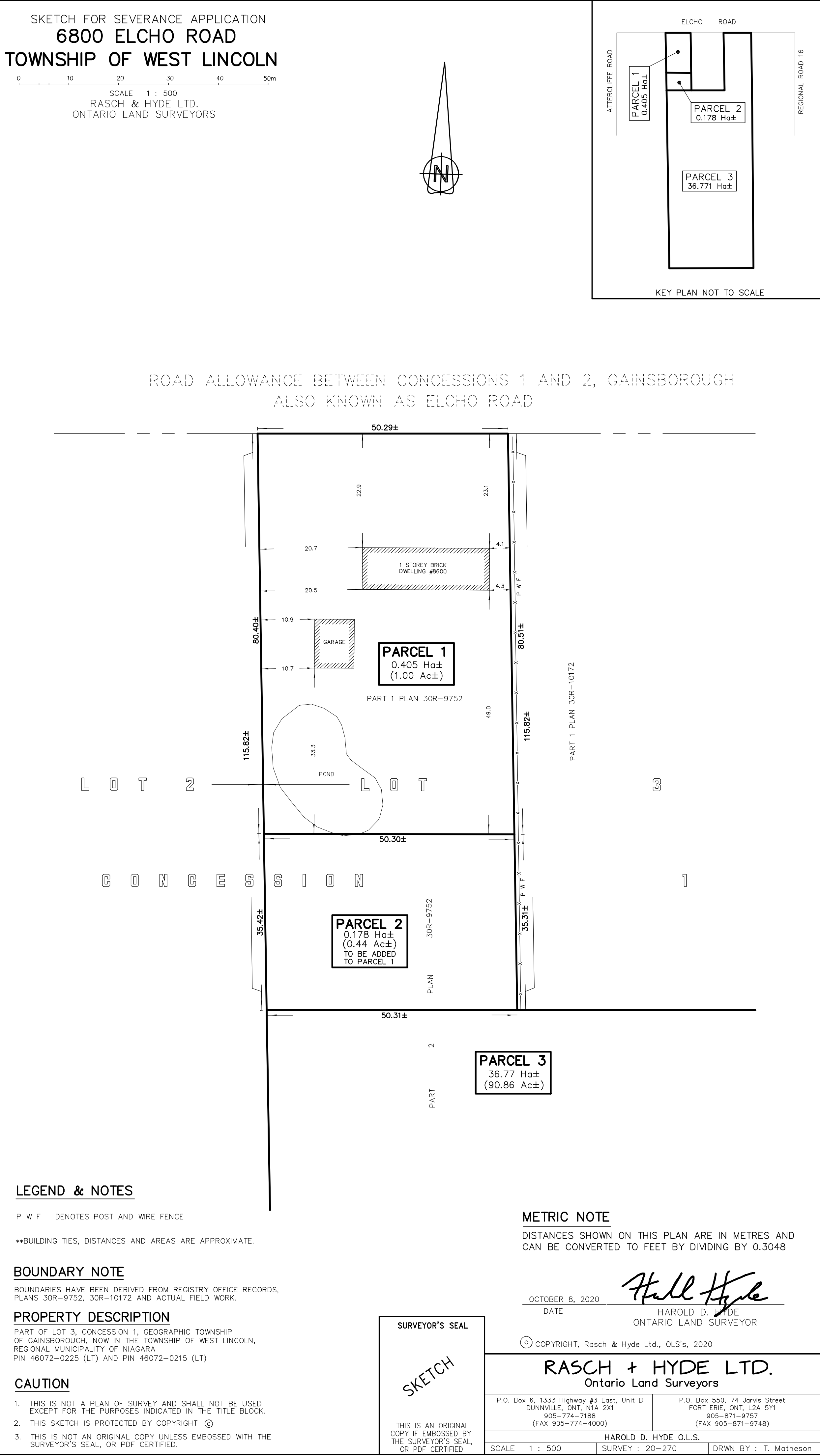
Prepared by:



Madysen Etzl
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



Rasch & Hyde Ltd.
Ontario Land Surveyors

DUNNVILLE
1333 Highway 3, Unit B, P. O. Box 6
Dunnville, Ontario, N1A 2X1
Phone: 905-774-7188
Fax: 905-774-4000

FORT ERIE
74 Jarvis Street, P. O. Box 550
Fort Erie, Ontario, L2A 5Y1
Phone: 905-871-9757
Fax: 905-871-9748

Harold D. Hyde, OLS

Date: October 8, 2020
Job No.: 20-270

Location of Subject Lands

Part of Lot 3, Con. 1 Gainsborough, now in the Township of West Lincoln and being No. 6800 Elcho Road

I, Harold Hyde, OLS, who has prepared a survey sketch for the registered owner(s) of the above lands, hereby authorize the Township of West Lincoln Committee of Adjustments to copy, circulate or use said sketch for the purposes of a Consent Application, or a Committee of Adjustments Application, as required.

Dated at the Dunnville offices of Rasch & Hyde Ltd., in Haldimand County, this 8th day of October, 2020.



Harold Hyde, OLS
Rasch & Hyde Ltd.
20-270 Severance Sketch Authorization

6800 Elcho Road, Wellandport – Boundary Adjustment Proposal and Request

August 24, 2020

**TO: Gerrit Boerema Planner II, West Lincoln
Aimee Alderman MSc, MCIP, RPP Development Planner Region of Niagara**
FROM: Marilyn and Ken Martin 6800 Elcho Road, Wellandport, ON L0R 2J0

This letter is our formal request to the Local and Regional governing bodies for a boundary adjustment to our lot at 6800 Elcho Road, Wellandport.

Following the creation of our lot, the farm from which it was severed was subdivided creating the property at 6774 Elcho Road which is approximately five acres in size.

When this was completed, it created an east west boundary of this property that juts out to the south approximately 115 feet beyond to east west boundary of out lot at 6800 Elcho Road. This formed a small portion land less than half an acre, measuring approximately 115 feet deep by 164 feet long.

Due to its small size and shape, this portion of land is not access to modern farming equipment. Accordingly, the land lies fallow.

For several years, with the permission of the present owners, we have maintained the grass cutting on this small piece of land and have used a portion of it for a garden.

Allowing this boundary change will align the east west property line of our lot with the adjacent lot to the east (6774 Elcho Road) and will not alter the current farming operation of Laura and John Lof, owners of the farmlands.

Mr. Lof and I have on numerous occasions discussed applying for this boundary adjustment since the irregularity of the parcel prevents its access with his equipment and we are currently mowing it as a portion of our yard.

With the agreement of the Lof family, we therefore request approval of this boundary adjustment.

Sincerely,



Marilyn Martin 6800 Elcho Road



Kenneth Martin 6800 Elcho Road

6800 Elcho Road, Wellandport – Boundary Adjustment Proposal and Request

August 24, 2020

**TO: Gerrit Boerema Planner II, West Lincoln
Aimee Alderman MSc, MCIP, RPP Development Planner**

FROM: Laura and John Lof 6765 Elcho Road, Wellandport, ON L0R 2J0

This letter concerns a small portion of our farmland at 6730 Elcho Road, Wellandport, Ontario.

Our farmland surrounds most of the lot at 6774 Elcho Road and abuts the south boundary of the Martin property at 6800 Elcho Road. There is a small portion of our farmland that juts northward abutting the Martin property.

This forms a small rectangular piece of property of less than half an acre that is inaccessible to our farming equipment. Mr. Martin has, for the past several years, maintained this parcel as an extension to his back lawn.

Recently, we have discussed a boundary adjustment that will add this portion of property to the Martin lot and align the east west boundary of our farm that abuts both 6800 and 6774 Elcho Road.

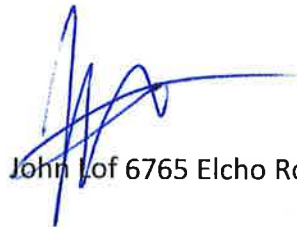
This adjustment will not alter our current farming operation as we are not able to utilize this small piece of land due to its size and shape.

We therefore request and support this boundary adjustment.

Sincerely,



Laura Lof 6765 Elcho Road



John Lof 6765 Elcho Road



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: December 7, 2020
Re: File B05/2020WL – Martin & Lof

A review has been completed on this application for consent for a lot addition to 6800 Elcho Road from the adjacent Agricultural Purpose Only (APO) property. The owner of the adjacent APO property is proposing to sever off ± 0.178 hectares (± 0.44 acres) and retain ± 36.77 hectares (± 90.86 acres).

Public Works has no comments to provide on this application.

Meghan Birbeck

From: Lyle Killins <lkillins@live.com>
Sent: December 9, 2020 10:00 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing B052020WL

Good Morning, Meghan

Upon review of the proposed application, it would appear all requirements of Part 8, Ontario Building Code would remain fulfilled.

Thus, I have no objection to the application as proposed.

Please do not hesitate to contact me if you have any questions and or require clarification.

Regards.

Lyle Killins C.P.H.I.(c)

B.C.I.N.#11112

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: December 8, 2020 2:25 PM
To: Lyle Killins <lkillins@live.com>
Subject: FW: Notice of Hearing B052020WL

Good afternoon Lyle,

I have just realized that I do not believe that this email found its way to you.

I was wondering if you could provide comments to the attached notice for Consent application for B052020WL.

The Consent is to go before the Committee of Adjustment Meeting on Wednesday December 16th at 7:00 pm.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

	<p>Meghan Birbeck</p> <p>Planner I</p> <p>Tel: 905-957-3346 ext. 5140 Email: mbirbeck@westlincoln.ca Web: www.westlincoln.ca</p> <p>  </p>
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Planning and Development Services

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

Via Email Only

December 9, 2020

File No.: D.06.12.CS-20-0059

Meghan Birbeck
Secretary-Treasurer, Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments
Proposed Boundary Adjustment (Lot Addition)
Township File No.: B05/2020WL
Applicant: Kenneth Martin, Laura & John Lof
Address: 6800 Elcho Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-noted consent application, which proposes a lot addition for 6800 Elcho Road (1.0 acres, 0.41 hectares; Parcel 1) from the adjacent Agricultural Purpose Only (APO) property. The owner of the adjacent APO property, municipally known as 6774 Elcho Road, is proposing to sever 0.178 hectares (0.44 acres; Parcel 2) and retain 36.77 hectares (90.86 acres). The land to be added to 6800 Elcho Road is vacant and lies fallow as the area is too small to be accessed by modern farm equipment, according to the Notice of Public Hearing. Parcel 3 will continue to be used for agricultural purposes. If approved, the rural residential lot at 6800 Elcho Road would increase in area from 1.0 acres (0.405 hectares) to 1.44 acres (0.583 hectares).

A pre-consultation meeting for this proposal was held with Township of West Lincoln, Niagara Peninsula Conservation Authority and Regional staff, as well as the owner. The following comments are provided from a Provincial and Regional perspective to assist the Committee in considering this application.

Provincial and Regional Policies

According to the Provincial Policy Statement (PPS), the property is located within a prime agricultural area and is designated as within the Good General Agricultural Area

in the Regional Official Plan (ROP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Both the PPS and the ROP permit lot adjustments for legal or technical reasons, such as easements and minor boundary adjustments, which do not result in the creation of a new lot.

The minor boundary adjustment has been submitted to add approximately 0.44 acres of land (Parcel 2) to Parcel 3 (6800 Elcho Road, approximately 1.0 acres), which currently contains a single detached dwelling, garage, and pond. Based on aerial imagery and letters submitted by the applicant and owner, the owner of 6800 Elcho Road utilizes and maintains the land proposed for the lot addition. The owner of the surrounding farmland is unable to access this section of property with their farming equipment, and transferring Parcel 2 to 6800 Elcho Road will not alter the current farming operation at 6774 Elcho Road. While it is acknowledged that the addition of 0.44 acres will result in a larger rural residential lot, staff notes that Parcel 2 is currently being utilized by the owner of Parcel and merging Parcels 1 and 2 will not result in taking any active agricultural land out of production. Regional staff are not opposed to the boundary adjustment, in principle, provided that the Committee is satisfied that Parcel 2 cannot be farmed by the owner of Parcel 3.

Natural Heritage

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Provincially Significant Port Davidson Slough Forest Wetland Complex (PSW) and Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS). As such, these features are considered a Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW and within 50 m of Significant Woodland. Further, Growth Plan policies also require that a 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ.

Given that the proposed boundary adjustment is considered minor in nature, Environmental Planning staff offers no concerns, and no supporting environmental studies or assessments are required.

Private Sewage Services

Staff notes that the Township of West Lincoln is responsible for their own septic system review. As such, the Committee should look to the Township's comments with respect to private septic system requirements.

Conclusion

Regional Planning and Development Services staff does not object to the consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements and conditional on Parcels 1 and 2 merging in title, municipally known as 6800 Elcho Road.

Please send notice of the Committee's decision on this application.

If you have any questions or wish to discuss these comments further, please contact the undersigned at aimee.alderman@niagararegion.ca, or Lola Emberson, MCIP, RPP, Acting Manager of Development Planning, at lola.emberson@niagararegion.ca.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Mr. R. Alguire, C.Tech., Development Approvals Technician, Niagara Region
Ms. L. Karlewicz, Planning Ecologist, Niagara Region

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: December 9, 2020 10:19 AM
To: Meghan Birbeck
Cc: Madyson Etzl; Gerrit Boerema; Brian Treble; Jeni Fisher
Subject: Re: Notice of Hearing B052020WL

Hello Meghan,

I apologize for the delay, I should be able to get my comments out to you before the end of today. First, I just have to clarify something with the Watershed Planner that was on the file during the pre-con.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Monday, December 7, 2020 3:54 PM
To: Nikolas Wensing <nwensing@npca.ca>
Cc: Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>
Subject: RE: Notice of Hearing B052020WL

Hi Nikolas,

Thank you so much for providing comments for our Notice of Hearing regarding A152020WL and A162020WL.

I am wondering if you have also had a chance to look over our Notice of Hearing package for B052020WL, a cheque also had been mailed out for this application.

Best,
Meghan

Ken Martin

From: Jessica Abrahamse <jabrahamse@npca.ca> on behalf of Jessica Abrahamse
Sent: June 23, 2020 9:54 AM
To: Ken Martin
Subject: RE: Requested Letter

Hi Ken,

Thanks for your letter with the description of the planned use. The NPCA can waive the requirement for an Environmental Impact Study based on your description.

With Best Regards,

**Jessica Abrahamse M.E.S.
Watershed Planner**

250 Thorold Road West, 3rd Floor
Welland, On
L3C 3W2
(905) 788-3135 Ext. 235
jabrahamse@npca.ca
www.npca.ca
[NPCA Mapping Tool](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at www.npca.ca/our-voice, the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at https://twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

From: Ken Martin <kenmartin@royallepage.ca>
Sent: June 23, 2020 7:46 AM
To: Jessica Abrahamse <jabrahamse@npca.ca>
Subject: Requested Letter

Good morning Jessica,

Please let me know if this is what you require. Thank you for your assistance.

Ken Martin

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this

RE: 6800 ELCHO ROAD, WELLANDPORT, ONTARIO, L0R 2J0 – LOT BOUNDARY ADJUSTMENT

JESSICA ABRAHAMSE M.E.S. WATERSHED PLANNER, NIAGARA PENINSULA CONSERVATION AUTHORITY

June 23, 2020

In response to your query yesterday, we confirm this application for a boundary adjustment of our property at 6800 Elcho Road, Wellandport is the only request for change or adjustment we will be making, as there are no other adjustments applicable to our property.

Due to the nature of this portion of land we wish to add, the current owner/farmer is unable to operate his farming equipment within this parcel. I am currently keeping the area mowed.

Our proposed usage of this parcel should our application be approved will be to simply continue to attend to the current maintenance of the land (mowing and possibly a vegetable garden). This parcel will merely continue in its present use under our ownership.

Should you require any further information please free to contact us.

Regards,

Kenneth J. Martin & Marilyn D. Martin
6800 Elcho Road, Wellandport, Ontario, L0R 2J0

905 321-7709 kenmartin@royalpage.ca

Meghan Birbeck

From: [REDACTED]
Sent: December 9, 2020 8:43 PM
To: Meghan Birbeck
Subject: File Number B05/2020WL - Kenneth Martin & Laura & John Lof

To the Committee of Adjustment:

Comments from [REDACTED] of [REDACTED] Elcho Road, Wellandport.

We are the property directly to the East of the property being considered for this adjustment. We are pleased to give our support to the proposed adjustment as it will nicely provide congruency to the rear of both of our property lines. Of note however, some of the land in question is quite low and wet and any changes to this could possibly affect the drainage at the back corner of our horse paddock. We respectfully request that this be noted on record in the unlikely event that any problems arise in the future.

Thank you for your consideration,
[REDACTED]

[Sent from Yahoo Mail on Android](#)

DATE: December 16th, 2020

REPORT NO: COA-008-20

SUBJECT: **Recommendation Report**
Application for Minor Variance by Robert Jordan
File No. A15/2020WL

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

OVERVIEW:

- A minor variance application has been submitted by Robert Jordan for the property municipally known as 16 Creek View Drive.
- This application is requesting two minor variances.
- The first minor variance is requesting an increase in lot coverage from 45% to 47%.
- The second minor variance is requesting a reduction in the minimum rear yard setback from 7.5 metres (24.61 feet) to 3.6 metres (11.81 feet).
- The applicant has requested these minor variances to permit the construction of an enclosed sunroom addition, which is an expansion of the main residential dwelling.
- The municipal services for this property are located in the front of this property.
- There is no current development behind this property as the yard backs onto a portion of the Township's natural heritage system.
- The survey sketch that the applicant provided shows that the sunroom will be centred in the middle of the rear lawn.
- Planning Staff recommend support of this application.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Robert Jordan as outlined in Report COA-008-20, to permit a 47% maximum lot coverage whereas 45% is permitted, BE APPROVED.
2. THAT, the application for the second Minor Variance made by Robert Jordan as outlined in Report COA-008-20, to permit the rear setback reduction to 3.6 metres (11.81 feet) whereas 7.5 metres (24.61 feet) is permitted, BE APPROVED.
3. Subject to the following condition:
 - a. That the 3.6 m rear yard setback only apply to a sunroom with dimensions of not more than ± 4.57 metres (15 feet) by ± 4.42 metres (14 feet and 6 inches).

BACKGROUND:

The subject lands are legally described as Plan 30M373 Lot 77 on Concession 9, Part of Lot 11, Part 2 on 30R-6359, in the former Township of South Grimsby, now in the Township of West Lincoln. The property is located on the west of Creek View Drive, north of South Grimsby Road 6, and south of Streamside Drive. The subject property is

municipally known as 16 Creek View Drive.

The subject property is approximately 0.14 acres (0.06 hectares) in size. The property is in the Smithville Urban Settlement area and has a Low Density Residential designation. The adjacent properties to 16 Creek View Drive north, east, and south are all low density residential. While the property to the west, which is the rear, is a part of the Township's Natural Heritage System. The Natural Heritage System's elements that are located to the west/ rear include environmental conservation areas, environmental protection areas, are fish habitat.

The applicant has submitted an application requesting for two minor variances. The first variance is requesting the permission to increase the maximum lot coverage to 47% whereas 45% is permitted. The second variance is requesting permission to reduce the minimum rear yard setback to 3.6 metres (11.81 feet) whereas 7.5 metres (24.61 feet) is permitted. If approved, the applicant will construct an enclosed sunroom addition, which will be an expansion of the main residential dwelling.

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 within the Smithville Urban boundary and is designated as Low Density Residential in the Township's Official Plan. It is the intent of this plan that these low density residential neighbourhoods, in Smithville, be protected and rejuvenated (6.2.1), which is the current and proposed use of the property. The proposed sunroom expansion to the main dwelling will continue to facilitate this use.

The minor variance application is proposing to increase the maximum lot coverage by 2% from 45% to 47% and to reduce the rear yard setback by 3.9 metres from 7.5 metres to 3.6 metres for the sunroom that expands the dwelling. The applicant requested these minor variances to build a sunroom expansion for their family off of the main dwelling.

The municipal services for this property are located in the front of this property and not in the back yard. In addition, there is no current development behind this property as the yard backs onto a portion of the Township's natural heritage system.

Township Planning Staff are of the opinion that these minor variances meet the general intent and purpose of the Official Plan as the proposed use is permitted and generally fits the character of the surrounding area.

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

Yes

The subject land is zoned Residential Low Density – Type 1C 'R1C' in the Township's Zoning By-law 2017-70, as amended. The subject parcel is ±0.06 ha (±0.14 acres) in

Respecting Our Roots, Realizing Our Future

size. The R1C zone permits a single detached dwelling unit.

In their application, the applicant has stated that the minor variances are to build a sunroom that extends from the main dwelling.

As such, Township staff are of the opinion that this application meets the general intent of the Township Zoning Bylaw.

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

The applicant has proposed to increase the lot coverage by 2% from the permitted 45% to 47%. Staff believe that this 2% increase is appropriate and in keeping with the character of this neighborhood.

The applicant has also applied for a reduction in a rear yard setback by 3.9 metres from 7.5 metres to 3.6 metres for their sunroom expansion of their dwelling. It is notable to mention that after a sunroom is built the applicant will still have roughly 50% of their lot dedicated to landscaped open space. As the purposed location of the sunroom is centered in the middle of the applicant's yard and as there is no development behind this property it is in the opinion of staff that the rear yard setback is also appropriate for their neighborhood.

Is the proposal minor in nature? Yes

The subject minor variance application is requesting relief from the zoning bylaw provision limiting the maximum lot coverage to 45% to allow for a 47% coverage. Additionally, the application is requesting relief from the zoning bylaw provision limiting the minimum rear yard setback to 7.5 metre to allow for a 3.6 metre setback. The owner is currently very limited in the ability to add an addition of any size without a minor variance. The survey sketch provided in this application identifies that the applicant is purposing this addition to be centered in the middle of his yard. The purposed location has the ability to reduces the burden of the addition on the applicant's neighbours as it is centred towards the middle of the property.

For the reasons above and as detailed in this report, Staff is of the opinion that this variance 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 November 26th, 2020. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township Public Works Department and Building Department have not commented at this point. However, the Public Works department would like to point out that there will be a future trail behind the Creek View Dr properties.

The Niagara Peninsula Conservation have reviewed Robert Jordan's Minor Variance by application to the have no objection to the proposed sunroom addition. The full comment can be found in the attachments.

The Niagara Region Environmental Planning Division have offered the following comments for Robert Jordan's Minor Variance by application. The division identifies that the subject property is impacted by the Region's Core Natural Heritage System (CNHS). The specific elements of the Region's CNHS that impact the subject property, from its rear, are the Provincially Significant Lower Twenty Mile Creek Wetland Complex, Significant Valleyland, and Type 1 Fish Habitat. As per the Regional Official Plan an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed due to the proximity of the property to these CNHS elements. The EIS would have to demonstrate that there would be no significant negative impact on the features or their ecological function. However, the Environmental Planning Division have identified that the proposal is located within the existing development footprint and therefor do not require a EIS. The full comment can be found in the attachments.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands November 26th, 2020. 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 December 11th 2020, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Robert Jordan for the property municipally known as 16 Creek View Drive. The Minor Variance application is proposing to grant relief from Section 6.3 of the Township Zoning Bylaw 2017-70, as amended, which limits the maximum lot coverage to 45% and limits the minimum rear yard setback to 7.5 metres. The applicant is proposing to construct an enclosed sunroom addition, which will be an expansion of the main residential dwelling that will increase the lot coverage to 47% and reduce the minimum rear yard to 3.6 metres.

Planning staff are of the opinion that this application meets all four tests of a minor variance and as such, can recommend the approval of this application subject to the conditions as outlined in the recommendation.

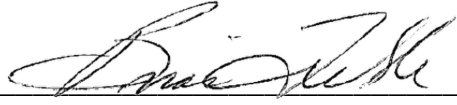
ATTACHMENTS:

1. Location Map
2. Site Sketch
3. Zoning Provisions
4. Agency comments

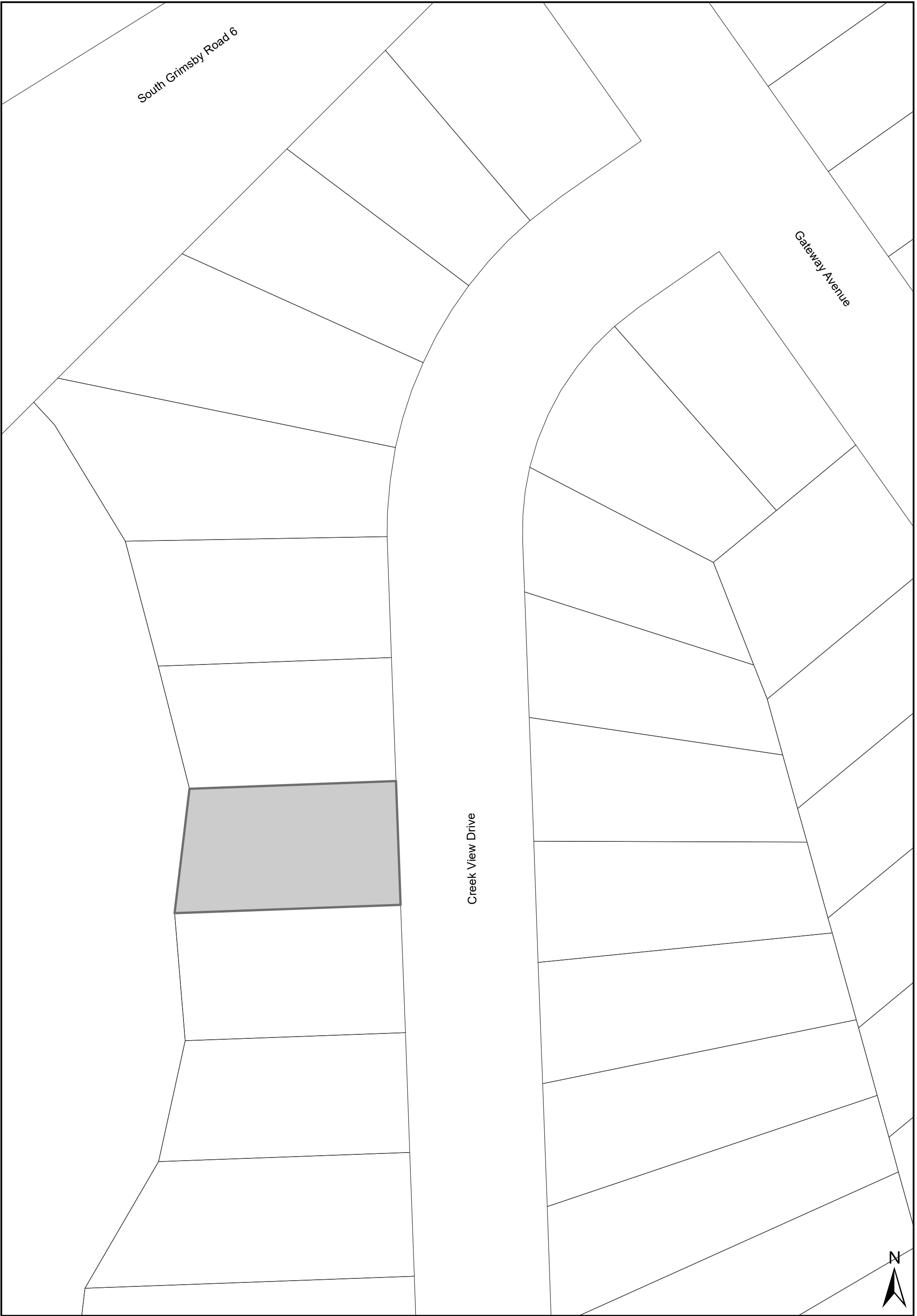
Prepared by:



Madyson Etzl
Planner II




Brian Treble, RPP, MCIP
Director of Planning and Building

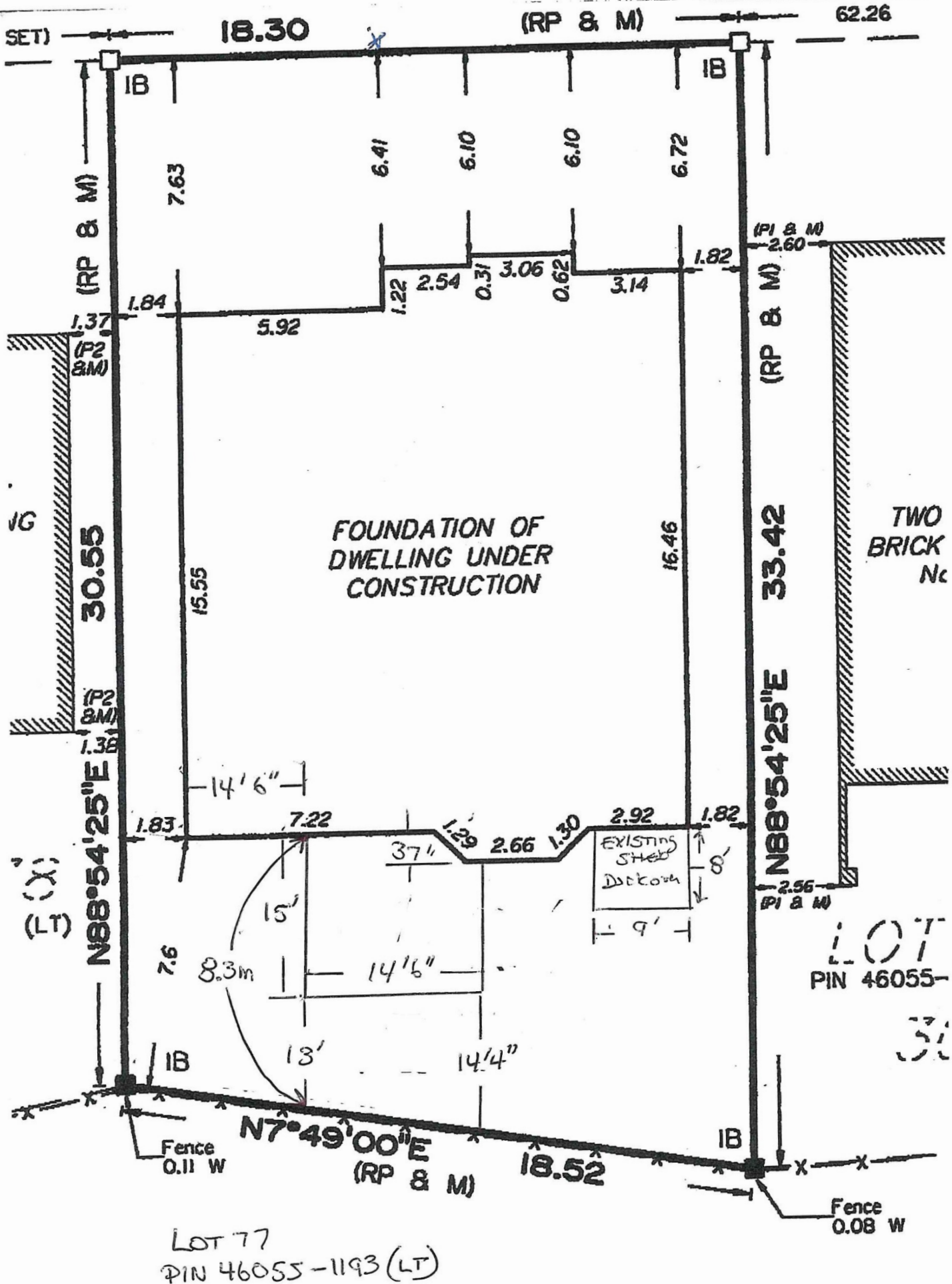


Location Map
16 Creek View Drive



Legend

 **Subject Property**



PART 6. RESIDENTIAL ZONES

6.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone	Symbol
Rural Residential	RuR
Residential Low Density	– Type 1A R1A
	– Type 1B R1B
	– Type 1C R1C
	– Type 1D R1D
	– Type 2 R2
	– Type 3 R3
Residential Medium Density	– Type 1 RM1
	– Type 2 RM2
	– Type 3 RM3
Residential High Density	RH

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

6.2 PERMITTED USES

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 13.

Table 13: Permitted Uses in Residential Zones

Uses	Zones where Permitted											
Principal Uses												
Apartment dwelling										RM3	RH	
Duplex dwelling									RM2			
Fourplex dwelling									RM2	RM3		
Retirement home											RH	
Semi-detached dwelling						R2	R3	RM1	RM2	RM3		
Single detached dwelling	RuR	R1A	R1B	R1C	R1D	R2	R3					
Stacked townhouse dwelling										RM3		
Street townhouse dwelling								RM1	RM2	RM3		
Townhouse dwelling									RM2	RM3		
Triplex dwelling									RM2	RM3		
Accessory Uses ⁽¹⁾												
Accessory buildings or structures and accessory uses (see s. 3.1)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾	RH ⁽¹⁾	
Accessory dwelling unit (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾					
Bed and breakfast establishment (see s. 3.4)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾							

Uses	Zones where Permitted									
<i>Boarding or rooming house</i>	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					RM3 ⁽¹⁾
<i>Garden suite</i> (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					
<i>Group home</i> (see s. 3.6)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾			
<i>Home occupation</i> (see s. 3.7)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾			
<i>Renewable energy system</i> (see s. 3.15)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾ RH ⁽¹⁾

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

6.3 REGULATIONS

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 14: Regulations for Permitted Uses in Low Density and Rural Residential Zones

Regulation				Zone Requirements						
				RuR	R1A	R1B	R1C	R1D	R2	R3
Minimum lot area	Municipal services	Single detached dwelling		0.4 ha	800m ²	550m ²	475m ²	400m ²	360m ²	300m ²
		Semi-detached dwelling ⁽¹⁾		-					720m ²	450m ²
	Private services			0.4 ha		-				
Minimum lot frontage	Municipal services	Corner lot	Single detached dwelling	45m	21m	18m		15m	15m	12.5m
			Semi-detached dwelling ⁽¹⁾	-					24m	18m
		Other lot	Single detached dwelling	45m	21m	18m	15m	13m	12m	10m
			Semi-detached dwelling ⁽¹⁾	-					24m	18m
	Private services			45m		-				
Minimum front yard	Dwelling			15m	7.5m	6m	4.5m			
	Private garage						6m			
Minimum exterior side yard				9m	6m	5m	4.5m		3m	
Minimum interior side yard	Dwelling			3m	1.5m	1.2m	1.2m ⁽²⁾			
	Private garage (attached to dwelling)						0.6m ⁽³⁾			
Minimum rear yard				15m	10m		7.5m			
Maximum lot coverage	Municipal services			20%	35%	40%	45%			
	Private services				20%	-				
Maximum height				10m						
Minimum landscaped open space				35%	30%	25%				

- ⁽¹⁾ Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, the minimum *lot area* and minimum *lot frontage* for each *dwelling unit* shall be half the requirement identified above for the applicable *zone*.
- ⁽²⁾ Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining the two *dwelling units*.
- ⁽³⁾ This provision shall only apply where an attached *private garage* is located on a *lot* where the nearest *interior side yard* on the adjoining *lot* is required to be 1.2 metres or greater in width. If the nearest *interior side yard* on the adjoining *lot* is permitted to be less 1.2 metres, the minimum *interior side yard* for the *private garage* shall be 1.2 metres.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation		Zone Requirements			
		RM1	RM2	RM3	RH
Minimum <i>lot area</i> (per <i>dwelling unit</i>)	<i>Apartment dwelling</i>	-		160m ²	120m ²
	<i>Duplex dwelling</i>	-	250m ²	-	
	<i>Fourplex dwelling</i>	-		180m ²	-
	<i>Retirement home</i>	-			120m ²
	<i>Semi-detached dwelling</i> ⁽¹⁾	270m ²	200 m ²		-
	<i>Stacked townhouse dwelling</i>	-	-	160m ²	-
	<i>Street townhouse dwelling</i>	225m ²	180m ²		-
	<i>Townhouse dwelling</i>	-	200m ²	180m ²	-
	<i>Triplex dwelling</i>	-	250m ²	200m ²	-
Minimum <i>lot frontage</i> ⁽²⁾	<i>Apartment dwelling</i>	-		30m	
	<i>Duplex dwelling</i>	-	20m	-	
	<i>Fourplex dwelling</i>	-	30m		-
	<i>Retirement home</i>	-			30m
	<i>Semi-detached dwelling</i> ⁽¹⁾	9m/unit	8m/unit		-
	<i>Stacked townhouse dwelling</i>	-	-	30m	-
	<i>Street townhouse dwelling</i>	7.5m/unit	6m/unit		-
	<i>Townhouse dwelling</i>	-	30m		-
	<i>Triplex dwelling</i>	-	20m	18m	-
Minimum <i>front yard</i>	<i>Dwelling</i>	4.5m			7.5m
	<i>Private garage</i>	6m			
Minimum <i>exterior side yard</i>		3m			Greater of 50% of <i>building height</i> or 3m
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a low density residential <i>zone</i>	3m ⁽³⁾			
	Adjoining a <i>lot</i> in any other <i>zone</i>	1.2m ⁽³⁾			3m
Minimum <i>rear yard</i> ⁽⁴⁾	Adjoining a <i>lot</i> in a low density residential <i>zone</i>	7.5m			
	Adjoining a <i>lot</i> in any other <i>zone</i>	6m			
Maximum <i>lot coverage</i>		45%	50%		
Minimum separation distance between <i>dwellings</i> on the <i>same lot</i>	Between exterior side walls	-	3m		
	Between exterior front or rear walls		12m		
	Between exterior front or rear walls and side walls		7.5m		
Maximum <i>height</i>		10m	12m		15m
Minimum <i>landscaped open space</i>		25%			
Minimum <i>amenity area</i> ⁽⁵⁾	<i>Dwelling</i> with 3 or 4 <i>dwelling units</i> on one <i>lot</i>	-	20m ² per <i>dwelling unit</i>		
	<i>Dwelling</i> with 5 to 8 <i>dwelling units</i> on one <i>lot</i>		40m ² plus 10m ² per <i>dwelling unit</i>		
	<i>Dwelling</i> with 9 or more <i>dwelling units</i> on one <i>lot</i>		-	80m ² plus 5.5m ² per <i>dwelling unit</i>	

- ⁽¹⁾Where *semi-detached dwellings* are located in the RM2 or RM3 zone, the *dwelling units* shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium *private street*.
- ⁽²⁾ Where multiple attached *dwellings* are located on the same *lot* in the RM2 or RM3 Zone, including more than one type of attached *dwelling*, the minimum *lot frontage* requirement of the RM2 or RM3 Zone, as applicable, shall be 30 metres in the case of a *lot* that contains one or more *fourplex* and/or *townhouse dwelling* and/or *stacked townhouse dwelling*, and 20 metres in all other cases, and shall apply to the entire *lot*. For *semi-detached dwellings* where each unit is located on a separate *lot*, and for *street townhouse dwellings*, each *lot* shall meet the prescribed minimum *lot frontage*.
- ⁽³⁾Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, and for *street townhouse dwellings*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining two *dwelling units*.
- ⁽⁴⁾ No rear yard is required for a *back-to-back townhouse dwelling*.
- ⁽⁵⁾ No common outdoor *amenity area* provided at grade shall have an area less than 40m².



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: December 7, 2020
Re: File A15/2020WL – Jordan

A review has been completed on this application for a minor variance to permit a reduction in the rear yard setback from 7.5 metres (24.61 feet) to 3.6 metres (11.81 feet) and to permit the increase in lot coverage from 45% to 47%. These requests have been made to permit the construction of an enclosed sunroom addition.

Public Works has no objections to this application. It should be noted that the Township's Trails and Corridors Master Plan proposes a trail be located along the lands behind the Creek View Dr properties.

Meghan Birbeck

From: Jennifer Bernard
Sent: December 7, 2020 12:18 PM
To: Meghan Birbeck
Subject: RE: Notice of Hearing A152020WL
Attachments: A152020WL - PW Comments.pdf

Hi Meghan,

Public Works response is attached, I mentioned there will be a future trail behind the Creek View Dr properties just because they are proposing to bring their living space closer to the back property line and may then object when they hear a trail is to be built back there in the future. Just more of an fyi than anything, hope that comment makes sense.

Thanks,
Jenn



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

The Township of West Lincoln is pleased to announce that commencing Monday, August 17th, the Township will be offering access to select services by appointment only at the Township Municipal Office, Monday through Friday between the hours of 9:00 am and 4:30 pm. Additionally, all services will continue to be offered via phone, email and online. The best source of information is our new website <https://www.westlincoln.ca>

From: Meghan Birbeck
Sent: November-26-20 3:07 PM
To: Meghan Birbeck
Cc: Madyson Etzl; Brian Treble; Gerrit Boerema
Subject: Notice of Hearing A152020WL

Good Afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **16 Creek View Drive**.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: November 30, 2020 9:25 AM
To: Meghan Birbeck
Cc: Madyson Etzl; Brian Treble; Gerrit Boerema
Subject: Re: Notice of Hearing A152020WL
Attachments: Location sketch -A152020WL.PDF; Application -A152020WL.PDF; Notice of Hearing - A152020WL.PDF

Hello Meghan,

It's nice to meet you virtually too! (I forgot to say it back on the previous email I sent - my bad).

I have reviewed the files attached to this email, and I can confirm that the NPCA will have no objection to the proposed sunroom addition as it does not fall within any NPCA regulated features or hazards.

Please let me know if you have any questions.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228

nwensing@npca.ca

www.npca.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Thursday, November 26, 2020 3:06 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Cc: Madyson Etzl <metzl@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>
Subject: Notice of Hearing A152020WL

Good Afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **16 Creek View Drive**. Comments would be appreciated by Wednesday **December 9th 2020**

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

VIA EMAIL ONLY

December 9, 2020

Meghan Birbeck, Planner
Township of West Lincoln
318 Canborough Street
Smithville, Ontario
L0R 2A0

Location: 16 Creek View Drive

Our File: MV-20-0052

Niagara Region Planning and Development Services has completed a review of the proposed minor variance for the above-noted property and provides the following comments:

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Provincially Significant Lower Twenty Mile Creek Wetland Complex (PSW), Significant Valleyland and Type 1 (Critical) Fish Habitat.

Consistent with Regional Official Plan (ROP) Policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 m of PSW, 50 m of Significant Valleyland and 30 m of Type 1 Fish Habitat. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

The proposal is a sunroom at the rear of the existing dwelling. As the sunroom is located within the existing development footprint, no studies are required and there are no further Environmental Planning comments.

If you have any questions or wish to discuss these comments, please contact Lori Karlewicz, Planning Ecologist at 905-989-6000 ext. 3396 or lori.karlewicz@niagararegion.ca. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Best regards,

A handwritten signature in blue ink that reads "Lori Karlewicz". The signature is written in a cursive style with a large initial "L" and a stylized "K".

Lori Karlewicz
Planning Ecologist
Niagara Region

DATE: December 16th, 2020

REPORT NO: COA-009-20

SUBJECT: **Recommendation Report**
Application for Minor Variance by Dan Hlywka
File No. A16/2020WL

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

OVERVIEW:

- A minor variance application has been submitted by Dan Hlywka for the property municipally known as 103 McMurchie Lane.
- This application is requesting two minor variances.
- The first minor variance is requesting a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming.
- Generally, the existing setbacks are ± 0.5 m (± 1.64 ft) front yard, ± 0.9 m (± 2.95 ft) west side yard, ± 0.6 m (± 2.0 ft) east side yard, and ± 1.1 m (± 3.61 ft) rear yard.
- The second minor variance is requesting a decrease in the required residential parking space requirement from 2 spaces to 1 space.
- The applicant has requested these minor variances to enlarge the existing one storey commercial building with a two storey mixed use building that accommodates both commercial and residential uses.
- The survey package that the applicant initially provided shows aesthetic bump outs that would have altered the existing legal non-conforming footprint of the building, but they have since decided not to proceed with altering the current legal non-conforming footprint as that would have required an additional variance.
- Planning Staff recommend support of this application.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Dan Hlywka as outlined in Report COA-009-20, to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming, BE APPROVED.
2. THAT, the application for the second Minor Variance made by Dan Hlywka as outlined in Report COA-009-20, to permit a decrease in required parking spaces from 2 spaces to 1 space, BE APPROVED.
3. Subject to the following condition:
 - a) That the façade be designed to be compatible with the character of Smithville's Downtown to the satisfaction of the Planning Department.

BACKGROUND:

The subject lands are legally described as Plan M-92 Lot 28 on Concession 9, Part of Lot 8, in the former Township of South Grimsby, now in the Township of West Lincoln. The property is located on the south side of McMurchie Lane, west of Griffin Street North. The subject property is municipally known as 103 McMurchie Lane.

The subject property is approximately 2,123 ft² (197 m²) in size. The property is in the Smithville Urban Settlement area and has a Commercial Core designation. The adjacent properties to 103 McMurchie Lane are all commercial.

The applicant has submitted an application requesting two minor variances. The first variance is requesting permission to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming. The second variance is requesting permission, to permit a decrease in required residential parking spaces from 2 spaces to 1 space. If approved, the applicant will enlarge the existing one storey commercial building with a two storey mixed-use building that accommodates commercial use on the first floor and an accessory dwelling unit on the second floor.

The survey package that the applicant initially provided shows aesthetic bump outs that would have altered the existing legal non-conforming footprint of the building. The applicant has since decided not to proceed with altering the current legal non-conforming footprint. As such, no minor variance was applied by the applicant to integrate aesthetic bump outs on this property at this time.

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 within the Smithville Urban boundary and is designated as part of the Commercial Core in the Township's Official Plan. It is the intent of this plan that the Commercial Core, in Smithville, promote the economic revitalization of the downtown (6.7.1). It is further the intent of the Official Plan to ensure that new development be designed to be compatible with the character and image of the area and will not create adverse impacts on adjacent areas within Downtown.

The first minor variance that is requested by Dan Hlywka, to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming, does facilitate the objective of the Official Plan. It enables the objective of the Official Plan as the second storey is an appropriate scale for the area (6.7.2.b), the second storey is compatible with existing development patterns of the area (6.7.2.c), and the proposed building will enhance the appearance of the area (6.7.2.e).

However, it is important to note that the current rendering of the design of the building

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does not meet all of the objectives of the Official Plan. While the enlarged building will enhance the appearance of the street (6.7.2.e) it is not clear that it is designed in a way that will enhance the character of the historic downtown (6.7.2.a).

The second minor variance that is requested by the applicant, to permit a decrease in required home occupation and home industry parking spaces from 2 spaces to 1 space, is also facilitating the objectives of the Official Plan. The Official Plan encourages the provision of sufficient parking to accommodate new development in the commercial core of Smithville (6.7.2.f). This applicant is meeting this Official Plan objective as they are in fact creating additional parking but looking for relief in the amount of parking they create. The current legal non-conforming building does not have any on-site parking available and the applicant is proposing to create an additional space by means of an internal garage. The one car garage within the building is being built to avoid exacerbating the Township's public parking options in Smithville's Downtown.

Township Planning Staff are of the opinion that both minor variances meet the general intent and purpose of the Official Plan.

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

The subject land is zoned Residential Core Commercial 'C1' in the Township's Zoning By-law 2017-70, as amended. The subject parcel is ± 0.02 ha (± 0.05 acres) in size. The C1 zone normally considers commercial as the principal use. The C1 zone also permits a dwelling unit to be accessory to a permitted principal use.

The requested first minor variance meets the general intent for the Township's Zoning by-law, as the application identifies that the proposed use of the new building will be to provide commercial space with an accessory dwelling. However, it should be noted that Planning Staff have identified to Dan Hlywka's agent that the accessory dwelling units should be separate from the commercial space. Therefore, stairs to the accessory dwelling unit should not be accessible by means of the commercial space.

The Township's Zoning By-law 3.12.6 requires there be 2 parking spaces for the residential unit. The applicant has requested that a second minor variance be added for parking, to reduce the parking requirements from 2 spaces to 1. However, the current legal non-conforming building does not offer any on-site parking. To help meet Zoning By-law 3.12.6 the applicant is purposing to construct a one car garage inside the building to create a parking space and is hoping for relief from creating a second space. This is acceptable as the location is intended to be walkable in nature and additional car storage is not necessary for residential unit's in this location.

As such, Township staff are of the opinion that both requested minor variances in this application meet the general intent of the Township Zoning Bylaw.

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

The applicant has proposed two minor variances in their application. The first to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming. The second to permit a decrease in required parking spaces from 2 spaces to 1 space.

Planning staff believe that both minor variances that have been requested are desirable development as they will help enhance the Smithville's Downtown and meet the general intent of both the Township's Official Plan and Zoning By-law.

Is the proposal minor in nature?
Yes

The applicant has proposed two minor variances in their application. The first to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming. The second to permit a decrease in required parking spaces from 2 spaces to 1 space.

Planning staff believe that the first minor variance request is minor in nature as it will match the scale of the existing development patterns of the area.

Planning staff believe that the second minor variance is also minor in nature as the applicant will in fact be creating a new parking space in the Commercial Core of Smithville's Downtown and are looking for relief from creating a second. While it is a private parking spot that is being added the use of it will help avoid further exacerbating the need for public parking in the area.

For these reasons above and as detailed in this report, Staff are of the opinion that both variances are 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 November 26th, 2020. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

Township Public Works Department and Building Department have no objections to the application as proposed.

The Niagara Region has no objections to the application as proposed.

The Niagara Peninsula Conservation Authority (NPCA) have identified that there does not appear to be any NPCA regulated features or hazards on this subject property. As

such, the NPCA does not object to the proposed Minor Variance(s).

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands November 26th, 2020. 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.

The Township has received one public comment as of December 11th 2020. This public comment articulated that their biggest concern was regarding the variance to decrease the parking from 2 spaces to 1 space. This concern stems from their belief that parking is already greatly limited in the downtown core. The citizen is a property owner in Smithville's Downtown and has articulated further that the previous removal of parking on Griffin Street North decreased their tenants parking options and that the further removal of parking, by means of the second minor variance requested by the applicant, would further exacerbate the citizen's tenants' parking options in the area. The letter acknowledges that the parking spot in question is not a public parking space, but believes that the overflow of parking from this property would spill into public parking spaces. The letter is concluded by saying that the continues removal of parking in Smithville's Downtown is putting added pressure on small local businesses to operate in the Downtown Core. Refer to Attachments for the full comment.

CONCLUSION:

A Minor Variance application has been submitted by Dan Hlywka for the property municipally known as 103 McMurchie Lane. Dan Hlywka application requests two minor variances. The first minor variance request is proposing to grant relief from Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, to permit a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming. The second minor variance request is proposing to grant relief from Section 3.12.6 of the Township Zoning Bylaw 2017-70, as amended, to permit a decrease in required parking spaces from 2 spaces to 1 space. The applicant is proposing to construct a two storey mixed-use building with a one car garage, where commercial is the primary use on the first floor and a dwelling is the accessory use on the second floor.

The survey package that the applicant initially provided shows aesthetic bump outs that would have altered the existing legal non-conforming footprint of the building. The applicant has since decided not to proceed with altering the current legal non-conforming footprint. As such, no minor variance was applied by the applicant to integrate aesthetic bump outs on this property at this time.

Planning staff are of the opinion that both minor variance requested in the applicant's application meets all four tests of a minor variance and as such, can recommend the approval of both requests.

However, it is important to note that the current rendering of the design of the two storey

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building does not meet all of the objectives of the Official Plan. While the enlarged building will enhance the appearance of the street (6.7.2.e) it is not clear that it is designed in a way that will enhance the character of the historic downtown (6.7.2.a).

Planning staff are of the opinion that this application meets all four tests of a minor variance and as such, can recommend the approval of this application subject to the conditions as outlined in the recommendation.

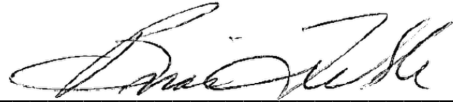
ATTACHMENTS:

1. Location Map
2. Zoning Provisions
3. Agency comments

Prepared by:



Madyson Etzl
Planner II



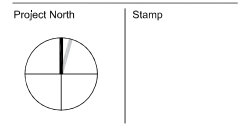
Brian Treble, RPP, MCIP
Director of Planning and Building

103 McMURCHY

103 McMurchy, Lane, Smithville,
Ontario

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No.	Issue / Description	Date
1.	FOR REVIEW	20/12/04



Project No: 20066

Scale: 1:200

Date: DEC 04, 2020

Drawn by: SS

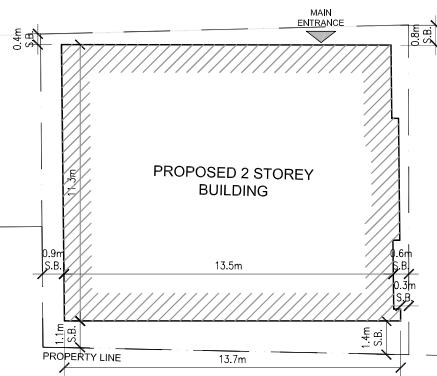
Drawing Title

PROPOSED SITE PLAN

Drawing Number

A400

McMurchie Lane



1 Existing Floor Plan
A101 Scale: 1:200

PART 7. COMMERCIAL ZONES

7.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 7 apply to land within the following *zones*:

Zone	Symbol
Core Commercial	C1
Neighbourhood Commercial	C2
Service Commercial	C3
Commercial Plaza	C4

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

7.2 PERMITTED USES

In the *zones* identified in Section 7.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 16.

Table 16: Permitted Uses in Commercial Zones

Uses	Zones where Permitted			
<i>Principal Uses</i>				
<i>Apartment dwelling</i>	C1			
<i>Art gallery</i>	C1			
<i>Commercial kennel</i> (see s. 3.8)			C3	
<i>Commercial school</i>	C1	C2	C3	C4
<i>Communications establishment</i>	C1		C3	C4
<i>Contractors establishment</i>			C3	
<i>Day care</i>		C2		
<i>Drive-through facility</i> (see s. 3.12)			C3	C4
<i>Dry cleaning/ laundry depot</i>	C1	C2	C3	C4
<i>Financial institution</i>	C1		C3	C4
<i>Funeral home</i>	C1		C3	
<i>Garden centre</i>			C3	C4
<i>Hotel/ motel</i>			C3	
<i>Motor vehicle dealership</i>			C3	
<i>Motor vehicle gasoline bar</i>			C3	C4
<i>Motor vehicle repair establishment</i>			C3	
<i>Motor vehicle service station</i>			C3	C4
<i>Motor vehicle washing establishment</i>			C3	C4
<i>Office, including a medical office</i>	C1	C2	C3	C4
<i>Personal service shop</i>	C1	C2	C3	C4

Uses	Zones where Permitted			
<i>Pet care establishment</i> (see s. 3.8)			C3	C4
<i>Place of entertainment</i>	C1		C3	C4
<i>Private club</i>	C1		C3	C4
<i>Recreation facility</i>	C1		C3	C4
<i>Restaurant</i>	C1	C2	C3	C4
<i>Retail store</i>	C1	C2	C3	C4
<i>Service shop</i>	C1		C3	C4
<i>Shopping center</i>				C4
<i>Studio</i>	C1	C2	C3	C4
<i>Veterinary clinic</i>	C1		C3	C4
<i>Wayside pit or quarry</i> (see s. 3.27)			C3	C4
Accessory Uses ⁽¹⁾				
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Accessory dwelling units</i> (see s. 3.2)	C1 ⁽¹⁾			
<i>Outside display and sales area</i>			C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Outside storage</i>			C3 ⁽¹⁾	C4 ⁽¹⁾
<i>Renewable energy system</i> (see s. 3.15)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

7.3 REGULATIONS

In the *zones* identified in Section 7.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Table 17.

Table 17: Regulations for Permitted Uses in Commercial Zones

Regulation		Zone Requirements			
		C1 ^{(1),(2)}	C2	C3	C4
Minimum <i>lot area</i>		-	500m ²	750m ²	900m ²
Minimum <i>lot frontage</i>		-	15m	25m	30m
Minimum <i>front yard</i>	Adjoining Regional Road 14 or 20	-	6m	9m	
	Other	6m			
Minimum <i>exterior side yard</i>	Adjoining Regional Road 14 or 20	-	6m		
	Other	6m			
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	3m	5m	9m	
	Other	-	3m	6m	
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	6m	6m	9m	
	Other			6m	
Maximum <i>lot coverage</i>		-	45%	50%	
Maximum <i>height</i>		15m	10m		
Minimum <i>landscaped open space</i>		-	20%	10%	
Maximum <i>outside storage</i>		-		5% of <i>lot area</i> ⁽³⁾	

Regulation		Zone Requirements			
		C1 ^{(1),(2)}	C2	C3	C4
Maximum <i>gross leasable floor area</i>	Per <i>commercial use</i>	-	280m ²	-	
	Total % of <i>lot area</i>		45%	50%	

- ⁽¹⁾ An *apartment dwelling* in the C1 Zone shall be permitted as an exclusive *principal use* of a *main building* or shall be located above the first *storey* within a *main building* containing a permitted non-residential *principal use* on the ground floor, and shall be subject to the minimum *lot area*, minimum separation distance between *dwellings* on the same *lot* and minimum *amenity area* requirements of the RH Zone in accordance with Section 6.3, Table 15. All other requirements of the C1 Zone shall apply.
- ⁽²⁾ The maximum number of *accessory dwelling units* on a *lot* in the C1 Zone shall not exceed 1 *dwelling unit* per 120 m² of *lot area*.
- ⁽³⁾ *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

- i) *On-farm diversified uses* that include overnight accommodations shall be limited to a permitted *bed and breakfast establishment* in accordance with Section 3.4.
- j) Notwithstanding the regulations of this Section to the contrary, certain *on-farm diversified uses* are subject to additional or different regulations contained in other Sections of this By-law, as follows:
 - i. The requirements of Section 3.4, for *bed and breakfast establishments*; and,
 - ii. The requirements of Section 3.7, for *home occupations* and *home industries*; and,
 - iii. The requirements of Section 3.8, for *private kennels* and *pet care establishments*.
- k) Parking for *on-farm diversified uses* shall be provided in accordance with Section 3.12.
- l) A *sign* is permitted to be displayed on the *lot* for on-farm diversified uses, provided:
 - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted *home occupation*; and,
 - ii. The *sign* shall not be illuminated; and,
 - iii. The *sign* shall have a maximum area of 0.2 square metres per side; and,
 - iv. The *sign* shall be setback a minimum of 1 metre to all *lot lines* and shall not be located within a *sight triangle*; and,
 - v. The maximum *height* of the *sign* shall be 0.8 metre; and,
 - vi. The *sign* shall comply with the *Township's Sign By-law*.

3.12 PARKING AND LOADING FACILITIES

3.12.1 Applicability and General Requirements

The following regulations apply to parking and loading facilities:

- a) Parking and loading facilities shall be provided and maintained for the identified *uses* of *lots*, *buildings* and *structures* in accordance with the requirements of this Section.
- b) Notwithstanding Clause (a) of this Subsection to the contrary, the requirements of this By-law for providing and maintaining parking and loading facilities shall not apply to *existing uses* of *existing lots*, *buildings* and *structures* provided:
 - i. The *existing use*, *lot*, *building* or *structure* was lawfully in existence prior to the effective date of this By-law; and,
 - ii. Where there is a change in *use* of a *lot*, *building* or *structure*, parking and loading facilities shall be provided and maintained for such new *use* in accordance with the requirements of this Section, except that no additional parking or loading facilities shall be required for a change in *use* of an *existing lot*, *building* or *structure* located in the Core Commercial (C1) *Zone*; and,
 - iii. If the number of *dwelling units*, the *floor area* or the seating capacity within a *building* or *structure* is increased, parking and loading facilities shall be provided for such increased *dwelling units*, *floor areas* and seating capacity in accordance with the requirements of this Section.
- c) Parking and loading facilities shall be provided and maintained on the same *lot* as the *uses*, *buildings* and *structures* for which the facilities are required, unless specifically required otherwise in this By-law.

- d) Where a *lot, building or structure* accommodates more than one *use*, the required parking and loading facilities shall be calculated as the sum of the required facilities for each *use*, unless specifically required otherwise in this By-law.
- e) Where the calculation of required *bicycle parking facilities, loading spaces, parking spaces or stacking space* exceeds a whole number by 0.25 or greater, the calculation shall be rounded up to the next whole number to determine the total requirement.
- f) Any area of a *lot, building or structure* that is used, designed or otherwise intended to be used primarily for storage, *outside storage* or *outside display and sales areas* shall not be included as required parking or loading facilities.
- g) Where *parking space* requirements are to be calculated based upon the seating or other capacity of a *lot, building or structure*, such capacity shall be deemed to be the same as the maximum capacity for such *lot, building or structure* permitted by The Ontario Building Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser, except that where seating is provided in the form of fixed benches or pews, every 0.6 metre of each such bench or pew shall be considered as one (1) seat.
- h) Parking and loading facilities for *commercial uses, industrial uses, institutional uses, and residential uses* with five (5) or more *dwelling units* on a *lot*, shall be provided with suitable lighting facilities. Where parking and loading facilities are illuminated, lighting fixtures shall be arranged, designed and installed so that the light is directed downward and deflected away from adjacent *lots* and travelled *public streets*.
- i) Parking and loading facilities required to be provided by this By-law for a *non-agricultural use* in a *settlement area* shall be provided and maintained with an asphalt, concrete, interlocking brick or stone, bituminous gravel or similar hardscaped surface. For *agricultural uses* and for other *uses* that are located outside of a *settlement area*, a gravel or similar surface shall also be permitted. All parking and loading facilities shall be surfaced to provide stability, prevent erosion and the raising of dust, be usable in all seasons, and facilitate the drainage and infiltration of surface water.

3.12.2 Driveways and Parking Aisles

The following regulations apply to *driveways* and *parking aisles*:

- a) Access to and from parking and loading facilities shall be provided and maintained by permitted *driveways*, and by *parking aisles* where required for access to and from *parking spaces*.
- b) *Driveways* and *parking aisles* shall have minimum and maximum widths in accordance with Table 3.

Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles

Type of <i>Driveway</i> or <i>Parking Aisle</i>	Minimum Width	Maximum Width
<i>Driveways for residential uses with less than five (5) dwelling units:</i>		
<i>Driveway for a dwelling with a private garage</i>	3 metres	<i>Garage width plus 0.5 metre or 50% of the lot frontage, whichever is greater, to a maximum of 6 metres</i>
<i>Driveway for a dwelling with no private garage</i>		<i>50% of the lot frontage, to a maximum of 6 metres</i>
<i>Driveways for residential uses with five (5) or more dwelling units and non-residential uses:</i>		
Single traffic lane for travel in one direction	3 metres	4.5 metres
Double traffic lane for travel in one or two directions	7.5 metres	9 metres
Double traffic lane for travel in one or two directions plus one or more dedicated turning lanes where required in accordance with an approved site plan	9 metres	16 metres
<i>Parking aisles:</i>		
<i>Parking aisles for parking spaces angled 75 or 90 degrees to a line parallel to the aisle</i>	6 metres	7.5 metres
<i>Parking aisles for parking spaces angled 60 degrees to a line parallel to the aisle</i>	5 metres	
<i>Parking aisles for parking spaces angled 45 degrees to a line parallel to the aisle</i>	4 metres	
<i>Parking aisles for parallel parking spaces</i>	5 metres	

Note: the *driveway* width shall be measured along the *street line*, and the minimum and maximum *driveway* widths shall apply along the entire length of the *driveway* on the *lot*.

- c) For a *driveway* that provides access to and from a *public street*, the minimum length of the *driveway* shall be 6 metres measured from the *street line*.
- d) No *driveway* shall exceed 50% of the area of a *required yard*.
- e) *Driveways* shall be located as follows:
 - i. A *driveway* for a *residential use* with less than five (5) *dwelling units* shall be located no closer to the *interior side lot line* than the minimum *interior side yard* required for the *private garage* on a *lot* where the *dwelling* includes a *private garage*, or for the *dwelling* on a *lot* with no *private garage*;
 - ii. A *driveway* for a *residential use* with five (5) or more *dwelling units* or for a *non-residential use* shall be located no closer than 3 metres to a *lot line* that adjoins a *lot* within a *Residential zone*;
 - iii. All other *driveways* shall not be located closer than 1.5 metres to an *interior side lot line* or a *rear lot line*, except for a permitted *driveway* located in the *rear yard* of a *through lot* and a permitted shared *driveway* for two adjoining *lots* that are in the same *zone*.
- f) The minimum distance between a *driveway* and an intersection of *street lines* measured along the *street line* intersected by such *driveway* shall be 7.5 metres.
- g) Notwithstanding Clause (d) of this Subsection, *driveways* for *residential uses* on a *corner lot* may be located closer than 7.5 metres to an intersection of *street lines* provided:

- i. There are less than five (5) *dwelling units* on the *lot*; and,
 - ii. The *lot* cannot accommodate a permitted *driveway* of the required minimum and maximum width prescribed by Table 3 in a required location on the *lot* that is a minimum distance of 7.5 metres from the nearest intersection of *street lines*; and,
 - iii. The *driveway* is located nearest to the *side lot line* that is furthest from the intersection of *street lines* and in accordance with all other requirements of this By-law.
- h) The maximum number of *driveways* permitted on a *lot* shall be:
- i. One (1) *driveway* for *lots* having a *front lot line* or *exterior side lot line* that is 18 metres or less in length measured along the *street line*;
 - ii. Two (2) *driveways* for *lots* having a *front lot line* or *exterior side lot line* of more than 18 metres in length measured along the *street line*;
 - iii. Three (3) *driveways* for *lots* having a *front lot line* and/or *exterior side lot line* of 100 metres or more in total length measured along the *street line(s)*.
- i) The minimum angle of intersection between a *driveway* and a *street line* shall be 60 degrees.
- j) Notwithstanding the requirements of this Subsection, the *driveway* requirements of the *Regional Municipality* of Niagara shall apply along all Regional Roads.

3.12.3 Drive-through Facilities

The following regulations apply to *drive-through facilities*:

- a) A *drive-through facility* shall be located on a *lot* containing a permitted *commercial use* and only where permitted by the applicable *zone*.
- b) A *drive-through facility* shall include a minimum of eight (8) designated *stacking spaces* for a *restaurant* or *mechanical motor vehicle washing establishment* (per facility) and a minimum of two (2) *stacking spaces* for a *manual motor vehicle washing establishment* (per bay) and any other *commercial use*.
- c) A *stacking space* shall be a minimum of 5.5 metres in length and 3.0 metres in width.
- d) A *stacking lane* shall not be permitted within 20.0 metres of a *lot line* of a *lot* in a Residential *Zone*.
- e) Notwithstanding Clause (d) of this Subsection, the required setback may be reduced to a minimum of 7.5 metres where:
 - i. An acoustic wall, berm or other noise controls certified by a professional engineer, is installed prior to operation of the *drive-through facility* to mitigate the noise impacts; and,
 - ii. The noise levels shall not exceed the maximum levels specified by the Ministry of Environment's NPC-300 – Environmental Noise Guideline, as amended, for stationary sources of noise.
- f) *Stacking spaces* shall not be included in the calculation of required parking spaces
- g) *Stacking spaces* shall not be located within any *parking aisle* or *driveway*.

3.12.4 Off-Street Bicycle Parking Facility Requirements

The following regulations apply to *bicycle parking facilities*:

- a) *Bicycle parking facilities* shall be provided and maintained for the identified *uses* of *lots*, *buildings* and *structures* in accordance with Table 4.

Table 4: Required Bicycle Parking Facilities

<i>Use</i>		Minimum <i>Bicycle Parking Facilities</i> to be Provided (number of bicycles to be accommodated)
Any <i>use</i> located outside of a <i>settlement area</i> and any <i>use</i> not specifically listed below		No minimum requirement
<i>Art gallery, commercial school, day care, financial institution, medical office, office, personal service shop, place of entertainment, private club, recreation facility, restaurant, retail store, service shop, shopping center, studio</i>		The greater of 2 or 1 per 1,000 m ² of <i>gross floor area</i>
<i>Apartment dwelling</i>		1 per <i>dwelling unit</i>
<i>Industrial use</i>		2 plus 0.25 per 1,000 m ² of <i>gross floor area</i>
<i>Long-term care facility, retirement home</i>		The lesser of 5 or 0.25 per <i>lodging unit</i>
<i>School, private or public</i>	<i>Elementary school</i>	0.25 per classroom, excluding portables
	<i>Secondary school</i>	0.5 per classroom, excluding portables

- b) Notwithstanding Clause (a) of this Subsection, in no case shall the number of bicycles required to be accommodated exceed 30 for any use.

3.12.5 Off-Street Loading Facility Requirements

The following regulations apply to loading facilities:

- a) *Loading spaces* shall be provided and maintained for the identified uses of *lots*, *buildings* and *structures* in accordance with Table 5.

Table 5: Required Loading Facilities

<i>Use</i>		Minimum Number of Loading Spaces to be Provided
Any use located outside of a <i>settlement area</i> and any use not included below		No minimum requirement
Any <i>commercial, industrial or institutional use</i> that includes receiving and/or shipping and/or transport of goods, supplies or other materials to or from the <i>lot</i>	<i>Gross floor area:</i>	No minimum requirement
	450 m ² or less	
	451 m ² to 900 m ²	1 <i>loading space</i> (9 metre length)
	901 m ² to 1,850 m ²	1 <i>loading space</i> (18 metre length)
	1,851 m ² to 7,400 m ²	2 <i>loading spaces</i> (18 metre length)
	7,400 m ² to 13,000 m ²	3 <i>loading spaces</i> (18 metre length)
	Each additional 7,400 m ²	1 <i>loading space</i> (18 metre length)
<i>Apartment dwelling</i> containing 50 or more <i>dwelling units</i>		1 <i>loading space</i> (9 metre length)
<i>Motor vehicle dealership</i>		1 <i>loading space</i> (18 metre length)

Note: the minimum length of a *loading space* required for a *medical office* or *office* shall be 9 metres.

- b) *Loading spaces* shall have minimum dimensions as follows:
- Minimum width: 3.5 metres;
 - Minimum length: in accordance with Table 5 and in no case less than 9 metres;
 - Minimum vertical clearance: 4.2 metres,
- c) *Loading spaces* shall be located as follows:
- Abutting or within the *building* for which the *loading space* is provided; and,
 - No closer than 7.5 metres to any *lot line* of a *lot* in a Residential Zone, except if the *loading spaces* is located entirely within a permitted *building* or *structure* or is required on a *lot* in a Residential Zone; and,
 - Not within any required *yard*, *front yard* or *exterior side yard*.

3.12.6 Off-Street Motor Vehicle Parking Facility Requirements

The following regulations apply to *motor vehicle* parking facilities:

- a) *Parking spaces* for *motor vehicles* shall be provided and maintained for the identified uses of *lots*, *buildings* and *structures* in accordance with Table 6.

Table 6: Required Parking Facilities

Use		Minimum Number of <i>Parking Spaces</i> to be Provided
<i>Residential uses</i>		
Apartment dwelling, townhouse dwelling or stacked townhouse dwelling		1.5 <i>parking spaces</i> per dwelling unit
Boarding or rooming house		1 <i>parking space</i> per lodging unit
Group home		2 <i>parking spaces</i>
Mobile home park		1 <i>parking space</i> per mobile home park site
Residential uses not specifically listed above		1 <i>parking space</i> per dwelling unit
<i>Accessory residential uses</i>		
Accessory dwelling		1 <i>parking space</i>
Accessory farm dwelling		1 <i>parking space</i>
Bed and breakfast establishment		1 <i>parking space</i> per lodging unit
Garden suite		1 <i>parking space</i>
Home occupation and home industry	Any use not separately defined	1 <i>parking space</i>
	Medical office	4 <i>parking spaces</i>
	Other defined use	See below
	Where up to two (2) outside employees are permitted	2 <i>parking spaces</i>
<i>Agriculture-related uses</i>		
Agricultural service and supply establishment		1 <i>parking space</i> per 40 m ² of gross floor area, plus 1 <i>parking space</i> per 100 m ² of gross floor area used for warehousing / wholesaling
Agriculture-related use not separately defined		1 <i>parking space</i> per 40 m ² of gross floor area
Agri-tourism / value-added uses		

<i>Use</i>	Minimum Number of <i>Parking Spaces</i> to be Provided
<i>On-farm diversified uses</i>	
<i>Commercial uses</i>	
<i>Adult entertainment establishment</i>	1 <i>parking space</i> per 20 m ² of <i>gross floor area</i>
<i>Animal shelter</i>	1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Art gallery</i>	1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Casino</i>	1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Commercial uses</i> not separately defined	1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Day care</i>	1.5 <i>parking spaces</i> per classroom plus 1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Dry cleaning/ laundry depot</i>	1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Dry cleaning/ laundry establishment</i>	
<i>Financial institution</i>	Greater of 5 <i>parking spaces</i> or 1 <i>parking space</i> per 28 m ² of <i>gross leasable floor area</i>
<i>Funeral home</i>	Greater of 1 <i>parking space</i> per 5 seats in a chapel or auditorium or 10 <i>parking spaces</i> per visitation room
<i>Hotel/ Motel</i>	1 <i>parking space</i> per <i>lodging unit</i> , plus required <i>parking spaces</i> for any <i>floor areas</i> used for other <i>commercial uses</i>
<i>Kennel, commercial or private</i>	1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Motor vehicle body shop</i>	1 <i>parking space</i> per 50 m ² of <i>gross floor area</i>
<i>Motor vehicle dealership</i>	
<i>Motor vehicle gasoline bar</i>	
<i>Motor vehicle repair establishment</i>	
<i>Motor vehicle service station</i>	
<i>Motor vehicle washing establishment</i>	1 <i>parking space</i> per 50 m ² of <i>gross floor area</i> , excluding any <i>gross floor areas</i> devoted to providing <i>parking spaces</i> for the manual washing of <i>motor vehicles</i> , which shall be counted as required <i>parking spaces</i> , except that <i>parking spaces</i> designated only for interior cleaning, vacuuming or air compressors for tire inflation for <i>motor vehicles</i> shall not be counted as required <i>parking spaces</i> . See also Subsection 3.12.3.
<i>Office, including a medical office</i>	1 <i>parking space</i> per 28 m ² of <i>gross leasable floor area</i>
<i>Personal service shop</i>	1 <i>parking space</i> per 20 m ² of <i>gross leasable floor area</i>
<i>Pet care establishment</i>	1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Place of entertainment</i>	Greater of 1 <i>parking space</i> per 5 seats, or 1 <i>parking space</i> per 5 <i>persons</i> capacity, or 1 <i>parking space</i> 30 m ² of <i>gross floor area</i>
<i>Private club</i>	1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Restaurant</i>	1 <i>parking space</i> per 20 m ² of <i>gross leasable floor area</i>
<i>Retail store</i>	
<i>Service shop</i>	1 <i>parking space</i> per 20 m ² of <i>gross leasable floor area</i>
<i>Shopping center</i>	
<i>Studio</i>	1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>

Use		Minimum Number of <i>Parking Spaces</i> to be Provided
<i>Veterinary clinic</i>		
Public, institutional, recreational and other uses		
<i>Camping establishment</i>		1 <i>parking space</i> per <i>camp site</i>
<i>Cemetery</i>		No minimum requirement
<i>Hospital</i>		1 <i>parking space</i> per 2 beds
<i>Institutional uses</i> not separately defined		1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>Long term care facility</i>		1 <i>parking space</i> per 2 <i>lodging units</i>
<i>Place of worship</i>		Greater of 1 <i>parking space</i> per 5 seats, or 1 <i>parking space</i> per 5 <i>persons</i> capacity, or 1 <i>parking space</i> 30 m ² of <i>gross floor area</i>
<i>Recreation facility</i>		
<i>Retirement home</i>		1 <i>parking space</i> per 2 <i>lodging units</i>
<i>School, commercial</i>		1 <i>parking space</i> per 30 m ² of <i>gross floor area</i>
<i>School, private or public</i>	<i>Elementary school</i>	1.5 <i>parking spaces</i> per classroom plus 1 <i>parking space</i> per 9 m ² of <i>gross floor area</i> for a gymnasium or auditorium
	<i>Secondary school</i>	Greater of 1 <i>parking space</i> per 5 classroom seats, or 1 <i>parking space</i> per 15 m ² of <i>gross floor area</i> for a gymnasium, or 1 <i>parking space</i> per 15 m ² of <i>gross floor area</i> for an auditorium
Industrial uses and processing facilities		
<i>Abattoir</i>		1 <i>parking space</i> per 100 m ² of <i>gross floor area</i>
<i>Industrial uses</i> not separately defined		1 <i>parking space</i> per 100 m ² of <i>gross floor area</i>
<i>Salvage yard</i>		1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>
<i>Waste management facility</i>		1 <i>parking space</i> per 40 m ² of <i>gross floor area</i>

- b) Notwithstanding Clause (a) of this Subsection, cash-in-lieu of required *parking spaces* may be accepted by the *Township*, subject to a by-law and agreement approved by Council in accordance with the Planning Act.
- c) Barrier-free *parking spaces* shall be provided in addition to the *parking spaces* required for *residential uses* where *parking spaces* are provided in a common *parking area* excluding a *private garage* or *driveway*, and for non-residential uses, in accordance with this Subsection and Table 7.

Table 7: Required Barrier-Free Parking Facilities

Total Number of <i>Parking Spaces</i> on the Lot	Minimum Number of <i>Barrier-Free Parking Spaces</i>		
	Type A	Type A or B*	Total
1 to 25 <i>parking spaces</i>	1	-	1
26 to 50 <i>parking spaces</i>	1	1	2
51 to 75 <i>parking spaces</i>	1	2	3
76 to 100 <i>parking spaces</i>	2	2	4

Total Number of <i>Parking Spaces</i> on the Lot	Minimum Number of Barrier-Free <i>Parking Spaces</i>		
	Type A	Type A or B*	Total
Greater than 100 <i>parking spaces</i>	4% of the total number of <i>parking spaces</i> on the <i>lot</i> shall be barrier-free <i>parking spaces</i> . Where an even number of barrier-free parking spaces are required, an equal number of Type A and Type B parking spaces shall be provided. Where an odd number of barrier-free <i>parking spaces</i> are required, the additional barrier-free <i>parking space</i> may be Type A or Type B.		

*Where one or more Type B barrier-free parking space(s) is(are) required, an equal number of Type A barrier-free *parking spaces* may be substituted for the Type B barrier-free parking spaces, provided that this provision shall not reduce the total number of barrier-free *parking spaces* required.

- d) *Parking spaces* shall have minimum dimensions of 2.7 metres in width by 6 metres in length, except:
- i. *Parking spaces* that are parallel to a *parking aisle* or *driveway* shall be a minimum of 6.5 metres in length;
 - ii. Type A barrier-free *parking spaces* shall be a minimum of 3.4 metres in width;
 - iii. Type B barrier-free *parking spaces* shall be a minimum of 2.4 metres in width;
 - iv. An access aisle shall be provided on one side of all barrier-free *parking spaces* and shall have a minimum width of 1.5 metres and a minimum length equal to the full length of the *parking space* and shall be marked with high tonal contrast diagonal lines where the surface is asphalt, concrete or other hard surface, and one access aisle may be shared by two barrier-free *parking spaces* (with one barrier-free *parking space* located on each side of the access aisle);
 - v. Where the side of a *parking space* abuts a *building* or *structure* that has a *height* of 0.5 metre or greater, the *parking space* shall be a minimum of 3 metres in width;
 - vi. Where the side of a *parking space* abuts an area of *landscaped open space* or walkway that is greater than 1 metre in width and located on the same *lot*, the *parking space* shall be a minimum of 2.4 metres in width.
- e) *Parking spaces* shall be located in accordance with the following:
- i. In a Residential Zone, on a *lot* with less than five (5) *dwelling units*:
 1. Within a permitted *private garage* or other parking *structure*; or,
 2. Within a permitted *driveway*, including *parking spaces* that may be in tandem, except that no *parking spaces* shall be located within a required *front yard* or a required *exterior side yard*;
 3. Within any other permitted *parking area* located in an *interior side yard* or *rear yard*, provided that no *parking spaces* or *parking aisles* shall be located closer than 1 metre to an *interior side lot line* or *rear lot line*, and no more than 50% of the area of any required *yard* shall be used for parking.
 - ii. In a Residential Zone, on a *lot* with more than five (5) *dwelling units*:
 1. Within a permitted *private garage* or other parking *structure*; or,
 2. Within any other permitted *parking area* located in an *interior side yard* or *rear yard*, provided that no *parking spaces* or *parking aisles* shall be located closer than 1.5 metres to a *side lot line* or *rear lot line*, and no more than 50% of the area of any required *yard* shall be used for parking; or,

3. Adjacent to a *private street*, provided that such *parking spaces* located along and/or accessed from a *private street* are not located closer than 7.5m to a *public street*;
 4. Plantings strips shall be provided where required in accordance with Subsection 3.9.2.
 - iii. In a Commercial Zone, Employment Zone or Institutional Zone within a *settlement area*:
 1. Within a permitted *private garage* or other parking structure; or,
 2. Within any other permitted *parking area* located in an *interior side yard* or *rear yard*;
 3. Plantings strips shall be provided where required in accordance with Subsection 3.9.2.
 - iv. In any other *zone*, *parking spaces* shall be located within a permitted *parking area* in any yard provided:
 1. No part of the *parking area*, other than a permitted *driveway*, shall be located closer than 1.5 metres to any *street line*; and,
 2. Plantings strips shall be provided where required in accordance with Subsection 3.9.2.
- f) *Parking spaces* that are required in accordance with this Subsection shall be used only for the parking of operative, currently licensed *motor vehicles*, with the following exceptions:
- i. The parking of *commercial motor vehicles* and *trailers* incidental to a permitted non-residential use on the same lot;
 - ii. The temporary parking of *commercial motor vehicles* and *trailers* on a lot in a Residential Zone for the purposes of incidental deliveries, moving services, home maintenance, repair or construction services, for a period not exceeding 72 hours of any month;
 - iii. The temporary parking of one *recreational vehicle* or *trailer* not exceeding 3.6 metres in *height* within a permitted *driveway* on a lot in a Residential Zone, only between May 1st and October 31st, provided it does not occupy a *parking space* required by this By-law;
 - iv. The temporary parking of one *recreational vehicle* or *trailer* not exceeding 3.6 metres in *height*, used explicitly for the transporting of snowmobiles, within a permitted *driveway* on a lot in a Residential Zone, only between November 1st and April 30th, provided it does not occupy a *parking space* required by this By-law;
 - v. For the purposes of Subclauses (iii) and (iv), *height* shall be measured from the bottom of the wheels to the highest point of said *trailer* or *recreational vehicle*, including any load thereon, but excluding any antenna or satellite dish;
 - vi. This Subsection shall not apply to prevent parking of *commercial motor vehicles*, *recreational vehicles* or *trailers* within a permitted *building* or *parking area* in an *interior side yard* or *rear yard*, provided it does not occupy a *parking space* required by this By-law;
- g) No *parking area* shall be occupied or used in a manner that obstructs or protrudes into a municipal road allowance or private right-of-way.

3.12.7 Private Garages

The following regulations apply to *private garages*:

- a) A *private garage* shall be located on a lot containing a permitted *residential use*.
- b) No more than one *private garage*, attached or detached, shall be permitted on a lot in a Residential Zone.
- c) Detached *private garages* shall be in accordance with Section 3.1 applicable to *accessory buildings or structures* and this Subsection.



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: December 9, 2020
Re: File A16/2020WL – Hlywka

A review has been completed on this application for a minor variance for a second storey at the same setbacks as established by the walls of the existing one storey building, which is legal non-conforming. An additional variance is applied for to permit a decrease in parking spaces from 2 spaces to 1 space.

Public Works reviewed the Site Plan submission requirements as the pre-consultation meeting with the applicant and has no objections to this application.

Meghan Birbeck

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: December 11, 2020 8:50 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing A162020WL

Hi Meghan,

There are no Regional Comments for the Minor Variance at 103 McMurchie Lane.

Thanks for checking in!

Aimee Alderman, MSc, MCIP, RPP
Development Planner

Planning and Development Services
Regional Municipality of Niagara | www.niagararegion.ca
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
Phone: 905-980-6000 ext. 3352 | Toll-free: 1-800-263-7215
Email: aimee.alderman@niagararegion.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Thursday, December 10, 2020 6:34 PM
To: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Subject: FW: Notice of Hearing A162020WL

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good evening Aimee,

Thank you so much for providing a comment for B052020WL –the minor boundary adjustment for 6800 Elcho Road.

I am wondering if you also had any comments for the minor variance A162020 application at 103 McMurchie Lane?

All the best,
Meghan

	<p>Meghan Birbeck</p> <p>Planner I</p> <p>Tel: 905-957-3346 ext. 5140 Email: mbirbeck@westlincoln.ca Web: www.westlincoln.ca</p>
---	---

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: November 30, 2020 9:42 AM
To: Meghan Birbeck
Cc: Madyson Etzl; Gerrit Boerema; Brian Treble; Jeni Fisher
Subject: Re: Notice of Hearing A162020WL

Hello Meghan,

There do not appear to be any NPCA regulated features or hazards on the subject property. As such, the NPCA does not object to the proposed Minor Variance.

Sincerely,

Nikolas Wensing, B.A., MPlan

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca


From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Thursday, November 26, 2020 4:28 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Cc: Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>
Subject: RE: Notice of Hearing A162020WL

Good afternoon,

Please find attached the above mentioned notice for a Minor Variance application for **103 McMurchie Lane**.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

	<p>Meghan Birbeck</p> <p>Planner I</p> <p>Tel: 905-957-3346 ext. 5140 Email: mbirbeck@westlincoln.ca Web: www.westlincoln.ca</p>
--	---

Meghan Birbeck

From: [REDACTED]
Sent: November 28, 2020 9:15 AM
To: Meghan Birbeck
Cc: [REDACTED]
Subject: COMMITTEE OF ADJUSTMENT A16/2020WL Dan Hlywka 103 McMurchie Lane

Dear Ms Birbeck,

Re: 103 McMurchie Lane

Please be aware there is a spelling error in the body of your Committee letter stating that your email is mbirbeck@westlincln.ca (missing the 'o') which may affect some of your correspondence.

I received the notice of public hearing for the committee of adjustments regarding the minor variance application for the above listed property since I am the owner of the adjacent property at [REDACTED] Griffin Street North. I would like more information regarding the proposed purpose of the second storey. My greatest concern is regarding the variance to decrease the parking from 2 spaces to 1 space. As you may be aware, parking is already greatly limited in the downtown core. The Township has allowed the removal of parking on Griffin Street North which decreased my tenants parking options and now is proposing that there is less parking again for the properties located in this area. The proposed changes to the property will likely INCREASE the parking needs of this property and not decrease them. Although this is not a public parking space, overflow of parking from this property will spill into public parking further making the current commercial business parking needs and whatever is proposed to inhabit the second storey a further burden to our already strained parking system. Downtown parking has been further eroded over the last couple years in the CIBC parkette and on Griffin Street South where I have my personal business adding additional challenges to owning a business in this town.

My objection to the variance is mainly one of parking and I ask the Township and their Planning Committee; what is their plan for making the downtown viable for businesses when parking continues to be eroded? Customers MUST have parking particularly in a rural setting such as Smithville. Aesthetics seem to be the main objective of West Lincoln Township without functionality and business viability being top priority. This is disappointing when there continues to be growth of the residential sector increasing opportunities for small businesses if location and parking would allow them to be competitive and grow the sales and services offered to the residents of our town. Please consider increasing the parking in downtown Smithville so our core may flourish along with the rest of our town.

Respectfully,

[REDACTED]

[REDACTED]
[REDACTED] Griffin Street South
PO Box 736
Smithville, Ontario
L0R 2A0
[REDACTED]

This message is private, if you have received this message in error, please destroy and contact our office immediately.