



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

Wednesday, February 24, 2021, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**\*\*\*ZOOM MEETING** - Contact [mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca) before 4 pm on the day of the meeting for an invitation if you would like to participate.

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	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. A04/2021WL - 7441 South Chippawa Road	3
A minor variance application has been applied for to permit a pet grooming business to be located within the existing dwelling on the subject property at a distance of 6 metres (19.69 feet) to the east side yard lot line, whereas Section 3.8.2. (c) of the Township Zoning Bylaw 2017-70, as amended, requires a pet care establishment to have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling	
b. A05/2021WL - Penny Poliquin	21
A minor variance application has been applied for to permit the increase in the maximum outside storage on the subject property to 30% whereas Section 7.3 of the Township Zoning Bylaw 201770, as amended, permits a maximum of 5% of the lot area. This application is to permit rotating ship inventory to be located outside of the shop.	
c. B03/2020WL - Caistorville United Church	34
The applicants are requesting the Committee of Adjustment change the conditions of provisional consent to amend condition 1 of the consent and to add in a new condition. The road closing and conveyance materials of the initial consent are now with the Legal Counsels for all	

parties. In order to make the process work and to achieve the planned end result of the initial application Legal Counsels advise that the above noted consent conditions should be amended.

**5. MINUTES FOR APPROVAL**

**6. NEW BUSINESS**

**7. ADJOURNMENT**

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

**DATE:** February 24<sup>th</sup>, 2021

**REPORT NO:** COA-003-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Jodi Reid-Wilhelm  
File No. A04/2021WL

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

**OVERVIEW:**

- A minor variance application has been submitted by Jodi Reid-Wilhelm for the property municipally known as 7441 South Chippawa Road.
- This application is requesting a minor variance to permit a pet grooming business to be located within the existing attached garage of the dwelling on the subject property at a distance of 6 metres (19.69 feet) to the east side yard lot line.
- Whereas Section 3.8.2. (c) of the Township Zoning By-law 2017-70, as amended, requires a pet care establishment to have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling.
- The pet care establishment is believed to be an accessory use on this property, specifically it is believed to be a form of on-farm diversification as over half of the soil on this property is farmed.
- As no building is being purposed to be built the Niagara Peninsula Conservation Authority do not object to the accessory use taking place on this property.
- Planning Staff have received comments from two of Jodi's immediate neighbours both of who have indicated that they have no objection to her minor variance request, or would likely be impacted the most.
- Planning staff have reviewed this application against the four tests for a minor variance and indicate that the application meets all of the tests.
- Planning Staff can therefore recommend support for this application.
- To reduce any noise nuisances that this variance may have on the current and future neighbours to the immediate east this report outlines two conditions and onw recommendation.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by Jodi Reid-Wilhelm as outlined in Report COA-003-21, to permit the interior east side yard setback to 6 metres (19.69 feet) whereas Section 3.8.2 (c) of the Township Zoning By-law, as amended, requires a pet care establishment to have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or is permitted to be used for a dwelling, BE APPROVED.

- a. Subject to the following conditions:
  - i. That the garage door(s) and window(s) remains shut to buffer any unexpected noise during the hours of operation for the pet care establishment.
  - ii. That the pets, related to the pet care establishment, are not to be kept overnight.
- b. Subject to the following recommendation:
  - i. That the applicant plants a tree buffer along their east lot line to reduce any unexpected noise that the pet care establishment may cause the current or future neighbours located at 7415 South Chippawa Road.

**BACKGROUND:**

The subject lands are legally described as Concession 2, Part of Lot 3, in the former Township of Caistor, now in the Township of West Lincoln. The property is located to the north of South Chippawa Road, west of Caistor Gainsborough Townline Road, south of Concession Road 2, and east of Church Road. The subject property is municipally known as 7441 South Chippawa Road.

The subject property is approximately 8.85 acres (3.58 hectares) in size. The property is located within both the Township's Natural Heritage System and Good General Agricultural designation. The adjacent west and east properties to 7441 South Chippawa Road also are located within the Township's Natural Heritage System and Good General Agricultural designation. While the property to the south only has a Good General Agricultural designation.

The applicant has submitted an application requesting a minor variance to permit a pet grooming business to be located within the existing attached garage of the dwelling on the subject property at a distance of 6 metres (19.69 feet) to the east side yard lot line. Whereas Section 3.8.2. (c) of the Township Zoning By-law 2017-70, as amended, requires a pet care establishment to have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling. It is important to note that the applicant's existing attached garage, where the pet care establishment is proposed, is located on the west side of their dwelling. Therefore, the dwelling itself would act as a buffer for the proposed pet care establishment. The applicant's immediate neighbours to the east, 7415 Chippawa Road, are the only adjoining lot that permits a dwelling that is less than 75 metres away. The current owners of 7415 Chippawa Road and 7448 Chippawa Road (the applicant's immediate neighbours across the road to the south) both have reached out to Planning Staff to indicate that neither of them have any objections to this minor variance request.

**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**

According to the Township's 2019 Official Plan the property in question has two land use designations: Natural Heritage System and Good General Agricultural. A substantial portion (roughly 75%) of this property is designated under the Natural Heritage System. The Natural Heritage System is found throughout the back three quarters of this property.

The specific elements of the Natural Heritage System that are found on this property include Environmental Conservation Area, Significant Woodlands, Fish Habitat, Environmental Protection Area, Provincially Significant Wetlands, Valley Shoreline, Floodplain, and the Core Natural Heritage Corridor. These elements of the Natural Heritage System are of special importance to the character of the Township and to its ecological health and integrity. Furthermore, these elements are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or endangered species.

It is important to note that Section 10.7.2 (aa) identifies that agricultural uses existing as of the date of adoption of this Policy may continue within the Core Natural Heritage System. Over 50% of the soil on this property appears to be actively farmed and this farming is within the Core Natural Heritage Corridor of this property. The Township's aerial photography identifies that this property has been farmed since 2002, which predates the Township's current Official Plan.

The applicant has identified that the proposed pet care establishment is to be located within the property's existing attached garage of the dwelling. The existing attached garage and dwelling are situated at the south east portion of the Natural Heritage System on this property, which is adjacent to the property's Good General Agricultural lands. Only two elements of the Natural Heritage System that are present where the existing attached garage and dwelling are situated. These elements are the Environmental Conservation Area and Valley Shoreline.

Since a new structure is not proposed for the pet care establishment a variance is not require for it to be located within the Natural Heritage System. Further, planning staff believe that the pet care establishment will not impact the Township's Natural Heritage features or the Good General Agricultural lands that are located on this property. As such the pet care establishment will not have any negative impacts on the objectives of the Official Plan or the lands surrounding community. Township Planning Staff are of the opinion that the requested minor variance for the setback of the pet care establishment meets the general intent and purpose of the Official Plan.

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

According to the Township's Zoning By-law 2017-70, as amended, the property in question has three zoning designations: Environmental Conservation 'EC', Environmental Protection 'EP', and Agricultural 'A'. A substantial portion (roughly 63%) of this property is zoned as Environmental Conservation. The Natural Heritage System is found throughout the middle width of this property, with Agricultural located along the south edge of this property and Environmental Protection located along the north edge of this property. The south edge is adjacent with a road and the north edge is adjacent with a river.

The applicant has identified that the proposed pet care establishment is to be located within the property's existing attached garage of the dwelling. The existing attached garage and dwelling are situated at the south east portion of the Environmental Conservation zone on this property, which is adjacent to the property's Good General Agricultural lands. The Township's Zoning By-law 2017-70, as amended, permits existing uses, buildings, and structures. Furthermore, the Township's Zoning By-law 2017-70, as amended, permits accessory uses to occur in Environmental Conservation zone. Section 3.1 (g) of the Township's Zoning By-law 2017-70, as amended, identifies that on-farm diversified uses is considered an accessory use. Further, Section 3.11 (j) of the Township's Zoning By-law 2017-70, as amended, identifies that pet care establishments fall under the classification of on-farm diversification.

According to the Township's 2018 aerial photography over half of the soil on this property appears to be actively farmed. Farming the soil in an Environmental Conservation zoned is considered a conservation use. As farming is the principle use on this property on-farm diversified uses are therefor acceptable for this property. A pet care establishment is therefore permit to occur within the Environmental Conservation zone of this property.

If the pet care establishment was to be placed in a new building Table 24 of the Township's Zoning By-law 2017-70, as amended, identifies the accessory use would need to be approved through a permit issued by the Niagara Peninsula Conservation Authority. However, since the applicant is proposing to have the pet care establishment located as an accessory use within an existing building this permit is not required. Planning staff believe that locating the pet care establishment within the existing attached garage of the dwelling is the optimal location for it on this property so that no environmental features are disturbed. As such Township Planning 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 submitted an application requesting a minor variance to permit a pet grooming business to be located within the existing attached garage of the dwelling on the subject property at a distance of 6 metres (19.69 feet) to the east side yard lot line.

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Whereas Section 3.8.2. (c) of the Township Zoning By-law 2017-70, as amended, requires a pet care establishment to have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling.

It is in the interest of the Township's 2019 Official Plan and the Township's Zoning By-law 2017-70, as amended, to not have a new building constructed on this property. The reason that these plans do not support a new building is because of the potential for the building to impact the Natural Heritage System. Therefore, the optimal location for an accessory use/ on-farm diversification on this property is within the existing dwelling or attached garage.

The reason that the Township's Zoning By-law 2017-70, as amended, stipulates that a pet care establishment is to be located 75 metres away from an adjacent lot that permits a dwelling is to reduce any unexpected noise that the pet care establishment may cause current or future adjacent neighbours. The applicant only has two adjacent lots that permit dwellings. These lots are located to the west and east. Of the two lots lines the applicant is only unable to meet a 75 metres setback with their existing attached garage to the dwelling to the neighbor to the immediate east.

Other than the neighbor to the east the surrounding community would not be impacted by the unexpected noise that the pet care establishment may cause. The current immediate neighbor to the east, as well as, the neighbor across the street to the south have both indicated that they have no objection to her minor variance request. As such Planning Staff are in the opinion that the applicant's choice of location for the pet care establishment is desirable and appropriate use for the surrounding land.

**Is the proposal minor in nature?**

**Yes**

The applicant's minor variance application is requesting relief from Section 3.8.2 (c) of Township's Zoning Bylaw, as amended, which requires a pet care establishment to have a minimum setback of 75 metres measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling. However, the existing dwelling with an attached garage on the property, where the pet care establishment is proposed to occur, is only 6 metres away from the east side yard lot line. The applicant's existing attached garage is where the pet care establishment is proposed and is located on the west side of their dwelling. Therefore, the dwelling itself would act as a buffer for the proposed pet care establishment.

While this variance would result in a 92% reduction in the east side yard setback for a pet care establishment its impacts are minor compared to the applicant building a new structure on the property that would meet the setback requirements. Building a new structure could greatly impact the Natural Heritage Features that are found on this property. To reduce any noise nuisances that this variance may have on the current and future neighbours to the immediate east this report outlines several conditions and recommendations. The two conditions are: 1) that the garage door(s) and window(s)

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remains shut to buffer any unexpected noise during the hours of operation for the pet care establishment and 2) that the pets, related to the pet care establishment, are not to be kept overnight. Planning Staff also recommend that the applicant plants a tree buffer along their east lot line to reduce any unexpected noise that the pet care establishment may cause the current or future neighbours located at 7415 South Chippawa Road.

Planning Staff believe that with the mitigated impact on the surrounding Natural Heritage System from not building another building paired with the two conditions and the additional recommendation that the minor 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 February 6<sup>rd</sup>, 2021.

Public Works has no comments to provide for this minor variance application.

The Niagara Peninsula Conservation has identified that since the existing structure does not fall within the NPCA's regulated area, and as such has no objection to the proposed Minor Variance.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on February 3<sup>rd</sup>, 2021. A notice was posted to the Township's website and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

Two public comments have been received as of February 19<sup>th</sup> 2021, during the preparation of this report. These comments came from the east and south neighbours of the applicant and both comments indicated that they had no objections to the applicant's minor variance request.

**CONCLUSION:**

A Minor Variance application has been submitted by Jodi Reid-Wilhelm requesting a variance for the property municipally known as 7441 South Chippawa Road. The Minor Variance application is proposing to grant relief from Section 3.8.2. (c) of the Township Zoning Bylaw 2017-70, as amended, which requires a pet care establishment to have a minimum setback of 75 metres (246.06 feet) measured to all lot lines where the adjoining lot is used or permitted to be used for a dwelling. The applicant is requesting a variance to allow the pet care establishment to be located within their existing attached garage to the dwelling that only has a setback of 6 metres (19.96 feet) from their east side yard lot line.

Planning staff are of the opinion that this request meets all four tests of a minor variance and as such, can recommend the approval.



**ATTACHMENTS:**

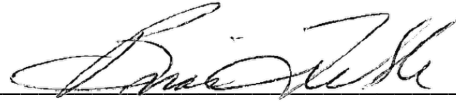
1. Location Map
2. Site Drawing
3. Zoning Provisions
4. Agency comments
5. Public Comments

**Prepared by:**



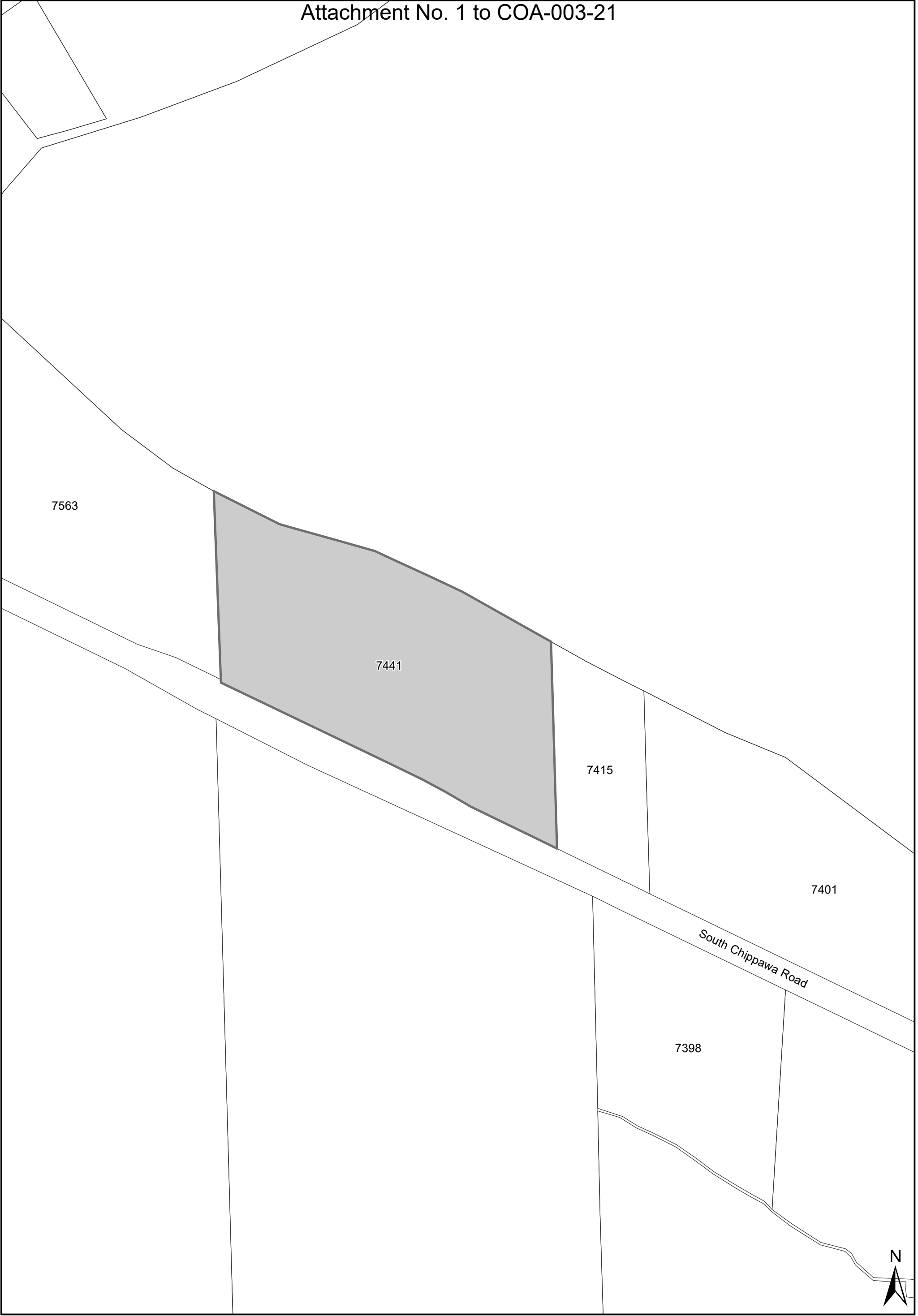
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**Madyson Etzl**  
**Planner II**

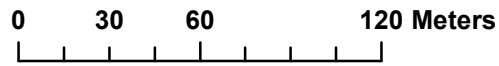


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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**



**Location Map**  
**7441 South Chippawa Road**



**Legend**

 Subject Property







## PART 11. ENVIRONMENTAL ZONES

### 11.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 11 apply to land within the following *zones*:

<b>Zone</b>	<b>Symbol</b>
Environmental Protection	EP
Environmental Conservation	EC

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

### 11.2 PERMITTED USES

In the *zones* identified in Section 11.1, 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 24.

**Table 24: Permitted Uses in Environmental Zones**

Uses	<i>Zones</i> where Permitted	
<b><i>Principal Uses</i></b>		
<i>Conservation use</i>	EP	EC
<i>Existing uses, buildings and structures</i> <sup>(2)</sup>		EC
<i>Public park for passive recreation</i> <sup>(2)</sup>	EP	EC
<b><i>Accessory Uses</i></b> <sup>(1)</sup>		
<i>Accessory buildings or structures and accessory uses</i> <sup>(2)</sup> (see s. 3.1)		EC <sup>(1)</sup>

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

<sup>(2)</sup> For the purposes of this Section, the definitions of the denoted *uses* listed in Table 24 shall be deemed to include the words “approved under a permit issued by the Niagara Peninsula Conservation Authority where the land is subject to the Niagara Peninsula Conservation Authority permit requirements under Ontario Regulation 155/06 Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, and/or on the basis of an Environmental Impact Study (EIS) approved by the *Township*, where an EIS is required as determined by the *Township* based on the Niagara Region Environmental Impact Study Guidelines.”

### 11.3 REGULATIONS

In the *zones* identified in Section 11.1, 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 25.

**Table 25: Regulations for Permitted Uses in Environmental Zones**

Regulation	Zone Requirements	
	EP	EC <sup>(1), (2)</sup>
Minimum <i>lot area</i>	-	-
Minimum <i>lot frontage</i>	-	-
Minimum <i>front yard</i>	10m	
Minimum <i>exterior side yard</i>	10m	
Minimum <i>interior side yard</i>	10m	
Minimum <i>rear yard</i>	10m	
Maximum <i>lot coverage</i>	5%	
Maximum <i>height</i>	5m	
Minimum <i>landscaped open space</i> (includes natural areas and <i>existing agricultural uses</i> excluding <i>buildings</i> and <i>structures</i> )	95%	

- <sup>(1)</sup> For any *lot* that is zoned EC in its entirety, or that is zoned EC and EP but no part of the *lot* is within one or more non-Environmental *zone(s)*, the following additional regulations shall apply to the *lot*, or part thereof, that is within the EC Zone:
- The regulations of Section 3.1 of this By-law for *accessory buildings or structures* shall be applied according to the *existing use* of the *lot*, as follows:
    - For an *existing agricultural use*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in an Agricultural Zone shall apply;
    - For an *existing dwelling*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in a Residential Zone shall apply;
    - For an *existing commercial, institutional or open space use*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in a Commercial, Institutional or Open Space Zone shall apply;
    - For an *existing employment use*, the regulations of Section 3.1 applicable to *accessory buildings or structures* in an Employment Zone shall apply; and,
    - For any other *existing use*, *accessory buildings or structures* shall comply with the regulations of the EC Zone and the regulations of Section 3.1 applicable to all *accessory buildings or structures*.
- <sup>(2)</sup> For any *lot* that is zoned EC and that is also partially within one or more non-Environmental *zone(s)*, the following additional regulations shall apply:
- No new *buildings or structures* shall be permitted within the EC zoned portion of the *lot* where the *buildings or structures* can be located in the non-Environmental zoned portion of the *lot* in compliance with the regulations of the applicable non-Environmental *zone*; and,
  - For an enlargement, repair, renovation or replacement of an *existing building or structure* on the *lot*, the regulations of the non-Environmental zoned portion of the *lot* shall also apply to the EC zoned portion of the *lot*, and the regulations of Section 3.5(d) shall apply to the enlargement, repair, renovation or replacement of a *building or structure* that does not comply with the regulations of the applicable non-Environmental *zone*; and,
  - The regulations of Section 3.1 of this By-law for *accessory buildings and structures* for the applicable non-Environmental *zone* shall apply to both the EC zoned portion of the *lot* and the non-Environmental zoned portion of the *lot*.

## PART 5. AGRICULTURAL ZONES

### 5.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 5 apply to land within the following *zones*:

Zone	Symbol
Agricultural Zone	A
Agricultural Purposes Only Zone	APO
Agriculture-Related Zone	AR

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

### 5.2 PERMITTED USES

In the *zones* identified in Section 5.1, 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 11.

**Table 11: Permitted Uses in Agricultural Zones**

Uses	Zones where Permitted		
<b>Principal Uses</b>			
<i>Agricultural use</i>	A	APO	
<i>Agriculture-related use</i>			AR <sup>(2)</sup>
<i>Agricultural service and supply establishment</i>			AR <sup>(2)</sup>
<i>Commercial kennel</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Contractors establishment</i>			AR <sup>(2)</sup>
<i>Garden centre</i>			AR <sup>(2)</sup>
<i>Pet care establishment</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Private kennel</i> (see s. 3.8)			AR <sup>(2)</sup>
<i>Service shop</i>			AR <sup>(2)</sup>
<i>Single detached dwelling</i>	A		
<i>Veterinary clinic</i>			AR <sup>(2)</sup>
<i>Wayside pit or quarry</i> (see s. 3.27)	A	APO	AR
<b>Accessory Uses</b> <sup>(1)</sup>			
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>
<i>Accessory dwelling unit</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Accessory farm dwelling</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Garden suite</i> (see s. 3.2)	A <sup>(1)</sup>		
<i>Group home</i> (see s. 3.6)	A <sup>(1)</sup>		
<i>Home occupation</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>On-farm diversified uses</i> (see s. 3.11), including:	A <sup>(1)</sup>		
<i>Agriculture-related use</i> (see s. 3.11)	A <sup>(1)</sup>		

Uses	Zones where Permitted		
<i>Agricultural service and supply establishment</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Agri-tourism / value-added use</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Bed and breakfast establishment</i> (see s. 3.4)	A <sup>(1)</sup>		
<i>Home industry</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>Home occupation</i> (see s. 3.7)	A <sup>(1)</sup>		
<i>Pet care establishment</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Private kennel</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Service Shop</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Veterinary Clinic</i> (see s. 3.11)	A <sup>(1)</sup>		
<i>Outside display and sales area</i>			AR <sup>(1)</sup>
<i>Outside storage</i>	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>
<i>Pet care establishment</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Private kennel</i> (see s. 3.8)	A <sup>(1)</sup>		
<i>Renewable energy system</i> (see s. 3.15)	A <sup>(1)</sup>	APO <sup>(1)</sup>	AR <sup>(1)</sup>

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

<sup>(2)</sup> These permitted *principal uses* in the AR Zone shall be directly related to *agricultural uses* in the area, require a location that is in close proximity to *agricultural uses*, and directly provide products and/or services to *agricultural uses* as the primary business.

### 5.3 REGULATIONS

In the *zones* identified in Section 5.1, 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 12.

**Table 12: Regulations for Permitted Uses in Agricultural Zones**

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>lot area</i>		40 ha	39 ha	0.4 ha
Minimum <i>lot frontage</i>		100m		50m
Minimum <i>front yard</i>	<i>Dwelling</i>	15m		-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150m <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>exterior side yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150 m <sup>(1)</sup>		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	<i>Mushroom farm building</i>	75m <sup>(1)</sup>		-
	<i>Other main building</i>	15m		7.5m



Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m <sup>(2)</sup>		
	Mushroom farm <i>building</i>	75m <sup>(1)</sup>		-
	Other <i>main building</i>	20m		7.5m
Maximum <i>lot coverage</i>	<i>Greenhouses</i>	70%		40%
	Other <i>buildings or structures</i>	10%		
Maximum <i>height</i>		15m		15m
Minimum <i>landscaped open space</i>		No minimum		10%
Maximum <i>outside storage</i>		5% of <i>lot area</i> <sup>(3)</sup>		10% of <i>lot area</i> <sup>(3)</sup>

<sup>(1)</sup>No *building* or *structure* used for the growing of mushrooms shall be located closer than 150 metres to the nearest main wall of a *dwelling* on a separate *lot* or any *street line*, and 300 metres to the nearest boundary of an Institutional *Zone* or a Residential *Zone* other than the Rural Residential *Zone*.

<sup>(2)</sup>The minimum *interior side yard* and *rear yard* for a *greenhouse* shall be 25 metres where one or more ventilating fans exhaust into the respective *yard*.

<sup>(3)</sup>*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*. No manure, compost or equipment storage area shall be permitted within 30 metres of a *street line* or a *lot line* of a separate *lot* that contains a *residential use* or the top of bank of a *municipal drain* or watercourse.

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## Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** February 10, 2021  
**Re:** File A04/2021WL – 7441 South Chippawa Rd

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A review has been completed of this minor variance application to permit a grooming business to be located within the existing dwelling on the subject property at a distance of 6m to the east side yard lot line whereas a minimum setback of 75m is required under the Township Zoning By-law 2017-70.

Public Works has no comments to provide on this application.

## **Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** February 17, 2021 8:50 AM  
**To:** Meghan Birbeck  
**Subject:** Re: Notice of Hearing A04/2021WL

Hello Meghan,

As the existing structure does not fall within the NPCA's regulated area, the NPCA will have no objection to the proposed Minor Variance to allow a pet grooming business to be located within the existing structure.

Sincerely,

**Nikolas Wensing, B.A., MPlan  
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** Thursday, February 11, 2021 10:11 AM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Subject:** Re: Notice of Hearing A04/2021WL

Hell Meghan,

My apologies for not reaching out to you sooner to ask this question, but can you please confirm that all that is being proposed is a change in use within the existing structure? No new structures, or alterations to the building footprint are being proposed correct?

Sincerely,

**Nikolas Wensing, B.A., MPlan  
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

**Meghan Birbeck**

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**From:** Don Lockhart [REDACTED]  
**Sent:** February 12, 2021 10:37 AM  
**To:** Meghan Birbeck  
**Subject:** Minor Variance Application A04/2021WL

To whom it may concern,

We own the property on the Eastside of 7441 South Chippewa Rd ([REDACTED]) and we are aware that Jodi would like to open a pet grooming business within her existing dwelling. We know that Jodi would like to have a minor variance as the location is currently too close to the property line and we are alright with this and have no objections to the minor variance.

If there is anything else we can do to help them with the process, please let us know.

Thank you,  
Don and Stephanie Lockhart.

**Meghan Birbeck**

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**From:** martin moesker [REDACTED]  
**Sent:** January 26, 2021 3:09 PM  
**To:** Meghan Birbeck  
**Subject:** Grooming business @ 7441 South Chippawa Road

To whom it may concern,

Hello, my name is Alice Moesker and on behalf of my husband Martin and myself I am sending this email to state that we live directly across the road from Jodi Reid-Wilhelm at [REDACTED]. We are not opposed to Jodi running a dog grooming business on their property.

Sincerely Martin & Alice Moesker



Virus-free. [www.avast.com](http://www.avast.com)

**DATE:** February 24<sup>th</sup>, 2021

**REPORT NO:** COA-004-21

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Penny Poliquin  
File No. A05/2021WL

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

**OVERVIEW:**

- A minor variance application has been submitted by the Penny Poliquin for the property municipally known as 1486 Boyle Road.
- This application is requesting a minor variance to permit an increase in the maximum outside storage on the subject property to 30%, whereas Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area to be used for outdoor storage.
- There has already been work done on this site involving grading and the expanding of outdoor storage areas beyond what is currently permitted in the Township's 2019 Zoning By-law, as amended.
- However, it appears that some previous expansion to the outdoor storage was work was done prior to the Township's current Zoning By-law (2017) as the areal photography indicate that the expanded storage space pre-dates 2002.
- This application is to permit the work that has already been done and to increase the outside storage further for the company's rotating welding shipping inventory.
- Planning Staff recommend to support of this application with an amendment, which permits a maximum of 25% outdoor storage and adds a condition that the outdoor storage be adequately screened from Regional Road 20, and Boyle Road and that the screening measures be implemented through Site Plan Control.
- The amendment allows for the application to meet the four tests for a minor variance.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by Penny Poliquin as outlined in Report COA-004-21, as amended by staff, to permit the increase in the maximum outside storage on the subject property to 25% whereas Section 7.3 of the Township's Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area, BE APPROVED, subject to the following condition:
  - i. That visual screenings (such as fencing, berms, and/ or trees) be installed to the satisfaction of the Planning Department and determined through the Site Plan procedure prior to expansion or utilization of the outdoor storage.

**BACKGROUND:**

The subject lands are legally described as Concession 3, Part of Lot 23, in the former Township of Gainsborough, now in the Township of West Lincoln. The property is located to the west of Boyle Road, south of Regional Road 20, east of Gee Road, and north of the CP Rail Line. The subject property is municipally known as 1486 Boyle Road.

The subject property is approximately 1.75 hectares (4.3 acres). The property is located within Township's Good General Agricultural designation. The adjacent north and east properties to 1486 Boyle Road also are located within the Good General Agricultural designation. While the property to the south west has a Good General Agricultural designation and is a part of the Township's Natural Heritage System.

The applicant has submitted an application requesting a minor variance to permit the increase in the maximum outside storage on the subject property to 30% (5,247 square metres) whereas Section 7.3 of the Township Zoning Bylaw 201770, as amended, permits a maximum of 5% (874 square metres) of the lot area. The application is to permit rotating shipping inventory to be located outside of the shop. Township staff recommend support of only a maximum of 25% outdoor storage subject to a condition requiring screening measures.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance applications and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?  
Yes**

According to the Township's 2019 Consolidation of the Official Plan, the land use designation for the property in question is Good General Agricultural. The Good General agricultural area comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. The 2019 Consolidation of the Official Plan further identifies that lands within the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.

While the property is within the Good General Agricultural designation the shape of property is not ideal for Agricultural practices. The property's 4.32 acres (1.75 hectares) is in the shape of a triangle and abuts two roads and the CP Rail tracks. Section 14.6 of the Township's 2019 Official Plan identifies a number of different setback requirements that properties have to follow when they abut CP Rail tracks. These setbacks further reduce the potential for agricultural production on this property.

There has already been work done on this site involving grading and the expanding of outdoor storage areas beyond what is permitted. This application is to permit the work that has already been done and to increase the outside storage further for the company's rotating welding ship inventory. The proposed further increase is proposed

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to occur to north and west of the property. The property already has rotating storage occurring on site which supports the property's primary use.

While the proposed use is not agricultural the Official Plan identifies that limited non-agricultural uses are permitted within the agricultural area. Policy 4.4.2 g) of the Official Plan speaks to non agricultural uses expanding in agricultural areas. The policy states that within the Agricultural Designation there exist a number of legally established non-agricultural related uses, building and structures that have been recognized through the Township's Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the Township's Official Plan and may require further approval through zoning by-law amendments, site plan approval, or other planning approvals as required. As this use is a legally permitted use according to the Zoning By-law, Township Planning Staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan. Additionally, site plan control is required to further control the location of the outdoor storage, grading and drainage, as well as screening.

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

The Township's Zoning By-law 2017-70, as amended, zones the subject property as Service Commercial with a site specific provision 'C3-27'. The site specific provision indicates that as per the parent zone, plus industrial use, limited to a welding shop and accessory uses, and except that a motor vehicle repair establishment shall not be permitted. Further more the site specific provision indicates that as per the parent zone, except parking areas and outside storage shall not be permitted in the front yard.

The proposed variance is to have the outside storage located to the north side yard and west rear yard of the property, which is in line with the intent of the Township's Zoning By-law 2017-70, as amended. However, the size of the proposed outdoor storage is substantial larger then the Township's Zoning By-law 2017-70, as amended, permits for this property. Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area be used for outside storage, however, the applicant is already using roughly 10% of their lot for outside storage. The applicant is requesting to have a variance that is 6 times greater then what the Township's 2019 Zoning By-law, as amended, currently permits.

It is important to note that the Township's aerial photography identifies that this property has had roughly 10% (1,750 square metres) of outside space dedicated to outside storage since 2002, which predates the Township's most recent Zoning By-law. Planning staff would like to purpose that the permitted outside storage be increased 25% (4,372 square metres) rather then 30% (5,246.8 square metres). This amendment is proposed because the applicant's site drawing indicates that 25% is all of the outside space that they require (see attachment 2). Planning staff would like to go with what the applicant actually requires as it would limit the amount of outside storage as much as possible while still allowing the applicant to grow their business. As such Township

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Planning Staff are of the opinion that an amendment for a variance for 25% of outside storage does 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 submitted an application requesting a minor variance to permit the increase in the maximum outside storage on the subject property to 30%. Whereas Section 7.3 of the Township Zoning Bylaw 201770, as amended, permits a maximum of 5% of the lot area be used for outside storage. The property already occupies 10% of their property with outdoor storage which is already double what is currently permitted on the property.

As mentioned, the space of the property is not conducive to agricultural production and as such the Official Plan and Zoning By-law permit it to be used for non-agricultural use. Furthermore, the property is bordered by two roads one being a busy local highway (Regional Road 20) and by an active rail line. The properties proximity to these transportation corridors along with its triangular shape make impractical for many uses. In light of this, Planning Staff are pleased that the property's current occupants are in a position to grow their operations on this property. As such, it is in the opinion of Township Planning Staff that the requested variance is appropriate for the subject property.

**Is the proposal minor in nature?**  
**Yes**

The subject's minor variance application is requesting relief from Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area be used for outside storage. The property is currently using two times the permitted amount of the property for outside storage, which equates to roughly 10% of the property currently being used for outside storage. As mention this 10% of the lot being used for outside storage has been a practice on this property predating the Township's current Zoning By-law, as amended. See the Table below for a breakdown of the coverage that is existing, that is requested, and that the Township is proposing.

	Coverage (%)	Coverage (s.m.)	Coverage (acres)
Zoning By-law 2017-70	5%	874.48 s. m.	0.22 acres
Currently Existing (2018 imagery)	10%	1,748.95 s. m.	0.43 acres
Application request	30%	5,246.85 s. m.	1.30 acres
Township Proposal	25%	4,372.38 s. m.	1.08 acres
Total Lot Area	100%	17,489.51 s. m.	4.32 acres

The applicant is asking for an increased variance to allow the property to use 30% of the lot area for outside storage. While, the Township would like to limit the amount of outside storage as much as possible Planning Staff would still like to see the applicant

be in a position to grow their business. Therefore, the Planning Staff would like to purpose an alternative increase in outside storage. This alternative is for 25% of the property be used for outside storage. The applicant has identified through their site draw that 25% of outside storage is all that they require. Planning Staff are of the opinion that a two and half increase in outside storage is relatively minor in nature opposed to tripling increase.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on February 6<sup>rd</sup>, 2021.

Public Works have identified that they do not have any objection to this minor variance application. However, they have mentioned that as discussed at the pre-consultation meeting, staff will need to review the Site Plan and Stormwater Management Brief.

The Niagara Peninsula Conservation (NPCA) has no objection to the proposed Minor Variance. However, given that the proposed site alternation will fall within the NPCA's regulated area, they have indicated that the applicant will need to obtain a work permit from the NPCA.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands February 3<sup>rd</sup>, 2021. A notice was posted to the Township's website 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 February 19<sup>th</sup> 2021, during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by the Penny Poliquin requesting a variance for the property municipally known as 1486 Boyle Road. The Minor Variance application is proposing to grant relief from Section 7.3 of the Township Zoning Bylaw 2017-70, as amended, permits a maximum of 5% of the lot area. The applicant is requesting a variance to increase their outdoor storage space to 30%, which is 6 times then what is currently permitted on the property.

It is important to note that the property in question has utilized 10% of their property for outdoor storage since prior to 2002, which pre-dates the Township's current Zoning By-law, as amended. As the applicant's site draws indicate that they will only require 25% of their property be used for outside storage the Planning department believe that this number better reflects the general intent and purpose of the Township's planning documents. Furthermore, 25% is relatively much smaller than 30% and therefore is minor in nature. Planning staff are of the opinion that the proposed application to permit 30% of the subject property be used for outside storage cannot be recommended for

approval. However, planning staff are of the opinion that an amendment to the applicant's application to permit 25% of the subject property be used for outside storage can be recommended for approval subject to a condition requiring screening implemented through site plan control.

**ATTACHMENTS:**

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

**Prepared by:**



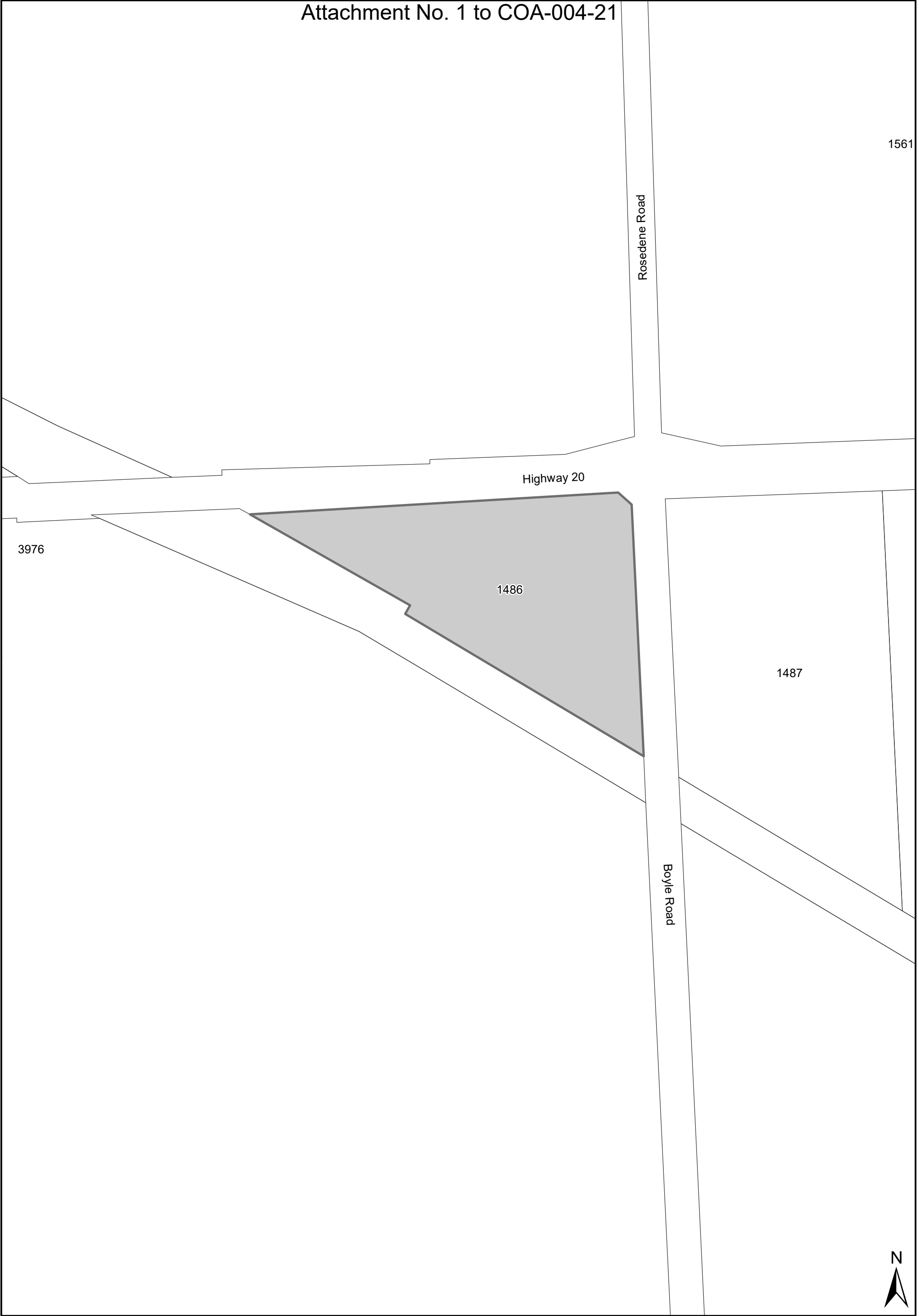
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**Gerrit Boerema**  
Planner II



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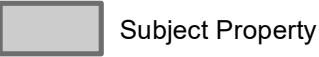
**Brian Treble, RPP, MCIP**  
Director of Planning and Building



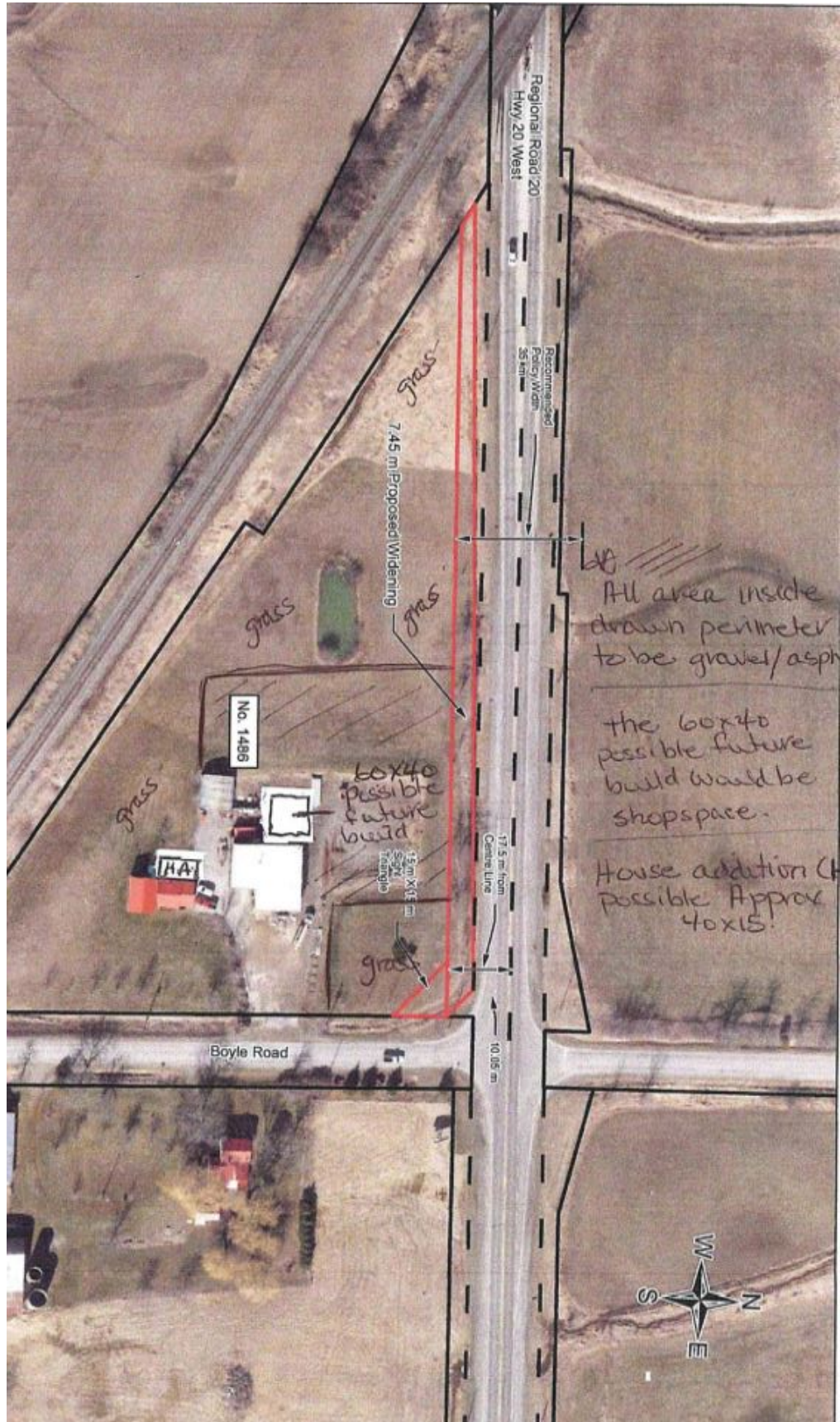
**Location Map**  
**1486 Boyle Road**



**Legend**







## 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			
<b><i>Principal Uses</i></b>				
<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
<b>Accessory Uses <sup>(1)</sup></b>				
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	C1 <sup>(1)</sup>	C2 <sup>(1)</sup>	C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Accessory dwelling units</i> (see s. 3.2)	C1 <sup>(1)</sup>			
<i>Outside display and sales area</i>			C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Outside storage</i>			C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Renewable energy system</i> (see s. 3.15)	C1 <sup>(1)</sup>	C2 <sup>(1)</sup>	C3 <sup>(1)</sup>	C4 <sup>(1)</sup>

<sup>(1)</sup> 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 <sup>(1),(2)</sup>	C2	C3	C4
Minimum <i>lot area</i>		-	500m <sup>2</sup>	750m <sup>2</sup>	900m <sup>2</sup>
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> <sup>(3)</sup>	

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

- <sup>(1)</sup> 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.
- <sup>(2)</sup> The maximum number of *accessory dwelling units* on a *lot* in the C1 Zone shall not exceed 1 *dwelling unit* per 120 m<sup>2</sup> of *lot area*.
- <sup>(3)</sup> *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*.

## Meghan Birbeck

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** February 17, 2021 8:45 AM  
**To:** Meghan Birbeck  
**Subject:** Re: Notice of Hearing - A052021WL

Good morning Meghan,

The NPCA will have no objection to the proposed Minor Variance at 1486 Boyle Road to increase outside storage from the required 5% to 30% for their rotating ship inventory.

However, given that the proposed site alteration will fall within the NPCA's regulated area, the applicant will need to obtain a work permit from the NPCA prior to beginning work on the proposed site alteration. All applicable permit fees will be required through the permitting process.

Sincerely,

**Nikolas Wensing, B.A., MPlan**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

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**From:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Sent:** Friday, February 12, 2021 12:28 PM  
**To:** Nikolas Wensing <nwensing@npca.ca>  
**Subject:** RE: Notice of Hearing - A052021WL

Hi Nikolas,

Thank you for looking into this application. I am wondering if the NPCA has any comments / objections to the Notice in regards to this property's proposal to increase their outside storage from the required 5% to 30% for their rotating ship inventory?

Thank you so much,  
Meghan

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**From:** Nikolas Wensing [mailto:nwensing@npca.ca]  
**Sent:** February 12, 2021 11:40 AM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>

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## Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** February 10, 2021  
**Re:** File A05/2021WL – 1486 Boyle Rd

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A review has been completed of this minor variance application to permit the increase in the maximum outside storage on the subject property to 30% whereas the Township Zoning By-law 2017-70 permits a maximum of 5% of the lot area.

Public Works has no objections to this application. As discussed at the pre-consultation meeting, staff will review the Site Plan and Stormwater Management Brief.

**DATE:** February 24<sup>th</sup>, 2021

**REPORT NO:** COA-005-21

**SUBJECT:** **Recommendation Report**  
Change of Conditions – Caistorville United Church  
File No. B03/2020WL

**CONTACT:** Brian Treble, Director of Planning and Building

**OVERVIEW:**

- On October 28<sup>th</sup>, 2020, the COA granted approval of a severance application which proposed to sever Part 3 (church building) away from the cemetery.
- In order to have an adequate area of land available to support the church building, the church had previously been successful in having Church Street closed and conveyed with part of the Church Street road merged with adjacent lands to create a lot that generally complies with zoning.
- The end result of the severance and road closing process is 3 lots as follows:
  1. Part 1 and 2 on severance sketch – existing cemetery.
  2. Part 3 along with 4, 5, and 6 (former street) and Part 8, to be merged into a new and separate lot.
  3. Part 7 to merge with adjacent lands owned by Jeff Howard and Michelle Wedawin described as Lots 6 and 7 south of York Road and lot 1 west of Church Street.
- The road closing and conveyance materials are now with the Legal Counsels for all parties.
- In order to make the process work and to achieve the planned end result, the lawyers have concluded that the consent conditions should be amended.
- The wording of the decision was not quite consistent with the application. Although the end result is the same, the manor of conveyance makes a difference
- If the severed lands were Parts 3,4,5, 6, and 8 on the severance sketch attached then the end result could be achieved much more effectively,
- Therefore, at the advice of Township Legal Counsel, Staff recommend that the Committee change the conditions of provisional consent approval by amending condition 1 of the consent and adding in a new condition.

**RECOMMENDATION:**

That, the consent application, as approved on October 28<sup>th</sup>, 2020, be and is hereby modified by changing one of the conditions of consent approval as authorized by Section 53 (23) of the Planning Act to replace condition one with a new condition and add a new condition as follows:

1. That, condition 1 be replaced with the following new condition:  
*That, the severed lands of this consent application apply to Part 3 and the adjacent lands of Part 4, 5, 6, and 8 on the survey sketch. Therefore, the severed lands are Part 3, 4, 5, 6, and 8 and the retained lands are Parts 1 and 2.*
2. That, the following new condition be added:  
*That, the consent is conditional upon the church acquiring the road allowance lands (Parts 4, 5, and 6) and creating easements as follows:*
  - a) easement over Part 2 in favour of Part 3*
  - b) easement over Parts 4 and 5 in favour of Parts 1 and 2.*
3. FINALLY, Planning Staff advise that the Committee may determine the change of conditions to be minor.

**STAFF REVIEW:**

Section 53 (23) of the Planning Act authorizes a change to the conditions of draft/provisional consent approval at any time prior to final approval.

The wording of Section 53 (23) of the Planning Act states as follows:

*'Change of conditions*

*(23) The council or the Minister, as the case may be, may change the conditions of a provisional consent at any time before a consent is given. 1994, c. 23, s. 32.'*

This section is not used frequently, but the Township has used the change of conditions authority on a few previous opportunities.

Township Legal Counsel is recommendation to Township Planning staff that we seek your support to change conditions on this application.

The intended end result of this joint road closing and consent process is clear. There are 3 new proposed lots as follows:

1. Parts 1 and 2 on the severance sketch to be one lot to accommodate the existing cemetery.

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2. Parts 3,4,5, 6, and 8 to become one lot containing the existing church building.
3. Part 7 to be added to the adjacent lands owned by Jeff Howard and Michelle Wedawin.

In addition, there are a number of easements that need to be explicitly outlined and achieved jointly by the road closing and consent processes as follows:

1. Use of Part 2, by Part 3 for building maintenance purposes.
2. Easement over Part 4 in favour of Part 7 and the lands owned by Jeff Howard and Michelle Wedawin.
3. Easement over Part 7 in favour of Parts 3 and 4 for parking/traffic aisle purposes from time to time.
4. Easement over Part 5 and 4 for cemetery access from time to time.

By changing the conditions of the consent as noted above, Legal Counsel is better able to achieve the desired end result. Staff recommend that Committee endorse these two changes of condition.

**AGENCY COMMENTS:**

This file has been discussed with Township legal counsel and legal counsel for the church. The proposed change of conditions brings the decision in line with the application and allows legal counsel to register the lots as proposed for future ownership purposes.

**PUBLIC COMMENTS:**

Only the interested parties need to be involved in this process as the change of conditions only effects the internal process to merge the lands as originally intended. Section 53 of the Planning Act stats the following:

(24) **Notice.** – If the council or the Minister changes conditions of a provisional consent under subsection (23) after notice has been given under subsection (17), the council or the Minister shall, within 15 days of the decision, give written notice of the changes in the prescribed manner and containing the information prescribed to,

- (a) the applicant;
- (b) each person or public body that made a written request to be notified of changes to the conditions;
- (c) the Minister, with respect to a change of conditions by council, if the Minister has notified the council that he or she wishes to receive a copy of the changes of conditions; and
- (d) any other person or public body prescribed. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (8); 2015, c. 26, s. 33 (7).

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(26) **No notice required.** – The council or the Minister, as the case may be, is not required to give written notice under subsection (24) if, in the council's or the Minister's opinion, the change to conditions is minor. 1994, c. 23, s. 32, *part*; 2009, c.33, Sch. 21, s. 10(14).

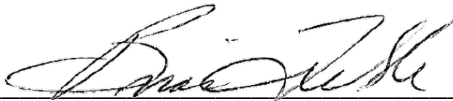
**CONCLUSION:**

Staff recommend that Committee agree to the change of conditions as noted in this report and that the change of conditions be considered minor.

**ATTACHMENTS:**

1. Severance Sketch

**Prepared by:**



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

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